Workplace and Chemical Safety for Municipal Agencies

What do you need to know?

September 18, 2017
What is the state of public workplace safety in Massachusetts?

- DPW at least 20% of injuries

Figure 1. Incidence Rates of Nonfatal WRIIs by Ownership, US 2011

- Number per 1,000 full-time workers
  - Total recordable cases: 61, 47, 34
  - ≥1 Days away from work: 19, 19, 10

Injuries:
- Sprains, Strains: 49.7%
- Contusion, Crushing: 13.1%
- Fracture: 6.1%
- Cut, Laceration, Puncture: 4.4%
- Other: 3.9%
- Multiple: 3.4%
- Hernia, Rupture: 1.6%
What is the Workplace Safety and Health Program for Public Employees (WSHP)?

- **Basis:** M.G.L. 149 §6 & 6 ½
- **Who:** Municipal, county and state public employees
- **Goal:** Provide the same level of workplace safety to the public sector that OSHA provides to the private sector
How does WSHP achieve its mission?

• Priorities:
  – Investigate reports of Imminent Danger
  – Investigate workplace accidents and fatalities
  – Complaint investigation and Voluntary Inspections
  – Programmed inspections
What standards does WSHP use?

• Per the statute the Director of DLS is responsible for determining the standards.

• As a matter of policy WSHP utilizes OSHA standards
  – 29 CFR 1903 Procedures
  – 29 CFR 1904 Recordkeeping
  – 29 CFR 1910 General Industry
  – 29 CFR 1926 Construction
Who Has Been Inspected?

In some towns, more than one department has been inspected.
What Happens During Inspection?

- Opening Conference
  - Labor and Management

- Walk-through

- Closing Conference
**WSHP Enforcement**

**Written Warning**
- Corrective Action with due date.
- No fine when violations corrected within due date.

**Civil Citation with Penalty**
- Civil Penalty for each violation in Written Warning that employer failed to correct; or
- Employer repeatedly allowed an unsafe condition to occur; or
- The condition has already caused a serious work-related injury.
Safety Management

**Plan**
- Set Leadership policy
- Review injury patterns and costs
- Prioritize
- Set goals

**Measure**
- Monitor injury patterns
- Periodic self-audits
- Accident Investigation
- Safety Committee

**Control Risk**
- Provide safe equipment
- Inspect and maintain equipment
- Written safety procedures
- Follow industry standards
- Periodic inspections
- Train employees
Management Responsibility

- Policy
- Assign Responsibility
- Authority and Resources
- Accountability
- Deadlines
- Employee Feedback
- Measure Performance
General Safety = Chemical Safety

• By instituting an agency safety program will increase chemical safety.
• DLS and TURA can help reduce chemical use.
• Safer workplace will be better able to respond to disaster.
WSHP Website
www.mass.gov/dols/wshp
Sample Programs

• **Model Safety and Health Programs**
  • Hazard Communication
  • Respiratory Program
  • Personal Protective Equipment Workplace Hazard Assessment
  • Bloodborne Pathogens Exposure Control Plan
  • BBP Exposure Control Plan for Healthcare Workers
  • Emergency Action Plan
  • Fire Extinguishers
  • Fire Prevention Plan
  • General Overview of Confined Space
  • Hearing Conservation Program
  • Lockout /Tagout
Toxics Use Reduction Institute

Home & Community
We help organizations raise awareness of the hazards of toxic chemical use and introduce safer alternatives in neighborhoods. Our grants and expert resources offer non-profit organizations and municipalities support for education and training on toxic use reduction.
OSHA Regulations and Website
Massachusetts Right-to-Know Law

The worker Right-to-Know Law applies to public sector employees working in Massachusetts: people working in state, county or municipal jobs.

- Massachusetts General Law (MGL) Ch. 111F
- 454 CMR 21.00

*The law is sometimes called “RTK.”*
INTENT OF RIGHT TO KNOW

• This law protects employees by providing information on chemical hazards in the workplace.

• Intended to prevent adverse health effects and prevent physical hazards from occurring (such as accidental fires).
Who is Affected in Cities and Towns?

Employees who handle chemical products are covered by Right-to-Know.

Job categories may include:

**Schools:** science teachers, art teachers, kitchen staff, custodial staff, maintenance staff, nurse. Voc tech teachers in programs where chemicals are handled, such as automotive, cosmetology, healthcare/dentistry, woodworking, culinary, etc.

**Public Works:** Water and sewer, highway, utility, mechanics, welding, facility maintenance

**Housing Authorities:** housekeeping, maintenance

**Fire/ EMS/Police:** disinfectants, housekeeping products
Right–to-Know Law

The Right to Know Law requires:

• Labels on chemical containers.

• Access to Material Safety Data Sheets.

• Training on these chemicals.

• Workplace RTK poster.
Right to Know vs. Hazard Communication

- Right to Know Law became effective in Massachusetts in 1984.

- In 1988, OSHA published the Hazard Communication standard, applicable to private sector workplaces.

- So in 1988, the Massachusetts worker Right-to-Know Law became applicable to public sector workplaces only. (city, town, county and state workplaces.)
What is GHS?

In 2012, OSHA updated the Hazard Communication standard to be consistent with international label and SDS formats.
Impact of GHS on RTK

Two things about GHS will affect in Right-to-Know:

• New label pictograms
• New Material Safety Data Sheet format.
RTK has always required:

• Annual and new hire training.

• Training must be done with pay.

• Training must be done during the employees’ normal work hours.

• It is typically 1-2 hours long.

• Documentation of date, topic, instructor, and name of employee trained.
RTK WORKPLACE NOTICE

• A Right to Know Workplace Notice for Public Employees must be posted in a central location at all Massachusetts public sector workplaces covered by this law.

• The notice can be downloaded free from the DLS website: www.mass.gov/dols/wshp
HELPFUL DOCUMENTS

The documents below are available at www.mass.gov/dols/wshp

• Right to Know poster
• Understanding SDS
• List of third party Right to Know instructors currently registered with DLS.
• Training outline
Contact Us

- Department of Labor Standards
- Main phone: 508-616-0461
- E-mail: safepublicworkplace@state.ma.us
- Website: www.mass.gov/dols/wshp

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