



HO-CHUNK NATION CODE (HCC)
TITLE 6 – PERSONNEL, EMPLOYMENT AND LABOR CODE
SECTION 8 - OCCUPATIONAL SAFETY AND HEALTH
PROGRAM ACT OF 2002
SUBSECTION 3 - HAZARD COMMUNICATION

ENACTED BY LEGISLATURE: MAY 20, 2002

CITE AS: 6 HCC § 8-3

1. **Authority.** See basic document (Occupational Safety and Health Program Act.)
2. **Purpose.** This subsection of the Occupational Safety and Health Program Act provides detailed safety guidelines and instructions for receipt, use, and storage of chemicals by employees and contractors at the Nation’s facilities.
3. **General.** Some chemicals are explosive, corrosive, flammable, or toxic. Other chemicals are relatively safe to use and store but may become dangerous when they interact with other substances. To avoid injury and/or property damage, persons who handle chemicals in any area of the Nation must understand the hazardous properties of the chemicals. Before using a specific chemical, safe handling methods and health hazards must always be reviewed. Supervisors are responsible for ensuring that the equipment needed to work safely with chemicals is accessible and maintained for all employees on all shifts.
4. **Definitions.** See basic document (Occupational Safety and Health Program Act). In addition, the following definitions apply to this subsection.
 - a. “Combustible Liquid” means any liquid having a flash point at or above 100° F (37.8° C), but below 200° F (93.3° C), except any mixture having components with flash points of 200° F (93.3° C), or higher, the total volume of which make up 99 % or more of the total volume of the mixture.
 - b. “Compressed Gas” means any compound that exhibits:
 - (1) A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70° F.
 - (2) A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130° F regardless of the pressure at 70° F.
 - (3) A liquid having a vapor pressure exceeding 40 psi at 100° F.

c. “Flammable” means a chemical that falls into one of the following categories:

(1) “Aerosol Flammable” means an aerosol that yields a flame projection exceeding 18 inches at full valve opening, or a flashback (a flame extending back to the valve) at any degree of valve opening.

(2) “Gas Flammable” means:

(a) A gas that, at ambient temperature and pressure, forms a flammable mixture with air at a concentration of 13% by volume or less; or

(b) A gas that, at ambient temperature and pressure, forms a range of flammable mixtures with air wider than 12% by volume, regardless of the lower limit.

(3) “Liquid Flammable” means any liquid having a flash point below 100° F, except any mixture having components with flash points of 100° F or higher, the total of which make up 99% or more of the total volume of the mixture.

(4) “Solid Flammable” means a solid, other than a blasting agent or explosive as defined in 29 C.F.R. § 1910.109(a), that is liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard. A chemical shall be considered to be a flammable solid if it ignites and burns with a self-sustained flame at a rate greater than 1/10 of an inch per second along its major axis.

d. “Flash Point” means the minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite.

e. “Hazardous Chemical” means any chemical, which is a physical hazard or a health hazard.

f. HAZCOM” means hazard communications.

g. “Hazard Warning” means any word, picture, symbol, or combination appearing on a label or other appropriate form of warning which convey the specific physical and health hazard(s), including target organ effects, of the chemical(s) in the container(s).

h. “Health Hazard” means a chemical for which there is evidence that acute or chronic health effects may occur in exposed employees. The term “health hazard” includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.

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- i. “Immediate Use” means the hazardous chemical will be under the control of and used only by the person who transfers it from a labeled container and only within the work shift in which it is transferred.
- j. “Label” means any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals.
- k. “MSDS” means Material Safety Data Sheet, which is written or printed material concerning a hazardous chemical, which is prepared in accordance with 29 C.F.R. § 1910.1200 requirements.
- l. “Mixture” means any combination of two or more chemicals if the combination is not, in whole or in part, the result of a chemical reaction.
- m. “Non-routine Tasks” means working on, near, or with unlabeled piping, unlabeled containers of an unknown substance, confined space entry where a hazardous substance may be present and/or a one-time task using a hazardous substance differently than intended (example: using a solvent to remove stains from tile floors).
- n. “Oxidizer” means a chemical other than a blasting agent or explosive as defined in 29 C.F.R. § 1910.109(a), that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases.
- o. “Permissible Exposure Limit (PEL)” means the level of allowable exposure to a hazard in accordance with OSHA.
- p. “Physical Hazard” is a chemical that is a combustible liquid, a compressed gas, explosive flammable, an organic peroxide, an oxidizer, prophoric, unstable (reactive) or water reactive.
- q. “PPE” means personal protective equipment.
- r. “Pyrophoric” means a chemical that will ignite spontaneously in air at a temperature of 103°
- s. “Threshold Limit Value (TLV)” means the level of allowable exposure to a hazard in accordance with the American Conference of Government Industrial Hygienists (ACGIH).
- t. “Unstable (reactive)” means a chemical which in the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under condition of shock, pressure or temperature.
- u. “Water-reactive” means a chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

5. General Chemical Safety.

a. Assume all chemicals are hazardous. The number of hazardous chemicals and the number of reactions between them is so large that prior knowledge of all potential hazards cannot be assumed. Use chemicals in as small quantities as possible to minimize exposure and reduce possible harmful effects.

b. The following general safety rules shall be observed when working with chemicals:

- (1) Read and understand the MSDS.
- (2) Keep the work area clean and orderly.
- (3) Use the necessary safety equipment.
- (4) Carefully label every container with the identity of its contents and appropriate hazard warnings.
- (5) Store incompatible chemicals in separate areas.
- (6) Substitute less toxic materials whenever possible.
- (7) Limit the volume of volatile or flammable material to the minimum needed for short operation periods.
- (8) Provide means of containing the material if equipment or containers should break or spill their contents.

6. Chemical Storage.

a. The separation of chemicals (solids or liquids) during storage is necessary to reduce the possibility of unwanted chemical reactions caused by accidental mixing. Use either distance or barriers to isolate chemicals into the following groups:

- (1) Flammable liquids: store in approved flammable storage lockers.
- (2) Acids: treat as flammable liquids.
- (3) Bases: do not store bases with acids or any other material.
- (4) Other liquids: ensure other liquids are not incompatible with any other chemical in the same storage location.

b. Chemicals will not be stored in the same refrigerator used for food storage.

Refrigerators used for storing chemicals must be appropriately identified by a label on the door.

7. Purchases.

a. The Property & Procurement Department and any other purchasing activities will check all new chemical purchase requests to verify that a statement requesting MSDS appears on each purchase request before it is processed.

b. Property & Procurement and any other purchasing activities will send a copy of the MSDS with all new chemical purchases to the requesting department/enterprise.

8. Container Labeling.

a. All containers of chemical hazards entering the workplace will be checked to ensure that they are properly labeled with chemical name; hazard warning; and name and address of manufacturer, importer, or responsible party.

b. When chemicals are transferred to a separate container, the new (secondary) container will be properly labeled. Secondary labels can be an extra copy of the manufacturer's label or a generic label. All secondary labels must list chemical identity, hazard warning, and manufacturer.

9. Housekeeping Supplies.

a. Maintain the smallest possible inventory of chemicals to meet immediate needs.

b. Periodically review stock of chemicals on hand.

c. Ensure storage areas, or equipment containing large quantities of chemicals, are secure from accidental spills.

d. Rinse emptied bottles that contain acids or inflammable solvents before disposal.

e. Recycle unused laboratory chemicals wherever possible.

f. **DO NOT** place hazardous chemicals in salvage or garbage receptacles.

g. **DO NOT** pour chemicals onto the ground.

h. **DO NOT** dispose of chemicals through the storm drain system.

i. **DO NOT** dispose of highly toxic, malodorous chemicals down sinks or sewer drains.

10. MSDS and Inventory Lists.

a. Department supervisors will review incoming data sheets for new and significant health and safety information and ensure that the new information is given to the affected employees.

b. Copies of all MSDS will be kept in the department and will be made available to employees at all times.

c. The MSDS will be reviewed annually for accuracy and completeness.

d. A current master inventory list of all MSDS will be maintained at each department and facility. The list will be indexed by number to the MSDS referenced on the inventory list. A copy of the current master inventory list for each facility will be forwarded to the OSHD.

e. A new chemical will not be used until its MSDS has been obtained.

11. MSDS Information. MSDS are provided by the chemical manufacturer to provide additional information concerning safe use of the product. Each MSDS provides:

a. Common name and chemical name of the material.

b. Name, address and phone number of the manufacturer.

c. Emergency phone numbers for immediate hazard information.

d. Date the MSDS was last updated.

e. Listing of hazardous ingredients.

f. Chemical hazards of the material.

g. Information for identification of chemical and physical properties.

12. Employee Information and Training.

a. All training conducted under this subsection of the Act will be documented using the Chemical Safety Training Checklist (See Appendix A).

b. Initial Orientation Training. All new employees shall receive safety orientation training covering the elements of HAZCOM. This training will consist of general training covering:

(1) Location and availability of this subsection of the Act.

(2) Location and availability of the inventory of chemicals used in the workplace.

(3) Methods and observation used to detect the presence or release of a hazardous chemical in the workplace.

(4) The specific physical and health hazard of all chemicals in the workplace.

(5) Specific control measures for protection from physical or health hazards.

(6) Explanation of the chemical labeling system.

(7) Location and use of MSDS.

c. Job Specific Training. Employees will receive on-the-job training from their supervisor. This training will cover the proper use, inspection and storage of necessary PPE and chemical safety training for the specific chemicals they will be using or will be working around.

d. Annual Refresher Training. Annual HAZCOM refresher training will be conducted as part of the Nation's continuing safety training program.

e. Immediate On-the-Spot Training. This training will be conducted by supervisors for any employee that requests additional information or exhibits a lack of understanding of the safety requirements.

f. After attending training on this subsection or any hazardous chemicals, each employee will sign a form to verify he/she attended the training. Each employee will also sign a form to verify that the written program was/is made available for review and that he/she understands the subsection.

13. Information Chemical Users Must Know.

a. Fire and/or Explosion Information.

(1) Material flash point, auto-ignition temperature and upper/lower flammability limits.

(2) Proper fire extinguishing agents to be used.

(3) Fire fighting techniques.

(4) Any unusual fire or explosive hazards.

b. Chemical Reaction Information.

(1) Stability of the chemical.

- (2) Conditions and other materials which can cause reactions with the chemical.
- (3) Dangerous substances that can be produced when the chemical reacts.

c. Control Measures.

- (1) Engineering controls required for safe product use.
- (2) The PPE required for use of product.
- (3) Safe storage requirements and guidelines.
- (4) Safe handling procedures.

d. Health Hazards.

- (1) Permissible exposure limit (PEL) and threshold limit value (TLV).
- (2) Acute or chronic symptoms of exposure.
- (3) Main routes of entry into the body.
- (4) Medical conditions that can be made worse by exposure.
- (5) Cancer causing properties, if any.
- (6) Emergency and first aid treatments.

e. Spill and Leak Procedures.

- (1) Clean-up techniques.
- (2) The PPE to be used during clean-up.
- (3) Disposal of waste and clean-up material.

f. Employee Use of MSDS. For the effective use of MSDS, employees must:

- (1) Know the location of the MSDS.
- (2) Understand the major points for each chemical.
- (3) Check MSDS when more information is needed or questions arise.
- (4) Be able to quickly locate the emergency information on the MSDS.

- (5) Follow the safety practices provided on the MSDS.

14. Non-Routine Tasks.

a. Before any non-routine task is performed, the employee will be advised of special precautions to follow. In addition, any other personnel who could be exposed will be informed of this potential exposure.

b. The department supervisor will provide the following specific safety training for employees present or affected.

- (1) Specific chemical names.
- (2) Hazards of the chemicals.
- (3) PPE required.
- (4) Safety measures to be taken.
- (5) Emergency procedures.

(6) Measures that have been taken to lessen the hazards, including ventilation, respirators, and the presence of other employee

c. Supervisors will document the training using the Chemical Safety Training Checklist form, which shall be marked “*Non-Routine Task Training*”.

15. Outside Contractors.

a. It will be the responsibility of affected departments to provide other personnel or outside contractors with the following information:

- (1) Hazardous chemicals to which they may be exposed while in the workplace.
- (2) Measures to lessen the possibility of exposure.
- (3) Location of MSDS for all hazardous chemicals.
- (4) Procedures to follow if they are exposed.

b. Affected departments will be responsible for contacting each contractor before work is started and finding out what chemicals the contractor is bringing into the workplace. If employees are to be exposed to these chemicals, their supervisor will inform those employees who may be exposed.

16. **Off-Site Use or Transportation of Chemicals.** An MSDS will be provided to employees for each chemical and each occurrence of use or transport away from the facility. All State and Federal Department of Transportation (DOT) Regulations will be followed including use of certified containers, labeling and marking, securing of containers and employee training.

Appendix A. Chemical Safety Training Checklist

Legislative History:

12/6/01	Reviewed by Administration Committee.
1/9/02	Legislature posts for 45-day Public Review.
5/20/02	Enacted as Hazard Communication (6 HCC § 8-3) by Legislative Resolution 5/20/02E.

**APPENDIX A (CHEMICAL SAFETY TRAINING CHECKLIST) TO
SUBSECTION 3 (HAZARD COMMUNICATION) TO SECTION 8
(OCCUPATIONAL SAFETY AND HEALTH PROGRAM ACT) TO TITLE 6
(PERSONNEL, EMPLOYMENT AND LABOR CODE) OF THE HO-CHUNK
NATION CODE (HCC)**

Chemical Safety Training Checklist

Hazard Communication & Chemical Safety Training is an Annual
Refresher Training requirement for all employees.

Employee _____

Date of Training _____ **Conducted by** _____

On the above date, HAZCOM & Chemical Safety Training was provided. Training consisted of:

1. HAZARD COMMUNICATION Requirements

- A. Written product information
- B. Labeling of containers
- C. Understanding and Use of MSDS
- D. Safe handling and storage of chemical products

2. How to identify potentially harmful chemicals

3. Location of Written Hazard Communication Program

4. Action to take on a spill or fire involving chemical products

5. Location and Content of MSDS

6. Uses of personal protective equipment: Specifically, when PPE is required, what PPE is required, how to don and remove PPE, limitations of specific PPE, and proper care, maintenance, useful life and disposal

7. Walk-through of emergency procedures

8. Workplace chemicals

9. Specific responsibilities of employee

Employee Certification

I have received the above training on chemical product safety and am aware of my responsibilities for safe chemical use, storage, handling and emergency procedures.

Employee Signature: _____ **Date** _____

Trainer Signature: _____