

# REGULATION

## A. Definitions

The following terms shall be defined as specified in 29CFR 1910:

“Action level” means a concentration designated in 29 CFR part 1910 for a specific substance, calculated as an eight hour time-weighted average, which initiates certain required activities such as exposure monitoring and medical surveillance.

“Carcinogen” (see “select carcinogen”).

“Chemical Hygiene Officer” means an employee who is designated by the employer, and who is qualified by training or experience, to provide technical guidance in the development and implementation of the provisions of the Chemical Hygiene Plan. This definition is not intended to place limitations on the position description or job classification that the designated individual shall hold within the employer’s organizational structure.

“Chemical Hygiene Plan” means a written program developed and implemented by the employer which sets forth procedures, equipment, personal protective equipment and work practices that (i) are capable of protecting employees from the health hazards presented by hazardous chemicals used in that particular workplace and (ii) meets the requirements of a chemical hygiene plan.

“Combustible liquid” means any liquid having a flashpoint at or above 100° F (37.8° C) but below 200° F (93.3° C), except any mixture having components with flashpoints of 200° F (93.3° C) or higher, the total volume of which make up 99 percent or more of the total volume of the mixture.

“Compressed gas” means:

- (i) A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70° F (21.1° C); or
- (ii) A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130° F (54.4° C) regardless of the pressure at 70° F (21.1° C); or
- (iii) A liquid having a vapor pressure exceeding 40psi at 100° F (37.8° C) as determined by ASTM D-323-72.

“Designated area” means an area which may be used for work with “select carcinogens,” reproductive toxins or substances which have a high degree of acute toxicity. A designated area may be the entire laboratory, an area of a laboratory or a device such as a laboratory hood.

“Emergency” means any occurrence such as, but not limited to, equipment failure, rupture of containers or failure to control equipment which results in an uncontrolled release of a hazardous chemical into the workplace.

# REGULATION

“Employee” means an individual employed in a laboratory workplace who may be exposed to hazardous chemicals in the course of his or her assignments.

“Explosive” means a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.

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

- (i) “Aerosol, flammable” means an aerosol that, when tested by the method described in 16 CFR 1500.45, yields a flame protection exceeding 18 inches at full valve opening, or a flashback (a flame extending back to the valve) at any degree of valve opening:
- (ii) “Gas, flammable” means:
  - a) A gas that, at ambient temperature and pressure, forms a flammable mixture with air at a concentration of 13 percent 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 percent by volume regardless of the lower limit.
- (iii) “Liquid, flammable” means any liquid having a flashpoint below 100°F (37.8°C) except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up 99 percent or more of the total volume of the mixture.
- (iv) “Solid, flammable” means a solid, other than a blasting agent or explosive as defined in § 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 flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

“Flashpoint” means the minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested as follows:

- (i) Tagliabue Closed Tester (See American National Standard Method of Test for Flash Point by Tague Closed Tester, Z11.24-1979 (ASTM D 56-79) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C) that do not contain suspended solids and do not have a tendency to form a surface film under test; or
- (ii) Pensky-Martens Closed Tester (see American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester A11.7-1979 (ASTM D 93-79) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C) or that contain suspended solids, or that have a tendency to form a surface film under test; or

# REGULATION

(iii) Setaflash Closed Tester (See American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78).

Organize peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the flashpoint determination methods specified above.

“Hazardous chemical” means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles 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 systems, and agents which damage the lungs, skin, eyes, or mucous membranes.

Appendices A and B of the Hazard Communication Standard (29 CFR 1910, 1200) provide further guidance in defining the scope of health hazards and determining whether or not a chemical is to be considered hazardous for purposes of this standard.

“Laboratory” means a facility where the “laboratory use of hazardous chemicals” occurs. It is a workplace where relatively small quantities of hazardous chemicals are used on a non-production basis.

“Laboratory scale” means work with substances in which the containers used for reactions, transfers, and other handling of substances are designed to be easily and safely manipulated by one person. “Laboratory scale” excludes those workplaces whose function is to produce commercial quantities of materials.

“Laboratory-type hood” means a device located in a laboratory, enclosure on five sides with a movable sash or fixed partial enclosed on the remaining side; constructed and maintained to draw air from the laboratory and to prevent or minimize the escape of air contaminants into the laboratory; and allows chemical manipulations to be conducted in the enclosure without insertion of any portion of the employee’s body other than hands and arms.

Walk-in hoods with adjustable sashes meet the above definition provided that the sashes are adjusted during use so that the airflow and the exhaust of air contaminants are not compromised and employees do not work inside the enclosure during the release of airborne hazardous chemicals.

“Laboratory use of hazardous chemicals” means handling or use of such chemicals in which all of the following conditions are met:

- (i) Chemical manipulations are carried out on a “laboratory scale;”
- (ii) Multiple chemical procedures or chemicals are used;
- (iii) The procedures involved are not part of a production process, nor in any way simulate a production

# REGULATION

process; and

- (iv) “Protective Laboratory practices and equipment” are available and in common use to minimize the potential for employee exposure to hazardous chemicals.

“Medical consultation” means a consultation which takes place between an employee and a licensed physician for the purpose of determining what medical examinations or procedures, if any, are appropriate in cases where a significant exposure to a hazardous chemical may have taken place.

“Organic peroxide” means an organic compound that contains the bivalent  $\text{O}_2$  structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

“Oxidizer” means a chemical other than a blasting agent or explosive as defined in §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.

“Physical hazard” means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.

“Protective laboratory practices and equipment” means those laboratory procedures, practices and equipment accepted by laboratory health and safety experts as effective, or that the employer can show to be effective, in minimizing the potential for employee exposure to hazardous chemicals.

“Reproductive toxins” means chemicals which affect the reproductive capabilities including chromosomal damage (mutations) and effects on fetuses (teratogenesis).

“Select carcinogen” means any substance which meets one of the following criteria:

- (i) It is regulated by OSHA as a carcinogen; or
- (ii) It is listed under the category, “known to be carcinogens,” in the Annual Report on Carcinogens published by the National Toxicology Program (NTP) (latest edition); or
- (iii) It is listed under Group 1 (“carcinogenic to humans”) by the International Agency for Research on Cancer Monographs (IARC) (latest editions); or
- (iv) It is listed in either Group 2A or 2B by IARC or under the category, “reasonably anticipated to be carcinogens” by NTP, and causes statistically significant tumor incidence in experimental animals in accordance with any of the following criteria:

# REGULATION

- (a) After inhalation exposure of 6-7 hours per day, 5 days per week, for a significant portion of a lifetime to dosages of less than 10 mg/m<sup>3</sup>;
- (b) After repeated skin application of less than 300 (mg/kg of body weight) per week; or
- (c) After oral dosages of less than 50 mg/kg of body weight per day.

“Unstable (reactive)” means a chemical which is the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

“Water-reactive” means a chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

## Employee Exposure

The Board shall provide for initial and periodic monitoring of any employees if there is reason to believe that exposure levels to an OSHA regulated substance will exceed permissible limits as specified in 29 CFR part 1910 subpart 2. Monitoring may only be terminated in accordance with the relevant standard. The Superintendent will notify in writing affected employees within 15 working days of the results of monitoring either individually or by posting the results in a location accessible to all employees.

## Chemical Hygiene Plan

The Superintendent shall cause the development of a chemical hygiene plan by the Safety Compliance Officer which shall include at least the following elements and indicate specific measures the Board will take to ensure employee protection:

- (i) Standard operating procedures relevant to safety and health considerations to be followed when laboratory work involves the use of hazardous chemicals;
- (ii) Criteria that the employer will use to determine and implement control measures to reduce employee exposure to hazardous chemicals including engineering controls, the use of personal protective equipment and hygiene practices; particular attention shall be given to the selection of control measures for chemicals that are known to be extremely hazardous;
- (iii) A requirement that fume hoods and other protective equipment are functioning properly and specific measures that shall be taken to ensure proper and adequate performances of such equipment;
- (iv) Provisions for employees information and training as prescribed by 29 CFR Part 1910;

# REGULATION

- (v) The circumstances under which a particular laboratory operation, procedure or activity shall require prior approval from the employer or the employer's designee before implementation;
- (vi) Provisions for medical consultation and medical examination in accordance with 29 CFR Part 1910;
- (vii) Designation of personnel responsible for implementation of the Chemical Hygiene Plan including the assignment of a Chemical Hygiene Officer and, if appropriate, establishment of a Chemical Hygiene Committee; and
- (viii) Provisions for additional employee protection for work with particularly hazardous substances. These include "select carcinogens," reproductive toxins and substances which have a high degree of acute toxicity. Specific consideration shall be given to the following provisions which shall be included where appropriate:
  - (a) Establishment of a designated area;
  - (b) Use of containment devices such as fume hoods or glove boxes;
  - (c) Procedures for safe removal of contaminated waste; and
  - (d) Decontamination procedures.

The plan shall be capable of protecting employees from health hazards associated with hazardous chemicals in laboratories and keeping exposure below specified limits.

## Employee Information and Training

The Safety Compliance Officer shall provide employees with information and training to ensure that they are apprised of the hazards of chemicals present in their work area. The information shall be provided at the time of the employees initial assignment to the work area and whenever new exposure situations arise. Refresher information shall be provided as the situation with regard to hazardous chemicals changes. Employees shall be informed of (1) the contents of federal standards relating to hazardous chemicals; (2) the location and availability of the chemical hygiene plan; (3) the permissible exposure limits as established by OSHA; (4) signs and symptoms associated with exposure to hazardous chemicals used in the laboratory and (5) the location and availability of known references on the hazards, safe handling, storage and disposal of hazardous chemicals.

Employee training shall include (1) methods and observations used to detect the presence or release of hazardous chemicals; (2) the physical and health hazards of chemicals in the work area; (3) the measures employees can use to protect themselves, including specific procedures the Board has implemented to protect employees; (4) training on the applicable details of the Board's Chemical Hygiene Plan.

# REGULATION

## Medical Consultation

The Board will provide all employees who work with hazardous chemicals an opportunity to receive medical attention, including follow-up examinations the physician deems necessary under the following circumstances:

- (i) Whenever an employee develops signs or symptoms associated with a hazardous chemical to which the employee may have been exposed in the laboratory, the employee shall be provided an opportunity to receive an appropriate medical examination.
- (ii) Where exposure monitoring reveals and exposure level routinely above the action level (or in the absence of an action level, the PEL) for an OSHA regulated substance for which there are exposure monitoring and medical surveillance requirements, medical surveillance shall be established for the affected employee as prescribed by the particular standard.
- (iii) Whenever an event takes place in the work area such as a spill, leak, explosion or other occurrence resulting in the likelihood of a hazardous exposure, the affected employee shall be provided an opportunity for a medical consultation. Such consultation shall be for the purpose of determining the need for a medical examination.

## Information provided to the physician

The employer shall provide the following information to the physician:

- (i) The identity of the hazardous chemical(s) to which the employee may have been exposed;
- (ii) A description of the conditions under which the exposure occurred including quantitative exposure data, if available; and
- (iii) A description of the signs and symptoms of exposure that the employee is experiencing, if any.

Physician's written opinion shall include:

- A. Any recommendation for further medical follow-up;
- B. The results of the medical examination and any associated tests;
- C. Any medical condition which may be revealed in the course of the examination which may place the employee at increased risk as a result of exposure to a hazardous chemical found in the workplace; and
- D. A statement that the employee has been informed by the physician of the results of the consultation or medical examination and any medical condition that may require further examination or treatment.

# REGULATION

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R 7420.2/Page 8 of 8  
Chemical Hygiene  
Mar 94

## Hazard Identification

With respect to labels and material data sheets, the Board shall (1) ensure that labels on incoming containers of hazardous materials are not removed or defaced; (2) maintain material safety data sheets and ensure they are available to employees, and (3) comply with federal regulations with regard to chemical substances produced within the laboratory, assuming that if a substance is produced whose composition is not known that it will be assumed it is hazardous.

## Use of Respirators

Where respirators are required to maintain exposure below permissible limits, they will be provided to the employee at no cost and will comply with the requirements of 29 CFR 1910.134.

## Recordkeeping

The Safety Compliance Officer shall establish and maintain for each employee exposed to hazardous chemicals an accurate record of any measurements taken to monitor exposures and any medical consultation and examinations including tests or written opinions required by federal standards. The Board shall assure that records are kept, transferred and made available in accordance with 29 CFR 1910.20.

Date Adopted: 6/26/95