

**CITY OF KIMBALL**  
**MUNICIPAL POLICY NUMBER 03-2017**  
**EMPLOYEE RIGHT TO KNOW POLICY**

**DATE COUNCIL APPROVED:** May 2, 2017  
Updated: October 17, 2017

**I. Purpose**

This program manual is designed to implement the provisions of the Minnesota Employee Right to Know Act of 1983. This manual presents the major aspects of the standards. These standards require employers to evaluate their workplaces for the existence of hazardous substances, harmful physical agents, and infectious agents and to provide training and information to those employees covered under this act who are routinely exposed to those substances and agents.

**II. Scope of the Employee Right to Know Program**

This Employee Right to Know Program has been developed in accordance to applicable state and federal regulations. It has been approved as the City's own right to know program by the appropriate administrative or governing authority identified below. The use of the word "City" shall be construed to mean the municipal City of Kimball and such other departments of City government for which this program has been adopted.

This Employee Right to Know Program will be reviewed for relevant updates by the Safety Committee every two years.

**III. Administrative Responsibilities**

The following person is responsible for administering the Employee Right to Know Program at the City. This person has the primary responsibility to oversee the ERTK program and ensure that it is organized, implemented and updated as required by the Employee Right to Know Standard.

Program Administrator for City Departments Covered in this Program
Matt Serbus

To ensure an effective Employee Right to Know Program, the following individual is responsible for carrying out the details of this program in their work areas.

Employee	Department
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Matt Serbus	Public Works
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**IV. Hazard Determination**

The City recognizes and inventories a list of hazardous substances, harmful physical agents and infectious agents listed in subparts 5206.0400, 5206.0500 and 5206.0700 of the Employee Right to know rules. The City will exercise reasonable diligence in evaluating the workplace for the presence of recognized hazardous substances, harmful physical agents, and infectious agents and assure that employees are provided with the rights stated in the standard. The City understands that the hazardous substances list includes the majority of hazardous substances that will be encountered in Minnesota (or other states) and that it does not include all hazardous substances and may not always be current. Therefore, the evaluations conducted by the specific manufacturer of the substances used at the City will be accepted and employees provided with the rights stated in the standard.

**V. Hazardous Substances**

The City has developed an inventory list of all hazardous substances and the operations where they are used. The intent is to inform employees about the hazardous substances they may encounter in the workplace.

Delegated employees will update the list whenever a new hazardous substance is introduced into that work area. Supervisors will report the name of the new hazardous substance and the operation where it will be used to the following individual so that it can be added to the list before employees in the work area use it.

Matt Serbus
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The list of hazardous substances used at the City is available for review at the following location(s).

Building	Location
Water Treatment Plant	220 Main St. South

**VI. Hazardous Substance Container Labeling**

The following person is responsible for coordinating labeling activities among supervisors and employees to make sure they are uniform and follow the rules of the City.

Matt Serbus
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The City understands that the manufacturer of a hazardous substance or mixture of hazardous substances, or of equipment which generates a harmful physical agent is obligated to provide the information necessary for the City to comply with Employee Right to Know requirements. Supervisors at the City will evaluate containers arriving in their work area to ensure that the label, tag or markings meet the following requirements:

- 1) Identifies the hazardous substance.
- 2) Appropriate hazard warning(s).
- 3) Name and address of the chemical manufacturer, importer or other responsible party.

Should a product be received that does not meet the above stated labeling requirements, the supervisor will immediately label, tag or mark any hazardous substance container at the City so that it:

- 1) Identifies the hazardous substance and the identity corresponds with the name used on the MSDS and inventory list.
- 2) Indicates the appropriate hazard warning
- 3) Does not conflict with labels from the Department of Transportation.

Supervisors will also ensure:

- 1) The label, tag or marking is legible, in English and is prominently displayed.
- 2) The incoming containers of hazardous substance include the manufacturer's name and address.
- 3) Chemical labels for OSHA specific standards comply with those regulations.
- 4) The labels on incoming containers of hazardous substances are not removed or defaced unless the container is immediately marked, tagged or labeled with required information.
- 5) Stationary processes that contain hazardous substances have the appropriate label or alternative warning attached that conveys the required information.
- 6) Contracted employers working at the facility are notified of the labeling procedure and understand the label (warning) system.
- 7) The City recognizes labeling that is in compliance with the following regulations meet the requirements of the Employee Right to Know Program:
  - a) Pesticides labeled in accordance with the Federal Insecticide, Fungicide and Rodenticide Act.
  - b) Any food, food additive, color additive, drug or cosmetic including materials intended for use as ingredients in products labeled in accordance with the requirements of the Federal Food, Drug and Cosmetic Act.
  - c) Distilled spirits (beverages alcohols), wines or malt beverages labeled in accordance with the Federal Alcohol Administration Act.
  - d) Any consumer products as defined in the Consumer Product Safety Act and labeled in accordance with the requirements of that act.

- e) Any hazardous substance as defined in the Federal Hazardous Substance Act and labeled in accordance with the requirements that act.

**VII. In-House Label Explanation and Description**

Supervisors will ensure that all secondary containers in the workplace are labeled according the following requirements:

- 1) Identifies the product and any hazardous substances.
- 2) Appropriate hazard warning(s).
- 3) The label, tag or marking is legible, in English and is prominently displayed.

**VIII. Material Safety Data Sheets**

The City will obtain and collect the material safety data sheets (MSDS) for all hazardous substances purchased from manufacturers, importers and distributors of said substances. A current hard copy or an electronic copy will be on file.

Where an in-house process generates hazardous substances, a “generic” MSDS of the hazardous substance will be obtained and placed in the City’s MSDS file. The intent is to provide an MSDS for all hazardous substances encountered by employees in the workplace.

The following person in responsible for making sure the MSDS file at the City is maintained and updated as necessary:

Matt Serbus
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Employees will notify this person prior to the time that a new hazardous substance is used in the workplace so that the appropriate MSDS can be obtained.

The MSDS file (hard or electronic) at the City is located at the following location(s):

Building	Location
Water Treatment Plant	220 Main St. South

These files are available to all employees at the MSDS file location or for more information contact your immediate supervisor.

**IX. Harmful Physical Agents**

The City recognizes the list of harmful physical agents listed below. The City will exercise reasonable diligence in evaluating the workplace for the presence of recognized harmful physical agents at a level that may be expected to approximate or exceed the permissible exposure limit or

the applicable action level. The City understands that the list of harmful physical agents includes the majority of harmful physical agents that will be encountered in Minnesota (or other states). The City will make a diligent effort to ensure that this list is updated as necessary. The City will ensure that exposed employees are afforded their rights as established in the Employee Right to Know rules.

List of Harmful Physical Agents:

- 1) Heat
- 2) Noise
- 3) Ionizing Radiation
- 4) Nonionizing Radiation

### **X. Harmful Physical Agent Labeling**

The City will ensure that equipment or work areas that specifically generate harmful physical agents at a level that may be expected to approximate or exceed the permissible exposure limit or applicable action will be labeled, marked or tagged.

Labeling will include:

- 1) The name of the physical agent
- 2) The appropriate hazard warning

### **XI. Infectious Agents**

The City recognizes the list of infectious agents listed in Minnesota rule 5260.0600. The City will exercise reasonable diligence in evaluating the workplace for the presence of recognized and other infectious agents. The City understands that the list of infectious agents includes the majority of communicable infectious agents that will be encountered in Minnesota. The City will make a diligent effort to ensure that the most current list is provided in this program. The City will ensure employees whom are routinely exposed are provided with the rights established in the Employee Right to Know rules.

### **XII. Bloodborne Pathogens**

The City maintains a separate bloodborne pathogens program that complies with the OSHA 1910.1030 regulations. This program covers all reasonably anticipated infectious agent exposures at the City.

### **XIII. Employee Training and Information**

The City provides each employee with information and training about the hazardous substances used in its operations and any exposure to harmful physical agents and/or infectious agents at a level that may be expected to approximate or exceed the permissible exposure limits. Additional employee training will be conducted whenever a new hazardous substance is introduced and/or the work situation changes that may increase the level of exposure to any harmful physical agent or infectious agent. New or transferred employees will receive the appropriate training and information specific to their work assignment, prior to beginning that assignment.

The following person is responsible for coordinating the employee information and training programs at the City.

Matt Serbus
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The City will inform the employees of:

- 1) The requirements of the Minnesota Employee Right to Know law.
- 2) The operations where hazardous substances are used including the hazardous substances that are contained in unlabeled pipes.
- 3) The operations where exposure to harmful physical agents and harmful infectious agents may be expected.
- 4) The location of the written Employee Right to Know Policy, the list of hazardous substances and the corresponding MSDS for those substances.
- 5) The labeling system in use at the City.

The City will train employees routinely exposed to hazardous substances on:

- 1) The name or names of the substance including any generic or chemical name, trade name and commonly used name.
- 2) The level, if any and if known, at which exposure to the substance has been restricted according to standards. If no standard has been adopted, according to guidelines established by competent professional groups, which have conducted research to determine the hazardous properties of potentially hazardous substances.
- 3) The primary routes of entry and the known acute and chronic effects of exposure at hazardous levels.
- 4) The known symptoms of the effects.
- 5) Any potential for flammability, explosion or reactivity of the substance.
- 6) Appropriate emergency treatment.
- 7) The known proper conditions for use of and exposure to the substance.
- 8) An explanation of the use and limitations of methods of control that will prevent or reduce exposure appropriate engineering controls and work practices, personal protective equipment and housekeeping.

- 9) An explanation of the basis for selection of personal protective equipment, including information on the types, proper use, location, removal, handling, decontamination, and disposal of personal protective equipment.
- 10) Procedures for cleanup of leaks and spills.
- 11) The name, phone number and address of a manufacturer of the hazardous substance.
- 12) The location of a written copy/electronic (MSDS) of the above information.

The City will train employees who may be routinely exposed to harmful physical agents. This training will include:

- 1) The name or names of the physical agent including any commonly used synonym.
- 2) The level, if any and if known, at which exposure to the physical agent has been restricted according to adopted standards; or if no standard has been adopted, according to guidelines established by competent professional groups including but not limited to the American Conference of Governmental Industrial Hygienists, the Center for Disease Control, the Bureau of Radiological Health and the American National Standards Institute.
- 3) The known acute and chronic effects of exposure at hazardous levels.
- 4) The known symptoms of exposure at hazardous levels.
- 5) The appropriate emergency treatment.
- 6) The known proper conditions for safe use of and exposure to the physical agent.
- 7) An explanation of the use and limitations of methods of control that will prevent or reduce exposure appropriate engineering controls and work practices, personal protective equipment and housekeeping.
- 8) An explanation of the basis for selection of personal protective equipment, including information on the types, proper use, limitations and location of personal protective equipment.
- 9) The name, phone number and address, if appropriate, of the manufacturer of the equipment which generates the harmful physical agent.
- 10) A written copy of all of the above information which shall be readily accessible in the area or areas in which the harmful physical agent is present and where the employee may be exposed to the agent through use, handling or otherwise.

The City will train employees who may be routinely exposed to infectious agents. This training will include:

- 1) A general explanation of the epidemiology and symptoms of infectious diseases including the hazards to special at-risk employee groups.
- 2) An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to infectious agents including blood and other infectious materials.
- 3) An explanation of the chain of infection or infectious disease process; including agents, reservoirs, modes of escape from reservoirs, modes of transmission, modes of entry into host and host susceptibility.
- 4) An explanation of the employer's exposure control program.

- 5) An explanation of the use and limitations of methods of control that will prevent or reduce exposure including universal precautions, appropriate engineering controls and work practices, personal protective equipment and housekeeping.
- 6) An explanation of the basis for selection of personal protective equipment, including information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment.
- 7) An explanation of the proper procedures for cleanup of blood or body fluids.
- 8) An explanation of the recommended immunization practices, including, but not limited to, the HBV vaccine, and the efficacy, safety and benefits of being vaccinated.
- 9) Procedures to follow if an exposure incident occurs, method of reporting the incident and information on the post-exposure evaluation and medical follow-up that will be available.
- 10) Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials.
- 11) An explanation of the signs, labels, tags or color-coding used to denote biohazards.
- 12) The location of the regulatory text of this standard and explanation of its contents.
- 13) The location and contents of other pertinent information that explain the symptoms and effects of each infectious agent that the employee may be exposed to.

NOTE: The Bloodborne Disease Exposure Control Plan addresses the aspects set forth in the above stated information.

The City generally schedules Employee Right to Know training in conjunction with monthly safety meetings. Other sessions will be arranged as needed.

Attendance records and a summary of the items covered in the monthly employee training and information sessions are located at (and may also be found electronically at):

Building	Location
Kimball City Hall	1 Main St N

The following employee is responsible for ensuring that other employees for the respective department receive training whenever a new hazardous substance is introduced and/or the work situation changes that may increase the level of exposure to any harmful physical agent or infectious agent; and new or transferred employees receive the appropriate training and information specific to their work assignment, prior to beginning that assignment.

Employee	Department
Matt Serbus	Public Works



#### **XIV. Special Considerations**

##### Non-Routine and Special Tasks:

The program administrator, in cooperation with the above listed employees and Regional Safety Coordinator, will review known physical and health hazards with employees who must do non-routine and special tasks. This instruction will generally occur at the time the work is scheduled. However, in an emergency the review may occur immediately before the work begins.

If appropriate, the instruction will include:

- 1) Identification of the hazardous substance involved.
- 2) Methods of detecting the presence or release of the substances.
- 3) Specific physical and health hazards of the substance involved.
- 4) Measures the employee(s) can take to protect themselves from these hazards such as appropriate work practices, emergency procedures and proper protective equipment.
- 5) An opportunity for employees to review the material safety data sheets for any of the hazardous chemicals involved.

#### **XV. Contractors**

Contractors will be notified of the hazardous substances, harmful physical agents and infectious agents they may encounter at the City and the protective measures that can be taken to avoid them.

The following employees will complete the “Contractor Notification” form and give it to the contractor prior to the work beginning.

Employee	Department
Matt Serbus	Public Works

Contractors are required to notify the City of any hazardous substance brought onto a City work site and shall provide the City with a MSDS for each chemical. The department supervisor is responsible for obtaining this information and conveying it to any exposed City employee.

#### **XVI. Approval of Policy**

This policy shall be formally approved and adopted by the City Council.