



Texas Hazard Communication Rules

25 TAC, Chapter 295, Subchapter A Hazard Communication

Effective Date: February 28, 1986 Amended:
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TEXAS
Health and Human
Services

TEXAS HAZARD COMMUNICATION RULES

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§295.1. – PURPOSE AND SCOPE

The purpose of these sections is to provide employers and employees with guidance needed to comply with the Texas Hazard Communication Act.

§295.2. – DEFINITIONS

The following words and terms, when used in these sections, shall have the following meanings unless the context clearly indicates otherwise.

- (1) Act--The Hazard Communication Act, the Health and Safety Code, Chapter 502.
- (2) Appropriate hazard warning--Any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which convey the health and physical hazards, including the target organ effects of the chemical(s) in the container(s).
- (3) Appropriate personal protective equipment (PPE) or protective equipment -- Equipment that is provided to an employee by the employer and provides a level of protection to chemicals to which the employee may be exposed that will be adequate to ensure their health and safety based on current industry standards. In determining the selection of PPE, the employer shall consider all routes of entry, permeability of PPE materials, the duties being performed by the employee, the hazardous chemicals present, and such other factors as may affect the performance of the equipment. The employer must ensure that the provided equipment fits the individual employee and is functional for its intended use as described by the manufacturer's specifications.
- (4) Asphyxiation--A death or injury from suffocation that is caused by a chemical and which is due to interference with the oxygen supply of the blood, other than drowning.
- (5) Categories of hazardous chemicals--A grouping of hazardous chemicals with similar hazard properties.
- (6) Commissioner of Health--the director of the Texas Department of Health, as referenced in the Health and Safety Code, §502.003(8).

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(7) Container--Any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical or contains multiple smaller containers of an identical hazardous chemical. The term "container" does not mean pipes or piping systems, nor does it mean engines, fuel tanks, or other operating systems in a vehicle. A primary container is the one in which the hazardous chemical is received from the supplier. A secondary container is one to which the hazardous chemical is transferred after receipt from the supplier.

(8) Department--The Texas Department of Health.

(9) Emergency service organization--Any organization established to provide the following services for the general public: fire prevention and suppression, hazardous materials response operations, or emergency medical services. An emergency service organization may consist of volunteer members or be a unit of a political subdivision of the state with compensated employees.

(10) Employee education and training program--Actual instruction, regardless of the technology or method used to deliver it, provided by the employer to employees as required by the Act, §502.009. This program is the instruction of employees and records of training, as opposed to a written plan for training.

(11) Employer--The overall organizational public entity rather than individual facilities or workplaces. Examples of public employers are an entire state agency, a county, a city, a public school district, a public university, a public college or community college, a river authority, a public hospital, or a volunteer emergency service organization. Each university, college, or community college in a university or college system shall be considered as a separate employer under the Act.

(12) Handle--To touch, move, or manipulate hazardous chemicals.

(13) Health hazard--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 system, and agents which damage the lungs, skin, eyes, or mucous membranes.

(14) Label--Any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals.

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(15) OSHA Standard--The Hazard Communication Standard of the United States Department of Labor, Occupational Safety and Health Administration (OSHA), Title 29 Code of Federal Regulations, 1910.1200.

(16) Stationary process container--A tank, vat, or other such container which holds different hazardous chemicals at different times.

(17) Workplace--A contiguous facility that is staffed 20 hours or more per week, unless such a facility is subdivided by the employer. Normally this subdivision would be a building, cluster of buildings or other structures, or complex of buildings, but could be for a portion of a building if the employer chooses. Noncontiguous properties are always separate workplaces unless they are temporary workplaces, in which case they can be either work areas of a headquarters workplace or separate workplaces, at the discretion of the employer.

(18) Written hazard communication program--A document which describes an employer's program for compliance with those requirements of the Act imposed on the employer.

§295.3. – RESPONSIBILITY FOR IMPLEMENTATION OF PROGRAMS

The commissioner's responsibilities under the Act are carried out through the Texas Department of Health, Consumer Protection Division, Environmental Operations Branch, Hazard Communication Program. Routine inquiries regarding this Act shall be addressed to: Texas Department of State Health Services, Environmental Operations Branch, Hazard Communication Program, P.O. Box 149347, MC 2835, Austin, Texas 78714-9347, at toll free telephone number 1-800-293-0753.

§295.4. – WORKPLACE CHEMICAL LIST

(a) An employer may choose to develop workplace chemical lists by work areas, pursuant to the Act, §502.005(c). However, the workplace chemical list threshold of 55 gallons or 500 pounds must be applied to the aggregate amount of the hazardous chemical in the workplace, even though such chemicals may be present below these thresholds in each work area.

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(b) If an employer chooses to subdivide a contiguous facility into separate workplaces, a workplace chemical list must be prepared for each separate workplace.

(c) Employers may use the department's model form in developing workplace chemical lists. This form will provide a recommended format for the workplace chemical list, but is not mandatory.

§295.5. – MATERIAL SAFETY DATA SHEETS

(a) The employer shall maintain a current and appropriate MSDS, as defined by the Act, §502.003(17), for each hazardous chemical purchased. Except as described in subsection (b) of this section, MSDSs, whether in printed or electronic form, are considered "readily available" if they can be accessed for review at the workplace during the same work shift in which they are requested. For purposes of this section, a current MSDS shall be one which contains the most recent significant hazard information for the hazardous chemical as determined by the chemical's manufacturer.

(b) An employer shall provide MSDSs to emergency responders as soon as practicable upon request.

(c) An employer shall request or obtain a missing MSDS within 30 business days of receipt of the hazardous chemical. An employer shall not permit the use of any hazardous chemical for which a current MSDS is not available.

(d) A chemical manufacturer or distributor must provide an appropriate MSDS to an employer within three business days of receipt of the employer's written request.

(e) If the hazardous chemical was last received prior to the original effective date of the Act, January 1, 1986, an MSDS is not required.

§295.6. – LABELING OF CONTAINERS

(a) Employers shall rely on the manufacturers or distributors of their hazardous chemicals to provide container labels which meet the requirements of the OSHA Standard at 29 CFR, 1910.1200(f) and shall be responsible for re-labeling a container only:

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(1) when the label is missing or illegible; or

(2) when it comes to the attention of the employer that the labeling does not meet the labeling requirements of the OSHA Standard.

(b) An employer who receives an unlabeled or mislabeled primary container of a hazardous chemical from a supplier or a container which requires re-labeling according to subsection (a) of this section shall ensure that such containers are re-labeled to conform to the OSHA Standard prior to use by any employee. Employers may contact their suppliers to request such replacement labels or may prepare their own replacement labels.

(c) In cases where an employer receives a primary container of a hazardous chemical that requires re-labeling according to subsection (a) of this section, except as provided in the Act, §502.007(b), the employer shall ensure that the replacement label contains the following information:

(1) the identity of the chemical appearing on the MSDS;

(2) the appropriate hazard warnings, or alternatively, words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the employer's education and training program, will reasonably provide employees with the specific information regarding the physical and health hazards, including the target organ effects of the hazardous chemical; and

(3) the chemical manufacturer's name and address.

(d) Except as provided in the Act, §§502.004(f) and 502.007(b), each secondary container label must include:

(1) the identity of the chemical appearing on the MSDS; and

(2) the appropriate hazard warnings, or alternatively, words, pictures, symbols, or combination thereof, which provide at least general information regarding the hazards of the chemicals, and which, in conjunction with the other information immediately available to employees under the employer's education and training program, will reasonably provide employees with the specific information regarding the physical and health hazards including the target organ effects of the hazardous chemical.

(e) The employer shall ensure that labels or other forms of warning are legible, in English, and prominently displayed on the container in the workplace, work area, or temporary workplace throughout each work shift.

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The employer may add label information in another language to hazardous chemical containers.

(f) Signs, placards, process sheets, batch tickets, operating procedures, or other such written materials may be used in lieu of affixing labels to individual stationary process containers, as long as the alternative method identifies the containers to which it is applicable and conveys the label information required by the Act.

(g) Alternative labeling systems may be used by employers, as specified in subsections (c)(2) and (d)(2) of this section. Examples of such labeling systems are the National Fire Protection Association (NFPA) 704m Standard; the Hazardous Materials Information Systems (HMIS) Standard; and the U.S. Department of Transportation shipping label system.

(h) Except as provided in the Act, §502.004(f), containers of hazardous chemicals which were received prior to the original effective date of the Act, January 1, 1986, and which do not meet the requirements of this section, must be re-labeled in accordance with the current labeling requirements of the Act.

§295.7. – WRITTEN HAZARD COMMUNICATION PROGRAM AND EMPLOYEE EDUCATION AND TRAINING PROGRAM

(a) An employer is required to develop a written hazard communication program which will describe how the employer will comply with those requirements of the Act imposed on the employer. The written hazard communication program must include a description of the procedures that the employer will follow to achieve compliance with each applicable requirement of the Act. Employers may develop written hazard communication programs that are specific to each separate workplace or may develop a standard written program that could be used or modified for each workplace. Employers may use the department's model program in developing written hazard communication programs for each of their workplaces. This model program will provide a recommended format for the written hazard communication program, but is not mandatory.

(b) An employer shall maintain either a printed or electronic copy of the written hazard communication program at the workplace to which the program applies.

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(c) The elements that shall be considered in an employer's written hazard communication program, if applicable, include:

(1) workplace chemical lists;

(2) material safety data sheets;

(3) labels;

(4) employee education and training programs, including the following subjects:

(A) the use of the information provided in material safety data sheets and labels, and how they are related; and

(B) the following subjects which relate to hazardous chemicals known to be present in the employee's work area:

(i) locations;

(ii) the physical effects and short-term and long-term health effects of exposure;

(iii) safe handling;

(iv) the proper use of personal protective equipment;

(v) first aid treatment for exposures; and

(vi) safety instructions on handling, cleanup, and disposal;

(5) reporting employee deaths and injuries;

(6) posting employee notice(s);

(7) providing personal protective equipment; and

(8) maintaining employee rights.

(d) The employee education and training program shall include training sessions for employees and the record of each training session. The training subjects listed in subsection (c)(4) of this section shall be conducted in the following manner:

(1) the instruction may be provided by categories of chemicals under the Act, §502.009(d); or

(2) the instruction may be provided for specific chemicals known to be present and to which the employee may be exposed.

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(e) Training records may be maintained by the employer in either printed or electronic form, must be developed for each session which is necessary to demonstrate compliance, and shall contain all of the following information:

- (1) the date of the training session;
- (2) a legible list of names of all the employees who attended the training session;
- (3) any of the subjects listed in subsection (c)(4) of this section which were included in the training session, and the names of the categories of chemicals that were covered in the training session, if training is conducted by such categories; and
- (4) a legible list of names of all instructors who provided the training for that session.

(f) When training is conducted by categories of hazardous chemicals under the Act, §502.009(d), the employer shall ensure that all the categories used are adequate to cover all hazardous chemicals to which the employees may be exposed. Such training need only cover those categories of chemicals which are appropriate, based on the hazards presented by the chemicals to which the employees may be exposed.

(g) Training for new or newly assigned employees must be completed prior to assigning any duties that may result in exposure to hazardous chemicals.

(h) Emergency service organizations shall provide to their members or employees the following information:

(1) for any hazardous chemicals which the members or employees use or handle, the emergency service organization shall provide the training required by the Act, §502.009(c);

(2) for any hazardous chemicals to which the members or employees may be exposed during emergency responses, the emergency service organization shall provide information on the recognition, evaluation, and control of exposures to such chemicals.

(i) The information referenced in subsection (h)(2) of this section may be in the form of training sessions, written materials, or any other form of communication which provides this information. Training which meets the requirements of the Hazardous Waste Operations and Emergency Response Rule which was promulgated by the U.S. Environmental Protection Agency in Title 40 CFR, Part 311 shall meet the requirements for the Act, §502.009(h), and subsection (h)(2) of this section.

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§295.8. – COMPLAINTS AND INVESTIGATIONS

(a) The commissioner or his representative shall investigate in a timely manner any complaint relating to an alleged violation of the Act. Such complaints do not have to be submitted to the department in writing and may be anonymous. An inspection based on a complaint is not limited to the specific allegations of the complaint. An employer who refuses to allow such an investigation shall be in violation of the Act.

(b) The commissioner or his designated representatives may enter a workplace at all reasonable times to conduct random compliance inspections. An employer who refuses to allow such an inspection is in violation of the Act and these rules.

(c) The department may find multiple violations by an employer during an inspection.

(d) Upon request from a representative of the commissioner, an employer shall make or allow photocopies of documents to be made and permit the representative to take photographs required to verify the compliance status of the employer. Such requests may be made during a compliance inspection or in a written Notice of Violation issued by the department.

§295.9. – REPORTING FATALITIES AND INJURIES

(a) Employers are required to report to the department the occurrence of any employee accident, including asphyxiation, resulting from a chemical exposure and that is fatal to one or more employees or that results in the hospitalization of five or more employees.

(b) Such employee accidents may be reported to the Texas Department of State Health Services, Environmental Operations Branch, Hazard Communication Program, at toll-free telephone number 1-800-293-0753. Reports shall be submitted either orally or in writing no later than 48 hours after the occurrence of the accident. Written reports may be transmitted via facsimile or electronic means.

§295.10. – [RESERVED]

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§295.11. – ADMINISTRATIVE PENALTIES

(a) Inspections may be conducted by the commissioner or his representative to determine if an employer is in violation of the Act or the rules. An employer will be notified in writing of any alleged violations. The employer shall send a written response to the department within 15 business days of receipt of the notification. The employer's response must conform to at least one of the options listed in the notification from the department.

(b) Employers who do not respond to the written notice from the department in accordance with subsection (a) of this section shall be subject to administrative penalties. Each violation of the Act may be cited separately in the written notice and a separate penalty may be proposed for each citation. Each day a violation continues may be considered a separate violation.

(c) Penalties shall be due after an order is issued by the commissioner. An order may be issued on or after the 16th business day following the date that a written notification of violations is received by the employer, unless the department receives a written response which documents that each violation has been corrected or that an informal conference or a formal hearing has been requested. If an informal settlement conference is requested, the employer must respond that each violation has been corrected within 11 business days after the employer receives a summary letter following the informal conference.

(d) The written response from the employer must address each violation separately and must provide the documentation requested by the department or an alternative agreed to by the department. An inappropriate or unacceptable response may result in a penalty being assessed for the underlying violations.

(e) Violations will be classified in one of four severity levels:

(1) a minor violation is related to a minor records keeping deficiency;

(2) a serious violation is related to failure to take an action that poses a threat of harm to any employee or a substantial records keeping deficiency;

(3) a severe violation is related to failure to take an action that poses a substantial threat of harm to any employee or a major records keeping deficiency; or

(4) a critical violation is related to failure to take an action that has caused harm or is likely to cause significant harm to any employee

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(f) Penalty amounts will be assessed based on the following schedule:

Severity Level of Violation	First Occurrence	Second Occurrence	Subsequent Occurrence
Minor	\$50	\$75	\$100
Serious	\$100	\$150	\$200
Severe	\$200	\$250	\$300
Critical	\$300	\$400	\$500

(g) Proposed penalties for individual violations may be reduced or enhanced by the department based on consideration of the history of previous violations, good faith efforts made to correct violations, duration of the violation, or any other considerations that justice may require. A maximum reduction or enhancement of 50% per individual proposed penalty may be considered, based on the facts presented to the department.

(h) Follow-up inspections may be made to confirm the status of violations. In cases where the department determines that one or more specific violations of the Act are ongoing, the department may issue a written notice to the employer proposing a per day penalty for each violation.

(i) Examples of violations for the various severity levels include, but are not limited to:

(1) Minor violation:

(A) failure to update the workplace chemical list as needed; failure to maintain previous workplace chemical lists for 30 years; or failure to develop the current workplace chemical list;

(B) failure to include one to five required elements in employee training records for one or more training sessions. Each employee name, training subject, instructor's name, and the date of the training session is a separate element;

(C) having a written hazard communication program which fails to describe how one to three of the criteria specified in §295.7(c) of this title (relating to Written Hazard Communication Program and Employee Education and Training) will be met;

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(D) failure to post the workplace notice specified in §295.12 of this title (relating to Employee Notice; Rights of Employees) in up to 25% of the locations where notices are normally posted in the workplaces covered by an inspection;

(E) failure to maintain consistent names for hazardous chemicals on MSDSs, labels, and the workplace chemical list; or

(F) failure to maintain a current MSDS for one hazardous chemical in one workplace.

(2) Serious violation:

(A) failure to provide the proper identity or required hazard information on replacement or secondary labels for up to three containers of hazardous chemicals in a workplace;

(B) failure to provide a replacement or secondary label on a hazardous chemical container;

(C) failure to maintain five or more required elements in employee training records for one or more training sessions. Each employee name, training subject, instructor's name, and the date of the training session is considered a separate element;

(D) failure to post the workplace notice specified in §295.12 of this title in 26% to 99% of the locations where notices are normally posted in the workplaces covered by an inspection;

(E) failure to provide up to 10% of employees in the workplaces covered during an inspection the training required under the Act, §502.009(c);

(F) having a written hazard communication program which fails to describe how four to six of the criteria specified in §295.7(c) of this title will be met;

(G) failure to maintain current MSDSs for more than one and less than 6.0% of the hazardous chemicals in one workplace which are surveyed during an inspection; or

(3) Severe violation:

(A) failure to post the notice to employees specified in §295.12 of this title in any of the locations where employee notices are normally posted in any workplace;

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(B) failure to provide the proper identity or required hazard information on replacement or secondary labels of four to ten containers of hazardous chemicals in a workplace;

(C) failure to provide replacement or secondary labels on up to five hazardous chemical containers;

(D) failure to provide 11% to 25% of employees in the workplaces covered during an inspection the training required under the Act, §502.009(c);

(E) having a written hazard communication program which fails to describe how more than six of the criteria specified in §295.7(c) of this title will be met;

(F) failure to maintain current MSDSs for 6.0% to 10% of the hazardous chemicals in one workplace which are surveyed during an inspection;

(G) failure by a chemical manufacturer or distributor to provide an MSDS to an employer within three business days of receipt of the employer's written request; or

(H) failure to report an incident to the department as required under the Act, §502.012.

(4) Critical violation:

(A) intentionally removing or defacing a label on a primary container of a hazardous chemical or maintaining another product's label on a hazardous chemical container;

(B) failure to provide the proper identity or required hazard information on replacement or secondary labels of more than ten containers of hazardous chemicals in the workplace;

(C) failure to provide replacement or secondary labels on more than five hazardous chemical containers;

(D) failure to provide more than 25% of employees in the workplaces covered during an inspection the training required under the Act, §502.009(c);

(E) denial by an employer to allow a representative of the department to conduct a compliance inspection;

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(F) failure to maintain current MSDSs for greater than 10% of the hazardous chemicals in one workplace which are surveyed during an inspection;

(G) failure to provide, at the request of an employee, a copy of an MSDS for a hazardous chemical to a physician or emergency responder for purposes of treating any employee who may have suffered a chemical exposure; or

(H) a request or a requirement for an employee to waive any rights provided by the Act, §502.107.

§295.12. – EMPLOYEE NOTICE; RIGHTS OF EMPLOYEES

(a) Employers covered by the Act must post and maintain workplace notices specified in this section. The wording of the required workplace notice may be changed by the commissioner as needed.

(See Appendices for English and Spanish Notices)

(b) The workplace notice shall measure at least 8-1/2 by 11 inches and be typed, typeset, or mechanically produced with lettering that is clearly legible. The letters shall not be smaller than 12 characters per inch. The words "NOTICE TO EMPLOYEES" shall be in bold capital letters at least 1/2 inch high. Other words spelled in capital letters in the sample notice shall be reproduced in capital letters.

(c) A current version of the workplace notice shall be clearly posted and unobstructed at all locations in the workplace where notices are normally posted, and at least one location in each workplace.

(d) An employer may add information to the workplace notice as long as the wording required by this section is included. Employers may add the name and telephone number of the employer's safety or environmental health officer to the bottom of the workplace notice in order to facilitate communication within the workplace.

(e) To assist employers in providing the workplace notice information, the department shall make original copies of the workplace notice available for photocopying by employers. The department shall also make an electronic version of the workplace notice available to employers. A Spanish translation of the workplace notice is available from the department.

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(f) Employees have guaranteed rights to accessing the workplace chemical list and MSDSs and to receive training under the Act.

(g) Employees have a guaranteed right to receive appropriate personal protective equipment (PPE) from their employer. Employers shall provide appropriate PPE to employees who may be exposed to hazardous chemicals in their workplace. The employer shall provide training to employees regarding how to maintain and store PPE appropriately to ensure that contamination does not occur.

(h) An employee shall not be disciplined, harassed, or discriminated against by an employer for filing complaints, assisting inspectors of the department, participating in proceedings related to the Act, or exercising any rights under the Act.

(i) Employees cannot waive their rights under the Act. A request or requirement for such a waiver by an employer violates the Act.

§295.13. – STANDARD FOR PHYSICIAN TREATMENT

The citation of the OSHA Standard for physicians treating employees that is provided in the Act, §502.018, is in error. The correct citation for this standard is 29 CFR, §1910.1200(i)(2). This standard allows nurses, as well as physicians, to obtain the chemical identity of a trade secret hazardous chemical when that information is needed for medical treatment during an emergency.

NOTICE TO EMPLOYEES

The Texas Hazard Communication Act, codified as Chapter 502 of the Texas Health and Safety Code, requires public employers to provide employees with specific information on the hazards of chemicals to which employees may be exposed in the workplace. As required by law, your employer must provide you with certain information and training. A brief summary of the law follows.

HAZARDOUS CHEMICALS

Hazardous chemicals are any products or materials that present any physical or health hazards when used, unless they are exempted under the law. Some examples of more commonly used hazardous chemicals are fuels, cleaning products, solvents, many types of oils, compressed gases, many types of paints, pesticides, herbicides, refrigerants, laboratory chemicals, cement, welding rods, etc.

WORKPLACE CHEMICAL LIST

Employers must develop a list of hazardous chemicals used or stored in the workplace in excess of 55 gallons or 500 pounds. This list shall be updated by the employer as necessary, but at least annually, and be made readily available for employees and their representatives on request.

EMPLOYEE EDUCATION PROGRAM

Employers shall provide training to newly assigned employees before the employees work in a work area containing a hazardous chemical. Covered employees shall receive training from the employer on the hazards of the chemicals and on the measures they can take to protect themselves from those hazards. This training shall be repeated as needed, but at least whenever new hazards are introduced into the workplace or new information is received on the chemicals which are already present.

SAFETY DATA SHEETS

Employees who may be exposed to hazardous chemicals shall be informed of the exposure by the employer and shall have ready access to the most current Safety Data Sheets (SDSs) or Material Safety Data Sheets (MSDSs) if an SDS is not available yet, which detail physical and health hazards and other pertinent information on those chemicals.

LABELS

Employees shall not be required to work with hazardous chemicals from unlabeled containers except portable containers for immediate use, the contents of which are known to the user.

EMPLOYEE RIGHTS

Employees have rights to:

- access copies of SDSs (or an MSDS if an SDS is not available yet)
- information on their chemical exposures
- receive training on chemical hazards
- receive appropriate protective equipment
- file complaints, assist inspectors, or testify against their employer

Employees may not be discharged or discriminated against in any manner for the exercise of any rights provided by this Act. A waiver of employee rights is void; an employer's request for such a waiver is a violation of the Act. Employees may file complaints with the Texas Department of State Health Services at the telephone numbers provided below.

EMPLOYERS MAY BE SUBJECT TO ADMINISTRATIVE PENALTIES AND CIVIL OR CRIMINAL FINES RANGING FROM \$50 TO \$100,000 FOR EACH VIOLATION OF THIS ACT

Further information may be obtained from:

Texas Department of State Health Services
Consumer Protection Division
Environmental Operations Branch
PO Box 149347, MC 2835
Austin, TX 78714-9347

(512) 834-6787

(800) 293-0753 (toll-free)

Fax: (512) 483-3414

E-mail: TXHazComHelp@dshs.texas.gov

Website: www.dshs.texas.gov/hazcom



Texas Department of State
Health Services

Worker Right-To-Know Program
Publication # 23-14173
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AVISO AL EMPLEADO

La Ley de Comunicación sobre Peligros de Texas, codificada como el capítulo 502 del Código de Salud y Seguridad de Texas, exige que los empleadores públicos le provean a los empleados información específica sobre los peligros de los químicos a los que los empleados podrían estar expuestos en el centro de trabajo. Según exige la ley, su empleador debe proveerle cierta información y capacitación. A continuación presentamos un breve resumen de la ley.

QUÍMICOS PELIGROSOS

Los químicos peligrosos son cualquier producto o material que represente algún peligro físico o de salud al ser usado, a menos que este quede exento bajo la ley. Como ejemplos de químicos peligrosos más comúnmente usados están los combustibles, los productos de limpieza, los solventes, muchos tipos de aceite, los gases comprimidos, muchos tipos de pintura, los pesticidas, los herbicidas, los refrigerantes, los químicos de laboratorio, el cemento, las varillas de soldadura, etc.

LISTA DE QUÍMICOS EN EL CENTRO DE TRABAJO

Los empleadores deben desarrollar una lista de los químicos peligrosos usados o almacenados en el centro de trabajo que sobrepasen los 55 galones o las 500 libras. El empleador debe renovar la lista de ser necesario, y al menos anualmente, y debe ponerla a fácil disposición de los empleados y de sus representantes al esta ser solicitada.

PROGRAMA DE INSTRUCCIÓN DEL EMPLEADO

Los empleadores deben proveerle capacitación a los empleados recién asignados antes de que los empleados trabajen en un área de trabajo que contenga químicos peligrosos. Los empleados contemplados en la ley deben recibir capacitación del empleador sobre los peligros de los químicos y sobre las medidas que ellos mismos pueden tomar para protegerse de dichos peligros. La capacitación debe repetirse de ser necesario, y al menos cuando se introduzcan nuevos peligros en el centro de trabajo o se reciba nueva información sobre los químicos que ya están presentes.

HOJAS DE DATOS DE SEGURIDAD

El empleador debe informar de la exposición a los empleados que pudieran estar expuestos a químicos peligrosos y ellos deben tener acceso fácil a las hojas de datos de seguridad (SDS) o las hojas de datos de seguridad del material (MSDS) más recientes si es que todavía no hay una SDS disponible, las cuales detallan los peligros físicos y de salud y cualquier otra información pertinente sobre dichos químicos.

ETIQUETAS

No se requerirá que los empleados trabajen con químicos peligrosos provenientes de contenedores que no están etiquetados con excepción de los contenedores portátiles de uso inmediato, el contenido de los cuales el usuario conoce.

DERECHOS DEL EMPLEADO

Los empleados tienen derecho a:

- acceder a copias de las SDS (o una MSDS si es que todavía no hay una SDS disponible)
- la información sobre sus exposiciones químicas
- recibir capacitación sobre los peligros químicos
- recibir el equipo protector apropiado
- presentar quejas, asistir a los inspectores y testificar en contra de su empleador

No se despedirá a los empleados ni se les discriminará de ninguna manera por ellos ejercer cualquiera de los derechos que esta ley estipula. Las renunciaciones de derechos del empleado no tienen ninguna validez; el que el empleador solicite ese tipo de renuncia infringe esta ley. Los empleados pueden presentar sus quejas ante el Departamento Estatal de Servicios de Salud de Texas llamando al teléfono sin costo provisto abajo.

LOS EMPLEADORES PODRÍAN ESTAR SUJETOS A SANCIONES ADMINISTRATIVAS Y A MULTAS CIVILES O PENALES QUE VAN DESDE LOS \$50 HASTA LOS \$100,000 DÓLARES POR CADA INFRACCIÓN DE ESTA LEY

Puede obtener mayor información en:

Texas Department of State Health Services
Consumer Protection Division
Environmental Operations Branch
PO Box 149347, MC 2835
Austin, TX 78714-9347

(512) 834-6787
(800) 293-0753 (llamada gratuita)
Fax: (512) 483-3414
E-mail: TXHazComHelp@dshs.texas.gov
Website: www.dshs.texas.gov/hazcom



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