

## Tyler County Hazard Communication Program

### General

- 1.1 The Texas Hazard Communication Act (THCA) is designed to help protect against chemical illnesses and injuries by ensuring that employers and employees are provided with sufficient information to recognize chemical hazards and take appropriate protective measures. Employers are required to provide this information through comprehensive chemical hazard communication programs that include safety data sheets (SDSs), labels, and worker training.
- 1.2 In order to comply with Texas HAZCOM Act the following written Hazard Communication Program (HCP) will be used to protect for personnel of Tyler County. The originals will be kept on file in the Human Resource Office at the Tyler County Courthouse. Each Commissioner Precinct and each County office not located in the Courthouse will have a copy pertaining to the appropriate location. All employees are expected to comply with the program. The Tyler County Commissioners' Court will be responsible for ensuring that the program is current and enforced.
- 1.3 A copy of this program is to be made available to employees upon hiring, and a copy will be supplied to any employees upon request. The Human Resources Office or Maintenance Supervisor should be contacted when a copy of the program is needed.
- 1.4 The program will be updated as new chemicals or hazards are introduced into the working environment. The program will be reviewed annually.
- 1.5 Each Elected Official, Department Head, or person ordering chemicals will check all chemical purchase requests (PR) to be sure a statement requesting a Safety Data Sheet (SDS) appears on the purchase request (PR) before being processed.

### **CHEMICAL CONTAINER LABELING - Health Safety Code Art. 502.007 and Texas Administration Code Sec. 25 Art. 295.6**

- 2.1 Each Elected Official, Department Head, or Supervisor will be responsible for all containers of hazardous chemicals entering the workplace, and will assure that the chemical containers are properly labeled with at least:
  - A) Chemical name
  - B) Hazard warning AND
  - C) Name and address of the manufacturer, importer, or responsible party
- 2.2 No container shall be used until it has been checked by a qualified person. If the chemical is to be transferred to a separate container, a qualified person will ensure that the new container is properly labeled, that all secondary containers are labeled with an extra copy of the original manufacturer's label, or with a generic label which has a block for identity and blocks for the hazard warning. For help with labeling, please contact the Maintenance Supervisor. Each Department Head will review the labeling system annually and update as required.

## **SAFETY DATA SHEETS (SDS)- HSC Article 502.006 and TAC 25 Article 295.5**

- 3.1 The SDS system shall include:
- a) Current master inventory list of all SDS
  - b) The identity used on the SDS shall be the same as used on the container label
  - c) The chemical and common name of all ingredients determined to present a hazard shall appear on all SDS
- 3.2 The SDS shall contain the following elements:
- a) **Identification**; includes product identifier; manufacturer or distributor name, address, phone number; emergency phone number; recommended use; restrictions on use.
  - b) **Hazard(s) identification**; includes all hazards regarding the chemical; required label elements.
  - c) **Composition/information on ingredients**; includes information on chemical ingredients; trade secret claims.
  - d) **First-aid measures**; includes important symptoms/ effects, acute, delayed; required treatment.
  - e) **Fire-fighting measures**; lists suitable extinguishing techniques, equipment; chemical hazards from fire.
  - f) **Accidental release measures**; lists emergency procedures; protective equipment; proper methods of containment and cleanup.
  - g) **Handling and storage**; lists precautions for safe handling and storage, including incompatibilities.
  - h) **Exposure controls/personal protection**; lists OSHA's Permissible Exposure Limits (PELs); Threshold Limit Values (TLVs); appropriate engineering controls; personal protective equipment (PPE).
  - i) **Physical and chemical properties**; lists the chemical's characteristics.
  - j) **Stability and reactivity** lists chemical stability and possibility of hazardous reactions.
  - k) **Toxicological information**; includes routes of exposure; related symptoms, acute and chronic effects; numerical measures of toxicity.
  - l) **Other information**; includes the date of preparation or last revision.
- 3.3 The original SDS's will be kept on file in the Tyler County Courthouse. The SDS will also be part of the program for use by employees. Each office not located in the Courthouse will keep a current and up-to-date copy of the program and SDS's pertaining to that location on file. New chemicals shall not be used until a SDS has been obtained.

## **EMPLOYEE TRAINING PROGRAM - HSC Article 502.009 and TAC 25 Article 295.7**

- 4.1 Before starting work, the respective Elected Official, Department Head, or Supervisor of a new employee will go over their copy of the HCP and each SDS applicable to their job. Before any new chemical is used, all employees will be informed of its use, will be instructed on safe use, and will be trained on hazards associated with the new chemical. All employees will attend additional training, as appropriate, to review the HCP and SDS. Appropriate library reference material will also be discussed during the training session(s).
- 4.2 The minimum orientation and training for a new employee is as follow:
- a) an overview of the requirements contained in the Texas Hazard Communication Act
  - b) location and availability of the written HCP
  - c) location of SDS file and location of hazardous inventory list
  - d) interpreting labels and SDS sheets
  - e) chemical hazards present in their workplace operations and this office
  - f) acute and chronic effects of workplace chemical hazards
  - g) methods and observation techniques used to determine the presence of, and release of, hazardous chemicals in the work area

- h) how to lessen or prevent exposure to these hazardous chemicals through usage of control/work practices and personal protective equipment
- i) steps taken by Tyler County to lessen or prevent exposure to the chemicals listed on the inventory list
- j) emergency and first aid procedures to follow if exposed to hazardous chemicals
- k) handling, clean up, and disposal procedures

- 4.3 Prior to a new chemical hazard being introduced into any section of the workplace, each employee will be given information and training as outlined above
- 4.4 After attending the training class, each employee will sign a form to verify that they attended the training, that the written HCP is made available for review, and that he/she understands the HCP.
- 4.5 Before entering an establishment, a Tyler County employee will ascertain what hazards they may be exposed to and take appropriate action to protect themselves. If the employee has any questions about what protection they need, they will contact their Department Head or Supervisor immediately.

**WORKPLACE CHEMICALS - HSC Article 502.005 and TAC 25 Article 295.4**

- 5.5 Tyler County will develop and maintain a list of hazardous chemicals normally present in the workplace in excess of 55 gallons or 500 pounds in aggregate amount. This Workplace Chemical List will be developed for each workplace where such quantities of hazardous chemicals are used or stored and will be available for review by employees and their designated representatives.
- 5.6 The Elected Official, Department Head or Supervisor will be responsible for reviewing and updating the Workplace Chemical List as necessary, but at least by December 31st of each year.
- 5.7 The Workplace Chemical List will be maintained for at least 30 years. This list shall contain the old format, Material Safety Data Sheets (MSDS), and the new format, Safety Data Sheets (SDS).
- 5.8 Further information on chemicals listed on the Workplace Chemical List can be obtained by referring to the Safety Data Sheet (SDS) located in each workplace where these chemicals are used or stored.

**NON-ROUTINE TASKS**

- 6.1 Before any non-routine task is performed, employees shall be advised and/or they must contact their Elected Official, Department Head, or Supervisor for special precautions to follow, and he/she shall inform any other personnel who could be exposed.
- 6.2 In the event such tasks are required, the Elected Official, Department Head, or Supervisor will provide the following information about such activity as it relates to the specific chemicals expected to be encountered:
  - A) specific chemical name (s) and hazard (s)
  - B) personal protective equipment required and safety measures to be taken
  - C) measures that have been taken to lessen the hazards including ventilation, respirators, presence of other employee (s), and emergency procedures.

**OTHER PERSONNEL EXPOSURE (CONTRACTORS)**

- 7.1 It will be the responsibility of official in charge of project to provide other personnel or outside contractor(s) with the following information:
- A) hazardous chemicals to which they may be exposed while in the workplace
  - B) measures to lessen the possibility of exposure
  - C) location of SDS for all hazardous chemicals
  - D) procedures to follow if they are exposed.
- 7.2 The official in charge of a project will also be responsible for contacting each contractor before work is started to gather and disseminate any information concerning chemical hazards the contractor is bringing into the workplace, and vice versa.

**REPORTING EMPLOYEE DEATHS AND INJURIES - HSC Article 502.012 and TAC 25, Article 295.9**

- 8.1 Tyler County will notify the Texas Department of State Health Services, Environmental Hazards Unit, Hazard Communication Program, Division for Regulatory Services, Enforcement Unit, of any employee accident that involves a hazardous chemical exposure or asphyxiation, and that is fatal to one or more employees or results in the hospitalization of five or more employees.
- 8.2 The Elected Official, Department Head, or Supervisor will be responsible for reporting all such accidents to the Texas Department of State Health Services, Environmental Hazards Unit, Hazard Communication Program Division for Regulatory Services, Enforcement Unit, within 48 hours after their occurrence.

Notifications will be made either orally or in writing to:

Texas Department of State Health Services - Environmental Hazards Unit  
Hazard Communication Program,  
P.O. Box 149347, MC 1987  
Austin, TX 78714-9347  
Phone: 1-800-293-0753  
Fax: 1-512-834-6726  
eMail: [TxHazComHelp@dshs.texas.gov](mailto:TxHazComHelp@dshs.texas.gov)

Division of Regulatory Services - Enforcement Unit  
1100 West 49th St.  
Austin, TX 78756  
Phone: 512 834-6665  
Fax: 512 834-6606

- 8.3 Employees will be responsible for reporting all accidents involving a hazardous chemical to their supervisor.
- 8.4 Supervisors will be responsible for reporting all accidents involving hazardous chemicals to the Elected Officials or Department Head.

**POSTING THE NOTICE TO EMPLOYEES - HSC Article 502.0017 and TAC 25, Article 295.12**

- 9.1 Tyler County will post and maintain in all workplaces where hazardous chemicals are used or stored the most current version of the TDH Notice to Employees, informing employees of their rights under the THCA.
- 9.2 The Notice to Employees shall be clearly posted and unobstructed at all locations in the workplace where notices are normally posted, and with at least one location in each workplace.
- 9.3 In workplaces where employees that have difficulty reading or understanding English may be present, a copy of the Notice, printed in Spanish, will be posted together with the English version of the Notice.

## **PERSONAL PROTECTIVE EQUIPMENT- HSC Article 502.017 and TAC 25 Article 295.12**

- 10.1 Tyler County will provide appropriate personal protective equipment (PPE) to all employees who use or handle hazardous chemicals.
- 10.2 The Elected Official, Department Head or Supervisor will assume overall responsibility for the PPE program and will ensure that appropriate equipment and training are provided to include:
  - A) Routes of entry
  - B) Permeability of PPE material
  - C) Duties being performed by the employee
  - D) Hazardous chemicals present
  - E) Proper fit and functionality of PPE as described by the manufacturer's specifications.
  - F) Appropriate maintenance and storage of PPE.

## **MAINTAINING EMPLOYEE RIGHTS - HSC Article 502.017 and TAC 25 Article 295.12**

- 11.1 Tyler County shall not discipline, harass, or discriminate against any employee for filing complaints, assisting inspectors of the Texas Department of State Health Services, participating in proceedings related to the Act, or exercising any rights under the Act.
- 11.2 Employees cannot waive their rights under the Texas Hazard Communication Act. A request or requirement for such a waiver by an employer is a violation of the Act.

## **EXEMPTIONS**

- 12.1 Per Section 502.004(f), the following chemicals are exempt from the requirements of the THCA and are outside the scope of this written program:
  - A) Hazardous waste that is subject to regulation by the Texas Natural Resources Conservation Commission and/or the U.S. Environmental Protection Agency
  - B) A chemical in a laboratory under the direct supervision or guidance of a technically qualified individual if: Labels on incoming containers of chemicals are not removed or defaced, this employer complies with Sections 502.006 and 502.009 of the THCA with respect to laboratory employees; and the laboratory is not used primarily to produce hazardous chemicals in bulk for commercial purposes
  - C) Tobacco or tobacco products
  - D) Wood or wood products
  - E) Articles formed to a specific shape or design during manufacture and that does not release or otherwise result in exposure to a hazardous chemical under normal conditions of use
  - F) Food, drugs, cosmetics or alcoholic beverages
  - G) Consumer products or hazardous substances used in the workplace in the same manner as normal consumer use and if the use results in a duration and frequency of exposure that is not greater than exposures experienced by a consumer
  - H) Radioactive waste

## **DEFINITIONS**

- A. **"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).
- B. **"Categories of Hazardous Chemicals"** A grouping of hazardous chemicals with similar properties.
- C. **"Container"** Any bag, barrel, bottle, box, can, cylinder, drum, ration 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 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.

- D. **"Employee"** A person who may be or may have been exposed to hazardous chemicals in the person's workplace under normal operating conditions or foreseeable emergencies. Workers such as office workers or accountants who encounter hazardous chemicals only in non-routine, isolated instances are not employees for purposes of this Act.
- E. **"Expose"** Subjecting an employee to a hazardous chemical in the course of employment through any route of entry, including inhalation, ingestion, skin contact, or absorption. The term includes potential, possible, or accidental exposure under normal conditions of use or in a reasonable foreseeable emergency.
- F. **"Hazardous Chemical" or "Chemical"** An element, compound, or mixture of elements or compounds, that is a physical hazard or a health hazard.
- G. **"Health Hazard"** A chemical for which acute or chronic health effects may occur in exposed employees and which is a toxic agent, irritant, corrosive, or sensitizer.
- H. **"Label"** Any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals, and which includes the same name as on the material safety data sheet.
- I. **"Safety Data Sheet (SDS)"** An updated format of the previously used Material Safety Data Sheet (MSDS). This document contains chemical hazard and safety handling information that is prepared in accordance with the requirements of the federal Occupational Safety and Health Administration (OSHA) and the Globally Harmonized System (GHS) standard for that document. A current SDS is one which contains the most recent significant hazard information for the hazardous chemicals as determined by the chemical's manufacturer.
- J. **"Material Safety Data Sheet (MSDS)"** A previously used format of the current Safety Data Sheet (SDS). This document contains chemical hazard and safety handling information that is prepared in accordance with the past requirements of the federal Occupational Safety and Health Administration (OSHA).
- K. **"Physical Hazard"** A chemical which is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water-reactive.
- L. **"Personal Protective Equipment"** Protective equipment provided to an employee by the employer which 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.
- M. **"Stationary Process Container"** A tank, vat, or other such container which holds different hazardous chemicals at different times.
- N. **"Technically Qualified Individual"** An individual with a professional education and background working in the research or medical fields, such as a physician or registered nurse, or an individual holding a minimum of a bachelor's degree in a physical or natural science.
- O. **"Work Area"** A room, defined space, utility structure, or emergency response site in a workplace where hazardous chemicals are present, produced, or used, and where employees are.
- P. **"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 a complex of buildings, but could be for a portion of a building if the employer chooses. Noncontiguous properties are always separate workplaces, in which case they can be either work areas of a headquarters' workplace or separate workplaces, which is at the discretion of the employer.

Signed on this the 8th Day of April, 2024

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Milton Powers, County Judge

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Joe Blacksher, Commissioner PCT 1

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Doug Hughes, Commissioner PCT 2

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Mike Marshall, Commissioner PCT 3

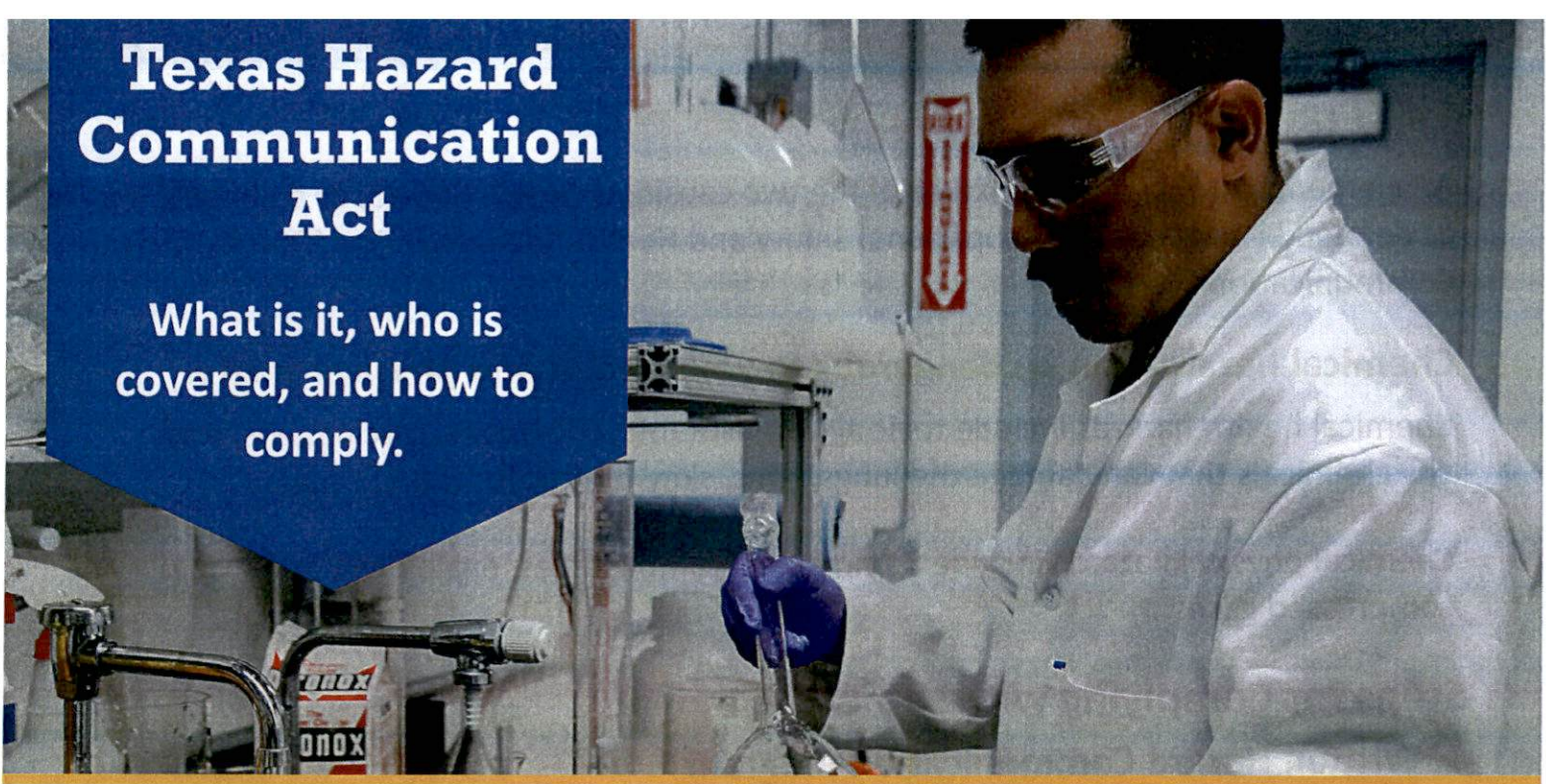
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Buck Hudson, Commissioner PCT 4

DRAFT

# Texas Hazard Communication Act

What is it, who is covered, and how to comply.



## Texas Hazard Communication Act (THCA)

The Texas Hazard Communication Act (THCA) is a state "worker right-to-know" law. It requires public employers to provide their employees with information and training on hazardous chemicals employees regularly use.

The Texas Department of State Health Services (DSHS) conducts THCA compliance inspections at public employers' workplaces across Texas.

### Public Employers include:

- Municipalities
- Counties
- State agencies
- Public schools
- Public colleges and universities
- Volunteer emergency service organizations



***DSHS conducts THCA compliance inspections at public employers' workplaces across Texas.***



## What is a Hazardous Chemical?

An element, compound, or mixture of the two causing a health hazard, or a physical hazard as defined by the federal Occupational Safety and Health Administration (OSHA) Hazard Communication Standard.

### **Chemical hazards can be dangerous to your health and physical safety.**

Chemical health hazards include toxic agents, irritants, corrosives, carcinogens, and any chemicals that can damage the lungs, eyes, skin, or mucous membranes.

Chemical physical hazards include flammables, combustibles, explosives, and compressed gases.

## Steps for Complying with the THCA

### 1. Written Hazard Communication Program

The THCA requires public employers to develop, implement, and maintain a written [Hazard Communication \(HazCom\) Program](#) for the workplace that describes how the requirements specified in the THCA will be met.

### 2. Workplace Chemical List

A [Workplace Chemical List](#) must be compiled and maintained in the workplace if a public employer has the same chemical in an aggregate amount in excess of 55 gallons or 500 pounds, even though such chemicals may be present below these thresholds in each work area.

### 3. Safety Data Sheets

[Safety Data Sheets](#) (SDSs) must be readily available for each chemical onsite regardless of quantity. SDSs may be stored electronically or in paper format.

### 4. Chemical Container Labels

Public employers are required to ensure that hazardous chemical containers and secondary hazardous chemical containers in the workplace are [labeled in compliance](#) with the THCA, Chapter 502 of the Texas Health and Safety Code.

### 5. Employee Training Program and Five Years of Training Records

Five years' worth of [training records](#) of the Employee Training Program must be maintained and be available during an inspection for review.

## 6. “Notice to Employees” Signs Posted in Common Areas

A current version of the [workplace notice](#) must be clearly posted and unobstructed at all locations in the workplace where notices are normally posted.

## 7. Personal Protective Equipment (PPE)

The THCA says employers “shall provide [appropriate PPE](#) to employees who may be exposed to hazardous chemicals in their workplace” and shall provide “a level of protection to chemicals to which the employee may be exposed that will be adequate to ensure their health and safety.”

## 8. Reporting Hospitalizations and Fatalities

Employee chemical accidents that result in hospitalization of 5 or more employees or one or more employee fatalities must be reported by Public Employers to the DSHS Hazard Communication Program within 48 hours.

### THCA Compliance Quick Checklist:

- |   |   |
|---|---|
| <input type="checkbox"/> Written Hazard Communication Program                         | <input type="checkbox"/> “Notice to Employees” Signs Posted in Common Areas |
| <input type="checkbox"/> Workplace Chemical List                                      | <input type="checkbox"/> Personal Protective Equipment (PPE)                |
| <input type="checkbox"/> Safety Data Sheets (SDSs)                                    | <input type="checkbox"/> Reporting Hospitalizations and Fatalities          |
| <input type="checkbox"/> Chemical Container Labels                                    |   |
| <input type="checkbox"/> Employee Training Program and Five Years of Training Records |   |

*\*Employee interviews will be conducted during inspections.*

For more information, please visit [dshs.texas.gov/hazcom](https://dshs.texas.gov/hazcom). If you have a question, please contact the DSHS Hazard Communication Program at 1-800-293-0753 or by email at [hazcomhelp@dshs.texas.gov](mailto:hazcomhelp@dshs.texas.gov). All DSHS Hazard Communication Program publications can be found at [dshs.texas.gov/hazcom/publications.aspx](https://dshs.texas.gov/hazcom/publications.aspx).

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