

● WORKER AND COMMUNITY RIGHT-TO-KNOW ACT

STATUTORY CITATION: 35 Pa. Stat. §§ 7301 – 7320

GENERAL SUMMARY: Apart from protective provisions applicable to the public at large, the Worker and Community Right-to-Know Act grants employees the right to receive certain information from their employers regarding chemicals used in the workplace and health hazards posed by the use of or exposure to hazardous substances on the job. The Act further requires employers to conduct educational programs for those employees who may be exposed to such substances in their normal work area. These provisions generally apply to all workers in Pennsylvania except domestic and casual laborers employed at the employer's residence.

SPECIFIC TERMS AND CONDITIONS

POSTING — Every employer must post, at a location to which workers normally have free access during the course of a normal day's work, (1) a list of all hazardous substances found in the workplace, and (2) a notification advising the workers of their entitlement to written information on such substances and their other rights under the Act.

AVAILABILITY OF INFORMATION — Within 5 days of receipt of a written request for such information from a worker or a worker's representative, an employer must furnish a material safety data sheet or hazardous substance fact sheet for any hazardous substance or hazardous mixture present in any of the employer's workplaces. If the requested information is in the employer's possession and the employer fails to respond to the request within the prescribed timeframe, the worker has the right to refuse to work with the hazardous substance involved, without penalty, until the information is provided.

DESCRIPTION OF INFORMATION — A material safety data sheet is a document prepared by the manufacturer or supplier which contains such information as (1) the chemical, trade and common names of the product, (2) its chemical and physical properties, (3) the health and safety hazards posed by the substance, (4) the permissible exposure levels and signs of overexposure, (5) the potential routes of exposure, (6) emergency first-aid procedures, and (7) the personal protective equipment to be worn and other precautions to be followed. A hazardous substance fact sheet, on the other hand, is a document prepared by the state enforcement agency to transmit information about a hazardous substance to employers, employees or members of the general public.

EDUCATIONAL PROGRAM — At least once a year, employers must provide an education and training program for employees exposed to hazardous substances or hazardous mixtures in their normal work area. The program may be in written or oral form, but in either case must cover such topics as the location of each hazardous material in the workplace, its properties, its chemical and common names, its acute and chronic effects, the symptoms of overexposure, appropriate personal protective equipment, conditions for safe use, appropriate emergency treatment, and emergency procedures for dealing with spills and other accidents.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Health and Safety Division, Bureau of Workers' Compensation, Pennsylvania Department of Labor and Industry, Harrisburg, Pennsylvania 17104 (717-772-1635).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*