

Optional Information

Name of School:

Date of Inspection:

Vocational Program/Course/Room:

Signature of Inspector:

**Right to Know (RTK)
Self Inspection Checklist**

Guidelines: This checklist covers many of the regulations issued by the New Jersey Department of Health in N.J.A.C. 8:59 for compliance with the Worker and Community Right to Know Act and amendments to the Act (Bill S-7) signed into law on November 13, 1995. It applies to school district *employees at all facilities*. The New Jersey Department of Education in N.J.A.C. 6:53, Vocational Education Safety and Health Standards, also requires that hazardous substances be stored, handled and used in accordance with N.J.A.C. 8:59. Training and education requirements are now part of the Public Employees Occupational Health Program Hazard Communication Standard (N.J.A.C. 12:100-7 per USDOL-OSHA 29 CFR 1910.1200). The Hazard Communication checklist should be used along with this checklist. Definitions of underlined terms are provided at the end of the checklist to help you understand some of the questions. Implementation of some or all of the "Right to Know" regulations may not be the individual classroom teachers' responsibility. The questions which are most likely not the responsibility of the individual teacher are marked with an asterisk (*).

Comments/Corrective Action:

Right to Know Survey

Please Circle

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| 1.* | Have all <i>hazardous substances</i> on the New Jersey Right to Know Hazardous Substance List (other than <i>carcinogens</i> , <i>mutagens</i> , or <i>teratogens</i> on the Special Health Hazard Substance List) been reported on the Right to Know Survey if they are in pure form, if they constitute more than one percent of a mixture, or if they are present in the aggregate of 500 pounds or more in a container regardless of the percentage of the substance in the mixture? [N.J.A.C. 8:59- 2.2(a)] | Y N N/A DK |
| 2.* | Are <i>carcinogens</i> , <i>mutagens</i> , or <i>teratogens</i> on the Special Health Hazard Substance List reported on the Right to Know Survey if they constitute more than one-tenth of one percent (0.1%) of a mixture? [N.J.A.C. 8:59-2.2(a)] | Y N N/A DK |
| 3.* | Has the approved common chemical name (as listed on the RTK Hazardous Substance List) and the Chemical Abstracts Service (CAS) number been reported on the Right to Know Survey for each <i>hazardous substance</i> ? [N.J.A.C. 8:59-2.2(a)] | Y N N/A DK |
| 4.* | Are the synonyms substituted on the survey or on labels the same as those listed on the New Jersey Department of Health RTK Hazardous Substance List? [N.J.A.C. 8:59-2.2(a) & 5.7] | Y N N/A DK |
| 5.* | Have the names of the products containing the <i>hazardous substances</i> been listed in alphabetical order on the Right to Know Survey as well as the type of container, the greatest amount of product in the prior 12 months, the physical state of the product, the number of employees exposed or potentially exposed to the product, and the exact location of the product on site? [N.J.A.C. 8:59-2.2(a)] | Y N N/A DK |

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6.* Have the names of the *hazardous substances* in a product been listed in alphabetical order underneath the product name on the Right to Know Survey as well as the New Jersey Right to Know Hazardous Substance List Substance Number, Chemical Abstracts Service number (CAS), United States Department of Transportation Hazardous Materials Identification Number (DOT No.), percentage of the hazardous ingredients in the product (mixture), and the Special Health Hazard Codes of the ingredients? [N.J.A.C. 8:59-2.2(a)] Y N N/A DK

7.* Have the inventory pages on the Right to Know Survey been divided into large quantities of hazardous products at a single location and all other products called small quantities? [N.J.A.C. 8:59-2.2(a)] Y N N/A DK

Note: Large quantities are defined as products present in a quantity greater than 100 pounds, gallons or cubic feet (inventory range codes 12 through 20).

8.* Where common chemical names or CAS numbers of product ingredients are unknown, are written records available which show at least two efforts to obtain this information from the supplier or manufacturer of the product? [N.J.A.C. 8:59- 2.2(e)] Y N N/A DK

Note: Examples of written records include letters or documented phone calls.

9.* Have all *hazardous substances* stored by subcontractors at your facility been reported on the Right to Know Survey? [N.J.A.C. 8:59-2.2(h)] Y N N/A DK

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| 10.* | Have you obtained Safety Data Sheets for all products present at your <i>facility</i> ? [N.J.A.C. 8:59-2.2(b) & (i)] | Y N N/A DK |
| 11.* | Are records available, such as manufacturers' Safety Data Sheets, by which an inspector can identify which <i>hazardous substances</i> are in which products? [N.J.A.C. 8:59-2.2(b)] | Y N N/A DK |
| 12.* | Has the Certification of Right to Know Education and Training Programs been completed in the Right to Know Survey? [N.J.A.C. 8:59-6.1(d)] | Y N N/A DK |
| 13.* | If the common chemical name and Chemical Abstracts Service number of all <i>hazardous substances</i> needed to complete the Right to Know Survey cannot be obtained, has the form entitled "Products with Unknown Ingredients" supplied by the New Jersey Department of Health been completed for the products and submitted with the Right to Know Survey? [N.J.A.C. 8:59-2.2(f)] | Y N N/A DK |
| 14.* | Has a complete Right to Know Survey been submitted every five years? [N.J.A.C. 8:59-2.1 and Bill S-7, November 13, 1995] | Y N N/A DK |

Note: During the interim years, a public employer only needs to report new hazardous substances which come into the facility during the year. Deletions to the inventory and changes in quantity are not required to be reported. Also, a specific deadline of July 15th has been set for the return of the Right to Know Survey (every five years) and Survey Update (interim years). The survey only has to be completed when a blank survey form is received from the New Jersey Department of Health.

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- 15.* Has an original Right to Know Survey been sent to the New Jersey Department of Health and copies sent to: [N.J.A.C. 8:59-2.1(d)]
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|----|--|---|---|-----|----|
| a. | the county health department, county clerk or designated county lead agency? | Y | N | N/A | DK |
| b. | the local health department? | Y | N | N/A | DK |
| c. | the local fire department? | Y | N | N/A | DK |
| d. | the Local Emergency Planning Committee? | Y | N | N/A | DK |
| e. | local police department? | Y | N | N/A | DK |
- 16.* Has the Right to Know Survey been completed and distributed within 90 days of receipt? [N.J.A.C. 8:59-2.1(d)]
- 17.* Has a copy of the Right to Know Survey been kept for the school's central file? [N.J.A.C. 8:59-7.2(a)]

Labeling

- 18.* Have all *containers* not exempted or excluded below been labeled with the official chemical or approved common chemical names (see below) and CAS numbers of the five most predominant ingredients AND any *hazardous substances* in the *container* down to 1.0% (or 0.1% for carcinogens, mutagens and teratogens)? [N.J.A.C. 8:59- 5.1(c)]
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|--|--|---|---|-----|----|
| | | Y | N | N/A | DK |
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Exclusions:

- *Containers* labeled according to certain federal regulations that govern pesticides, transportation, food, drugs, PCBs, cosmetics, gas lines, waste material and radioactive materials are partially or fully exempted. [N.J.A.C. 8:59-5.1(d) & 5.5]
- Fire extinguishers, drinking water, certain consumer products, toilets, sinks, fuel in a motor vehicle, bars of soap, chalk, polaroid film, dry cell batteries, glue sticks, photocopier toners and developers in self-contained cartridges, grinding wheels, pens, pastels, thermometers, typewriter correction fluid, temporary small *containers* filled by an *employee* and used only by that *employee* during a workshift, solid articles which do not change form or pose any health hazard, *process containers*, and substances constituting less than one percent of a mixture (or, for Special Health Hazard Substances, less than one-tenth of a percent) do not have to be labeled. [N.J.A.C. 8:59-5.6]
- All offices used for office work are exempt from labeling containers in the office. Rooms in office buildings that are used for storage of cleaning supplies, printing, storage of maintenance materials, and other non-office work activity are *not* exempt.

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- Containers that are two kilograms (4.4 pounds) or two liters (0.53 gallons) or smaller do not have to be labeled *if* they are labeled according to the OSHA Hazard Communication Standard, 29 CFR 1910.1200 and do not contain Special Health Hazard Substances which are included in the Special Health Hazard Substance List.

Note: The labeling exemptions are complex and are not completely defined above. Please consult the N.J.A.C. 8:59 for details. If an employer does not know the chemical name and Chemical Abstracts Service number of the components in a container, it shall make a good faith effort to obtain this information from the manufacturer or supplier. A good faith effort shall consist of two contacts by letter and/or documented phone call to the manufacturer or supplier. The employer shall maintain this written documentation of its good faith effort.

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| 19.* | Are labels affixed to <i>containers</i> which are two kilograms or two liters or smaller which contain Special Health Hazard Substances? [N.J.A.C. 8:59-5.6] | Y N N/A DK |
| 20.* | Have all <i>containers</i> in which more than one percent of the contents are unknown been labeled "Contents Unknown" or "Contents Partially Unknown," as appropriate? [N.J.A.C. 8:59-5.1(b)] | Y N N/A DK |

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21.* Are labels affixed to *containers* within 5 days of arrival at the *facility* or when opened, if sooner? [N.J.A.C. 8:59-5.1(d)] Y N N/A DK

Note: *Containers* that are packed within properly labeled larger containers need not be labeled until they are removed from the larger *container*.

22.* Are all labels durable, easy to read, and prominently displayed? [N.J.A.C. 8:59-5.8] Y N N/A DK

23.* Are *containers* stored by a subcontractor at the *facility* properly labeled? [N.J.A.C. 8:59-5.10] Y N N/A DK

24.* Are pipelines labeled at the valve or valves where the substance enters the *facility* and at normally operated valves, outlets, vents or drains that would release a substance from the pipeline? [N.J.A.C. 8:59-5.2] Y N N/A DK

Right to Know Poster

25.* Has the Right to Know Poster, provided by the New Jersey Department of Health upon request, been posted on bulletin boards, or in other conspicuous areas, to inform *employees* of their rights? [N.J.A.C. 8:59-6.3(d) and 7.2(b)] Y N N/A DK

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Right to Know Central File

- 26.* At each *facility* with *hazardous substances* is there a central file which contains the following? [N.J.A.C. 8:59-7.2(a)] Y N N/A DK
- a. Right to Know Survey
 - b. Appropriate Hazardous Substance Fact Sheets
 - c. Right to Know Hazardous Substance List
 - d. Safety Data Sheets
- 27.* Are *employees* who request copies of the RTK Survey, Hazardous Substance Fact Sheets, or Safety Data Sheets, given this information as soon as possible or within 5 working days of the request? [N.J.A.C. 8:59-7.2] Y N N/A DK
- 28.* Are provisions made to provide a Spanish translation of the Right to Know Survey, relevant Hazardous Substance Fact Sheets, and if applicable, Safety Data Sheets to *employees* whose native language is Spanish? [N.J.A.C. 8:59-7.2(c)] Y N N/A DK

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Definitions:

Carcinogen is a substance that can directly, or after transformation, act to initiate or promote the development of malignant neoplasia.

Container means a receptacle used to hold a liquid, solid, or gaseous substance, including, but not limited to, bottles, pipelines, bags, barrels, boxes, cans, cylinders, drums, cartons, vessels, vats, and stationary or mobile storage tanks. Container shall not include process *containers* or building structures that are not capable of holding liquids, solids, or gases.

Employee shall have the same meaning as *public employee*.

Employer

As defined per N.J.A.C. 7:1G:

"Employer" means any person or corporation, regardless of whether he or she pays employees, in the State of NJ who is engaged in business operations having the following listed United States North American Industry Classification System (NAICS) codes, dated and published in 2002 by the Executive Office of the President, Office of Management and Budget, ISBN 0934213-87-9 (NTIS PB 2002-502024), subject to the specified exceptions and limitations:

...

Industry code 541712: Research and development in the physical, engineering and life sciences (except biotechnology), except facilities engaged in commercial physical and biological research; and, noncommercial research organizations (physical engineering and life sciences). ...

Exposed means that a public *employee* is subjected to a hazardous chemical in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, etc.), and includes potential (for example, accidental or possible) exposure.

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Facility is the building, equipment and contiguous area at a single location used for the conduct of business and shall include any area where employees are periodically assigned. Remote installed equipment that is not located in a building, which an employee may occasionally repair, maintain, check for proper operation, expand, remove, or replace shall be considered part of the facility from which employees are assigned to perform this work.

Hazardous substance means any substance, or substance contained in a mixture, included on the hazardous substance list developed by the New Jersey Department of Health pursuant to N.J.S.A. 34:5A-5, introduced by an employer to be used, studied, produced, or otherwise handled at a facility. Note: There are exclusions from this definition - See N.J.A.C. 8:59-1.3.

Mutagen is an agent capable of disturbing the integrity of the hereditary mechanism of the cell or organism.

Potential exposure includes exposure resulting from foreseeable emergencies such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which could result in an uncontrolled release of a hazardous substance into the workplace and exposure to a public *employee*.

Process container means a container, excluding a pipeline, the content of which is changed frequently; or a container of 10 gallons or less in capacity, into which substances are transferred from labeled containers, and which is intended only for the immediate use of the employee who performs the transfer; or a container on which a label would be obscured by heat, spillage or other factors; or a test tube, beaker, vial, or other container which is routinely used and reused. The contents of a container will be deemed to be "changed frequently" if the contents are changed at least once per shift. "Routinely used and reused" shall not include the situation where the same substances are continually being added and removed from the process container as in a continuous flow process.

Public employee means any paid full-time or part-time salaried, seasonal or hourly worker of a covered public employer, and shall include volunteer firefighters and volunteers who work for a covered public employer.

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Technically qualified person means 1) For training purposes, a person who is a registered nurse or a Certified Industrial Hygienist, or has a bachelor's degree in industrial hygiene, environmental science, health education, chemistry; or a related field and understands the health risks associated with exposure to hazardous substances; 2) For training purposes, a person who has completed at least 30 hours of hazardous materials training offered by the New Jersey State Safety Council, an accredited public or private educational institution, labor union, trade association, private organization or government agency and understands the health risks associated with exposure to hazardous substances, and has at least one year of experience supervising *employees* who handle hazardous substances or work with hazardous substances. The 30 hour requirement may be met by the combination of one or more hazardous materials training courses; 3) a person who has successfully completed a Department of Health approved instructor training course; or 4) For training purposes, a person who has received certification pursuant to N.J.A.C. 8:59- 12.

Teratogen is a substance which acts during pregnancy to produce a physical or functional defect in the conceptus or offspring.

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