



OSHA Hazard Communication Requirements

The County has generally implemented the required practices. However, control weaknesses combined with vague and confusing language of federal requirements increases the risk of future non-compliance.

February 2018

**A Report to the
Jackson County
Board of Commissioners**

Commissioners

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Review Purpose

We started this review to answer one straightforward question:

Are departments in compliance with the “SDS” requirement?

As we conducted the audit, we became aware of two related topics that need to be addressed in order to increase the likelihood of future compliance:

1. Regardless of today’s level of compliance, an appropriate system of control is needed to assure future compliance.
2. Clarification regarding the use of online and hardcopy SDS is needed.

Basic Background Information - Safety Data Sheets (SDS)

SDS are informational sheets prepared by product manufacturers. SDS provide information regarding the chemical hazards associated with a product, how to store a product, what to do in case of a fire, what the physical or health hazards are, what care can be provided when exposure happens and other related information.

Traditionally, binders filled with SDS were maintained by County departments. Currently, the County also purchased use of an online system. One advantage of the online system is that when a manufacturer updates a product SDS, the online system will automatically update the SDS.

Some individuals prefer hardcopy SDS, some prefer online access to SDS.

Maintaining current SDS is only part of the OSHA regulation. The 6 employer responsibilities comprising the regulation are listed on the following page.

The 6 Basic Requirements of the Regulation

1. The County must have a safety plan
2. New employees must receive training on topics specified by OSHA
3. Employees must be trained when a new hazardous chemical is introduced
4. There must be a Safety Data Sheet (SDS) for each hazardous chemical
5. SDS must be readily available to all employees
6. The SDS for each chemical must be current

The following pages first discuss the organization of the County's Safety Committee and approach to compliance, and then the specific risks and controls relating to each of the 6 basic requirements listed above.

Safety Structure – Safety Committee Program

The County Safety Manual includes the section “Safety Committee Program” (rev Jan 2017).

The Program describes a safety system comprised of three types of safety committees:

1. Centralized Safety Committee – It is made up of Safety Representatives from each department and is charged with developing recommendations for improving the safety and health of its workers.
2. Department Safety Committees – They are tasked with actively promoting safety in their departments and providing safety recommendations that help correct hazardous conditions.
3. Department Safety Meetings – An option for departments with less than 10 employees.

Safety Structure – County Safety Manual

The County has a Safety Manual that includes a section titled “Hazard Communication **Plan** Employee Right to Know.” The Plan is designed to achieve compliance with OSHA’s Hazard Communication 1910.1200 requirements.

The Plan tasks each department with managing its SDS. The Plan states, “The safety data sheets are updated and managed through your department’s safety committee.”

Safety Structure – County Safety Manual

The Plan tasks HR and the Centralized Safety Committee with providing assistance to support the program and with distributing information informing employees of any Plan changes and informing employees where and how they can access the Plan and SDS information.

From a systems perspective, we noted the following challenges

The Plan groups HR and the Safety Committee together when documenting roles and responsibilities and only specifies that they provide support. As a result:

- The Plan does not assign any individual or entity with authority or responsibility for monitoring departmental compliance or reporting non-compliance up the chain of command.
- Individuals are confused as to whether HR can override the Safety Committee.
- HR's roles and responsibilities are not clear. There appears to be a question as to whether HR should be taking more of a leadership role in ensuring that departmental staff with safety responsibilities are trained on how to perform those functions. We note that HR has realized that there is a need for it to take a more active role over SDS and has begun doing so.

Additional Challenges

- In some departments, serving on the safety committee can be a rotational assignment. This combined with a lack of a clear directive as to who is responsible for training these individuals can result in a lack of required knowledge. For example, one individual reported that when she was given responsibility for her department's SDS she assumed someone would train her. No one contacted her and she wasn't sure who to contact.
- Facilities Maintenance has some responsibility for managing aspects of the online system but has no authority to compel departments to use the system or comply with other requirements relating to SDS.

Recommendation Regarding Roles and Responsibilities

A documented across-the-board understanding of each parties role and responsibility is needed. Therefore, the Plan should document:

- Whether HR is to serve as a resource or whether it has oversight responsibility?
- What decisions HR is responsible for and what if any decisions is the Safety Committee responsible for?
- Who is responsible for ensuring that employees responsible for updating and managing SDS are trained on how to use MSDSonline and SDS requirements?
- How is compliance to be monitored and non-compliance reported?

Requirement 1: Safety Plan

The County has a Hazard Communication Plan that includes all the information required by OSHA.



However, the Plan should be updated to clarify and provide direction regarding use of hardcopy SDS and MSDSonline.

Additionally, if roles and responsibilities are clarified, the Plan will need to be updated to reflect these changes.

Requirement 2: New Employee Training

Risk – A new employee will not receive training that includes all the topics required by OSHA.

Process – Each department is responsible for training its new employees.

Control (Countywide) – The current New Employee Orientation Checklist used by the departments includes a checkmark box to be checked/initialed to indicate training was provided.

Assessment of Control Design – The control design provides no assurance that training will include all required information. Moreover, lack of a ‘train the trainer’ program increases the risk that new employees will not be adequately trained.

Recommendations to Improve New Employee Training

HR had developed training material to train employees on changes to the OSHA requirement.

We recommend that HR or the Central Safety Committee now develop a script that can be used to train new employees for all general departments. Scripts will need to be customized as OSHA requires employees to be provided information specific to the employee's work site.

We note that Roads has a documented training script it uses to train employees who work typically involves direct contact with hazardous chemicals.

Additional/Alternative Recommendation

The County had developed a form to be used in documenting that training addressed all required topics. The Form is included in the County Safety Manual but use of the form was never implemented. We found that department staff responsible for training were not aware of the form.

We do not know why it was never implemented but we hypothesize the reason was to eliminate one additional form from the new employee orientation process.

A copy of the form titled Training Confirmation Form is provided on the next page.

Appendix B
Training Confirmation Form
Affected Employee Hazard Communication

I have been informed about the hazardous chemicals that I may be exposed to during my work and I have received training on the following topics:

- The written hazard communication plan.
- How to read labels and review safety data sheets.
- An overview of the requirements in Oregon OSHA's hazard communication rules.
- Hazardous chemicals present in the workplace.
- Physical and health effects of the hazardous chemicals.
- Methods to determine the presence or release of hazardous chemicals in the work area.
- How to reduce or prevent exposure to these hazardous chemicals through use of exposure controls/work practices and personal protective equipment.
- Steps we have taken to reduce or prevent exposure to these chemicals.
- Emergency procedures to follow if exposed to these chemicals.

Note to employee: This form becomes part of your personnel file; read and understand it before signing.

Employee (signature): _____ Date: _____

Employee (print name): _____

Trainer (print name): _____ Date: _____

Requirement 3: Provide Training On New Hazardous Chemicals

In addition to training employees when they are new, if a new hazardous chemical is introduced to their work area then employees must be trained.

Risk – The person responsible for providing training will not be made aware that a new hazardous material (chemical) was purchased. This can occur if employees making purchases are not aware of the requirement and/or if there are ineffective communication channels.

Process – Each department is responsible for providing training as needed.

Control – There is no ‘hard’ control to assure compliance. Employee knowledge of requirement serves as the only control.

Assessment of Control Design – Even though there is no ‘hard’ control the risk of non-compliance does not seem great. Airport, Expo, Roads/Parks are most likely to introduce new hazardous chemicals into the workplace and are likely to be aware of the requirement. Other departments are less likely to have and introduce new hazardous chemicals.

Requirement 4: Maintain an SDS for Each Hazardous Chemical

Risks – An employee will purchase an item and not make the person responsible for SDS aware. Also, an employee may purchase an item and assume it has been purchased before and that an SDS has been obtained and therefore fail to notify the person responsible for SDS.

Process – Each department is responsible for maintaining its own SDS. SDS can be obtained through MSDSONline system and entered into an electronic file within the system.

Key Control – Employee awareness of the requirement serves as the key control.

Assessment of Control Design – Risk varies by department. The more removed (lack of communication) a purchaser is from the person maintaining SDS, the greater the risk.

Requirement 4: Maintain an SDS for Each Hazardous Chemical

Additional Control – Quarterly inspections are required to be performed. As part of the inspection, an inventory should be conducted. The Quarterly Safety Inspection form used by departments has a checkbox for “MSDS/SDS and hazard communication identification information available and current.” The response choices are: Meets Requirements, Needs Improvements, and N/A.

Process – Each department is responsible for completing its quarterly inspections.

Assessment of Control Design

- Per multiple department safety representatives, the inspection is focused on identifying physical hazards and does not include testing to determine if there is SDS for all or a sample of hazardous chemical(s). Also, there appeared to be a perception that with the switch to MSDSonline that the SDS is available and current, therefore, no further review might be needed.
- Though completion of quarterly inspections is monitored, historically there has not been a documented process for reporting non-compliance. HR and the Safety Committee are in the process of strengthening the monitoring process. We recommend that this procedure be documented in writing (e.g., Safety Manual) to ensure an agreed-upon understanding of how non-compliance will be reported and to whom it will be reported to.

Requirement 5: SDS Be Readily Available

Risk – Employee cannot access online system or find a particular SDS in the system.

Process – Employees can access SDS through MSDSonline system online via a computer or other electronic device. Some departments with field workers have hardcopy binders of SDS maintained in the vehicles. Other departments have hardcopy SDS in binders for all or specific locations.

Countywide Control – Online system is the control.

Adequacy of Control Design – It generally works, though some employees don't have computer access or the computer is in a separate location than where they typically work. It can also be difficult to locate a product online. It would help to have access of MSDSonline moved from the County's intranet to a more accessible location (e.g., desktop). We noticed during our review that some departments have already chosen to have an icon placed on the desktop or the MSDSonline web link is bookmarked for easy access.

Requirement 6: The County is Required to have the Most Current Version of the SDS

Process – The online system automatically updates SDS. For departments using hardcopy binders, they need to go online and print copies or ensure that the SDS provided with the product purchase is maintained.

Risk – Departments using hardcopy binders will not be aware of a product SDS update.

Countywide Control – Online system automated SDS updates acts as the control. Employee awareness and diligence is the only control over hardcopy binder users.

Adequacy of Control Design – Online system provides reasonable assurance of compliance.

Recommendation – Hardcopy binder users should establish a time interval (e.g., quarterly, semi-annually, annually) at which review and update of existing SDS occurs.

Review of whether each Department has required SDS

- Airport – They realized they need to do a full inventory review. Uses MSDSONline.
- Assessment – They just need to add printer toner SDS. Uses hardcopy SDS.
- Community Justice – Uses MSDSONline. Transition Center also uses hardcopy SDS.
 - Adult – They were missing a few SDS. Department has added an SDS for these items.
 - Juvenile – A few products had been purchased after last quarterly inspection and an SDS had not been added for these items.
 - Transition Center – They were missing a few SDS. Appeared to be consumer items that staff brought in (e.g., Resolve Carpet Stain Remover).
- County Counsel – Fully Compliant. Uses MSDSONline.
- Development Services – Fully Compliant. Uses MSDSONline.
- District Attorney – Uses MSDSONline.
 - Prosecution – They were missing a few SDS. We informed them of what needs to be added.
 - Victim Assistance/ Family Support – Working towards getting SDS online.

Review of whether each Department has required SDS

- Expo – SDS for one item was not saved to the Expo location on MSDSonline. However, the SDS for the item is easy to locate using a global search on MSDSonline.
- Facilities Maintenance – They have multiple locations on MSDSonline. They were in the process of reviewing all their locations at the time of the audit. We looked at three locations. Of the three locations, one location was lacking SDS. Another location was missing 2/3rds of the SDSs and the last location was missing about half. However, we did not ask the department to double check these items.
- Finance – Fully Compliant. Uses MSDSonline and hardcopy SDS.
- HHS – They are in the process of doing a storage closet by storage closet review. They expect to be done with each MSDSonline location by the end of October.
- Parks – We did walk-through of RV Park. Items selected for review were easy to locate on MSDSonline. Uses hardcopy SDS in certain locations.
- Roads – Fully Compliant. Uses MSDSonline and hardcopy SDS in certain locations.
- Sheriff's Office – Individual assigned to Safety Committee is new in his role. We did not test. Uses hardcopy SDS.

Guidance From OSHA Consultant

The audit team, HR, and members of the Safety Committee met with an OSHA consultant. OSHA consultants advice but their advise is not binding on an OSHA inspector. That said, the consultant advised:

- Hardcopy binders with limited SDS should be kept in some specific work areas that have highly hazardous materials (chemicals) so that the SDS can be quickly accessed. For example, the SDS for the truck washing chemicals is maintained in the Roads' truck wash area.
- The frequency of use and the inherent danger are the determining factors for defining a product as a household chemical (No SDS needed). SDS are needed for hazardous chemicals that are used seasonally.
- Vehicles that stay on property do not need SDS. Vehicles used to travel from one building to another don't need SDS in the vehicle, assuming the SDS will be available at the destination (e.g., Facility Maintenance).

Perceptions as to whether use of the online system is mandatory

Some departments prefer hardcopy SDS to the online system for the following reasons:

- They found hardcopy binders quicker and easier to use than the online database.
- Some locations require a hardcopy SDS to be maintained because clients/inmates do not have access to MSDSonline.
- Purchases come with a current SDS, so the department would just add it to the binder instead of trying to locate it on MSDSonline.
- Departments would have each employee read the SDS that came with the product and have them sign it before putting it in the binder. This way they didn't miss any new chemicals.
- It is safer to have hardcopy SDS in locations with extremely hazardous chemicals for ease of access in case of an emergency.

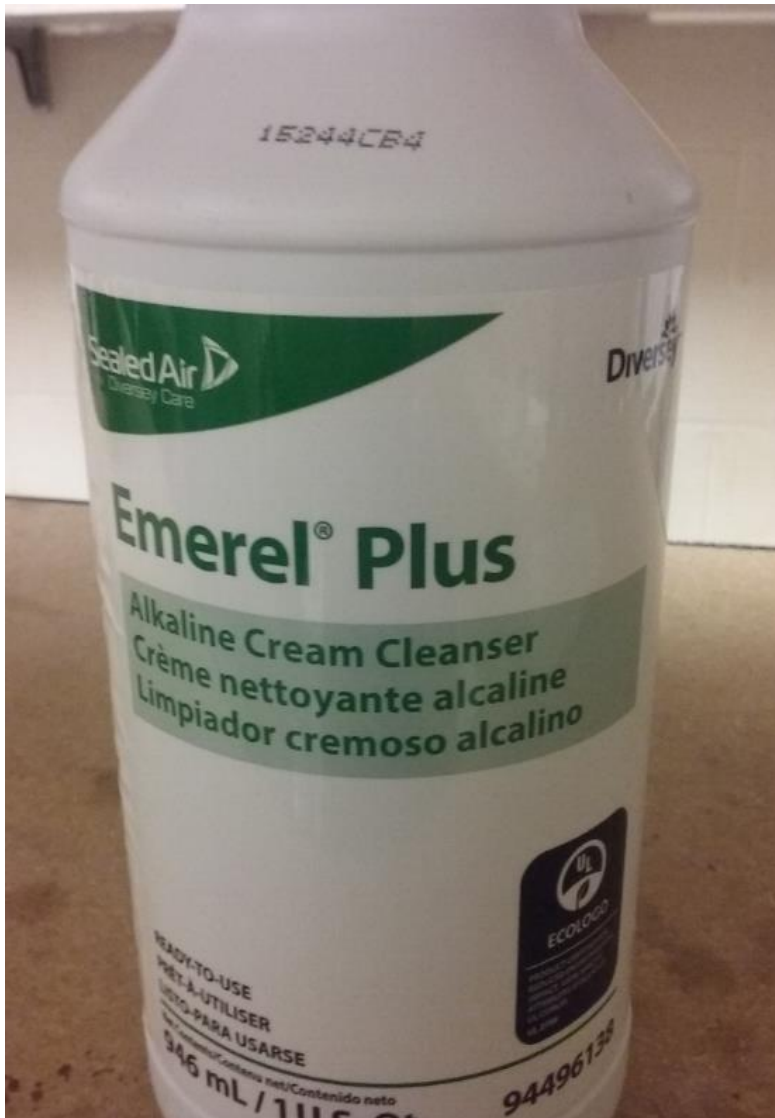
Clear direction is needed so that there is an agreed upon understanding as to whether a department can select which system to use to meet the department's needs.

Inherent challenges in using SDS and achieving SDS Compliance

- SDS are lumped into one location on MSDSONline. For example, Airport has multiple buildings and the SDS for all the buildings are saved under one location (Airport) on MSDSONline. This makes it harder to do an inventory review.
- Maintaining SDS in locations that are used/assessable by clients and inmates.
- Similar products do not always need an SDS for each product. The standard is focused on the chemical. An understanding of the chemical(s) in the product is needed in order to determine if an SDS is needed or not.
- Some items could be considered a consumer product. Therefore, an SDS is not needed. Some departments error on the side of having an SDS for everything, while others do not.

Inherent challenges in using SDS and achieving SDS Compliance





- Changing of products used. This can occur if an employee purchases a product not normally used by the department and an SDS is needed but not obtained. The distributor switches products due to a discontinuation of a product or no longer carries that specific product. In both instances the products (e.g., brake fluid) serve the same function, however, the chemical make-up could be different. Therefore, a new SDS is needed but might not always be obtained.
- We found that naming options can make it difficult to locate an item in the MSDSonline system. For example see the next page.



Example





One Department had the product as depicted to the left. The SDS on file for this product that was purchased through Staples is shown on the bottom of this page. The naming convention used by Staples isn't consistent with the actual product label, which at times can make it difficult to search for. To the right is an MSDSONline search for the product, which shows multiple SDS choices for the product.

Manufacturer: Staples Contract & Commercial, Inc.

CRÈME CLEANSER

Manufacturer: Staples Contract & Commercial, Inc.

	EMEREL PLUS Alkaline Crème Cleanser Cleaning product Manufacturer: Sealed Air Corporation
	Emerel Plus Creme Cleanser Cleaning product Manufacturer: Sealed Air
	Emerel Plus Creme Cleanser - FRENCH Produit de nettoyage Manufacturer: Sealed Air
	Emerel Plus Creme Cleanser Cleaning product Manufacturer: Sealed Air Corporation
	Emerel Plus Creme Cleanser - FRENCH Produit de nettoyage Manufacturer: Sealed Air Corporation
	Emerel Plus Alkaline Creme Cleanser - FRENCH Produit de nettoyage Manufacturer: Sealed Air Corporation
	Emerel Plus Alkaline Creme Cleanser Cleaning product Manufacturer: Sealed Air Corporation
	Emerel Plus Alkaline Creme Cleanser - SPANISH Producto de Limpieza Manufacturer: Sealed Air Corporation Diversey, Inc.
	Emerel Plus RTU Manufacturer: Sealed Air Corporation Diversey, Inc.
	EMEREL PLUS Crème nettoyante alcaline - FRENCH Manufacturer: Sealed Air Corporation Diversey, Inc.
	EMEREL PLUS Limpiador cremoso alcalino - SPANISH Manufacturer: Sealed Air Corporation Diversey, Inc.
	Emerel Plus Multi-Surface Cream Cleanser Cleaning product Manufacturer: Sealed Air Corporation Diversey, Inc.
	Emerel Plus RTU - FRENCH Manufacturer: Sealed Air Corporation

Summary of Recommendations

- There needs to be a documented across-the-board understanding of each party's role and responsibility to ensure compliance with the Hazard Communication Plan. Plan should be updated to reflect any changes to roles and responsibilities.
- Hazard Communication Plan should be reviewed to determine if update is needed to clarify when hardcopy SDS is to be used and when MSDSONline is to be used.
- Ensure that trainers responsible for training new employees understand the OSHA required topics that new employees need to be trained on. Secondly, HR or Central Safety Committee help departments develop a script that can be used to train new employees for all general departments. High risk departments (e.g., Roads) can develop training (or already have) specific to their unique circumstances. **And/Or** Implement use of the form (Training Confirmation Form) that the County appears to have developed specifically as a control to achieve compliance with this requirement.
- We recommend that a monitoring procedure for the quarterly inspections be documented in writing (e.g., Safety Manual) to ensure an agreed-upon understanding of how non-compliance will be reported and to whom it will be reported to. Also, inspectors should be told what the expectation is when reviewing for the SDS requirement during the quarterly inspection.
- Hardcopy SDS users should establish a time interval (e.g., quarterly, semi-annually, annually) at which review and update of existing SDS occurs.
- It would help to have access of MSDSONline moved from the County's intranet to a more accessible location (e.g., desktop).

Management Response



JACKSON COUNTY
Oregon

Human Resources

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January 23, 2018

Eric Spivak
County Auditor
10 S. Oakdale, Room 214
Medford, OR 97501

Dear Eric,

I reviewed the audit of the OSHA Hazard Communication Requirements conducted by the Internal Audit Program, and I agree with the recommendations in the report.

Sincerely,

A handwritten signature in blue ink, appearing to read "Harvey Bragg", is written over a faint horizontal line.

Harvey Bragg
Senior Deputy County Administrator

Audit Objectives

- Determine if the hazard communication plan section of the County's Safety Manual contains all elements required by OSHA.
- Determine if there are adequate controls in place to ensure that new employees are receiving necessary training as required by OSHA.
- Determine if there are adequate controls in place to ensure that employees are provided necessary training whenever a new chemical hazard is introduced into their work area as required by OSHA.
- Determine if there are adequate controls in place to ensure that departments maintain Safety Data Sheets for each hazardous chemical for which they use.
- Determine if MSDSonline (or hardcopy binder) for each department location contains Safety Data Sheets for each hazardous chemical for which they use.
- Determine if departments maintain the Safety Data Sheets in a readily accessible location for employees to access.

Audit Scope and Methodology

The scope consisted of reviewing current practices for a selection of County departments that were considered higher risk and for a few lower risk departments. For the departments selected for review, depending on the quantity of chemicals on hand and the number of locations, we attempted to locate an SDS for all physical products or for a sample of products.

Audit Procedures:

- Reviewed the County Safety Manual.
- Compared the County's Safety Manual with the Federal/State requirements to make sure that the manual incorporates all requirements.
- Reviewed MSDSonline SDS listing and hardcopy SDS and compared to physical products
- Interviewed County employees to gain a sense of current practices over ensuring compliance with the Hazard Communication requirements.
- Reviewed County/Department training resources

Additional Information About the Audit Process

Audit Authority	We conducted our audit in accordance with Codified Ordinance 218 pertaining to the County Auditor. This audit was included in our fiscal year 2017-18 Internal Audit Plan.
Compliance with Government Auditing Standards	We conducted this performance audit in accordance with generally accepted government auditing standards. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.
Confidential or Sensitive Information	We did not withhold information that would be considered sensitive or confidential.

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Please Report Fraud, Waste, Abuse
1-844-237-9697
www.jacksoncounty.ethicspoint.com

Other Recent Audit Reports:
Bloodborne Pathogens

This report is intended to promote the best possible management of public resources. This and other audit reports produced by the Internal Audit Program are available for viewing on the County's [website](#). Printed copies can be obtained by contacting the Internal Audit Program.

