

## THE MICHIGAN RIGHT TO KNOW LAW

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Right-to-know laws are part of business life today. The new Federal Hazard Communication Standard issued by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), took effect on November 25, 1985. The standard regulates an employee's "right to know" on a nationwide basis. Approximately 24 states and numerous municipalities have passed legislation that requires employers to inform employees about hazardous substances with which they work.

The overall intent of right-to-know legislation is to inform employees about known and suspected health hazards that may result from working with toxic substances in their employment environment. Right-to-know legislation assumes that employees have an inherent right to this information so they may make more knowledgeable and reasoned decisions with respect to any personal risks of their employment and the need for correction.

The federal OSHA standards currently apply only to manufacturers, importers, and distributors classified in the Standard Industrial Classification. It preempts state and municipal requirements except where the state plan has been approved by OSHA. State and municipal worker right-to-know laws and regulations, however, usually affect almost every use of hazardous materials regardless of the type or nature of a business.

Michigan's right-to-know law is administered by Michigan Occupational Safety and Health Administration (MIOSHA) and Michigan Department of Labor. MIOSHA enforces provisions of the Federal Standard relative to occupational health, and the Department of Labor administers and enforces the provisions relative to occupational safety. The law became effective May 25, 1986 for employers in the standard industrial classification. Beginning February 25, 1987, all other employers subject to this act must comply with the requirements of the federal standard. The only exemption is for an employer engaged in agricultural operations that are regulated under the Federal Insecticide Fungicide and Rodenticide Act (FIFRA) or the Pesticide Control Act, Act. No. 171 of the Public Acts of 1976.

What are your obligations under the right-to-know law? Section 11 of MIOSHA states an employer shall:

1. Furnish each employee a place of employment free of unrecognized hazards that are causing, or are likely to cause, death or serious physical harm to the employee.
2. Comply with this act and with rules and standards promulgated and the orders issued pursuant to this act.
3. Post notices and use other appropriate means to keep employees informed of their protections and obligations under this act.
4. Provide personal protective equipment at the employer's expense when it is specifically required to be provided at the employer's expense in a rule or standard promulgated under this act. In promulgating a

standard, the promulgating commission shall use at least the following criteria in determining who should pay for the equipment.

- a. Whether the equipment is transferable between employees.
- b. Whether the equipment is maintained by the employer.
- c. Whether the equipment generally remains at the work site after the work activity has been completed.
- d. The amount of personal use involved with the equipment.
- e. Any other criteria deemed applicable by the standards promulgating commission.

Employee training is one of the main thrusts of right-to-know laws. An employer must provide training to employees on hazardous materials in their work area at the time of initial assignment and whenever a new hazard is introduced into their work area. A training program is required to address several areas:

1. A summary of the employees rights and obligations and identification of any operations where hazardous chemicals are present.
2. Convey the location and availability of the list of hazardous materials and the material safety data sheets (MSDS's).
3. Methods and observations that can be used to detect the presence of hazardous materials, the physical and health hazards, and the measures employees can take to protect themselves.
4. The location and availability of the company's written hazard communication program, including an explanation of the labeling system and MSDS's.

Although right-to-know laws amount to more government regulations, they can be beneficial to employers by educating employees to take an active role in protecting themselves from hazardous materials in their work environment. In time, this should help reduce health care costs, reduce worker's compensation expenses, and reduce loss time due to accidents.

Employers may request a copy of the Right-to-Know Law and posters for the workplace from Michigan Department of Public Health, Division of Occupational Health, 3500 North Logan, Lansing, MI 48906, 517/335-8250.

# This Workplace Covered by the Michigan Right To Know Law



Employers must make available for employees in a readily accessible manner, Material Safety Data Sheets (MSDS) for those hazardous chemicals in their workplace.

Employees cannot be discharged or discriminated against for exercising their rights including the request for information on hazardous chemicals.

Employees must be notified and given direction (by employer posting) for locating Material Safety Data Sheets and the receipt of new or revised MSDS(s).

\*Employees may also request MSDS from the Michigan Department of Public Health, Division of Occupational Health, 3500 North Logan, Lansing, Michigan 48906, 517/373-1410.

NEW TELEPHONE #  
(517) 335-8250

SET #2105



# MSDS (s) For This Workplace Are Located At

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LOCATION(S)

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LOCATION(S)

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PERSON(S) responsible for MSDS (S)

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PHONE

**As Required by the  
Michigan  
Right To  
Know Law**



TO BE POSTED THROUGHOUT THE  
WORKPLACE NEXT TO MSDS LOCATION POSTERS

# New or Revised MSDS

NEW OR REVISED  
TITLE

RECEIPT DATE

POSTING DATE

LOCATION OF NEW OR  
REVISED MSDS

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