



# The Right to Know

by Dennis Wilcox

*Editor's note: We have given Jeffrey Gilmore and Michael Loulakis a well-deserved rest this month. The following is reprinted with permission from Contractors Guide.*

**R**ight to know is a phrase you'd better get to know. No term better symbolizes current efforts to protect workers from the harmful effects of hazardous and toxic chemicals in their work environments.

If you are a small contractor whose employees deal with any kind of chemical, then you're going to be part of these efforts soon, if you aren't already.

Here's what you should know:

## Health Hazards

There is simply no way to ignore any longer the health dangers from asphalt, coal tars, solvents, and so on. Bodily contact with—and fumes from—these substances can cause serious health problems, both long- and short-term.

For instance, benzene, a solvent frequently used in the roofing industry, can not only depress the central nervous system, but can attack the body's organs, inflame the skin and lungs, and cause cancer. It is a fire and explosion hazard, too.

## Right-to-Know Laws

Right-to-know laws give workers the "right to know" and be informed about the dangers from substances such as benzene. The laws also provide information and training on how to protect workers from these dangers. They are in effect in more than 20 states, including most of those in the Northeast. Several other states are considering such laws.

In addition—and this is significant—the Occupational Safety and Health Administration (OSHA) is under a court-ordered mandate to study the feasibility of implementing right-to-know regulations in a national law for all industries. There is a strong likelihood that OSHA will develop national regulations within a year but, at the moment, such regulations are in effect only for businesses in the manufacturing sector.

What are right-to-know laws like?

In Illinois, for example, workers have the right to obtain information about toxic substances in their workplaces and to undergo annual training on the use of toxic chemicals. They also can refuse to work with toxic substances without fear of discipline or dismissal.

Employers, meanwhile, must post signs describing employees' rights under the law, label all containers of toxic substances, train their employees, inform their local fire departments that they are using toxic materials, and acquire Material Safety Data Sheets (MSDS) for each toxic

substance they use. An MSDS is a very important item to have in your arsenal of information.

Employers who violate the right-to-know law in Illinois risk penalties of \$1,000 per offense plus punitive damages that can range up to \$20,000. Repeat violators risk fines of \$10,000 per violation.

## Your Liability

If you are a contractor who chooses to ignore protecting your employees because you don't take the dangers seriously, if you operate in a state without worker right-to-know laws, or if you simply don't care—take caution. Employees who become ill from exposure to toxic substances can sue you long after they have left the job.

Such people can claim that you should have warned them about the dangers from these substances, and that you should have protected them from injury. A large-enough judgment could put you out of business.

At the very least, these kinds of lawsuits (whether or not you're directly involved) will send insurance rates higher. This affects everyone, including the employers and contractors who *do* care and are trying to protect their employees.

## A Course of Action

It's imperative that you find out about the products and substances you are using. Learn whether they are dangerous and, if so, how you can protect your employees.

One of the simplest ways to do this is to request an MSDS for every chemical product you use. These sheets specify the ingredients in a chemical product, describe the health hazards, and tell what protection is needed.

All substances and products deemed hazardous by OSHA must have an MSDS, and the manufacturers of these products must make them available upon request.

Once you know about a product, get the necessary safety equipment, such as respirators, protective clothing, or whatever. Make sure the equipment is used—properly and consistently. Don't hesitate to get tough with employees who don't comply.

Also, you should consider having the air quality of inside work areas evaluated.

Another way to protect yourself is to have all new employees get a medical exam. If they become sick at a later date, you'll have a way of knowing whether it's from circumstances under your control.

This is only the beginning of a course of action, and is *under no circumstances* all you can do. But it will put you ahead of the game in which the winners will be those who understand how to protect themselves and use right-to-know laws. ■