

Chemical Hygiene Committee Compliance Policy

Approved: October 26, 2005

Amended: December 15, 2008

It is the aim of the Chemical Hygiene Committee to work cooperatively with principal investigators and laboratory workers to achieve compliance with University safety policies, the Chemical Hygiene Plan and governmental regulations. From time to time, however, it may be necessary when cooperation fails to impose sanctions to achieve compliance. This policy is designed to ensure compliance through a system of phases that applies increasing pressure on a principal investigator to make the appropriate corrective actions. The Chemical Hygiene Committee in conjunction with the Provost has the authority to modify this policy at any time.

Category 1 Deficiencies – Immediate or Imminent Hazards

Category 1 includes issues that represent an immediate or imminent hazard to University Personnel, risk to the environment or potential to cause damage to University facilities. The Department Safety Committee should contact DOHS for guidance should they discover an immediate or imminent hazard.

The following actions are to be taken if the deficiency represents an immediate or imminent hazard:

1. Educate the user and/or Principal Investigator (PI) on what safety policy, rule or best management practice has been violated. Provide information on why the issue is a violation and recommend a course of action to correct the deficiency.
2. An attempt will be made to correct the deficiency immediately.
3. If the issue is not immediately corrected or arrangements to rectify the issue are not immediately made, the Department Chair and PI are notified of the deficiency and the required corrective actions. The PI must immediately correct or make arrangements to correct the deficiency.
4. If immediate actions are not taken, the Director of Occupational Health and Safety will meet with the Chair of the Department, Dean and/or Provost and consider the next course of action. Steps taken can include temporary loss of laboratory privileges or loss of the ability to order or use chemicals.
5. The PI is informed of any restrictions in person, by phone and/or by email. A letter, signed by the Chemical Hygiene Officer and/or Chemical Hygiene Committee Chair, is sent to the PI explaining any restrictions. A copy of the letter is also sent to the Chairperson of the PI's department.
6. Authorization to reinstate privileges will occur only after the PI has appeared in person before the Chemical Hygiene Committee, at a meeting called specifically for that purpose, and satisfactorily explained the measures taken to avoid future deficiencies.
7. Once the PI is re-authorized, DOHS audits the laboratory of the PI once a month until otherwise instructed by the Chemical Hygiene Committee

Category 2 Deficiencies

Category 2 deficiencies include items on the DOHS Laboratory Inspection Form not identified as a Category 1.

The following process shall be followed should a deficiency be identified in a laboratory. These deficiencies can be uncovered or identified by the Department Safety Committee, the Department Chemical Hygiene Officer, or DOHS, or during a quarterly laboratory inspection or any other inspection or audit.

Phase 1

When a deficiency is identified in a laboratory by the Department Safety Committee or DOHS, the following steps are taken:

1. Educate the user and/or Principal Investigator (PI) on what safety policy, rule or best management practice has been violated. Provide information on why the issue is a violation and recommend a course of action to correct the deficiency.

2. An attempt will be made to correct the deficiency immediately.
3. If the deficiency is not or cannot be immediately corrected, the Principal Investigator (PI) is informed of the deficiency in person, by phone and/or by email.
4. If the deficiency is noted by DOHS, DOHS will refer the follow up to the Department Safety Committee.
5. The deficiency is noted on the Lab Inspection Form, which is sent to the PI and the Department Safety Committee, if necessary.
6. The PI is informed on the Lab Inspection Form that a follow-up audit will be conducted and that a repeat of the deficiency will result in a Notice of Violation.
7. Within 90 days, a follow-up audit by the Department Safety Committee is conducted to determine if the PI's corrective actions were successful at eliminating the deficiency.

Phase 2

When a follow up audit identifies the same, or a similar, deficiency the following steps are taken:

1. The PI is informed of the repeat deficiency in person, by phone and/or by email.
2. The Department Safety Committee sends a report to DOHS by email.
3. A Notice of Violation, signed by the Chemical Hygiene Officer and/or Chemical Hygiene Committee Chair, is sent to the PI, copying the Department Chair, requiring that the PI send a written response to the Chemical Hygiene Committee explaining the corrective measures that will be employed to prevent future deficiencies. The PI must respond within 30 days.
4. The Chemical Hygiene Committee reviews the PI's response. If unsatisfactory, the Committee will exercise its judgment to either require more information from the PI or move directly to Phase 3. If satisfactory, the Committee responds to the PI in writing. The PI is informed that another violation of the same requirement anytime in the next 12 months will initiate Phase 3 actions.
5. The laboratory of the PI is audited once a month by DOHS for the next 12 month period.

Phase 3

The following actions are taken if any of the following occur-- 1) the PI does not respond to a Notice of Violation (NOV) within 90 days, 2) the PI's response to the NOV is deemed unsatisfactory by the Chemical Hygiene Committee or 3) the same (or similar) deficiency is noted within 12 months of the Chemical Hygiene Committee's acceptance of the PI's NOV response

1. The Department Chair and PI are notified of the deficiency and the required corrective actions. The PI must immediately correct or make arrangements to correct the deficiency.
2. If immediate actions are not taken, the Director of Occupational Health and Safety will meet with the Chair of the Department and the Dean and consider the next course of action. Steps taken can include temporary loss of laboratory privileges or loss of the ability to order and use chemicals.
3. The PI is informed of these restrictions in person, by phone and/or by email. A letter, signed by the Chemical Hygiene Officer and/or Chemical Hygiene Committee Chair, is also sent to the PI explaining any restrictions. A copy of the letter is also sent to the Chairperson of the PI's department.
4. Authorization to reinstate privileges will occur only after the PI has appeared in person before the Chemical Hygiene Committee, at a meeting called specifically for that purpose, and satisfactorily explained the measures taken to avoid future deficiencies.
5. Once the PI is re-authorized, DOHS audits the laboratory of the PI at an increased frequency until otherwise instructed by the Chemical Hygiene Committee.

Phase 4

If deficiencies continue past the Phase 3 stage, the Chemical Hygiene Committee in consultation with the Dean and Provost will determine the next course of action on a case-by-case basis. This may include temporary or permanent loss of laboratory privileges.

Examples of Category 1 deficiencies include, but not limited too:

1. Working with highly toxic chemicals, reactive material, Hydrofluoric Acid or other extremely dangerous materials without proper training and/or specialized personal protective equipment
2. Improper storage and use of reactive or highly toxic chemicals
3. Improper storage in refrigerators
4. Evidence of improper waste disposal
5. Chemicals, chemical waste and/or gas cylinders stored and used in a manner that represents a hazard to personnel or the environment
6. Excessive quantities of chemicals or flammable liquids or reactive material
7. Unlabeled chemical containers, gas cylinders, chemical waste containers
8. Unsafe, unguarded equipment or electric wires.
9. Unsafe housekeeping or blocked egresses
10. Improper use or lack of fume hoods or other laboratory ventilation equipment
11. No immediate access to safety showers or eyewashes
12. Evidence of eating, drinking or smoking occurring in a laboratory space
13. Laboratory personnel not wearing proper laboratory attire (lab coat, closed toe shoes, long pants or skirts below the knees), safety glasses and other required personal protective equipment based on work being performed
14. An incident that results in an injury or damage to University property

Examples of Category 2 deficiencies, include, but are not limited too:

1. Lack of Standard Operating Procedures for highly hazardous materials and carcinogens
2. Lack of a Job Hazard Analysis for all processes
3. Lack of or undocumented Right-To-Know, Chemical Hygiene Plan, Emergency Planning, Chemical Waste and/or other necessary training
4. Use of extension cords
5. Poor housekeeping and hygiene (laboratory and fume hoods)
6. Slipping or tripping hazards
7. Unnecessary storage of gas cylinders
8. Improper shipment of chemical materials off campus
9. Chemical waste not in secondary containment
10. Chemical waste containers not stored sealed and closed (except when actively adding)
11. No spill or first aid kits
12. Improper storage of chemicals that does not represent an immediate hazards

Please refer to the Laboratory Inspection guide <http://www.udel.edu/OHS/labinspectguide.html> for more description of the above deficiencies.