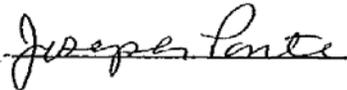


POLICY TITLE: HAZARDOUS MATERIALS CONTROL PROGRAM		PAGE 1 OF 14
POLICY NUMBER: 12.2		
CHAPTER 12: PHYSICAL PLANT AND MAINTENANCE		
	STATE of MAINE DEPARTMENT OF CORRECTIONS	PROFESSIONAL STANDARDS: See Section VII
	Approved by Commissioner: 	
EFFECTIVE DATE: February 9, 2004	LATEST REVISION: December 30, 2011	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 34-A M.R.S.A. Section 1403.

II. APPLICABILITY

All Adult Correctional Facilities

III. POLICY

It is the policy of the Department of Corrections that each facility shall develop a written plan to govern the control and use of all flammable, toxic, and caustic materials which ensures that these items are controlled, handled, stored, and disposed of properly.

For the purposes of this policy, hazardous materials include flammable, toxic, caustic, and combustible materials and substances.

IV. CONTENTS

- Procedure A: Hazardous Materials Control, General
- Procedure B: Hazardous Materials Control Plan, General Guidelines
- Procedure C: Inventory Control, Identification of Flammable, Toxic, Caustic or Combustible Materials
- Procedure D: Procurement of Hazardous Materials
- Procedure E: Storage of Hazardous Materials
- Procedure F: Disposal of Hazardous Materials
- Procedure G: Material Safety Data Sheets (MSDS)

V. ATTACHMENTS

None

VI. PROCEDURES

Procedure A: Hazardous Materials Control, General

1. Each Chief Administrative Officer shall ensure a Hazardous Materials Control Plan is developed and implemented to conform to:
 - a. The Department's policy regarding Hazardous Materials Control;
 - b. Applicable ACA standards and other state, federal or local regulations; and
 - c. Terms of applicable bargaining agreements.
2. Chief Administrative Officers shall ensure that information concerning universal precautions, occupational exposure, personal protective equipment and biohazardous waste disposal is communicated during the formal orientation program to all staff.
3. Each facility shall ensure that trash receptacles, made of noncombustible material, are available in locations throughout the facility and are emptied at least daily.
4. The facility's plan shall include:
 - a. Applicable and non-applicable chemicals;
 - b. Requirements for container labeling and other forms of warning, including exemptions;
 - c. Requirements for Material Safety Data Sheets and other hazard identification procedures;
 - d. Training and education requirements for staff, including contract employees;
 - e. Prisoner training and education requirements;
 - f. Records, including requirements for confidential disclosures of information, pertaining to hazardous substances;

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- g. Requirements for manufacturers, distributors and/or vendors selling and providing products that contain hazardous substances to the Department's facilities;
 - h. The Department's guidelines and provisions pertaining to the establishment of a Hazardous Materials Control Plan at each facility;
 - i. Applicable compliance standards of federal, state, and local regulatory bodies, and professional accrediting bodies;
 - j. Provisions for the applicability to the Department's adult facilities.
5. Information regarding the Department's Hazardous Materials Control Policy and the facility's Hazardous Materials Control Plan shall be communicated, consistent with the rights of staff, prisoners, and the public to know the properties and potential safety and health problems presented by substances to which they may be exposed.
6. Staff at each facility shall receive appropriate training in Hazardous Materials Control, consistent with their duties and responsibilities, within the time period specified by Department policies and procedures. The facility's training plan shall address pre-service, on-the job and in-service training requirements for staff regarding the following:
- a. hazardous substances labeling scheme,
 - b. personal protective equipment,
 - c. universal precautions,
 - d. disease and infection control plans,
 - e. respiratory isolation procedures,
 - f. emergency procedures to be implemented,
 - g. supervisor's responsibilities for providing information,
 - h. monitoring and evaluation of hazardous materials in the work areas
7. A list, by name and job title/classification, of each staff person receiving training on topics pertaining to hazardous materials shall be maintained in the staff

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person's training records.

8. Prisoners shall receive training and education on hazardous materials, safety precautions consistent with their responsibilities, work assignments, and right-to-know. Training received by prisoners shall be documented and kept in their Administrative records.
9. Prisoners may request information concerning the hazardous materials being used in any area of the facility where they are assigned by submitting a written request to the Chief Administrative Officer. Prisoner complaints pertaining to hazardous materials shall be handled in accordance with each facility's established procedures for informally handling complaints or through the Department's grievance procedures.
10. All flammable, toxic, caustic, combustible, and explosive materials shall be stored in secure areas that are inaccessible to prisoners and a prescribed system shall be used to account for their distribution.

Procedure B: Hazardous Materials Control Plan, General Guidelines

1. At each facility, the Chief Administrative Officer shall designate a staff member to serve as the facility's Hazardous Materials Control Officer (this may be the facility's Safety Officer). The responsibilities of the Hazardous Materials Control Officer shall include, but are not limited to:
 - a. Coordinating the facility's compliance responsibilities under the Department's Hazardous Materials Control Policy;
 - b. Developing and implementing the facility's Hazardous Materials Control Plan;
 - c. Maintaining and updating appropriate records regarding the Hazardous Materials Control Policy and the facility's Hazardous Materials Control Plan;
 - d. Communicating appropriate information regarding hazardous materials to staff;
 - e. Monitoring all aspects of the Hazardous Materials Control Plan, including procurement, inventory control and storage areas, distribution of information and fact sheets;
 - f. Reporting findings to the Chief Administrative Officer, or designee,

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regarding deficiencies, plans for corrective actions and any other recommendations for improving the Control Plan;

- g. Participating in critical incident reviews and/or investigations involving hazardous materials spills and/or violations of Department of Corrections policies and procedures; and
- h. Preparing and submitting recommendations for revisions to Department policies and procedures pertaining to hazardous materials and substances to the Chief Administrative Officer, consistent with the facility's chain of command.

2. At a minimum, each facility's Hazardous Materials Control Plan shall include the following provisions and requirements:

- a. Definition(s) for hazardous materials and/or hazardous substances, exposure, non-applicable chemicals and other appropriate terminology;
- b. Requirements on the use and care of personal protective equipment and any limitations concerning the use of such equipment,
- c. Requirements that any hazardous materials exposure shall be reported immediately to the appropriate area or Zone Supervisor;
- d. Requirements that when injuries or illnesses result from hazardous materials exposures, supervisors shall be responsible for preparing and/or verifying the completion and submission of the appropriate Accident/Injury Report Form(s), including automated forms at facilities where such technology exists;
- e. Requirements for supervisors to be responsible to ensure the distribution of completed Accident/Injury Report Form(s) regarding hazardous materials exposures to the following:
 - 1) Chief Administrative Officer,
 - 2) Facility Personnel Officer,
 - 3) Employee,
 - 4) Designated Hazardous Materials Control Officer
- f. Requirements that, at a minimum, prisoners working in areas where there

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is a potential for exposure to hazardous materials/substance(s) shall perform all work responsibilities under the close supervision of qualified staff, wear appropriate protective clothing and equipment when required, and adhere to the precautions communicated in the Material Safety Data Sheets;

- g. Requirements that supervisory personnel take appropriate corrective actions, including discipline, when a staff member does not comply with the precautionary measures established by Department policies and procedures for preventing or reporting hazardous substances exposures;
- h. Provisions for staff actions to prevent or respond to potential or actual emergencies involving hazardous materials or their products, i.e., chemical spills, environmental exposures of respiratory and bloodborne hazards, etc.;
- i. Requirements that whenever an affected staff member, or designated representative of the staff member, requests a copy of the inventory control list for hazardous materials or a copy of the Material Safety Data Sheets, the employee, or designated representative, receive, within fifteen (15) calendar days, either a manual or computer-generated copy of the information;
- j. Requirements that the designated Hazardous Materials Control Officer maintain a copy of the completed Accident/Injury Report Form(s) in a file, separate from the personnel files. Such records shall be retained for the required period following the employee's termination of service, consistent with State law and Department policy and procedures;
- k. Requirements for including a statement that neither the Department, nor any personnel at its facilities, shall discriminate, terminate, or initiate any adverse personnel action against an employee as a result of the staff member exercising her/his right to file a grievance or complaint with a regulatory agency regarding occupational hazards involving hazardous substances;
- l. Requirements that posted information pertaining to hazardous materials located in each specific work area identifies the following:
 - 1. Chemical nomenclature (name) of each hazardous substance,
 - 2. Correct labeling of each hazardous substance,

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- m. Availability of a Material Safety Data Sheet for each hazardous substance present in the immediate work area;
- n. Requirements that all mandatory and non-mandatory training and education of staff and prisoners regarding work practices, universal precautions, emergency procedures, and other protective measures that are designed to manage the risk of exposure are developed and conducted in a manner that is consistent with all applicable legal requirements, Department policies and procedures and training guidelines;
- o. Requirements that the Hazardous Materials Control Officer create a floor plan indicating the designated location of all hazardous substances. The floor plan may be automated and updated, consistent with technology available at the facility;
- p. Requirements that whenever a contractor brings hazardous substances into the facility, the Hazardous Materials Control Officer be provided a Material Safety Data Sheet for each substance and an accurate list of all such substances, consistent with Department policies and procedures. Designated supervisory staff for the area where the contractor is working shall ensure the availability of the contractor's list of hazardous substances being used in the area where the contractor is performing work and/or where the materials are being temporarily stored;
- q. Requirements that hazardous materials and substances be properly stored in appropriate containers to prevent spillage or damage to other surfaces. Flammable, toxic, caustic, combustible and other hazardous materials that are stored at the facility or on its grounds shall be maintained at the appropriate temperatures to prevent spillage or exposures, consistent with manufacturer's specifications or applicable federal or state health and safety codes or professional standards relating to the product;
- r. Requirements that hazardous substances are kept in their original containers, except when the use of secondary containers is authorized by the Hazardous Materials Control Officer;
- s. Requirements that special containers are provided in work areas, as appropriate, for flammable liquids and for rags used with flammable liquids and that containers are emptied and cleaned daily.
- t. Requirements that specifically identified hazardous chemicals be stored

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separately from food products when the separate storage of foods in an area away from the specifically identified products is necessary to comply with the chemical manufacturer's specifications and/or applicable federal, state, or local health and safety codes or professional standards;

- u. Requirements for the disposal of hazardous materials consistent with manufacturer's specifications and applicable federal, state, and local health and environmental safety and/or professional standards;
- v. Requirements for identifying any non-applicable chemicals being maintained or used at the facility that are exempt from the provisions of the Control Plan or the Department's policies and procedures, consistent with all applicable regulatory codes and administrative rules;
- w. The Control Plan must outline the requirements for staff, prisoners and others working in confined spaces within the facility or on its grounds where hazardous substances exist including, but not limited to:
 - 1) requirements for permits concerning the confined space;
 - 2) requirements for reclassification/reconfiguration of the confined space;
 - 3) requirements for evaluation and testing requirements;
 - 4) requirements for documentation certifying the elimination of the hazardous substance(s);
 - 5) requirements for the use of placards, tags, and other warnings;
 - 6) requirements for communication to staff members or others exposed;
 - 7) requirements for various types of confined space atmospheric hazards, regardless of whether a permit for use is obtained, (e.g., asphyxiating atmosphere, flammable or explosive atmosphere, toxic atmosphere);
 - 8) requirements for physical hazards in confined spaces, (e.g., mechanical hazards involving hydraulic, electric, pneumatic hazards), consistent with Occupational Safety and Health Administration's standards for hazardous energy;

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- 9) requirements for entry into the confined area, with permit;
 - 10) requirements for hazard control;
 - 11) requirements for personal protective equipment
 - 12) requirements for implementing emergency procedures in such areas, including critical incident reviews when necessary;
 - 13) exceptions to the written plan for confined space hazards; and
 - 14) requirements for staff training specific to the confined space hazard.
3. Each facility shall comply with the Department's policies and procedures pertaining to smoking, tobacco products and other carcinogenic substances while on duty or on facility property. Each facility shall develop and implement plans of action for the abatement of carcinogenic products such as asbestos, etc. Plans of action pertaining to the abatement of carcinogenic products shall be submitted to the Department's Central Office and the appropriate regulatory agency for approval prior to implementation.

Procedure C: Inventory Control, Identification of Flammable, Toxic, Caustic or Combustible Materials

- 1. The facility's designated Hazardous Materials Control Officer shall develop an inventory control system to identify and account for all hazardous materials at each facility.
- 2. The inventory control system for hazardous materials shall include the alphabetical listing of hazardous materials and substances according to the common or trade name and the manufacturer's nomenclature of the item. The following information shall be required for each item on the list: Manufacturer, department, building, and room where the material is located, and quantity limits of the materials or containers, consistent with the area where it is located.
- 3. Each facility shall implement practices and post orders for controlling hazardous materials. Records regarding usage and changes to quantities shall be documented by the appropriate staff when these products are issued, dispensed or returned to inventory.
- 4. The Hazardous Materials Control Officer shall verify the location and information regarding hazardous materials and conduct inspections according to a schedule

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approved by the Chief Administrative Officer.

5. Each facility shall implement a system for labeling hazardous materials. Each container with hazardous substances that is present in the work areas shall be labeled, tagged or marked to indicate the hazardous chemicals contents of a product/container and the appropriate hazardous warnings.
6. At each facility, the existing labels that are affixed or attached to containers shall not be removed. Where labels are not present or are not legible, a label, including the appropriate hazardous materials information, shall be completed and affixed on a visible area on the outside of the hazardous materials container.
7. Labels on hazardous materials containers delivered to the facility shall not be altered, defaced, removed or covered, except as permitted by Department policies and procedures to protect the legibility of an affixed label from damage due to regular use or storage of the container.
8. When authorized, secondary containers used by staff or authorized contracted service providers shall be properly labeled prior to the use of the hazardous materials contents on Department or State property.
9. Signs and placards may be posted or used to provide warnings to staff and other persons entering an area where a high concentration of a hazardous material is being used, particularly if protective equipment is required when the hazardous material is in use. When used, such signs or placards shall be placed at entranceways in a manner where they are clearly visible to all persons entering the area.
10. Staff shall not require or permit prisoners to have accountability for inventory control of hazardous materials, including flammable, toxic and caustic materials, combustibles, or explosives. Prisoners shall be subject to discipline for unauthorized possession or use of any hazardous material.

Procedure D: Procurement of Hazardous Materials

1. Each facility shall procure hazardous materials consistent with the Department's fiscal management policies and procedures regarding these items.
2. When selecting and purchasing facility furnishings, only those products that indicate the fire safety performance requirements of the hazardous materials contained in the product shall be selected, unless an exception is authorized under statute, i.e., trade secrets.

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3. Staff shall use and complete all required fields of the appropriate State of Maine Agency Purchase Order form when procuring hazardous materials.
4. Each facility shall require all manufacturers, importers, suppliers, or distributors of hazardous chemicals to provide the facility with a Material Safety Data Sheet for each direct purchase of a particular chemical. A copy of each Material Safety Data Sheet pertaining to the purchase order and product shall be forwarded to the Hazardous Material Control Officer for use in updating appropriate records where there is a substantive change in the inventory for the item(s) at the facility. The Material Safety Data Sheet shall be reviewed by all appropriate staff prior to product use.
5. In the event a Material Safety Data Sheet on a product containing hazardous materials is not available, a duplicate copy of the sheet for the product(s) shall be requested from the manufacturer or distributor of the hazardous material, prior to use of the product. If the manufacturer or distributor refuses to provide a Material Safety Data Sheet following a sale, the Chief Administrative Officer shall ensure appropriate steps are taken to submit a written complaint to the appropriate state agency responsible for regulating such matters. The documented complaint shall include: the product name and number, description of the product being used or stored at the facility, any pertinent details received concerning the manufacturer or distributor's refusal to provide the information, and name, address and telephone number of the manufacturer, distributor/vendor.

Procedure E: Storage of Hazardous Materials

1. Each facility shall implement practices and post orders for the storage of hazardous (flammable, toxic and caustic) materials, combustibles and explosives. Appropriate forms shall be used to record changes to quantities in storage.
2. Bio-hazardous waste products shall be stored in a location and manner that is consistent with applicable federal, state, and local health and safety codes, professional standards, and the Department's policies and procedures pertaining to health care. The facility's Medical Director, or designee, shall provide direction to the facility's security staff regarding storage procedures for bio-hazardous waste products.

Procedure F: Disposal of Hazardous Materials

1. At each facility, disposal of hazardous materials shall be consistent with

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applicable federal, state or local laws governing the materials and/or the manufacturer's specifications pertaining to disposal of the hazardous materials or its waste products.

2. Facility procedures shall provide information and instruction to staff regarding the specific steps involved in disposing of hazardous materials. Post orders, as applicable, shall be consistent with the Department's procedures for disposal of hazardous materials.
3. Clothing or property that has been contaminated by hazardous materials shall be handled, cleaned and/or disposed of in the manner prescribed by federal, state, or local regulatory codes, manufacturer's specifications or in accordance with protocols established by the facility's health care authority.
4. Bio-hazardous waste products shall be disposed of in the manner prescribed by applicable federal, state, and local codes, and professional standards, e.g. universal precautions, Center for Disease Control guidelines, etc.
5. Bio-hazardous waste shall be placed in the appropriate container until removed by the facility's contracted waste management service provider. The contracted service provider is responsible for maintaining compliance with all applicable federal, state, and local codes pertaining to the removal and disposal of such materials from the facility.
6. Hazardous energy waste products shall be handled and disposed of in the manner prescribed by the appropriate federal or state regulatory agencies responsible for such matters.
7. When disposal of hazardous materials is a duty or responsibility of facility staff or a waste management contracted service provider, the responsible person(s) or provider shall ensure the method of removal and disposal of waste does not endanger the facility's occupants or the community.

Procedure G: Material Safety Data Sheets (MSDS)

1. At each facility, Material Safety Data Sheets (MSDS), which are provided by the manufacturer or vendor of hazardous substances, shall be maintained and made available by the Hazardous Material Control Officer to appropriate supervisory staff at locations throughout the facility.
2. Consistent with their duties and responsibilities for procuring and obtaining hazardous materials deliveries, the staff member responsible for receiving the order shall obtain and provide a current Material Safety Data Sheet for each

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hazardous materials item to the appropriate staff and/or contracted service providers, prior to product/materials use.

3. Manual and/or automated listings of the facility's hazardous substances shall be maintained in alphabetical order.
4. As necessary, the Material Safety Data Sheets shall be made available to entities providing assistance to the facility during emergencies consistent with the emergency management system and command operations, e.g., police department, CEMA, SEMA, FEMA, news media, etc.
5. Prisoners may review Material Safety Data Sheets under staff supervision when authorized by the Chief Administrative Officer. A review of the Material Safety Data Sheets may be included as part of a prisoner's training for certain jobs and responsibilities.
6. Appropriate managers and supervisors shall be responsible for:
 - a. Maintaining a current list of each hazardous chemical available or used in the work areas, including compressed gases, explosives, combustibles/flammables, oxidizers, carcinogens, toxins, irritants, corrosives, etc., and
 - b. Forwarding copies of updated paper or automated records regarding Material Safety Data Sheets to the Hazardous Materials Control Officer.
7. At a minimum, the Hazardous Materials Control Officer shall be responsible to ensure the alphabetical listing and location of each facility's Material Safety Data Sheets are reviewed and updated on an annual basis.

VII. PROFESSIONAL STANDARDS

ACA:

- ACI - 4-4214 (MANDATORY) Institution facilities are equipped with noncombustible receptacles for smoking materials and separate containers for other combustible refuse at accessible locations throughout living quarters in the institution. Special containers are provided for flammable liquids and for rags used with flammable liquids. All receptacles and containers are emptied and cleaned daily.**
- ACI - 4-4215 (MANDATORY) Written policy, procedure, and practice govern the control and use of all flammable, toxic, and caustic materials.**
- ACI - 4-4358 (MANDATORY) There is a plan for the management of biohazardous waste and for the decontamination of medical and dental equipment.**

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4-ACRS-1A-04 (MANDATORY) Waste is disposed of properly in accordance with an approved plan by the appropriate regulatory agency.

4-ACRS-1C-17 (MANDATORY) Control the use and storage of all toxic and caustic materials

4-ACRS-1C-18 Train staff and offenders in the proper use and safe handling of toxic and caustic materials

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