

1.3.B.4 Control, Use & Disposal of Hazardous Material

I Policy Index:



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II Policy:

All Department of Corrections (DOC) facilities will adhere to regulations outlined in this policy and state law governing the procurement, storage, use and disposal of hazardous materials.

III Definitions:

Caustic Substances:

A substance capable of destroying or eating away by chemical reaction (ACA 4-4215) ([See Attachment 1](#)).

Combustible Liquid:

Any liquid typically having a flash point at or above 100 degrees Fahrenheit (37.8 degrees Celsius). Combustible Liquids are known as a Class II or Class III liquid ([See Attachment 1](#)) (See SDCL § 34-38-23)).

Flammable Liquid:

Any liquid typically having a flash point below 100 degrees Fahrenheit (37.8 degrees Celsius) and having a vapor pressure not exceeding forty (40) psia. Flammable Liquids are known as Class I liquids ([See Attachment 1](#)) (See SDCL § 34-38-23 and ACA 4-4215).

Flash Point:

The lowest temperature at which a liquid can give off vapor in sufficient concentration to form an ignitable mixture in air near the surface of the liquid. The lower the flash point, the easier it is to ignite the material.

Hazardous Materials:

Any material including but not limited to toxic, caustic, flammable liquids, flammable compressed gas, flammable solids, explosives, oxidizing materials, poisons, corrosive materials, and radiological materials, the loss of control or mishandling of which could cause personal injury or death to humans, or damage to property or the environment (See SDCL § 34-48A-1). For the purpose of this policy, this category may include materials commonly available for home and office use which may exhibit labels such as: "Keep Out of Reach of Children" or "May be Harmful if Swallowed" ([See Attachment 1](#)).

Material Safety Data Sheet (MSDS):

Written precaution statement supplied by the manufacturer specific to a hazardous material. The MSDS includes provisions for firefighting, handling, storage, use, control, first aid, disposal and decontamination specific to the material. MSDS are required by OSHA standards for the protection of those who may come into contact with the material.

Qualified Monthly Inspector:

Staff persons designated by the Warden who are responsible for conducting monthly fire prevention, sanitation, and safety inspections to ensure conditions within the facility meet fire prevention, sanitation and safety standards. A Qualified Monthly Inspector will receive training from the Department of Corrections, state or local officials/programs or private contractors in the application of state or local codes, regulations and policies.

Security Perimeter:

Fences and/or walls (including the exterior wall of a building) that provide for the secure confinement of inmates within a facility. All entrances and exits of a security perimeter are under the control of staff, thereby preventing an inmate from leaving the facility unsupervised or without permission.

Toxic Substances:

A substance that, through chemical reaction or mixture, can produce possible injury or harm to the body by entering through the skin, digestive tract or respiratory tract. The toxicity is dependent on the quantity absorbed and the rate, method and site of absorption (ACA 4-4215) ([See Attachment 1](#)).

IV Procedures:

1. Responsibilities Regarding Hazardous Materials:

- A. Each supervisor designated and authorized by the Warden is responsible for the acquisition, control, issuance/disbursement, use and storage of hazardous materials used or stored in their respective area.
 1. If there is uncertainty about the proper method for the control and storage of hazardous materials, the supervisor will consult with the Physical Plant Manager and/or Qualified Monthly Inspector to determine the proper method.
 2. Area supervisors are approved by the Warden or designee and shall be trained in the handling, storage, inventory and disposal of hazardous materials in their area. All area supervisors will be familiar with the MSDS in their area.
 3. Area Supervisors and the Qualified Monthly Inspector will ensure a current copy of the Material Safety Data Sheets (MSDS) is available for all hazardous materials used or stored in the area.
 4. Area supervisors and Qualified Monthly Inspectors will require all staff who works with a hazardous material to review and familiarize themselves with the MSDS for the material they are working with. MSDS shall be available while the material is being used.
 5. Area supervisors and the Qualified Monthly Inspector will ensure those working with the hazardous material have access to properly fitting personal protective equipment, as recommended by the manufacturer of the material.

6. Supervisors and Qualified Monthly Inspector will monitor and enforce the use of personal protective equipment by those who handle the hazardous material. Exposure by those not issued protective equipment shall be monitored and limited.
 7. Supervisors and Qualified Monthly Inspectors will ensure proper extinguishing materials and equipment is available in the event of a fire or spill involving hazardous material, as recommended by the manufacturer.
 8. Staff is prohibited from introducing or possessing items containing hazardous materials in any area of the institution or on DOC grounds, without prior approval of the area supervisor and Qualified Monthly Inspector.
- B. Records of all hazardous materials present in the supervisor's area of responsibility will be maintained as follows:
1. Each supervisor will maintain a running inventory of the types and amounts/quantities of hazardous materials stored in their respective areas, a description of its intended purpose/use and current MSDS.
- C. Each supervisor and Qualified Monthly Inspector will inspect storage areas containing hazardous materials and the hazardous materials inventory list for the area at least monthly, as part of the fire prevention, sanitation and safety inspections (See DOC policy 1.2.A.3 - [Sanitation, Safety and Fire Prevention Inspections](#)).
1. A copy of the current inventory of hazardous materials will be maintained by the supervisor and will be forwarded to the Physical Plant Manager and Qualified Monthly Inspector. The inventory may be supplied a hard copy or electronic copy via email.
 2. Updates shall be made promptly by the area supervisor to the materials list as materials are added or removed from the area.
- D. Inmates will not be permitted to use or possess materials listed in [Attachment 1](#), or any other material determined hazardous unless:
1. The supervisor and Qualified Monthly Inspector have approved the inmates' use of the material.
 2. The inmate's assigned duties involving the use of the hazardous material(s) are performed under the constant direct supervision of staff (ACA 4-4215).
 3. The inmate has received proper training from qualified staff regarding the safe and proper handling of the material, use of protective clothing, gloves, equipment, first-aid treatment, cleanup and disposal procedures and is familiar with the MSDS for the material.
 - a. Prior to using hazardous material, staff and/or inmates will thoroughly read the applicable MSDS and label warnings pertinent to the hazardous material.
 - b. Staff and inmates are required to properly use and wear all safety equipment required by the MSDS when handling or having direct contact with the hazardous material.
 4. Inmates will only be issued materials in the quantity required to accomplish an immediate task. Unused hazardous materials are not allowed in work areas. All material must be inventoried and secured before inmates are allowed to leave the area.

- E. The supervisor and Qualified Monthly Inspector will ensure the hazardous material is used and stored in a manner consistent with the manufacturer's MSDS protocols for safe handling, use, storage, disposal and cleanup. Staff and inmates are prohibited from mixing one or more materials without the consent of the supervisor. **Caution- mixing one or more materials can create a caustic substance that may result in permanent injuries and/or could be life threatening.
- F. A perpetual inventory of all hazardous materials shall be maintained by the area supervisor at the point of storage and available for inspection.
- G. Hazardous materials will be applied in a way that does not constitute a hazard to staff, inmates or other persons and prevents contamination, including toxic residues caused by drip, drain, fog, splash or spray, to come into contact with persons, food, or food equipment, utensils, linens, etc.
- H. The Warden, Physical Plant Manager and Qualified Monthly Inspector may authorize the use of hazardous materials within a facility not included on [Attachment 1](#).
- I. Certain hazardous materials, including certain pesticides and herbicides may only be applied by a certified applicator, as required by state law and administrative rule. Staff applying such material shall be properly certified.
- J. Area supervisors will make every effort to replace the utilization of hazardous materials with products that achieve similar results but are less likely to be abused, misused or pose a threat to the institution, staff or inmates, if such a substitute can be identified.

2. Storage Restrictions for Hazardous Materials:

- A. Quantities of hazardous materials exceeding five (5) gallons will be stored outside of the secure perimeter of a facility, or in the case of a non-secure facility, in a specific and appropriate area approved for such storage by the Warden, Physical Plant Manager and Qualified Monthly Inspector.
 - 1. Hazardous materials will be brought inside the secure perimeter on an "as needed" basis and in the smallest quantity necessary, as approved by the supervisor and Qualified Monthly Inspector.
- B. All hazardous material will be stored in the original container. The manufacturer's label describing the contents, application and antidotes shall be legible and not obscured or removed. Leaking or defective containers will be disposed of promptly and properly.
- C. Hazardous materials may not be stored in a manner that may allow the material to contaminate food, equipment, utensils, linens, etc. Hazardous materials may not be stored with food or in any area above where food is stored.
- D. The following restrictions will apply to the storage of flammable or combustible materials inside the secure perimeter:
 - 1. Flammable or combustible liquids will be kept in approved storage cabinets or storage rooms, as recommended and approved by the State Fire Marshall when not in use. The storage cabinet or room should be marked with a sign that reads "Flammable materials".

2. Approved storage cabinets must meet or exceed the requirements contained in chapters 34 and 38 of the International Fire Code (2009 edition).
 3. Storage rooms for flammable or combustible liquids will be constructed of fire resistant material and will have electrical wiring approved for use in hazardous material locations.
 4. Gasoline and diesel fuel will be stored, dispensed, or carried in approved U.S. Department of Transportation (DOT) certified safety containers only.
 5. Materials that may react with water or create a fire hazard may not be stored in the same storage cabinet or room as gasoline/diesel fuel.
- F. Hazardous material will be stored inside locked containers or inside locked rooms when not in use and will be available only to authorized staff (ACA 4-4215).

3. Use of Flammable Materials:

- A. Under no circumstances will gasoline be used for cleaning.
- B. Solvents, kerosene or other cleaning liquids with a flash point above 100 degrees Fahrenheit may be used for cleaning.
- C. Cleaning of metal parts will be done with a cleaning agitator or pump cleaner approved by the area supervisor, Physical Plant Manager or Qualified Monthly Inspector and not in buckets.

4. Disposal of Hazardous Materials:

- A. Disposal of hazardous materials will be in accordance with the instructions on the MSDS and any applicable OSHA or state regulations.
- B. Inmates may not be permitted to dispose of hazardous material without continuous direct staff supervision.
- C. DOC facilities may contract with a qualified outside company to dispose of hazardous materials.
- D. If an outside company is used to dispose of hazardous materials, they will assume all further responsibility and liability for the materials in their possession.

5. Hazardous Materials Spills and Unsafe Conditions:

- A. In the event of a hazardous material spill, the person observing the spill, or receiving a report of a spill, shall immediately contact the area supervisor or Officer In Charge (OIC), the Physical Plant Manager, Qualified Monthly Inspector and health service staff, as deemed appropriate.
- B. If evacuation of staff and inmates is determined to be necessary by the supervisor or OIC, the initial incident commander will initiate evacuation procedures immediately (See DOC policy 1.3.B.1 [Emergency Response](#)). The first priority of staff responding to a hazardous material spill incident will be life safety, followed by stabilization of the incident and conservation of property.
- C. Health Services staff or outside emergency responders will be contacted immediately in the case of injuries or exposure to hazardous material that requires a medical response.

- D. After the area has been evacuated, staff will initiate containment and/or cleanup procedures for the spilled material, in accordance with the MSDS.
1. Outside emergency response personnel (hazmat team, local fire department) may be called to respond to the spill, as deemed appropriate by the Warden, his/her designee, Qualified Monthly Inspector or the Physical Plant Manager.
- E. Staff will complete a major incident report and notify the DOC Administration and Risk Management, as deemed appropriate, of the spill, evacuation and any property damage or injuries, in accordance with DOC policy 1.1.A.3 [Reporting Information to DOC Administration](#) and DOC policy 1.3.B.1 [Emergency Response](#).
- F. Staff will immediately document and report the misuse of any hazardous materials they observe or become aware of, including any missing/unaccounted for containers of hazardous materials to the area supervisor, OIC and Qualified Monthly Inspector.
- G. Staff who becomes aware of an unsafe condition involving a hazardous material(s), such as a spill, exposure or injury caused by exposure or use of the hazardous material must report the condition by completing a *Report of Accident, Incident, Unsafe Condition* form. Forms are available through the Office of Risk Management. One copy will be forwarded to the supervisor, Qualified Monthly Inspector and the Office of Risk Management.
- H. Area supervisors are responsible for reviewing all reported accidents, incidents and unsafe conditions involving hazardous materials in their area of responsibility and will take immediate corrective action, as deemed necessary. All corrective action will be documented on a report that will accompany the initial *Report of Accident, Incident, Unsafe Condition* form or Incident Report.

V Related Directives:

DOC policy 1.1.A.3 -- [Reporting Information to DOC Administration](#)

DOC policy 1.2.A.3 – [Sanitation, Safety and Fire Prevention Inspections](#)

DOC policy 1.3.B.1 -- [Emergency Response](#)

International Fire Code (2009 edition).

VI Revision Log:

June 2001: Added hydrochloric acid to list of Caustic Substances on Attachment 1.

October 2002: Revised Inventory Control A.2. to ensure the Physical Plant Manager has copy of current inventory.

November 2003: Rearranged outline within each subject heading. Added a definition for Qualified Safety and Sanitation Officer. Changed the responsibility for inspection of storage areas. Clarified the source to determine minimum standards for storage cabinets. Deleted the reference on air exchange information on inside storage rooms.

August 2004: Added a definition for security perimeter.

July 2005: Revised the definition of Qualified Safety and Sanitation Officer. Changed CEO to Warden or Superintendent. Changed "institution" to "facility".

August 2007: Revised the definition of Security Perimeter. Revised the definitions of combustible liquid, flammable liquid and flash point. Rearranged the order of hazardous materials within the definition. Rearranged the order of the definitions on page 1. Added a definition for offender.

Revised the supervision standards for offenders using hazardous material.

July 2008: Revised formatting of policy in accordance with DOC policy 1.1.A.2. Revised sequence of titles of positions in the definition of Qualified Safety and Sanitation Officer. Deleted 7902.5.9 of

the Uniform Fire Code (1997 edition) and **added** 3404.3.2 of the International Fire Code (2003 edition) in ss (B2 of Storage Restrictions for Hazardous Materials).

July 2009: **Replaced** title of “Qualified Safety and Sanitation Officer” to “Qualified Monthly Inspector” throughout policy to be consistent with DOC policy 1.2.A.3. **Revised** minor wording in definition of Qualified Monthly Inspector to be consistent with DOC policy 1.2.A.3. **Revised** minor wording in ss (A) and **replaced** “practical” with “necessary” in ss (A1) both within Storage Restrictions for Hazardous Materials. **Replaced** reference of “Uniform” with “International” and “1997” with “2003” in section V. **Added** hyperlinks throughout policy.

July 2010: **Revised** formatting of Section 1.

July 2011: **Added** Material Safety Data Sheet to Definition section. **Added** “acquisition” and “issuance” to Section 1 A. **Added** “current” and “all” to Section 1 A. 3. **Added** 3. “All hazardous materials shall be stored in their original containers. The Manufacturer’s label describing the contents, application of, and antidotes shall not be obscured or removed”. in Section 2. A. **Added** “as recommended by the State Fire Marshall” **Added** “The storage cabinet or room should be marked with a sign that reads “Flammable materials.”” in Section 2 B. 1. **Added** “contained in chapters 34 and 38” and **Deleted** “2003” and **Replaced** with “2009” in Section 2 B. 2. **Added** 4. “Gasoline and diesel fuel shall be stored, dispensed or carried in approved and/or U.S. Department of Transportation (DOT) certified containers”. in Section 2. B. **Added** 5. “Materials that may react with water or create a fire hazard may not be stored in the same storage cabinet or room as gasoline/diesel fuel”. in Section 2 B. **Added** “or pump cleaner” and **Added** “and not in buckets”. to Section 3 C.

August 2012: **Deleted** “Non-Public” and **Replaced** with “Public”. **Revised** definition of Hazardous Material. **Added** “give off vapor in sufficient concentration to” in definition of Flash Point. **Added** “supplied by the manufacturer” and “MSDS are required by OSHA standards for employee protection” in MSDS definition. **Added** “disbursement, use” and “Employees are prohibited from introducing or possessing personal property items containing hazardous materials in any office of facility without approval of the supervisor” in Section 1 A. **Added** 4. to Section 1 A. **Added** “quantities” and **Added** “and its intended purpose, use and maintain MSDS for all hazardous materials” in Section 1 B. 1. **Moved** E. to D. 3 and **Deleted** “Each supervisor within a facility will ensure” and **Replaced** with “The offender has received” and **Deleted** “has been provided to those using the hazardous material pertaining to the” and “to those using the hazardous material regarding the safe handling and “use of protective clothing/gloves/gear, first aid treatment, cleanup and disposal procedures” in Section 1 **Added** new E. in Section 1. **Added** F in Section 1. **Added** “or in the case of a non-secure facility, in an area approved for storage by the Warden, Superintendent, Director of Physical Plant Manager” in Section 2 A. **Added** “Leaking of defective containers shall be properly disposed of” in Section 2. A.3. **Added** 5. to Section 2 A.

July 2013: **Reviewed** with no changes.

July 2014: **Reviewed** with no changes.

July 2015: **Reviewed** with no changes.

April 2016: **Added** “and state law” in the policy statement. **Deleted** “Superintendent or Director” throughout the policy. **Deleted** definition of “Offender”. **Added** 4, 5, 6, 7, to Section 1 A. **Added** F. to Section 1. **Added** H. to Section 1. **Added** b. to Section 1 D. 3. **Added** “Staff and inmates are prohibited from mixing one or more materials without the consent of the supervisor. Caution, mixing one or more materials can create a caustic substance that may result in permanent injuries and/or could be life threatening” in Section 1 E. **Renumbered** Section 2. **Added** D. in Section 2. **Added** “The first priority of staff responding to a hazardous material spill incident will be life safety, followed by stabilization of the incident and conservation of property” in Section 5 B. **Added** E. F. and G. to Section 5.

April 2017: **Added** “and/or Qualified Monthly Inspector” to Section 1 A. 1. **Added** “and shall be trained in the handling, storage, inventory and disposal of hazardous materials in their area. All area supervisors will be familiar with the MSDS in their area” in Section 1 A. 2. **Added** F. to Section 1. **Added** 4. to Section 1 D. **Added** “and any applicable OSHA or state regulations” in Section 4 A. **Added** new B. to Section 4. **Added** C. to Section 5.

Denny Kaemingk (original signature on file)

05/08/2017

Denny Kaemingk, Secretary of Corrections

Date

Attachment 1: Hazardous Materials

Common Flammable, Toxic, and Caustic Materials

Class I Liquids

Gasoline
Benzine (Petroleum Ether)
Acetone
Hexane
Lacquer thinner
Methyl Alcohol (Wood Alcohol or Methanol)
Denatured alcohol
Ethyl alcohol
Xylene (Xylol)
Contact cement (Flammable)
Toluidi (Toluene)
Methyl ethyl ether
Methyl ethyl ketone
Naphtha Y, M, and P

Class II Liquids

Diesel Fuel
Motor Oil
Kerosene
Cleaning Solvents
Mineral Spirits
Agitene

Class III Liquids

Paints (Oil Base)
Linseed Oil
Mineral Oil
Neatsfoot Oil
Sunray Conditioner
Guardian Fluid

Toxic Substances

Ammonia
Chlorine
Antifreeze
Duplicating Fluid
Defoliants
Herbicides
Pesticides
Rodenticides

Caustic Substances

Lye
Muriatic Acid
Caustic Soda
Sulfuric Acid
Tannic Acid
Hydrochloric Acid