

INDIANA UNIVERSITY
Policy
on
Visitors' Access to Laboratories with Hazardous Materials or Laboratory Animals

[Approved by Indianapolis Faculty Council March 7, 2006; Bloomington Faculty Council November 1, 2005]

Section 1. Preamble

Research in the University's laboratories often requires use of hazardous materials, such as chemicals, biological agents and toxins or radioactive materials. Misuse of any of these materials can result in serious harm to persons and property. Similarly, working with animals in laboratories can pose serious safety risks. For this reason, federal law and university policies require that persons who have contact with, or use, hazardous materials or laboratory animals in the course of their employment or University activities are:

- (i) inoculated against certain infections and diseases;
- (ii) trained in the safe and secure use of the hazardous material and animals; and
- (iii) allowed access to laboratories under the federal law.

Often in an university research environment, persons from other research institutions will collaborate with or wish to observe Indiana University's researchers in their University laboratories. This cross-fertilization of information is an essential part of the research enterprise and is to be fostered and encouraged. Nevertheless, certain federal laws and public safety concerns require that there be some control over who is given access to University laboratories. It is important to the safety of all members of the University community on each campus that access to laboratories with hazardous materials or laboratory animals be restricted to persons who have received training and who can sufficiently understand and communicate adequately in English to the proper authorities should an emergency, such as a chemical spill, occur.

Section 2. Access for Visitors

The deans of the schools on each campus shall be responsible for assuring that any visitor who will be given access to laboratories that house hazardous materials* or laboratory animals** (even if not in use at that time or not to be used by the particular visitor) meets the requirements of this Policy and the procedures adopted to implement this policy, as such procedures may be amended from time to time to reflect changes in the law or good research safety practices. Such visitors must also meet the requirements, if applicable, of the Minors in Hazardous Work Areas Policy.

Each visitor shall be given a copy of this policy, the procedures for the relevant campus, and a copy of the University's Intellectual Property Policy.

* The term "hazardous" materials includes chemicals (as defined by OSHA in 29CFR 1910.1450(b) biological agents and toxins listed BL-2 or higher; and radioactive material of a type and sufficient amount to require that the laboratory entrance be posted with the appropriate warning sign. Anyone with a question as to whether a particular agent is hazardous should call the Campus Environmental Health and Safety Office.

** The term "laboratory animals" means all live animals with vertebrae.

Section 3. Covered Persons

- A. This policy and the procedures adopted pursuant thereto cover access to laboratories by “Visitors,” which include the following categories of persons:
- (i) persons who are neither paid, permanent members of the Indiana University faculty nor other permanent full-time or part-time employees of Indiana University. It includes, for example, faculty visitors from other universities and research institutions; adjuncts; visitors from business organizations and governmental entities;
 - (ii) persons who volunteer their services in laboratories; and
 - (iii) those employees or students at Indiana University, whose presence in a laboratory with hazardous materials or animals is not part of their normal employment at the University or a part of their supervised course work.
- B. The term “Visitor” does not include:
- (i) short term (up to five hours), supervised visits to the laboratories by non-employees or by students of the University, provided that the purpose of any such visit is not participation in any research activity; or
 - (ii) inspections by University or appropriate government officials charged with oversight of the laboratories and programs; or
 - (iii) emeritus Indiana University faculty, provided such faculty are current with all appropriate safety training and necessary inoculations; or
 - (iv) supervised work in laboratories by persons enrolled in educational programs approved by the dean of the school.
- C. (i) Procedures shall be adopted by the campuses to implement this policy. Any campus procedures must contain provisions set forth in form of “Laboratory Access Procedures,” attached as Appendix A. The procedure may be changed by the Vice President for Research to reflect changes in laws and regulations that relate to hazardous materials and laboratory safety.
- (ii) If a campus does not adopt procedures to implement this policy, the procedures adopted by the Bloomington Campus shall apply.
- D. For purposes of Section 3(B) of this Policy, the term “supervised” shall mean that a person, who otherwise falls within the definition set forth in Section 3(A) above, is accompanied during his or her visit to a laboratory with hazardous materials or animals by an employee or graduate student (i) whose presence in the laboratory is part of their normal employment or part of their graduate work, and (ii) who has the requisite safety training.

Section 4. Minors

The provisions of this policy are supplemental to and do not supercede the provisions of Minors in Hazardous Work Areas Policy of the University
<http://ehs.indiana.edu/resources/MinorsHazardousAreas.pdf>.

Section 5. Other Access Policies

The provisions of the policy are supplemental to and do not supercede the provisions of campus specific limitations on access to certain areas, such as animal facilities.

Model Procedures for Visitors' Access to Laboratories with Hazardous Materials or Laboratory Animals

Section 1. Application

- A. These procedures implement Indiana University's Interim Policy on Visitor Access to Laboratories with Hazardous Materials or Laboratory Animals, **(the "Policy")**.
- B. The term "Visitors" shall mean:
 - (i) persons who are neither paid, permanent members of the Indiana University faculty nor other permanent full-time or part-time employees of Indiana University. It includes for example, faculty visitors from other universities and research institutions; adjuncts; visitors from business organizations and governmental entities;
 - (ii) persons who volunteer their services in laboratories; and
 - (iii) those employees or students at Indiana University, whose presence in a laboratory with hazardous materials or animals is not part of their normal employment at the University or a part of their supervised course work.
- C. The term "Visitor" does not include:
 - (i) short term (up to five hours), supervised visits to the laboratories by non-employees or by students of the University, provided that the purpose of any such visit is not participation in any research activity; or
 - (ii) inspections by University or appropriate government officials charged with oversight of the laboratories and programs.

Section 2. Criteria for Access

A Visitor may be given unsupervised access to the laboratories that house hazardous materials, as that term is used in the Policy, if all of the following criteria are met:

- (i) Such Visitor has received, and demonstrated an ability to understand, the appropriate safety training provided to the University's faculty, staff and students related to the use of hazardous materials in the laboratory(ies) or animals, as the case may be, to which such Visitor will have access.
- (ii) Any Visitor shall be of sixteen (16) years of age or older.
- (iii) **A Visitor has documented that he or she has obtained the proper clearance from the U.S. Justice Department, should such visitor want access to**

laboratories or the surrounding areas of laboratories that contain biological agents and toxins listed as Select Agents by the Centers for Disease Control [<http://www.cdc.gov/cd/sap/docs/salist.pdf>], or by the United States Department of Agriculture [<http://www.usda.gov>].

- (iv) **A Visitor from a foreign country has provided appropriate documentation of such Visitor's immigration status in the United States to the campus's International Services office, which must confirm that the Visitor's proposed activities would not violate his or her visa status. The dean of the school in which the Visitor will be located must have written confirmation from the International Services Office of this before the Visitor's access may begin.**
- (v) A Visitor for whom English is not his or her first language must demonstrate to the person providing safety training that such Visitor can communicate in English sufficiently well that the Visitor could alert others as to any problems that might arise in the laboratory. The successful completion of the safety training must be documented in writing. It is the responsibility of the faculty member in whose laboratory the Visitor will be located to ensure that the Visitor has the training and ability to deal with any emergency that may occur in the laboratory.
- (vi) The Visitor and the faculty member in whose laboratory the Visitor will be working must sign a declaration, in the form attached as Appendix I acknowledging that the Visitor has received training in accordance with the Policy, has satisfied the other requirements of the Policy that apply to such Visitor. Copies of the signed declaration shall be maintained by the school for a period of 5 years from the date of the declaration. Any Visitor who is also an employee of Indiana University must consent to the University conducting the appropriate background check in accordance with Indiana state law.

Section 3. Compliance with Federal Export Control Laws

In addition to satisfying the criteria set forth in Section 2 above, any Visitor who is neither a U.S. citizen nor a legally permanent resident must obtain clearance from the University Counsel's office to ensure compliance with federal laws and regulations on export control prior to being permitted access to any laboratory that is subject to the export control regulations.

Section 4. HIPAA/Confidentiality Requirements

The faculty member in whose laboratory a Visitor will be working shall inform the Visitor of any HIPAA restrictions that may apply to the private health information retained in the laboratory; and any other confidentiality provisions contained in the consent forms of human subjects participating in research connected with that laboratory.

Section 5. Intellectual Property

Any intellectual property created by a Visitor using Indiana University resources and facilities is subject to the University's Intellectual Property Policy [<http://www.indiana.edu/~ovpr/respol/intprop.html>], a copy of which shall be given to each Visitor, along with a copy of the Visitor Policy on Access to Laboratories with Hazardous Materials or Laboratory Animals by Visitors and these procedures.

Section 6. Registration

- A. The dean of the school shall send to the Office of Risk Management at [<http://rmweb.indiana.edu/secure/IU/ADS/LabAccess/LabAccessRegistration.cfm>] the name and status of each Visitor who will be allowed access to a laboratory pursuant to this Policy in that school upon satisfaction of the criteria in Sections 2 and 3 above.
- B. Such permission for access shall be effective for one year from the date of registration, unless federal law requires an earlier expiration.

Section 7. Exceptions

- A. The dean of a school may, upon request of a faculty member, allow exceptions to this policy; provided, no exceptions can be made for: (i) persons to be given access to laboratories that contain select agents; (ii) **minors who under the University's Minors in Hazardous Work Areas Policy would not be allowed access to the premises in question and (iii) persons, who under the applicable campus access to animal facilities policy, would not be allowed access to the animal facilities.**
- B. Any person for whom an exception to this Policy is made shall, nevertheless, be registered with the Office of Risk Management pursuant to Section 6 above.

Declaration of Compliance Form

The undersigned declare that [Name of Visitor]

- 1. has received a copy of the University’s Policy and Procedures with respect to the Visitor Access to Laboratories with Hazardous Materials or Laboratory Animals and a copy of the University’s Intellectual Property Policy;
- 2. has received all required inoculations;
- 3. has successfully completed the necessary chemical, biosafety or radiation safety training, and
- 4. meets all the other requirements that apply to him/her as set forth in Sections 2 and 3 of the Procedures.

[For visitors who are also employees] By signing this declaration [] consents to have the University conduct a background employment check prior to his/her having access to [Faculty member’s Name] laboratories in accordance with Indiana state law.

Name of Visitor

Name of Sponsoring Faculty Member

Date _____, 200__