

● TOXIC SUBSTANCE INFORMATION LAW

STATUTORY CITATION: Conn. Gen. Stat. §§ 31-40j – 31-40p

GENERAL SUMMARY: Chapter 557, Part II of the Connecticut statutes grants employees (implicitly including agricultural workers) a right to certain information regarding toxic substances in the workplace and requires employers to disclose such information to employees on request.

SPECIFIC TERMS AND CONDITIONS: Farm operators and other employers who, in the manufacture of a product or for purposes of treatment, use certain pesticides or other toxic substances identified as air contaminants in U.S. Occupational Safety and Health Administration regulations (29 CFR 1910.1000) must comply with the following information requirements:

POSTING — Employers must post a sign, at a location readily available for viewing by employees, informing the employees of their right to information from their employer regarding the toxic substances used by the employer in the workplace. Employers must annually forward to the state labor department a list of all such toxic substances.

EMPLOYEE REQUESTS FOR INFORMATION — During the first month of employment or within a month after a transfer, any worker or the representative of any worker may submit to his or her employer a written request for, and the employer must in such cases furnish, the following information on toxic substances used by the employer: (1) the generic and chemical name of such substances, (2) the location of the substances to which employees may be exposed, (3) the properties of such substances, (4) the acute and chronic effects of exposure and the associated symptoms, (5) appropriate emergency treatment in case of exposure, (6) proper conditions for safe use of and exposure to the substances, and (7) procedures for cleanup of leaks and spills. All such information must, to the extent practicable, be provided in informal and readily understandable language.

If the employer fails to supply the requested information within 5 working days, the employer is prohibited from requiring the employee to work with the toxic substances involved until the information has been provided.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

POSSIBLE PREEMPTION — With respect to enforcement against private employers, it is the position of the Connecticut Department of Labor that these provisions are likely preempted by the hazard communication standard enforced by the U.S. Occupational Safety and Health Administration (*see entry, U.S. — Pesticides & Agricultural Chemicals — Hazard Communication*), since Connecticut does not have an OSHA-approved job safety and health plan.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Division of Occupational Safety and Health, Connecticut Department of Labor, Wethersfield, Connecticut 06109 (860-263-6791)*. The Department must respond to any complaint of a violation of these provisions by conducting an investigation, and must report all confirmed violations to appropriate public prosecuting attorneys. In addition, upon the request of an employer, the Department must provide the employer with all the information concerning the toxic substances used by the employer at the worksite which is available to the Department at the time of the request and which is relevant to the information required to be disclosed to the workers.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*