

## ● TOXIC SUBSTANCES DISCLOSURE TO EMPLOYEES ACT

*STATUTORY CITATION:* 820 Ill. Comp. Stat. §§ 255/1 – 255/20

*GENERAL SUMMARY:* Under the Toxic Substances Disclosure to Employees Act, most employers in Illinois have a duty to give each employee a notice of potential exposure to toxic substances (including pesticides and other agricultural chemicals) at or near the workplace which pose known or suspected health hazards and which may cause death or serious physical harm to the worker. The Act generally applies to all employers with 5 or more full-time employees in the state, or with 20 or more full- or part-time employees anywhere and at any time throughout the year.

### *SPECIFIC TERMS AND CONDITIONS*

**MATERIAL SAFETY DATA SHEETS** — For each toxic substance used, produced or stored in a place of employment to which workers may be exposed, the employer must obtain a material safety data sheet from the manufacturer or supplier. The material safety data sheet is a document which contains, among other information, (1) the chemical and common names of the substance, (2) its physical and chemical characteristics, (3) the associated physical hazards, (4) the known health effects of exposure, including signs and symptoms of exposure, (5) the known primary route of exposure, (6) the federal permissible exposure limit, if any, (7) precautions for safe handling and use, (8) recommended engineering controls, (9) recommended work practices, (10) recommended personal protective equipment, (11) emergency first-aid measures, and (12) procedures for cleaning up leaks or spills. The employer must maintain copies of the required material safety data sheets and ensure that they are accessible to employees for at least 10 years after each substance is no longer used, produced or stored at the workplace.

**EMPLOYEES' RIGHT TO INFORMATION** — Every employee of an employer subject to the Act has a right to receive a copy of all material safety data sheets in the employer's possession within 10 days of the worker's written request. The employer must advise the worker in writing of any hazardous substance in the workplace for which no data sheet is available, must request the missing data from the supplier within 10 days, and must mail the information to the worker within 10 days following receipt from the supplier.

**POSTING AND LABELING** — Employers are required to post a sign at the workplace informing employees of their rights under the Act. Moreover, employers must either affix a label to each container of a toxic substance showing its chemical name and appropriate hazard warnings, or post signs or operating instructions to convey the required information.

**EMPLOYEE EDUCATION AND TRAINING** — The Act requires subject employers to provide their work force with an education and training program with respect to all toxic substances to which employees are routinely exposed in the course of their work.

### *SPECIAL NOTES OR ADVISORIES*

**RETALIATION** — An employer may not fire, discipline or in any other way discriminate against a worker because the worker files a complaint, testifies in a related proceeding, or exercises any other right under this law.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Illinois Department of Labor, Chicago, Illinois 60601 (312-793-2800).*

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None.*