

● LABOR LAW (*TOXIC SUBSTANCES*)

STATUTORY CITATION: N.Y. Labor Law §§ 875 – 883

GENERAL SUMMARY: Article 28 of the state labor statutes requires employers to provide certain notifications to their employees regarding toxic substances in the workplace, to establish an education and training program for employees routinely exposed to such substances, and to observe related recordkeeping duties. These provisions apply to all places of employment and protects all classes of employees in New York except domestic workers and casual laborers.

SPECIFIC TERMS AND CONDITIONS

NOTICE REQUIREMENTS — Every subject employer must post a sign at every workplace where employee notices are normally posted, to inform workers of their right to receive information from their employer regarding the toxic substances found on the job, a description of their toxic effects, and the circumstances under which those effects are produced.

EMPLOYEES' RIGHTS — Workers or their representatives may request, and have a right to receive from the employer, the following information relating to toxic substances to which they may be exposed at the place of employment:

- (1) The generic, chemical, trade and common names of each such substance.
- (2) The location of each substance at the workplace.
- (3) Its properties and the acute and chronic effects of exposure.
- (4) The symptoms of exposure at hazardous levels.
- (5) The potential for flammability, explosion or reactivity.
- (6) Appropriate emergency treatment.
- (7) Proper conditions for safe use and exposure.
- (8) Cleanup procedures for leaks and spills.

Employers must furnish the desired information no later than 72 hours after receipt of a written request. If the information is not forthcoming within this timeframe, the worker or workers affected may not be compelled to work with any substance on which information was requested.

EDUCATION AND TRAINING — Every employer is obligated to provide each employee with an education and training program prior to initial assignment to a task that may involve exposure to a toxic substance, and to repeat the program annually thereafter. Education and training must cover the same subject matter itemized above in the discussion of employees' rights.

RECORDKEEPING — Employers must keep a record of the name, address, and Social Security number of every worker who handles or uses any material on the U.S. Occupational Safety and Health Administration's list of toxic and hazardous substances (29 CFR Part 1910, Subpart Z).

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. At any time within 30 days after a suspected act of retaliation, a worker may file a complaint with the Department.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Division of Safety and Health, Worker Protection Bureau, New York State Department of Labor, Albany, New York 12240 (518-457-3518).*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*