

■ **LABOR LAW (TOXIC SUBSTANCES)**

TERMS:

Posted Notice — Like most other classes of employers in New York, agricultural establishments must post a sign at the workplace, informing their workers of their right to receive information from the employer regarding the toxic substances found on the job.

Workers' Right to Information — Within 72 hours after receiving a written request from a worker or a worker's representative, an employer is obligated to provide the worker with information about each toxic substance to which he or she may be exposed on the job. This includes:

- (1) The common name, brand name and chemical name of each such substance.
- (2) The location of each substance at the workplace.
- (3) Its characteristics and the effects of exposure.
- (4) The symptoms of overexposure.
- (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.

If the worker does not receive this information within 72 hours, the worker or workers affected cannot be forced to work with any substance on which information was requested.

Education and Training — Employers are required to provide each worker with an education and training program before the worker is assigned to a task that may involve exposure to a toxic substance, and to repeat the program once a year after that. Education and training must cover the same sort of information outlined above.

Recordkeeping — Employers must keep a record of the name, address, and Social Security number of every worker who handles or uses any material deemed toxic or hazardous by the U.S. Occupational Safety and Health Administration.

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

SPECIAL NOTE: An employer may not fire, 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.