§ 876. Notice requirements. Notice to employees and their representatives regarding toxic substances. 1. Every employer shall post a sign in every workplace at the location or locations where notices to employees are normally posted, to inform employees that they have a right to information from their employer regarding the toxic substances found in the workplace and a description of the toxic effects of these substances and the circumstances under which these effects are produced.

2. Until such time as the commissioner in consultation with the commissioner of health determines that there is a federal program in effect which will guarantee substantially similar protection to employees, each employer shall make available in writing to each employee, and if so requested their representatives, information relating to all toxic effects and the circumstances under which these effects are produced from the toxic substances to which the employee may be exposed in the course and scope of employment.

3. It shall be the responsibility of the employer to obtain information relating to toxic substances from: the manufacturer; the New York state department of health; the Federal Environmental Protection Agency's Chemical Substances Information Network; and the Health Hazard Evaluation Program of the National Institute of Occupational Safety and Health.

4. Subject to the limitations set forth in section eight hundred seventy-seven of this article, any manufacturer, importer, producer or formulator of any toxic substance shipped or transported or sold for any use within the state must provide, upon request, the following information:

(a) the name or names of the toxic substance, including the generic or chemical name;

(b) the trade name of the chemical and any other commonly used name;

(c) the level at which exposure to the substance is determined to be hazardous, if known;

(d) the acute and chronic effects of exposure at hazardous levels;

(e) the symptoms of such effects;

(f) the potential for flammability, explosion and reactivity of such

substance;

(g) appropriate emergency treatment;

(h) proper conditions for safe use and exposure to such toxic substance;

(i) procedures for cleanup of leaks and spills of such toxic substance.

5. Whenever an employer receives new information concerning those subjects listed in subdivision four of this section, whether from the manufacturer, importer, producer or formulator or from state or federal agencies, such employer must make such new information available to employees and if so requested, their representatives upon receipt of same.

6. Each employer shall make available to every employee the informational leaflets that he receives about the toxic substances information program pursuant to section forty-eight hundred four of the public health law.

7. Upon receipt of a request for information the employer must provide the requested information in writing within seventy-two hours, excluding weekends and public holidays. If the information is not provided, the employee may not be required to work with the toxic substance until the information is made available.

8. Provision of information to an employee shall not in any way affect the liability of an employer with regard to the health and safety of an employee or other persons exposed to toxic substances, nor shall it affect the employer's responsibility to take any action to prevent the occurrence of occupational disease as required under any other provision of law. Further, it shall not affect any other duty or responsibility of a manufacturer, producer, or formulator to warn ultimate users of a toxic substance pursuant to any other provisions of law.