PURPOSE
The purpose of this law is to provide public employees access to training and information concerning hazardous chemicals in order to enable them to minimize their exposure to such chemicals and protect their health, safety, and welfare.

PUBLIC EMPLOYERS' DUTIES
Public employers are responsible for the following as set out by the law:
1. Post adequate notice to inform employees of their rights.
2. Ensure proper chemical labeling:
   a. Existing labels on containers of hazardous chemicals are not to be removed.
   b. If a chemical is transferred to another container, it must also be labeled with the same and appropriate warnings as provided in this law.
   c. A public employer is not required to label chemicals that have been transferred to a portable container by an employee when that employee is going to immediately use the chemical.
3. Maintain and make material safety data sheets available:
   a. Chemical manufacturers and distributors must provide public employers with the appropriate MSDSs within the prescribed times.
   b. Public employers must maintain current copies of each MSDS and have them available to employees and their designates representatives upon request within the prescribed time.
   c. The employer must not require an employee to work with a chemical until a MSDS can be furnished except as indicated by this law.
   d. An employer who declines to work with a chemical may not be penalized.
   e. Public employers shall provide a copy of MSDSs to the Director of Labor upon request.
4. Compile and maintain a workplace chemical list for hazardous chemicals used, generated, or stored in amounts of 50 gallons or 500 pounds or more:
   a. The Workplace Chemical List must show the chemical or common name used on the MSDS and/or the container label, the Chemical Abstracts Service Number and the work area where it will normally be used, generated, or stored.
   b. Chemical lists shall be filed with the Director of Labor no later than October 14, 1991, updated when necessary, and refiled July 1 of each year.
5. Provide employees with information and training:
   a. The Director of Labor is responsible for maintaining a general information and training assistance program to aid public employers.
   b. Additional training must be provided when a new hazard is introduced, when new information is received, or before new employees are assigned to a job.
   c. Information and training programs must meet the requirements specified in the law and in the regulations of the Director of Labor.
   d. Information and training programs must be developed by January 15, 1992, and initial information and training must be provided prior to July 15, 1992. Employers must keep a record of the dates of training sessions given to their employees.
   e. The Director of Labor's rules and regulations concerning refresher training and training exemptions must be followed.
   f. Handle trade secrets in accordance with provisions set out in the law.
   a. The Director of Labor can request data substantiating a trade secret claim when asked by an employee, designated representative, or public employer.
   b. All information will be kept confidential.

PUBLIC EMPLOYEES' RIGHTS
Public employees who may be exposed to hazardous chemicals must be informed and shall have access to the Workplace Chemical List, MSDSs for the chemicals on the list, and information and training as provided in this act.
A public employee cannot be disciplined, discharged, or discriminated against for requesting information, filing a complaint, assisting an inspector of the Department of Labor, causing any complaint or proceeding to be instituted, testifying in any proceeding, or exercising any right afforded by this law.
Any waiver of the benefits or requirements of this law are a violation and are therefore null and void.

COMPLAINTS AND INVESTIGATIONS
The Director of the Department of Labor will investigate written and oral complaints from public employees concerning violations of this law. The Director or his designated representative has the authority to enter the workplace and conduct a thorough investigation of the complaint as specified by this law.

ENFORCEMENT
If the Director of Labor finds a public employee in violation of this law, he shall issue an order to cease and desist the act or omission constituting the violation.
If the Director of Labor finds that a public employee has failed to provide the required information and training by the prescribed time, he may conduct the program and change the employer for the costs incurred.
Violation of this act shall be cause for adverse personnel action against the responsible supervisor as set out in this act.

CAUSE OF ACTION - ATTORNEY FEES
Any citizen denied his rights under this law may commence civil action in circuit court and the court shall hear the petition within seven days.
The court shall have the jurisdiction to retain violations of this act and to order all appropriate relief. Those who refuse to comply with these orders will be in contempt of court.
Attorney fees and court costs will be assessed to the defendant and plaintiff as set out by the law.

NO EFFECT ON OTHER LEGAL DUTIES
The provision of information to a public employee does not affect the liability of the employer with regard to the health and safety of the employee, or the employer's responsibility to prevent the occurrence of occupational disease.
The provision of information to an employee also does not affect any other duty or responsibility of a chemical manufacturer or distributor to warn users of the hazardous chemicals.

ARKANSAS DEPARTMENT OF LABOR
10421 WEST MARKHAM
LITTLE ROCK, ARKANSAS 72205
PH. (501) 682-4500

EMPLOYERS ARE REQUIRED TO POST THIS NOTICE IN A CONSPICUOUS PLACE