

# State Procurement Manual

DOA-3449 N(R06/94) Formerly AD-P-12

		Number PRO-D-4
		Effective 5-26-09
Section GENERAL POLICIES	Agencies Affected ALL	Replaces 6-1-89
Title MATERIAL SAFETY DATA SHEET (MSDS) REQUIREMENT		Page 1 of 3

AUTHORITY: [Wis. Stats.](#) 101.58  
101.581  
101.583  
101.585  
101.586  
101.587  
101.589  
101.59  
101.592  
101.595  
101.597  
101.598  
101.599

>

166.20 (created by 1987 Act 342)

SCOPE: - to establish authority, procedure, and delegation to expedite compliance with state laws as they pertain to the procurement of infectious agents and hazardous chemicals

- DEFINITIONS:
- I. "Infectious agent" means a bacterial, mycoplasmal, fungal, parasitic or viral agent identified in §101.58(2)(f), Wis. Stats., as causing illness in humans or human fetuses or both, which is introduced by an employer to be used, studied or produced in the workplace. "Infectious agent" does not include such an agent in or on the body of a person who is present in the workplace for diagnosis or treatment.
  - II. "Hazardous chemical" as defined under the United States Department of Labor, Occupational Safety and Health Administration (OSHA), 29 CFR 1910.1200(c), means any chemical that is a physical hazard or a health hazard.
  - III. "Health hazard" as defined under OSHA, 29 CFR 1910.1200(c), means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term includes chemicals which are carcinogens, toxic or highly toxic agents,

Authorized:



Helen McCain, Director  
State Bureau of Procurement

# State Procurement Manual

DOA-3449 N(R06/94) Formerly AD-P-12

		Number PRO-D-4
		Effective 5-26-09
Section GENERAL POLICIES	Agencies Affected ALL	Replaces 6-1-89
Title MATERIAL SAFETY DATA SHEET (MSDS) REQUIREMENT		Page 2 of 3

reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes. (For further information see Appendices A and B of [29 CFR 1910.1200](#).)

- IV. “Material Safety Data Sheet” as defined under OSHA, 29 CFR 1910.1200(c), means written or printed material concerning a hazardous chemical which is prepared in accordance with 29 CFR 1910.1200(g).
- V. "Physical hazard" as defined under 29 CFR 1910.1200(c) means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water reactive.
- VI. "Toxic substances" are referenced by the Wisconsin Employees' Right to Know Law. Since they are encompassed as a subset within the broader definition of hazardous chemicals, they are not specifically defined here.

**CONTENT:**

- I. As an employer, as defined under the Employees' Right to Know Law, §101.58(2)(a) and (e), Wis. Stats., each state agency is responsible for responding to employee requests for information on toxic substances, infectious agents, and pesticides in the workplace under §§101.583, 101.585, and 101.586, Wis. Stats. Each state agency must retain and maintain Material Safety Data Sheets (MSDS) for hazardous chemicals present at the agency.
- II. Whenever a hazardous chemical or infectious agent is obtained, regardless of dollar amount or procurement method, the vendor is required to submit copies of the appropriate Material Safety Data Sheet(s) with the initial shipment and with the first shipment after a Material Safety Data Sheet is updated. The vendor must send the initial or updated Material Safety Data Sheet(s) with a complete container, partial container or single product. The vendor, distributor or manufacturer may make access to Material Safety Data Sheets available online via their website, however, Material Safety Data Sheets must be provided as stated herein, regardless of online availability, to meet state and OSHA requirements.

Authorized:



Helen McCain, Director  
State Bureau of Procurement

# State Procurement Manual

DOA-3449 N(R06/94) Formerly AD-P-12

		Number PRO-D-4
		Effective 5-26-09
Section GENERAL POLICIES	Agencies Affected ALL	Replaces 6-1-89
Title MATERIAL SAFETY DATA SHEET (MSDS) REQUIREMENT		Page 3 of 3

- III. Consistent with these requirements, the State Bureau of Procurement, Division of Enterprise Operations has developed a procedure for acquiring Material Safety Data Sheets from manufacturers and suppliers of hazardous chemicals and infectious agents purchased by state agencies.

PROCEDURES: I. All procurements, acquisitions or purchase orders, regardless of dollar amount, must contain the following (or similar) request:

"If any item(s) on this order is a hazardous chemical, as defined under OSHA 29 CFR 1910.1200, or an infectious agent, as defined by § 101.58, Wis. Stats., the vendor shall include the appropriate Material Safety Data Sheet(s) with the initial shipment and with the first shipment after a Material Safety Data Sheet is updated. The vendor shall send the initial or updated Material Safety Data Sheet(s) with a complete container, partial container or single product. The vendor, distributor or manufacturer may make access to Material Safety Data Sheets available online via their website, however, Material Safety Data Sheets must be provided as stated herein, regardless of online availability, to meet State of Wisconsin and United States Department of Labor, Occupational Safety and Health Administration (OSHA) requirements."

- II. The agency's office designated to be responsible for MSDS management is also responsible for responding to employee requests for information.
- III. If it is brought to the attention of the agency purchasing office that an MSDS has not been supplied according to the request on the procurement, acquisition or purchase order, that purchasing office and the office designated to be responsible for MSDS management will work together to contact the vendor to acquire the MSDS.
- IV. Questions or problems arising from attempts to get information from manufacturers or suppliers should be addressed to the director, State Bureau of Procurement and the director, Bureau of State Risk Management.

Authorized:



Helen McCain, Director  
State Bureau of Procurement