

Subpart 23.3 - Hazardous Material Identification and Material Safety Data

Parent topic: [Part 23 - Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace](#)

23.300 Scope of subpart.

This subpart prescribes policies and procedures for acquiring deliverable items, other than ammunition and explosives, that require the furnishing of data involving *hazardous materials*. Agencies *may* prescribe special procedures for ammunition and explosives.

23.301 Definition.

Hazardous material is defined in the latest version of Federal Standard No.313 (Federal Standards are sold to the public and *Federal agencies* through-

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23.302 Policy.

(a) The Occupational Safety and Health Administration (OSHA) is responsible for issuing and administering regulations that require Government activities to apprise their employees of-

- (1) All hazards to which they *may* be exposed;
- (2) Relative symptoms and appropriate *emergency* treatment; and
- (3) Proper conditions and precautions for safe use and exposure.

(b) To accomplish this objective, it is necessary to obtain certain information relative to the hazards which *may* be introduced into the workplace by the *supplies* being acquired. Accordingly, *offerors* and contractors are required to submit *hazardous materials* data whenever the *supplies* being acquired are identified as *hazardous materials*. The latest version of Federal Standard No.313 (Material Safety Data Sheet, Preparation and Submission of) includes criteria for identification of *hazardous materials*.

(c) *Hazardous material* data (Material Safety Data Sheets (MSDS)) are required-

- (1) As specified in the latest version of Federal Standard No.313 (including revisions adopted during the term of the contract);
- (2) For any other material designated by a Government technical representative as potentially hazardous and requiring safety controls.

(d) MSDS's *must* be submitted-

(1) By the apparent successful *offeror* prior to contract award if *hazardous materials* are expected to be used during contract performance.

(2) For agencies other than the Department of Defense, again by the contractor with the *supplies* at the time of delivery.

(e) The *contracting officer shall* provide a copy of all MSDS's received to the safety officer or other designated individual.

23.303 Contract clause.

(a) The *contracting officer shall* insert the clause at [52.223-3](#), *Hazardous Material Identification and Material Safety Data*, in *solicitations* and contracts if the contract will require the delivery of *hazardous materials* as defined in [23.301](#).

(b) If the contract is awarded by an agency other than the Department of Defense, the *contracting officer shall* use the clause at [52.223-3](#) with its *Alternate I*.