



Section 3 : ADMINISTRATIVE CLAUSES

304. Hazardous Material - Material Safety Data Sheet (10/1/96).

(a) Prior to shipping hazardous materials (solids, liquids, cryogenic liquids, gases) hereunder, Seller will provide Buyer (see para. e) with two copies of the Material Safety Data Sheet (MSDS) [U.S. Department of Labor "OSHA Voluntary form (Non-Mandatory Form)" or equivalent thereof] for each material, inclusive of all required information as described in 29 CFR 1910.1200(g).

(b) DEFINITIONS - A hazardous material is a material which:

(1) Is defined as a hazardous material by OSHA, DOT, EPA, ICAO, or any other federal, state, or local environmental or health agency.

(2) In the course of normal operations or foreseeable emergencies, may produce dusts, gases, vapors, mists, fumes, or smoke.

(3) If used without special precautions, would constitute a health or physical hazard to humans.

(c) Where two or more hazardous materials are supplied separately or in kit form for the purpose of combining such materials to form an end compound, which is the result, in whole or in part, of a chemical reaction, Seller will provide an MSDS for the end compound as well as for each component part.

(d) An MSDS will be provided for each propellant or explosive. In the case of explosive devices, the MSDS may be specific for the explosive device or may be the MSDS for the explosive material contained in the device.

(e) Seller will send one copy of the MSDS to Buyer's authorized purchasing representative prior to shipment and include one copy with the shipment.

(f) Proprietary or trade secret information about products containing a hazardous material, as defined above, will be disclosed as required by 42 USC 11043, 40 CFR 372.45, and 29 CFR 1910.1200(i).

(g) Mandatory resubmission of an MSDS is required with each change in formulation of the material that affects its hazardous characteristics, with each change in information regarding the material's hazardous characteristics, and with each change in information regarding handling procedures for the material.

(h) The following additional information will be included in an attachment to the MSDS:

(1) NFPA (National Fire Protection Association) hazard identification signal numbers and symbols;

(2) Proper DOT shipping name, UN number, hazard-class number, packing-group number, labeling requirements, and any specialized container requirements; and

(3) DOT Exemptions and Department of Defense Certificate of Equivalency (COE) - Any solid or liquid chemical material,

gases, and all cryogenic liquids which require specification containers or cylinders must be so supplied, unless Seller obtains and submits applicable DOT Exemptions or Department of Defense COE's to Buyer as provided above. (49 CFR 172.107, 173.320; NAV MAT Instruction 4030.11; Federal Standard 313C or latest revision).

(i) All primary containers of hazardous materials will bear labels that comply with all aspects of the labeling requirements in 29 CFR 1910.1200(f).

(j) All inside and outside shipping containers will comply in all respects with 49 CFR Parts 100-199, utilizing specification containers when required.

(k) The MSDS must be furnished at the time of delivery of the material. Failure to provide the MSDS with the material at time of delivery will result in rejection of the material pursuant to the "Acceptance, Rejection, and Correction of Deficiencies" clause of this contract.