



# State Procurement Manual

Department of Administration, State Bureau of Procurement

Number  
PRO-609

<b>Section</b> ADMINISTRATIVE POLICY	<b>Effective</b> 9/16/19	<b>Replaces</b> PRO-D-4, D-14 Various
<b>Title</b> PURCHASING PRODUCTS WITH SAFETY DATA SHEETS, AND PRODUCTS CONTAINING PHOSPHORUS		<b>Page</b> 1 of 3

**SCOPE:** The purpose of this policy is to establish authority and procedure for ensuring compliance with state laws related to the procurement of infectious agents, hazardous chemicals and/or products containing phosphorus.

**POLICY:** The procurement, and use, of certain materials carry additional requirements as outlined in Wisconsin State statutes. Specifically, agencies will comply with restrictions on the purchase of products containing phosphorus and will obtain and keep Safety Data Sheets (SDS) as provided herein.

## Safety Data Sheets (SDS)

A Safety Data Sheet, as defined under Occupational Safety and Health Administration (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).

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 SDS for hazardous chemicals present at the agency.

For more information on OSHA SDS, see [https://www.osha.gov/Publications/HazComm\\_QuickCard\\_SafetyData.html](https://www.osha.gov/Publications/HazComm_QuickCard_SafetyData.html).

## Products Containing Phosphorus

State agencies will not purchase or use products that contain more than 0.5 (one-half of one) percent phosphorus by weight which cannot be sold to the public at the retail level, unless otherwise exempted. The State Bureau of Procurement may waive the application of this policy in any case where health, safety, or public welfare would be negatively affected.



### Legal Authority

Wis. Stats. 100.28; 101.58-101.59; 101.592;  
101.595; 101.597-101.599; 166.20

Agencies Affected: All, unless otherwise noted

Authorized:  
Sara Redford, Director  
State Bureau of Procurement



# State Procurement Manual

Department of Administration, State Bureau of Procurement

Number  
PRO-609

<b>Section</b> ADMINISTRATIVE POLICY	<b>Effective</b> 9/16/19	<b>Replaces</b> PRO-D-4, D-14 Various
<b>Title</b> PURCHASING PRODUCTS WITH SAFETY DATA SHEETS, AND PRODUCTS CONTAINING PHOSPHORUS		<b>Page</b> 2 of 3

**PROCEDURE:** I. Safety Data Sheets for Purchased Products

A. 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 SDS with the initial shipment and with the first shipment after a SDS is updated. The vendor must send the initial or updated MSDS with a complete container, partial container or single product. The vendor, distributor or manufacturer may make access to SDS available online via their website, however, SDS must be provided as stated herein, regardless of online availability, to meet state and OSHA requirements.

B. All purchases, regardless of dollar amount, must contain the following (or similar):

"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 Safety Data Sheet(s) with the initial shipment and with the first shipment after a Safety Data Sheet is updated. The vendor shall send the initial or updated Safety Data Sheet(s) with a complete container, partial container or single product. The vendor, distributor or manufacturer may make access to Safety Data Sheets available online via their website, however, 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."



**Legal Authority**

Wis. Stats. 100.28; 101.58-101.59; 101.592;  
101.595; 101.597-101.599; 166.20

Agencies Affected: All, unless otherwise noted

**Authorized:**

Sara Redford, Director  
State Bureau of Procurement



# State Procurement Manual

Department of Administration, State Bureau of Procurement

Number  
PRO-609

<b>Section</b> ADMINISTRATIVE POLICY	<b>Effective</b> 9/16/19	<b>Replaces</b> PRO-D-4, D-14 Various
<b>Title</b> PURCHASING PRODUCTS WITH SAFETY DATA SHEETS, AND PRODUCTS CONTAINING PHOSPHORUS		<b>Page</b> 3 of 3

- C. If it is brought to the attention of the agency purchasing office that an SDS 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 SDS management will work together to contact the vendor to acquire the SDS.
  - D. 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.
- II. Exemptions: Products Containing Phosphorus
- A. Exceptions to the standard identified in Policy are:
    - 1) More than 8.7 percent for machine dishwashing or cleansing of medical equipment.
    - 2) More than 20 percent for water conditioners.
  - B. Cleansing of dairy equipment and cleaning agents used for industrial processes are not covered by this policy. State agency use will not be interpreted as "industrial use".



**Legal Authority**

Wis. Stats. 100.28; 101.58-101.59; 101.592;  
101.595; 101.597-101.599; 166.20

Agencies Affected: All, unless otherwise noted

Authorized:  
Sara Redford, Director  
State Bureau of Procurement