

**HAZARDOUS MATERIAL - MATERIAL SAFETY DATA SHEET**

1. Prior to shipping hazardous materials, chemical substances and mixtures (solids, liquids, cryogenic liquids, gases) hereunder, Seller will provide Buyer (see paragraph (6) with two copies of the Material/Safety Data Sheet (M/SDS) [U.S. Department of Labor "OSHA Voluntary Form (Non-Mandatory Form)"] for each material, inclusive of all required information.

2. **DEFINITIONS**

A hazardous material is a material which:

- a. Is defined as a hazardous material by OSHA, DOT, EPA, ICAO, or any other federal, state, or local environmental or health agency.
- b. In the course of normal operations or foreseeable emergencies, may produce dusts, gases, vapors, mists, fumes, or smoke.
- c. If used without special precautions, would constitute a health or physical hazard to humans.

A "chemical" means any substance, or mixture of substances

A "substance" means a chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding, any solvent which may be separated without affecting the stability or changing its composition.

A "mixture" means a mixture or solution composed of two or more substances.

3. Seller shall notify Buyer of any hazardous, toxic materials, chemicals substances or mixtures or any combination thereof that may produce a hazardous environment or any potentially dangerous process intended for use on a Government or Customer installation. The submittal will include the safety or control measures Seller proposes to implement. Seller shall not deliver any such material to a Government or Customer installation until so authorized by Buyer. This clause will be included in any subcontract issued for work on this contract.

4. Where two or more hazardous materials, chemical substances or mixtures are supplied separately or in kit form for the purpose of combining such materials to form an end compound that is the result, in whole or in part, of a chemical reaction, Seller will provide an M/SDS for the end compound as well as for each component part.

## BDS Terms and Conditions Guide

Clause Number: D401

Effective: 08/06/2013

Page: 2 of 3

5. An M/SDS will be provided for each propellant or explosive. In the case of explosive devices, the M/SDS may be specific for the explosive device or may be the M/SDS for the explosive material contained in the device.
6. Seller shall: 1) send one copy of the M/SDS to Buyer's Authorized Procurement Representative, then e-mail one copy to [msds@boeing.com](mailto:msds@boeing.com) prior to shipment; and 2) include one copy with the shipment.
7. Proprietary or trade secret information about products containing a hazardous material, chemical substance or mixture will be disclosed as required by applicable statutes and government rules, regulations, and orders.
8. Mandatory resubmission of an M/SDS 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.
9. The following additional information will be included in an attachment to the M/SDS:
  - a. NFPA (National Fire Protection Association) hazard identification signal numbers and symbols;
  - b. Proper DOT shipping name, UN number, hazard-class number, packing-group number, labeling requirements, and any specialized container requirements; and
  - c. DOT Exemptions and Department of Defense Certificate of Equivalency (COE) - Any solid or liquid chemical material, gases, and all cryogenic liquids that require specification containers or cylinders must be so supplied, unless Seller obtains and submits applicable DOT Exemptions or Department of Defense COEs to Buyer as provided above.
10. All primary containers of hazardous materials, chemical substances or mixtures will bear labels that comply with all aspects of the labeling requirements in all applicable statutes and government rules, regulations, and orders.
11. All inside and outside shipping containers will comply in all respects with all applicable statutes and government rules, regulations, and orders, utilizing specification containers when required.

## **BDS Terms and Conditions Guide**

**Clause Number: D401**

**Effective: 08/06/2013**

**Page: 3 of 3**

12. The M/SDS must be furnished at the time of delivery of the material. Failure to provide the M/SDS with the material at time of delivery will result in rejection of the material pursuant to the provisions of this contract addressing acceptance, rejection, and/or inspection of goods.
13. Upon Buyer's request, Seller shall provide to Buyer a separate European Union (EU) compliant Safety Data Sheet (SDS).