
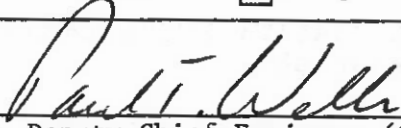


TO:  <b>SUPERSEDED BY EB 96-027 EFFECTIVE 6/18/96</b>	 <b>ENGINEERING BULLETIN</b> NEW YORK STATE DEPARTMENT OF TRANSPORTATION
SUBJECT: STANDARD SPEC. SECTION 106-CONTROL OF MATERIALS, ADDITION OF REQUIREMENT TO PROVIDE MATERIAL SAFETY DATA SHEETS (MSDSs) Subject Code 7.30	
Distribution: <input checked="" type="checkbox"/> Main Office <input checked="" type="checkbox"/> Regions <input checked="" type="checkbox"/> Special	Code: <u>EB-92-03</u>
APPROVED:  Paul T. Wells, Deputy Chief Engineer (Construction)	Date: <u>01/09/92</u> Supersedes:

This Engineering Bulletin Expires \_\_\_\_\_

**SUBJECT: STANDARD SPECIFICATIONS SECTION 106 - CONTROL OF MATERIALS, ADDITION OF REQUIREMENT TO PROVIDE MATERIAL SAFETY DATA SHEETS (MSDS)**

Section 106-01 of the Standard Specifications has been amended to include a requirement that the Contractor provide to the Engineer a Material Safety Data Sheet for materials to be used in the work. This Engineering Bulletin transmits that change, and a section to be added to the CONSTRUCTION SUPERVISION MANUAL to provide guidance to project staff in the administration of this requirement. This CSM section should be inserted after Page 106-1 of the existing manual.

The revised specification shall be added to all projects effective with the letting of January 09, 1992.

Manual ENGINEERING BULLETIN	Code EB-92-03	Date 01/09/92	Page 2 of 2
Subject: . STANDARD SPEC. SECTION 106 - CONTROL OF MATERIALS, ADDITION OF , REQUIREMENT TO PROVIDE MATERIAL SAFETY DATA SHEETS (MSDSs)			

Safety and Health Requirements

Make the following changes to the Standard Specifications of January 2, 1990.

Page 1-34

Under §106-01 SOURCE OF SUPPLY AND QUALITY REQUIREMENTS . add  
the following after the fourth paragraph:

"The contractor shall provide to the Engineer a material Safety Data Sheet (MSDS) meeting current requirements of OSHA Part 1926 for materials to be used in the work, before each material is first used in the project. The requirement to provide a MSDS shall apply to all materials to which workers are exposed, to the extent that OSHA Part 1926.59 requires a MSDS for that material. This applies to those materials brought to the jobsite to be incorporated into the work, as well as to all materials that are encountered at the jobsite as a result of the use or incorporation of the other materials. This requirement shall be waived for commonly used generic construction materials such as portland cement and asphalt cement by providing to the contractor a list of those materials. Such waiver, however does not relieve the contractor from the responsibility to maintain a copy of the MSDS for each material to which the contractors workers will be exposed, as required by OSHA Part 1926."

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

CONSTRUCTION SUPERVISION MANUAL

106-01 SOURCE OF SUPPLY AND QUALITY REQUIREMENTS  
- MATERIAL SAFETY DATA SHEETS

Effective with the letting of January 09, 1992, Section 106-01 of the Standard Specifications has been amended to require the Contractor to provide to the Engineer a Material Safety Data Sheet for materials to be used in the work, to the extent a MSDS is required for that material by OSHA Part 1926. This requirement is intended to ensure that the contractor meets the related regulations of OSHA Part 1926 relative to the provision of a MSDS to cover all contractor's employees involved in the work. By providing a copy to the Engineer, this also ensures that the Department will be in compliance with the New York State's Right-to-Know law requirements to provide a MSDS in the event that any Department employees are exposed to hazardous materials in the course of inspecting the work. All MSDSS received from the contractor shall be maintained in a file at the project field office in a location that is accessible to employees at all times. In the event that an accidental exposure to a material should occur, the information in the MSDS may be needed immediately in order to determine the appropriate emergency first-aid treatment as well as follow-up medical treatment at a health-care facility. The location of the MSDS file shall be prominently posted at the project field office, along with the other required components of the Region's Hazardous Materials Communications Program.

Numerous generic construction materials such as portland cement and asphalt cement are routinely used in the construction of Department projects. Each Region must routinely provide to each work site, including project field offices, a set of MSDSS for these generic materials. For such materials, the Department will waive the requirement that the contractor provide a copy of the MSDS. This is intended to reduce the amount of paper that must change hands. However, it is still necessary for the contractor to maintain a MSDS in the project file for any of these generic materials that are to be used in the work in order to protect his employees.

The form letter which follows or some equivalent procedure should be used to waive the requirement for generic MSDSS, and to

remind the contractor that all required MSDSs must be maintained in the Contractor's project office. The attached list of materials are commonly encountered on construction projects, and each Region should maintain a package of MSDSs for those materials to be supplied to project EICs as needed. The requirement for the contractor to supply a MSDS for these materials will be waived by attaching the list to the form letter. Each Region has the option of adding additional commonly encountered generic materials to this list to reduce the number of MSDSs that must be provided by the contractor. The Region may also utilize equivalent procedures in lieu of the waiver letter, so long as a written record is provided to the contractor and in the project files. The intention is to make the process as simple as possible, and to minimize paperwork for the contractor, considering the need to maintain adequate assurance that both the Department and the contractor are in compliance with the MSDS provisions of their Hazardous Materials Communication Programs.

SAMPLE LETTER  
MSDS REQUIREMENT WAIVER

SUPERINTENDENT  
CONTRACTOR  
PROJECT ADDRESS

RE: D. \_\_\_\_\_  
PROJECT DESCRIPTION  
WAIVER OF MSDS REQUIREMENT

Dear (Project Superintendent):

Pursuant to Section 106-01 of the Standard Specifications, this is to notify you that the requirement to provide a Material Safety Data Sheet is waived on this project for the materials named on the enclosed list. You are required to provide me an MSDS for all other materials to be used or encountered in the work, to the extent that an MSDS is required by OSHA Part 1926.59 regulations.

You are reminded that you are required to maintain at the project office an MSDS for all materials to be used or encountered in the work before any such material is used. This includes all materials as defined in OSHA Part 1926.59, both those on the enclosed list, and any other materials to be encountered or used in the work.

Very truly yours,

\_\_\_\_\_  
Engineer-in-Charge

Enclosure

New York State Department of Transportation  
Construction Division  
Standard Specifications Section 106-01

LIST OF WAIVED MATERIAL SAFETY DATA SHEETS

Acetylene  
Asphalt Cement  
Calcium Carbonate (Limestone)  
Calcium Hydroxide (Lime Products)  
Calcium Chloride (Road Salt)  
Coal Tar Emulsion  
Ethylene Glycol (Antifreeze)  
Gasoline  
Iron  
Lead  
Oxygen  
Portland Cement  
Diesel Fuel  
Motor Oil  
Propane  
Sodium Chloride (Rock Salt)  
Wood Dust  
Zinc  
Motor Oil  
Asphalt Emulsions  
Concrete Sand  
Creosote  
Silica  
Lubricating Oils  
Carbon Monoxide  
Kerosene