U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

DOT-E 7909 (EXTENSION)
FIFTH REVISION February 15, 1996

In accordance with 49 CFR 107.109 of the Department of Transportation (DOT) Hazardous Materials Regulations DOT-E 7909 is hereby extended for the party(ies) listed below by changing the expiration date in paragraph 10 to November 30, 1998. This change is effective from the issue date of this extension. All other terms of the exemption remain unchanged.

This extension applies only to party(ies) listed below based on the application(s) received in accordance with 49 CFR 107.109. This extension constitutes a necessary part of this exemption and must be attached to it.

Marilyn J. Morris
for Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

December 12, 1996
(DATE)

Dist: FHWA FRA FAA

| EXEMPTION HOLDER | APPLICATION DATE |
|---|---|
| Display Pack, Inc.<br>Grand Rapids, MI | October 31, 1996 |

EXPIRED - Withdrawn

U.S. Department of Transportation
Research and Special Programs Administration

FEB 15 1996

400 Seventh Street, S.W.
Washington, D.C. 20590

DOT-E 7909
(FIFTH REVISION)

1. Dow Chemical Company, Midland, Michigan, are hereby granted an exemption from certain provisions of this Department's Hazardous Materials Regulations to manufacture, mark, and sell the packaging described in paragraph 7 below for use in transportation of poisonous liquids and solids described in paragraph 3 below in commerce subject to the requirements specified herein. This exemption authorizes the transportation of limited quantities of poisonous liquids and solids in packagings which do not bear the POISON label or STOW AWAY FROM FOODSTUFFS label, and provides no relief from any regulation other than as specifically stated. (See Appendix A of this exemption).

2. BASIS. This exemption is based on Dow Chemical Company's application dated May 31, 1995, submitted in accordance with 49 CFR 107.105. (See Appendix A of this exemption).

3. HAZARDOUS MATERIALS (Descriptor and class). Poisonous liquids and solids in packing group II & III, Division 6.1.

4. PROPER SHIPPING NAME (49 CFR 172.101). Specific or generic shipping name, as appropriate.

5. REGULATION AFFECTED. 49 CFR 172.203; 172.400, 172.402(a)(2) and 172.504(a); 175.30; 175.33.

6. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle, rail freight and cargo-aircraft only.

7. SAFETY CONTROL MEASURES. Packaging prescribed is:

a. A plastic, metal or plastic-coated glass container having a capacity of one pint or one quart and complying with the following:

i. Plastic coating for glass containers must be at least 10 mils thick.

ii. Each container must be clearly marked with a fill level indicator which will provide at least 2% outage at 130°F.

iii. All threaded closures must be secured with pressure sensitive tape. Other closures must be secured by positive means, not friction.

b. The container described in "a", must be inserted in, and completely surrounded by, a pouch made of, or containing, an imbiber system which has the capability of absorbing the entire liquid contents of the inner container. The pouch must comply with the specifications shown in the application dated September 28, 1987, as the "Original Assembly", "Variable 1" and "Variable 2", and the pouch must be sized for a one pint or a one quart container, whichever is used. It must be established that the absorbent material will not react chemically with the contents of the inner container.

c. Each pouch containing the inner container must be placed in a plastic bag at least 2 mils thick which will adequately contain any liquid which escapes from the inner container until it can be absorbed by the imbiber system.

d. Each plastic bag and contents must be placed snugly in a 0.25 pound electrolytic tin plate can with a friction lid which may or may not be secured in place with a minimum of 3 retaining clips spaced evenly around the periphery of the can.

e. Each filled can must be placed in a UN 4G/X. Filled can must be cushioned by use of loose cushioning material between can and box; or by use of formed end cap on top and bottom of can; or by means of a die-cut corrugated fiberboard insert to position and cushion can in the outer box.

8. SPECIAL PROVISIONS.

a. Persons who receive packages covered by this exemption may reoffer them for transportation provided no modifications or changes are made to the packages, all terms of this exemption are complied with, and a current copy of this exemption in maintained at each facility from which such reoffering occurs.

b. POISON and STOW AWAY FROM FOODSTUFFS labels need not be displayed on packages.

c. Each package shipped under this exemption that would otherwise bear a label mentioned in paragraph 8.b. must be marked "DOT LABEL NOT REQUIRED - DOT-E 7909" in letters at least one-half inch high on a contrasting background.

d. A copy of this exemption must be carried aboard each aircraft used to transport packages covered by this exemption.

e. The "FLIGHTS OF CARGO-ONLY AIRCRAFT" requirements of Appendix B to 49 CFR Part 107 do not apply to operations subject to this exemption.

f. The following provisions are applicable to materials which are poisonous by inhalation (See 49 CFR 173.132 and 173.133) that are packaged in accordance with the requirements of this exemption:

1. Carriage aboard passenger aircraft is forbidden.

2. Each outside package must be marked in accordance with paragraph 8.c. above and "INHALATION HAZARD" in letters at least on-half inch high on a contrasting background in close proximity to the marking specified in paragraph 8.c. above.

3. Each shipping paper must contain a notation "POISON INHALATION HAZARD" in addition to the shipping paper requirements of Subpart C of Part 172.

4. The Associate Administrator for Hazardous Materials Safety shall be advised of each incident involving packages containing such toxic by inhalation materials and the remedial action taken as a result of the incident as soon as practical after its occurrence.

9. REPORTING REQUIREMENTS. The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (49 CFR 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption). In addition, the holder(s) of this exemption must also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

10. EXPIRATION DATE. January 31, 1997.

Issued at Washington, D.C.:

J. Suzanne Hedgepeth

Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety

FEB 15 1996
(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C., 20590. Attention: Exemptions Program.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Dist: FAA, FHWA, FRA

FEB 15 1996

DOTE 7909

Appendix A

This exemption applies only to party(s) listed below based on the application(s) received in accordance with 49 CFR 107.105. All other terms of the exemption remain unchanged. This extension forms part of the exemption and must be attached to it.

DowElanco, Indianapolis, IN, application dated November 01, 1993 - PTE-1

Display Pack, Inc., Grand Rapids, MI, application dated November 03, 1993 and October 31, 1995 - PTE-2