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

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

NOV 1 0 2003

DOT-E 13331

EXPIRATION DATE: November 30, 2003

1. GRANTEE: BASF Corporation
Mount Olive, NJ

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the one-time transportation in commerce of a solid pesticide that was inadvertently loaded in flexible intermediate bulk containers (FIBCs) that are not authorized for that material. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.

b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.302(c) in that marking the exemption number on the packagings is waived and § 173.242 in that the packaging is not authorized for the material listed in paragraph 6, except as specified herein.

5. BASIS: This emergency exemption is based on the application of BASF Corporation dated November 7, 2003 submitted in accordance with § 107.117 and a determination that it is necessary in order to protect life and property.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Organophosphorus pesticides, solid, toxic	6.1	UN2783	I

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are approximately 164 UN 13H3 FIBCs that are authorized for Packing Group II materials.

b. The FIBCs will be transported in dedicated motor vehicles owned and operated by Jacobson Warehouse Trucking, and will be transported one-time from the BASF warehouse in Des Moines, IA to the BASF plant in Des Moines, IA, a trip of approximately 3 miles.

c. The marking requirement in § 172.302(c) is waived.

8. SPECIAL PROVISIONS: A current copy of this exemption must be maintained at the facility where the package is offered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

12. 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. (Sections 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 inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

NOV 1 0 2003
(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590. Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/exemptions Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: AM