U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

MAY 1 2003

DOT-E 13061
(FIRST REVISION)

EXPIRATION DATE: March 31, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Dow AgroSciences, L.L.C.
Indianapolis, IN

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of Division 6.1 liquid soil pesticide fumigants in certain non-DOT specification cargo tanks that are not authorized by the Hazardous Materials Regulations (HMR) for those materials. This exemption provides no relief from the 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. The safety analyses did not consider the hazards and risks associated with consumer use or other uses not 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(a) and 172.504(a) in that requirements for marking the ID number and placarding are waived for one end of the tank; and § 173.243(b) in that use of a non-DOT specification cargo tank is not authorized except as specified herein.

5. BASIS: This exemption is based on the application of Dow AgroSciences, L.L.C. dated June 26, 2002, and supplemental information dated October 7, 2002, submitted in accordance with § 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Pesticides, liquid, toxic, flammable, n.o.s. *flash point not less than 23 degrees C*	6.1	UN2903	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a non-DOT specification cargo tank, commonly called a nurse tank, designed and certified ("U" stamped) in accordance with Section VIII, Division 1 of the ASME Code. Each nurse tank authorized by this exemption must meet the following:

(1) Minimum design pressure is 250 psig.

(2) Maximum capacity is 2000 gallons.

(3) The tank must be equipped with one or more self-closing pressure relief devices with set pressures as required by the ASME Code. Venting capacity must conform to the requirements of § 178.275(i).

(4) No openings below the liquid level of the tank are permitted.

(5) The tank must be securely mounted on a farm wagon or motor vehicle.

b. TESTING - Each tank must be tested and inspected in conformance with provisions of § 180.407 as applicable to DOT Specification MC 331 cargo tanks by persons meeting the requirements of § 180.409.

c. OPERATIONAL CONTROLS -

(1) Transportation must be by private carrier.

(2) Transportation is authorized only between grantee's distributor's locations, farms and/or application sites, not more than 150 miles from one another.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption may offer and/or transport hazardous materials as authorized by this exemption provided the material is offered and transported in conformance with this exemption and the HMR, and the person is either:

(1) a farmer (including a farm employee or family member) and the transport is within 150 miles of the farmer's home, or

(2) an employee of a distributor of pesticides of the grantee and the transport is within 150 miles of the distributor's location.

b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

c. The requirements for marking the ID number and placarding specified in §§ 172.302(a) and 172.504(a) are waived for one end of the tank if that end contains valves, fittings, regulators or gauges which would prevent the marking and placard from being properly placed and visible.

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.:

R. Ryan Paul

MAY 1 2003
(DATE)

Robert A. McGuire
for Associate Administrator for
Hazardous Materials Safety

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: PTOlson:dl