U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

APR - 6 1993

DOT-E 10891

1. Inmark, Inc., Atlanta, Georgia, is hereby granted an exemption from certain provisions of this Department's Hazardous Materials Regulations to manufacture, mark, and sell the packaging described herein for shipment of those hazardous materials which are required to be labeled POISON, KEEP AWAY FROM FOOD, FLAMMABLE LIQUID, FLAMMABLE SOLID, CORROSIVE, or any combination of these labels, and hazardous materials which are required to be labeled DANGEROUS WHEN WET, for transportation in commerce subject to the limitations and special requirements specified herein. This exemption authorizes the manufacture, marking, and sale of a specially-designed combination packaging (as prescribed in Paragraph 7) for shipment of the above listed classes with quantity limits not exceeding one liter (or one quart), to be transported without the hazard labels when packaged as provided in paragraph 7 of this exemption. This exemption also authorizes the transportation of materials which require the DANGEROUS WHEN WET label in motor vehicles which are not placarded FLAMMABLE SOLID W, and provides no relief from any regulation other than as specifically stated.

2. BASIS. . This exemption is based on Inmark, Inc.'s application dated September 14, 1992, submitted in accordance with 49 CFR 107.103 and the public proceeding thereon.

3. HAZARDOUS MATERIALS (Descriptor and class). Liquid and solid hazardous materials required to bear the POISON, KEEP AWAY FROM FOOD, FLAMMABLE LIQUID, FLAMMABLE SOLID, or CORROSIVE labels classed as Division 6.1, Class 3, Division 4.1, Class 8, or Division 5.1; materials bearing any combination of these labels; and materials required to bear the DANGEROUS WHEN WET label, classed as Division 4.3. Materials for which no exceptions are permitted in column 8 of 49 CFR 172.101 Table are not authorized to be shipped under the terms of this exemption.

4. PROPER SHIPPING NAME (49 CFR 172.101). Specific chemical name or generic commodity description, as appropriate. NOTE: Effective October 1, 1993, the appropriate numeric hazard class or division descriptions must be used in place of the written hazard class descriptions.

5. REGULATION AFFECTED. 49 CFR 172.203, 172.400, 172.402, 172.504, 173.25, 173.150, 173.151, 173.152, 173.153, 173.154, 173.201, 173.202, 173.203, 173.211, 173.212, 173.213, 175.3, 175.25, and 175.33, insofar as those regulations prohibit the shipment or carriage of hazardous materials without labels being applied to the outer packaging, and without required placards on the vehicles.

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

Expired - No Renewal
Not Active

7. SAFETY CONTROL MEASURES. This exemption authorizes the transportation of the hazardous materials identified in paragraph 3 above in packages which are not labeled, when packaged as follows:

a. Packaging Components. Packaging prescribed is as described in the Ten-E Packaging Services, Inc. test report dated June 5, 1992, submitted with Inmark's application, and as follows:

i. An inner wide mouth glass jar having a total capacity of not more than 32 ounces.

ii. The inner packaging must be cushioned with vermiculite and placed inside a polyethylene bag, which is securely closed.

iii. The filled polyethylene bag must be placed in a one gallon electrolytic tin plate can with double friction lid. The can assembly is placed in a 350 lb. test doublewall corrugated insert, which is further packed in a UN 4G fiberboard box constructed of 350 pound burst strength doublewall corrugated fiberboard.

b. Testing. The completed packaging, assembled as for transportation and with inner packaging filled 98% full, must be tested in accordance with 49 CFR Part 178 at the Packing Group I level with a gross mass of 5.5 kg.

8. SPECIAL PROVISIONS.

a. Offerors for transportation of the hazardous materials specified in this exemption may use the packaging described in this exemption for the transportation of such hazardous materials so long as no modifications or changes are made to the packages, all terms of this exemption are complied with, and a copy of the current exemption is maintained at each facility from which such offering occurs.

b. In accordance with the provisions of 49 CFR Part 107, Appendix B to Subpart B, Paragraph 3, the shipper shall furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered. In addition, a copy of this exemption must be carried aboard each aircraft and cargo vessel used to transport packages covered by this exemption.

c. POISON, KEEP AWAY FROM FOOD, CORROSIVE, FLAMMABLE LIQUID, AND DANGEROUS WHEN WET labels need not be displayed on packages.

d. Each package shipped under this exemption that would otherwise bear a required POISON, KEEP AWAY FROM FOOD, CORROSIVE, or FLAMMABLE LIQUID label or combinations thereof, must be marked "DOT-E 10891" in letters at least one-half inch high on a contrasting background.

e. Each package shipped under this exemption that would otherwise be labeled DANGEROUS WHEN WET must be marked "DOT-E 10891" in letters at least one-half inch high on a contrasting background. Vehicles transporting such packages are not required to be placarded FLAMMABLE SOLID W.

f. Each packaging manufactured under the authority of this exemption must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated for a specific manufacturing facility.

g. A copy of this exemption, in its current status, must be maintained at each manufacturing facility at which this packaging is manufactured and must be made available to a DOT representative upon request.

9. REPORTING REQUIREMENTS. Any incident involving loss of packaging contents or packaging failure must be reported to the Associate Administrator for Hazardous Materials Safety as soon as practicable. (49 CFR 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.)

10. EXPIRATION DATE. January 31, 1995.

Issued at Washington, D.C.:

APR - 6 1993

Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

(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.

Dist: FHWA, FAA, FRA.