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

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

NOV 14 2002

DOT-E 12293
(SECOND REVISION)

EXPIRATION DATE: October 31, 2004

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Intercontinental Packaging Corporation
Tuckahoe, NY

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the manufacture, mark, sale and use of a non-DOT specification, non-refillable plastic aerosol container filled with propellant gas, and an inner commodity pouch that is empty or contains a non-hazardous material for transportation in commerce. 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. 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 § 173.306(a) in that a plastic aerosol container is not authorized; 173.306(a)(3)(v) in that each container, filled with a permanent non-flammable compressed gas propellant, is not subject to a hot water bath test, except as specified herein.

5. BASIS: This exemption is based on the application of Intercontinental Packaging Corporation dated November 4, 2002 submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi-fication Number	Packing Group
Consumer commodity (pressurized by Air, compressed; Nitrogen compressed, or Carbon dioxide, compressed)	ORM-D	None	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is a non-DOT specification, nonrefillable plastic aerosol container consisting of an outer shell and inner commodity pouch as described in IPC's application on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA) and as prescribed below.

(1) Type and size - The single trip container must be seamless and have an external base cup as described in the application on file with OHMEA. The container has either an inner aluminum laminated (IPC LP system) or an inner polymer (polypropylene, nylon, or polyethylene)(PEP system) commodity pouch. The pouch is charged with a non-hazardous material. The volume of the annular space containing a pressurized gas may not exceed 40 percent of the total volume of the container. The total volumetric capacity of the container may not exceed 14 fluid ounces.

(2) Material - The outer container must be of "Food grade" Polyethylene terephthlate (PET) as determined by 21 CFR Part 177 with a separate, external high density polyethelene (HDPE) bottom cup.

Additives may be included in the plastic composition provided they do not adversely affect the chemical and physical properties of the base material.

(3) Manufacture - Each outer container must be manufactured by thermoplastic processes that will assure uniformity of the completed container. No used material other than production residues or regrind from the same manufacturing process may be used.

b. TESTING:

(1) One completed container out of every lot produced must be pressure tested to destruction and may not burst below 210 psig. The tested container must be complete with the ends assembled. If the test container fails the burst test, the lot must be rejected. However, an additional five randomly selected containers may be burst tested to qualify that lot. If any of the additional test containers fail the burst test, that lot must be rejected.

(2) Each 1,000 containers or less, successively produced as a batch or part thereof, must constitute a lot. All containers constituting a lot must be of like material, size, design, construction, finish, and quality.

c. OPERATIONAL CONTROLS:

(1) Filling Conditions -

(a) The container may not be liquid full at any temperature up to and including 130°F.

(b) The pressure in the container may not exceed 125 psig at 70°F and 140 psig at 130°F.

(2) Filling verification test - One container out of each lot of containers filled for shipment must be heated until the pressure in the container is equivalent to the equilibrium pressure of the contents at 130°F without evidence of leakage, distortion, or other defect. If the pressure of the test container exceeds 140 psig or the test container shows evidence of leakage, distortion, or other defects, the lot must be rejected.

However, an additional 5 randomly selected containers from that lot may be tested to qualify that lot. If any of the additional test containers fail the burst test, the entire lot must be rejected.

(3) Each container must be packed in strong outside packagings as prescribed in § 173.301(a)(9).

(4) Each outside packaging must be marked "INSIDE CONTAINERS CONFORM WITH DOT-E 12293".

(5) Each package may not exceed 66 pounds gross weight.

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this exemption for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this exemption.

b. A person who is not a holder of this exemption, but receives a package covered by this exemption, may reoffer it for transportation provided no modification or change is made to the package or its contents and it is offered for transportation in conformance with this exemption and the HMR.

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

d. 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 by the Office of Hazardous Materials Exemptions and Approvals for a specific manufacturing facility.

e. A current copy of this exemption must be maintained at each facility where the package is manufactured under this exemption. It must be made available to a DOT representative upon request.

f. Each plastic aerosol container must be marked "DOT-E 12293" as specified in § 172.301(c).

g. Test data obtained under paragraph 7.b. of this exemption, must be kept on file and be made available upon request by the OHMEA. Additionally, the following information must be submitted to OHMEA:

(1) Burst test results for the first 20 lots tested under paragraph 7.b. of this exemption.

(2) Lading temperature and pressure test data for the first 20 lots to verify that the pressure in the container is equivalent to the equilibrium pressure of the contents at 130°F without evidence of leakage, distortion, or other defect and that the pressure in the container does not exceed 140 psig at 130°F as specified in paragraphs 7.c.(1) and 7.c.(2) of this exemption.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, and cargo aircraft only.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel and aircraft used to transport packages covered by this exemption. The shipper must furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.

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 Pitt

for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

NOV 14 2002
(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: SS/alb