U.S. Department
of Transportation

**Research and
Special Programs
Administration**

MAR 23 2000

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

DOT-E 12319
(FIRST REVISION)

EXPIRATION DATE: **October 31, 2001**

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: BFI Medical Waste, Inc
Atlanta, GA

(See Appendix A for a list of additional grantees)

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the reuse of DOT Specification UN1H2 drums without the required minimum thickness marking as an outer packaging for the transportation in commerce of regulated medical waste. 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 § 173.503(a)(9)(ii) in that the minimum thickness is not marked on the drum; and the marking requirement of § 172.301(c).

5. BASIS: This exemption is based on the application of BFI Medical Waste, Inc dated July 2, 1999 and supplemental information dated October 21, 1999, submitted in accordance with § 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

| Proper Shipping Name/ Hazardous Materials Description | Hazard Class/ Division | Identi-fication Number | Packing Group |
|---|---|---|---|
| Regulated medical waste | 6.2 | UN3291 | II |

7. SAFETY CONTROL MEASURES:

a. PACKAGING -

(1) Packaging prescribed is a combination package consisting of a DOT Specification UN1H2 plastic drum as an outer package and an inner red bag containing solid regulated medical waste. The drum meets the minimum thickness requirements of § 173.28(b)(4)(i), but is not marked accordingly.

(2) Only drums marked as indicated below may be used under the terms of this exemption. No new construction is authorized.

UN1H2/Y35.6/S/99/USA/+AA2059
UN1H2/Y24/S/99/USA/+AC1429
UN1H2/Y35/S/99/USA/+AC1409
UN1H2/Y41/S/99/USA/+AC1408
UN1H2/Y16/S/99/USA/+AC1428
UN1H2/Y35/S/99/USA/+AC1410
UN1H2/Y37/S/99/USA/+AC1419

(3) Completed packages must meet the requirements described in § 173.197.

b. OPERATIONAL CONTROLS -

(1) Prior to being returned to BFI customers for reuse, each drum must be cleaned and inspected to ensure that the drum is free from damage that reduces its structural integrity. The drums must be refilled with materials that are compatible with the previous lading.

(2) The drums must be transported by private motor vehicles or contract carriers under the exclusive use of BFI.

(3) Shipments are only permitted between BFI customer locations and BFI treatment facilities.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modifications or changes are made to the package and it is reoffered for transportation in conformance with this exemption and the HMR.

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

c. The marking requirement of § 172.301(c) is waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle only.

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.:

MAR 23 2000
(DATE)

for Robert A. McGuire
Acting 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.

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.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, S.W., Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

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