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

NOV 16 2001

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

DOT-E 12864

EXPIRATION DATE: February 28, 2002

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Environmental Protection Agency (EPA) and persons conducting operations under the direction of government officials from EPA and their designees.

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the transportation in commerce of solid materials contaminated with or suspected to be contaminated with anthrax bacteria or spores, in a non-DOT specification packaging consisting of a bulk outer packaging and non-bulk inner packagings conforming to the provisions of this exemption for disposal. 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 § 172.101 Table Column 8C in that bulk size outer packagings are not authorized for infectious substances, affecting humans, except as specified herein.

5. BASIS: This exemption is based on the application of the Environmental Protection Agency dated November 14, 2001, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant injury to persons or property.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Infectious substances, affecting humans (anthrax - contaminated solid material) See Note	6.2	UN2814	N/A

Note: The infectious substances authorized under this exemption are limited to solid materials that have been or are suspected to have been contaminated with anthrax bacteria or spores and that have been treated by a chemical disinfectant, but may still pose a hazard.

7. SAFETY CONTROL MEASURES:

a. LIMITATIONS ON SOLID MATERIALS THAT HAVE POTENTIALLY BEEN CONTAMINATED WITH ANTHRAX:

(1) This exemption authorizes the transportation in commerce of solid materials that have been contaminated with or are suspected to have been contaminated with anthrax in a packaging system which consists of a bulk outer packaging - caster cart (Cart) used exclusively for solid materials contaminated with or suspected to be contaminated with anthrax bacteria or spores, and non-bulk inner packagings. The inner packaging must be a plastic film bag conforming to paragraph 7.b.(2) of this exemption.

(2) Inner packagings must be placed into the Cart in such a manner as to minimize the risk of breakage.

b. PACKAGING: The following packaging system is authorized:

(1) Bulk Outer Packaging - caster cart (Cart): The Cart must be a solid, one-piece, leakproof, body with a nominal volume not to exceed 1655 L (364 gallons). It must have interior surfaces that are smooth, non-porous and free of cracks, crevices and other defects which could damage inner packages or obstruct decontamination operations. The Cart must have a lid which is gasketed or forms a seal when closed and is mounted on at least 4 casters.

(2) Inner Packaging:

(i) A plastic film bag used under this exemption must have a minimum thickness of at least 3 mils (0.003 inch).

(ii) The inner packaging must be closed with a minimum of entrapped air and sealed securely by taping or tying the plastic to prevent the release of any material from the bag when inverted.

c. OPERATIONAL CONTROLS:

(1) A current copy of this exemption at each location where the material is offered for transportation.

(2) Prior to placement of the solid material in the inner packaging the material must be treated with a disinfectant that is recommended by the Centers for Disease Control and Prevention for use as a disinfectant for anthrax bacteria and spores.

(3) After the inner packaging is sealed, the exterior surface of the inner packaging must be treated with the disinfectant.

(4) When filled, a plastic film bag may not weigh more than 10 kg (22 lbs).

(5) Prior to loading into the Cart, the inner packaging must be placed into a second plastic bag as specified in paragraphs 7.b.(2)(i) and (ii) above. After the second plastic bag is sealed, the exterior surface must be treated with the disinfectant.

(6) The lid on the Cart must be closed except when the material authorized by this exemption is being loaded into the Cart.

(7) Before loading the Cart into a transport vehicle, the grantee must assure that the Cart is closed and sealed to prevent the release of any material during transportation.

(8) The doors on the motor vehicle being used to transport the material authorized by this exemption must be capable of being locked and must be closed except when a Cart is being loaded into the vehicle.

(9) Prior to transportation, the carrier must perform an external visual inspection of the transport vehicle to determine that it is closed and free of leakage.

(10) The carrier must transport a vehicle loaded with one or more Carts to a final destination that is authorized by applicable laws for storage, treatment or disposal of such materials, without unnecessary delay from the time the carrier's motor vehicle leaves the grantee's premises.

(11) The carrier must have a written spill response plan that includes provisions for the decontamination of spilled materials and for personal protective equipment to be carried on the vehicle and used to protect its employees from contact with infectious materials in any form.

(12) The carrier must respond to any release from a Cart that occurs during transportation. The response must include complete removal of any spilled material and decontamination of the release site, vehicle surfaces and external surfaces of the Cart involved.

(13) Prior to reuse, the Cart must be decontaminated with the disinfectant.

(14) Each motor vehicle must be decontaminated after each delivery of solid materials that have been contaminated with or are suspected to have been contaminated with anthrax bacteria or spores, prior to any loading of decontaminated Carts for reuse.

d. TESTING - The Cart must be capable of meeting the requirements of §§ 178.603 (drop test) and 178.606 (stacking test), as specified for solids at the Packing Group II performance level.

8. SPECIAL PROVISIONS:

a. The outside of each Cart must be plainly and durably marked "DOT-E 12864" and with identification numbers in the manner specified for a bulk packaging in §§ 172.302(b), (c) and 172.331.

b. In addition to marking the required identification number on the motor vehicle as specified in § 172.332, each side and each end must be marked "BIOHAZARD" in letters at least two inches high on a contrasting background.

c. Transportation must be by a private or contract carrier in a motor vehicle dedicated to exclusive use for the transportation of solid materials that have been contaminated with or are suspected to have been contaminated with anthrax bacteria or spores and which have been treated with a disinfectant. No other ladings or packages may be combined on the vehicle with these materials.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption 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. The emptying of the contents of the Cart at a treatment or disposal facility does not constitute a release under this paragraph.

Issued in Washington, D.C.:

NOV 16 2001

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

(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.

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.

PO: CHHOCHMAN