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

FEB 22 2002

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

DOT-E 12937

EXPIRATION DATE: July 31, 2002

1. GRANTEE: BASF Corporation
Mount Olive, NJ

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the transportation in commerce of "Flammable solids, organic, n.o.s. (contains pendimethalin), 4.1, UN 1325, III" in a UN 5M1 multi-ply paper bag under certain operating restrictions. This exemption also provides relief from the requirements to mark and label the UN5M1 bag, provided it is overpacked, and the overpack is properly marked and labeled. 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 §§ 172.301(a) and 172.400 in that a UN5M1 bag must be marked with the proper shipping name and identification number and labeled, except as provided herein and 173.213(c) in that UN 5M1 bags are not authorized except as provided herein.

5. BASIS: This emergency exemption is based on the application of BASF Corporation dated February 19, 2002 submitted in accordance with § 107.117 and a determination that it is necessary in order to prevent significant economic loss.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous materials description	Hazard Class/ Division	Identi-fication Number	Packing Group
Flammable solids, organic, n.o.s. (contains pendimethalin)	4.1	UN 1325	III

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING - A UN 5M1 multi-ply paper bag contained in strong outer packagings transported by private or contract carriers. The UN 5M1 bags must be as described in the design qualification test report for on file with OHMEA (Report #U-2287-02). Up to two (2) UN 5M1 bags may be placed in each strong outer packaging.

b. Any storage incident to transportation must be in a closed, dry facility.

8. SPECIAL PROVISIONS:

a. Each UN 5M1 bag is not required to be marked with the proper shipping name and identification number.

b. Each UN 5M1 bag is not required to be labeled.

c. Each overpack must be properly marked and labeled.

d. 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.

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

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle and cargo vessel.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel or 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 the 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.:

J. Suzanne Hedgepeth
Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

FEB 22 2002
(DATE)

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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.

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