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

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

JAN 28 2003

DOT-E 13042
(THIRD REVISION)

EXPIRATION DATE: November 30, 2003

1. GRANTEE: Department of State (DOS) and persons conducting operations under the direction of government officials from DOS and their designees.

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the transportation in commerce of solid materials such as paper products, personal protection equipment, and scrap metal/material 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. 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 emergency exemption is based on the application of the Department of State dated January 23, 2003, 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):

Hazardous Material Description			
Proper Shipping Name	**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.

. 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 such as paper products, personal protection equipment, and scrap metal/material 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 - closed motor vehicle trailer (trailer) 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 trailer in such a manner as to minimize the risk of breakage.

b. PACKAGING: The following packaging system is authorized:

(1) Bulk Outer Packaging:

(i) Closed motor vehicle (Trailer): The Trailer is constructed of six sides having aluminum walls and ceiling with wood floors. The Trailer is

lined with 6-mil plastic sheeting on the floor and walls up to the ceiling. The Trailer interior surfaces, with the plastic sheeting, must be smooth, non-porous and free of cracks, crevices and other defects which could damage inner packages or obstruct decontamination operations.

(ii) Each opening in the trailer must be fitted with a closure that will prevent the intrusion of water during transportation operations.

(2) Inner Packaging:

(i) The inner packaging consists of metal carts and/or other solid items wrapped in large capacity Tyvek model S-1073B bags designed for EtO treatment. In lieu of Tyvek wrapping, solid metal surfaces and casters must be treated with a disinfectant approved by the Environmental Protection Administration. The bags have self-closing adhesive strips. Flashlight type batteries must be removed from items. Internal batteries such as those used in hearing aids need not be removed.

(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.

(iii) The Tyvec wrapped carts and/or other solid items will then be palletized. Pallets may not be stacked.

c. <u>OPERATIONAL CONTROLS</u>:

(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 cleaned by gross decontamination procedures using HEPA vacuums.

(3) After the inner packaging is sealed, the exterior surface of the inner packaging must be treated with a disinfectant approved by the Environmental Protection Administration.

(4) The doors on the Trailer used to transport the material authorized by this exemption must be closed and locked except during loading and unloading.

(5) 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.

(6) The carrier must transport a loaded vehicle 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.

(7) 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.

(8) The carrier must respond to any release of hazardous material that occurs during transportation. The response must include complete removal of any spilled material and decontamination of the release site and vehicle surfaces involved.

(9) ach Trailer 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 reuse.

8. SPECIAL PROVISIONS:

a. The outside of each motor vehicle Trailer must be plainly and durably marked "DOT-E 13042" in two inch letters and numerals 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 Trailer 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 lading 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.

Issued in Washington, D.C.:

JAN 28 2003

(DATE)

Robert A. McGuire
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.

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: DL