U.S. Department
of Transportation

**Pipeline and
Hazardous Materials
Safety Administration**

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

MAY 1 6 2005

DOT-E 14195

EXPIRATION DATE: August 31, 2005

1. GRANTEE: Burlington Environmental, Inc. dba Philip Services Corporation (PSC) Kent, Washington

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes the transportation in commerce of approved cigarette lighters which have been removed from their inner packaging and are being sent 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 § 173.21(i) in that a lighter and its inner packaging must be approved, except as specified herein.

5. BASIS: This exemption is based on the May 5, 2005 application of PSC, submitted in accordance with §§ 107.105 and 107.117 and a determination to prevent significant economic loss.

6. HAZARDOUS MATERIALS (49 CFR § 172.101): MAY 1 6 2005

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Lighters or Lighter refills cigarettes, containing flammable gas	2.1	UN1057	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is a UN 1A2 drum certified to the PG II performance level for liquids with a rating of at least 100 kPa. Void space must be filled with an inert material such as vermiculite to prevent movement within the drum.

b. Each lighter must be in conformance with § 173.308.

c. MARKING - Each outside packaging must be marked "DOT-E 14195" as required by § 172.301(c).

d. Transportation is authorized for disposal only.

e. When transported by cargo vessel in a closed transport vehicle or a closed freight container the following warning must be affixed to the access doors:

WARNING-MAY CONTAIN EXPLOSIVE MIXTURES WITH AIR-KEEP IGNITION SOURCES AWAY WHEN OPENING.

The warning must be on a contrasting background and must be readily legible from a distance of 8 m (26 feet).

8. SPECIAL PROVISIONS:

a. 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 modifications or changes are made to the package and it is offered for transportation in conformance with this exemption and the HMR.

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b. Transportation by cargo-only aircraft of a package authorized in paragraph 7 of this exemption is only authorized from remote airports within the State of Alaska that are not accessible by highway to a centralized collection point in Alaska.

c. Any Lighter showing evidence of leakage is not authorized to be transported by air.

d. Up to two (2) drums at a time may be transported on a cargo-only aircraft per flight.

e. Pilots must be instructed in the actions to be taken in the event of an emergency involving the package containing the lighters.

f. Transportation by highway must be by private or contract motor vehicle.

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

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle, vessel and aircraft used to transport packages covered by this exemption. Prior to each shipment, the shipper must furnish a current copy of this exemption to the air carrier.

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.

- Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.

- 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: Shipments or operations conducted under this exemption are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this exemption must notify the Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.:

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

MAY 1 6 2005
DATE

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: .PHH-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: RP