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

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

DOT-E 11342
(FOURTH REVISION)

DEC 1 2 2002

EXPIRATION DATE: November 30, 2004

(FOR RENEWAL, SEE 49 CFR § 107.109.)

1. GRANTEE: Midland Fumigant Company Inc., Leavenworth, KS.

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of an aluminum phosphide based fumigant/ insecticide in a limited number of specially designed containers by private motor vehicles without placards. 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 § 172.500, § 172.504 and § 172.506 in that a motor vehicle carrying a Division 4.3, Packing Group I material is required to be placarded, except as specified herein.

5. BASIS: This exemption is based on Midland Fumigant Company Inc.'s application dated November 21, 2002, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi- fication Number**	**Packing Group**
Aluminum phosphide	4.3	UN1397	I

7. SAFETY CONTROL MEASURES:

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a. Packaging prescribed is a combination packaging of a UN 4G fiberboard box with inner aluminum canisters.

(1) The inner packaging is an aluminum canister which may contain up to 1.5 kilograms of the aluminum phosphide mixture.

(2) The aluminum canisters are then placed in an outer specification 4G fiberboard box with adequate cushioning to keep the canisters separated.

(3) The completed packages must be stowed in metal boxes or metal compartments on each motor vehicle and the vehicle may not contain more than 21 kilograms of the aluminum phosphide mixture.

b. TESTING: The completed package must be successfully tested in accordance with 49 CFR Part 178 at the Packing Group I level.

8. SPECIAL PROVISIONS:

a. Distributors for Midland Fumigant Company Inc., and licensed pest control operators using Midland Fumigant's "Aluminum phosphide" product are authorized to transport the packages covered under the terms of this exemption.

b. Only private motor vehicles used in pest control operations are authorized to transport the packages covered by the terms of this exemption.

c. Each inner and outer packages must be labeled POISON and DANGEROUS WHEN WET; however, vehicles need not display DANGEROUS WHEN WET placards.

d. The outside of each package must be marked "DOT-E 11342".

e. Drivers must have been instructed as to necessary safeguards and proper procedures in the event of unusual delay, fire or accident.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle. (See paragraph 8 for restrictions)

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 incidents involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

Ann Mazzullo

for Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

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(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.

PO: RT/sln