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

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

DOT-E 11622
(THIRD REVISION)

EXPIRATION DATE: JULY 31, 2000

(FOR RENEWAL, SEE 49 CFR SECTION 107.109)

1. GRANTEE: Monsanto Company
St. Louis, MO

2. PURPOSE AND LIMITATIONS: This exemption authorizes the reuse of UN 13H2 Flexible Intermediate Bulk Containers (FIBCs), in agricultural applications, conforming to Subpart N and O of Part 178, for shipment of environmentally hazardous substances, solid, n.o.s., in commerce, subject to the limitations and special requirements specified herein, and provides no relief from any regulation other than as specifically stated.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 173.35(b) in that reuse of an FIBC is authorized.

5. BASIS. This exemption is based on the application of Monsanto Company dated July 17, 1998, submitted in accordance with 49 CFR 107.109.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous materials description/proper shipping name	Hazard Class (Written Class/ Class Number)	Identification Number	Packing Group
Environmentally hazardous substances, solid, n.o.s.	9	UN 3077	III

For the n.o.s. entries above, the requirements of 49 CFR 172.203(k) must be met.

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a UN 13H2 woven plastic, coated FIBC.

b. TESTING - Packagings must be tested and marked in accordance with the requirements for UN 13H2 prescribed in Part 178, Subparts N and O.

c. MARKING - In addition to the marking requirements for FIBCs prescribed in 49 CFR 178 Subpart N, each bag must be marked in accordance with the requirements of Part 172, Subpart D, including section 172.331. Each bag must also be plainly and durably marked in letters at least one-inch high on a contrasting background.

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REUSABLE

The use of labels, tags or signs for marking purposes is prohibited.

d. REUSE - No FIBC marked with the exemption number in paragraph 7.c. above shall be used more than three times. No FIBC may be reused more than three years after the date of the first shipment in that FIBC. However, bags filled for shipment and not shipped until more than three years after the date of the first shipment may be shipped but not refilled, provided renewal provisions under section 107.109 are met and under the conditions in the exemption that apply to their use. The total number of uses for each bag must be recorded. Records must be kept in accordance with paragraph 7f.

e. INSPECTION - Before reuse, each bag must pass an inspection which includes, as a minimum, the items which follow:

(1) The bags used more than once must be in such condition, including closure devices, that they conform in all respects to the prescribed requirements of this exemption and to 49 CFR 173.24, as applicable.

(2) Bags may only be reused to transport the same hazardous material, or a fully compatible similar hazardous material of the same hazard class, as was present in the bag during its first use in hazardous materials transport.

(3) Prior to filling for reuse, each bag must be inspected and judged suitable for reuse. Only bags with no wear or flaws may be reused. The inspection must be of all sides, top and bottom, and all lifting straps and attachments, and must include as a minimum, the following:

(i) General Appearance - must be free of holes, abrasions, and tears, regardless of size.

(ii) Lifting straps

- Must be free of cuts and abrasions.
- Torn stitching must not exceed 1 inch of the total length of sewing/strap attachment to the FIBC.

NOTE: Possible defect may be indicated by the strap first beginning to peel away from the body at the top of the FIBC.

(iii) Seams - clawing/zippering of stitching must not exceed 1/4".

NOTE: Maximum stress causing stitching to "open up," also referred to as clawing and/or zippering, occurs approximately 1/3 of the way up the seam from the bottom of the FIBC.

(iv) Markings - All markings must be legible.

(v) Fill/Discharge Spouts - must be free of tears, with cordlocks intact.

(vi) UV Damage - Ultraviolet ray damage is indicated by the woven polypropylene becoming stiff and/or cracking. The FIBC must be rejected for reuse if the fabric of the FIBC appears to be less flexible than new fabric or if the FIBC fabric shows signs of cracking.

f. RECORDKEEPING - The total number of uses of each bag and dates of shipments must be logged and recorded. A bag rejected by the reuse inspection must have reason for rejection and person performing inspection recorded. After each bag has been reused over a two-year period or has completed three shipments, a summary of the transport experience and data, including reused bag and rejection reports, must be sent to Office of Hazardous Materials Exemptions and Approvals(OHMEA).

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g. SEGREGATION - The FIBCs transported under this exemption must be transported by private or contract carrier in exclusive use service, except at final distribution points or by the end user.

h. The FIBCs must be loaded and unloaded on pallets and not by the lifting loops at the top of each FIBC, except at final distribution points or by the end user.

8. SPECIAL PROVISIONS.

a. Persons who receive the packages covered by this exemption may reoffer them for transportation provided no modifications or changes are made to the packages, all terms of this exemption are complied with and a current copy of this exemption is maintained at each facility from which such reoffering occurs.

b. Shippers using the packaging covered by this exemption must comply with all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 171-180.

9. MODES OF TRANSPORTATION AUTHORIZED. Motor vehicle and rail freight, including Container-on-flat-car (COFC) and Trailer-on-flat-car (TOFC) under 49 CFR 174.63(b).

10. MODAL REQUIREMENTS.

a. A copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by this exemption.

b. Shipment by highway must be in closed vehicles or freight containers, except at final distribution points or by the end-user.

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 transportation law 49 U.S.C. Section 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- Registration required by 49 CFR 107.601 *et seq.*, when applicable.

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Each "Hazmat employee", as defined in 49 CFR 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 49 CFR 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. (49 CFR 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 also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

Issued at Washington, D.C.

Ann Mazzullo 9/1/98

for Alan I. Roberts (DATE)
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.

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.

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