U.S. Department
of Transportation

**Research and
Special Programs
Administration**

APR 7 2000

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

DOT-E 12439
(FIRST REVISION)

EXPIRATION DATE: June 30, 2000

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Aventis CropScience USA, L.P.
Triangle Park, NC

2. PURPOSE AND LIMITATION:

a. This emergency exemption authorizes one-way, one-time transportation in commerce of certain pesticides in combination packages not meeting the performance requirements of the UN marking. 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 § 178.3(b) in that the combination packages do not meet the performance indicated by the UN specification marking; § 172.301(c) in that the marking requirement is waived.

5. BASIS: This emergency exemption is based on the application of Aventis CropScience USA, L.P., dated March 21, 2000, and additional information dated March 24, 2000 and April 5, 2000, submitted in accordance with § 107.117 and a determination that it is necessary 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
Pesticides, liquid, toxic, n.o.s. (Glufosinate ammounium, atrazine)	6.1	UN2902	PG III

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a combination packaging consisting of a UN4G fiberboard box with two, 2½ gallon plastic inner packagings.

b. OPERATIONAL CONTROLS -

(1) Thirty six (36) boxes will be stretch-wrapped to a pallet.

(2) A shipment of thirty eight (38) pallets will be made by dedicated motor vehicle from Des Moines, Iowa to Muskegan, Michigan without intermediate stops for additional freight.

8. SPECIAL PROVISIONS:

a. A current copy of this exemption must be maintained at the facility where the pallets are offered for transportation.

b. MARKING - The marking requirement of § 172.301(c) is waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

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

Robert A. McGuire
Acting Associate Administrator
for Hazardous Materials Safety

APR 7 2000
(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, 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.

PO: DB/AM(00)