

April 20, 2011



U.S. Department
of Transportation

East Building, PHH – 30
1200 New Jersey Avenue, Southeast
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 15265

EXPIRATION DATE: March 31, 2013

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Valjean Corporation
Indian Harbour Beach, FL
2. PURPOSE AND LIMITATIONS:
 - a. This special permit authorizes the manufacture, mark, sale and use of non-DOT specification bag-on-valve spray packaging similar to an aerosol container without requiring the hot water bath test conforming with all regulations applicable to a DOT specification 2P or 2Q, except as specified herein, for the transportation in commerce of the materials authorized by this special permit. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.306(a)(3)(v) in that the use of a leakage test other than a hot water bath is not authorized, except as specified herein.
5. BASIS: This special permit is based on the application of Valjean Corporation dated January 1, 2011, and additional

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information dated April 1, 2011 and April 14, 2011, submitted in accordance with § 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Material Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Consumer Commodity	ORM-D	None	N/A
Aerosols	2.1	UN1950	N/A

7. SAFETY CONTROL MEASURES:

- a. a. PACKAGING - Prescribed packagings are DOT Specification 2P or 2Q non-refillable inside containers with inner laminate bags containing a Class 3 material (Ethanol solutions). The fill/discharge valve is attached to a laminated bag. The bag-on-valve inner package is inserted into the aluminum inside container and affixed with a crimping process. The intermediate space between the two packaging systems is filled with compressed air to a nominal pressure of 113 psig. The packagings conform to the following specifications:

(1) An inner packaging with a nominal fill capacity of 118 milliliters (4 ounces). The can, laminate bag and mounting cup conform to Exal Corporation's drawing number 53120A18, Aptar's drawing number C99-EPAL-F, and specifications on file with the Office of Hazardous Materials Approvals and Permits (OHMAP).

(2) An inner packaging with a nominal fill capacity of 148 milliliters (5 ounces). The can, laminate bag and mounting cup conform to Condensa S.A.'s drawing number 5420753150001, Aptar's drawing number C99-EPAL-F, and specifications on file with OHMSPA.

(3) An inner packaging with a nominal fill capacity of 180 milliliters (6 ounces). The can, laminate bag and mounting cup conform to Exal Corporation's drawing number 53165A14, Aptar's drawing number C99-EPAL-F, and specifications on file with OHMSPA.

b. OPERATIONAL CONTROLS -

(1) In lieu of a hot water bath test, each completed container must be subjected to an automated in-line pressure check.

(2) If the pressure measured on any container during the in-line pressure check is less than 100 psig or greater than 125 psig then the container must be rejected.

(3) The contents of the inner laminate bag must not exceed 90% of its nominal fill capacity.

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this special permit for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this special permit.

b. A person who is not a holder of this special permit, but receives a package covered by this special permit, may reoffer it for transportation provided no modification or change is made to the package and it is offered for transportation in conformance with this special permit and the HMR.

c. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.

d. Each packaging manufactured under the authority of this special permit must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated by the Office of Hazardous Materials Special Permits and Approvals for a specific manufacturing facility.

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- e. A current copy of this special permit must be maintained at each facility where the packaging is manufactured under this special permit. It must be made available to a DOT representative upon request.
- f. Each container must be marked "DOT-SP 15265" as specified in § 172.301(c) and shipped in strong outside packagings.
- g. Containers filled with a material meeting the definition of a "Consumer commodity" in § 171.8 may be reclassified as ORM-D and shipped as "Consumer commodity" in accordance with § 173.306(i).
9. MODES OF TRANSPORTATION AUTHORIZED: Motor Vehicle, Cargo aircraft, Cargo Vessel, Passenger-carrying aircraft, Rail Freight.
10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each cargo vessel, aircraft or motor vehicle used to transport packages covered by this special permit. The shipper must furnish a copy of this special permit to the air carrier before or at the time the shipment is tendered.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
 - o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

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No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)—"The Hazardous Materials Safety and Security Reauthorization Act of 2005" (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit 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 special permit must notify the Associate Administrator for Hazardous Materials Safety -- OHMSPA, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Dr. Magdy El-Sibaie
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.
PO: BenMoore