



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

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

DEC 12 2003

DOT-E 10131
(FIFTH REVISION)

EXPIRATION DATE: November 30, 2005

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: FOMO Products Inc.
Norton, Ohio
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the manufacture, marking, sale and use of a non-DOT specification container, with a wall thickness less than permitted and an alternative testing protocol, to be used for the transportation in commerce of certain Division 2.1 or 2.2 materials. 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. The safety analyses did not consider the hazards and risks associated with consumer use 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 §§ 173.305(c) and 173.306(a)(3) in that the use of a non-DOT specification package and an alternative testing protocol are not authorized except as provided herein.
5. BASIS: This exemption is based on the application of FOMO Products Inc. dated December 1, 2003, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

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Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Compressed gas consisting of a solution of a nonhazardous material mixture (polyurethane foam) and compressed gases classed as Division 2.1/ Compressed gases, flammable, n.o.s.	2.1	UN1954	N/A
Compressed gas consisting of a solution of a nonhazardous material mixture (polyurethane foam) and compressed gases classed as Division 2.2/ Compressed gases, n.o.s.	2.2	UN1956	N/A

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b. TESTING -

(1) The pressure in each completed container as prepared for shipment must be raised until it is equivalent to the equilibrium pressure of the lading at 40°C (105°F). Lading equilibrium pressure may not exceed 8.8 bars (130 psig) at this temperature. Acceptable containers must show no evidence of leakage, distortion, or other defect.

(2) One container out of each 1,000 containers (lot) filled must be heated until the pressure in the container is equivalent to the equilibrium pressure of the lading at 55°C (131°F). Lading equilibrium pressure may not exceed 12.4 bars (180 psig) at this temperature. Liquid content of the lading may not completely fill the container at this temperature. Acceptable containers must show no evidence of leakage, distortion or other defect. If the tested container fails, ten additional containers must be selected at random and subjected to the test. Should any of the ten containers thus tested fail, the entire lot must be rejected.

8. SPECIAL PROVISIONS:

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

b. 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.

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

- d. Each packaging manufactured under the authority of this exemption 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 Exemptions and Approvals for a specific manufacturing facility.
- e. A current copy of this exemption must be maintained at each facility where the package is manufactured under this exemption. It must be made available to a DOT representative upon request.
- f. Each container must be packed in a strong outside packaging as prescribed in § 173.301(a)(9).
- g. Prescribed packages which meet the § 171.8 definition of "Consumer commodity" may be shipped in accordance with § 173.306(h).
- h. Each outside packaging must be marked "INSIDE CONTAINERS COMPLY WITH PRESCRIBED REGULATIONS".
- i. Transportation of Division 2.1 materials (flammable gases) are not authorized aboard cargo vessel unless specifically authorized in the Hazardous Materials Table (§ 172.101).
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, and cargo vessel.
10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel 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:
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - 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 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.:



RM Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

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(DATE)

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: sln