



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

OCT 19 2004

DOT-E 10753
(NINTH REVISION)

EXPIRATION DATE: September 30, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Pestcon Systems, Inc.
Wilson, North Carolina
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of an aluminum phosphide based pesticide which meets the definition of a Division 4.3 material to be shipped as aluminum phosphide pesticide, a Division 6.1 material. The aluminum phosphide pesticide must be shipped in a limited number of specially designed containers transported by private motor vehicle. The motor vehicles used under the terms of this exemption are not required to be placarded. 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 § 172.504 in that placarding is not required, except as specified herein.
5. BASIS: This exemption is based on the application of Pestcon Systems, Inc. dated September 23, 2004, submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Aluminum phosphide pesticides	6.1	UN3048	I

7. PACKAGING AND SAFETY CONTROL MEASURES:

- a. Packaging authorized is a combination packaging of a UN4G fiberboard box with inner aluminum canisters.
- b. Individual aluminum canisters may not contain more than 1.5 kilograms of aluminum phosphide pesticide and must be adequately cushioned from one another in the outer specification 4G fiberboard box.
- c. A single motor vehicle or a single completed combination package may not contain more than 21 kilograms of aluminum phosphide.
- d. Packages must be stowed within metal boxes or metal compartments within each motor vehicle.

8. SPECIAL PROVISIONS:

- a. Distributors for Pestcon Systems, Incorporated and licensed pest control operators using Pestcon's "Aluminum phosphide pesticide" product are authorized to transport the packages covered under the terms of this exemption and § 173.22a.
- b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.
- c. Only private motor vehicles used in pest control operations are authorized to transport the packages covered by the terms of this exemption.

d. Each inner and outer package must be labeled POISON and DANGEROUS WHEN WET. The inner packages may be labeled in accordance with § 172.407(f), which authorizes labels conforming to specifications in the UN Recommendations. (The Recommendations permit packages with dimensions that cannot accommodate the required 4"x4" label to use smaller labels, see 13.4.1). Vehicles transporting these packages need not display DANGEROUS WHEN WET placards.

e. The outside of each package must be marked "DOT-E 10753".

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

g. The use of exceptions for materials of trade under § 173.6 is prohibited under the terms and conditions of this exemption.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle.

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:

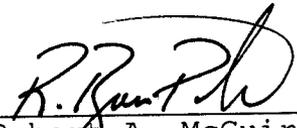
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8 who performs a function subject to this 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.:



Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

OCT 19 2004

(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