



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUL 19 2004

DOT-E 10904
(SIXTH REVISION)

EXPIRATION DATE: June 30, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: InVitro International
Irvine, CA
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the use of a classification test method for the determination of skin corrosivity as an alternative to a procedure specified in the Hazardous Materials Regulations (HMR). This exemption provides no relief from the 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: The marking requirements of §§ 172.203(a), 172.301(c) and 172.302(b) and (c); and §§ 173.136(a) and 173.137 in that the use of a non-animal test method is not authorized except as specified herein.
5. BASIS: This exemption is based on the application of InVitro International dated July 9, 2004, submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS:

The following types of materials may be tested as specified by this exemption:

- a. Acids, inorganic and organic.
- b. Acid derivatives (anhydrides, haloacids, salts etc.), inorganic and organic.
- c. Acyl halides.
- d. Alkylamines and polyalkylamines.
- e. Bases, inorganic and organic.
- f. Chlorosilanes.
- g. Metal halides and oxyhalides.

7. SAFETY CONTROL MEASURES:

- a. As an alternative to the procedure specified in § 173.136(a), the corrosivity of a material described in Paragraph 6 above may be determined in accordance with the test method specified in Paragraphs 4.4A through 4.4E of InVitro International's application dated September 28, 1992, as amended.
- b. For materials that are determined to be corrosive, packing groups must be assigned according to Paragraph 4.4C of the application.

8. SPECIAL PROVISIONS:

- a. This exemption authorizes the use of an alternative test method for the determination of skin corrosivity by any person or class of persons, in addition to the holder of this exemption, subject to the terms specified herein. However, no person may apply the test method authorized by this exemption unless that person maintains a current copy of this exemption and the test method identified in Paragraph 7 above at each facility where the tests are performed for the purpose of determining the hazard class and packing group of a material for its transportation in commerce.
- b. A current copy of this exemption must be retained by each person initially offering a hazardous material for transportation under this exemption.

c. Packages containing corrosive materials, classed and assigned packing groups as authorized by this exemption, may be offered and reoffered for transportation and transported in the same manner as required for corrosive materials classed according to § 173.136(a).

d. The marking requirements of 49 CFR, §§ 172.203(a), 172.301(c) and 172.302(b) and (c) are waived unless another exemption is involved requiring the display of an exemption number.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo aircraft only, passenger-carrying aircraft.
10. MODAL REQUIREMENTS: None as a condition of 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.
 - 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 appropriate.

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 when it 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
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. 20590-0001. 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: GEC/sln