



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

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

JUN 22 2004

Ms. Sandra L. Chapman
Director, Transportation
Corporate Regulatory Affairs
Sherwin-Williams Company
101 Prospect Avenue
440 Midland Building
Cleveland, Ohio 44115 1075

Dear Ms. Chapman:

In response to your letters dated June 2 and 16, 2004 enclosed is a copy of the First Revision, with three new requirements in paragraph 7.b.(6), (7) and (8) of DOT-E 12120 which has been extended to May 31, 2006 for Sherwin-Williams Company.

This extension does not resolve proceedings which may be initiated by the Office of Hazardous Materials Enforcement, Research and Special Programs Administration, concerning the operations conducted between October 31, 2000 and the issue date of your extension. Those operations conducted after the expiration date and before this extension were not in compliance with the Hazardous Materials Regulations, and no longer authorized by the exemption.

If you have any questions please contact Ms. Sherrie Nelson of my staff at (202)366-4535.

Sincerely,

Delmer F. Billings
Director, Office of Hazardous Materials
Exemptions & Approvals

Enclosure



U.S. Department
of Transportation

Research and
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Administration

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

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DOT-E 12120
(FIRST REVISION)

EXPIRATION DATE: May 31, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Sherwin-Williams Co.
Cleveland, Ohio
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of certain flammable resin solutions, paint and paint related materials, and flammable solids from Sherwin-Williams Automotive Finishes' offsite warehouse to the Sherwin-Williams factory, a distance of approximately one thousand feet on a public road without meeting the labeling, marking, placarding and shipping paper requirements of 49 CFR Part 172. This exemption provides no relief from any Hazardous Materials Regulation (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 Subpart C, Subpart D, Subpart E and Subpart F in that the labeling, marking, placarding and shipping paper requirements are waived.
5. BASIS: This exemption is based on the application of Sherwin-Williams Company dated June 2, 2004, submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

| Proper Shipping Name/ Hazardous Materials Description | Hazard Class/ Division | Identi- fication Number | Packing Group |
|---|------------------------------|-------------------------------|------------------|
| Resin Solution, <i>flammable</i> | 3 | UN1866 | II & III |
| Paint including paint, lacquer, enamel, stain, shellac solutions, varnish, polish, liquid filler, and liquid lacquer base | 3 | UN1263 | II & III |
| Paint related materials including paint thinning drying, removing, or reducing compound | 3 | UN1263 | II & III |
| Flammable liquid, n.o.s. | 3 | UN1993 | II & III |
| Flammable solids, organic, n.o.s. | 4.1 | UN1325 | II & III |
| Flammable solids, inorganic, n.o.s. | 4.1 | UN3178 | II & III |

For the n.o.s. entries above, the requirements of § 172.203(k) must be met

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging must be in accordance with the requirements of 49 CFR Part 173 for the materials listed in Paragraph 6.

b. OPERATIONAL CONTROLS -

(1) Shipment must be between the Sherwin-Williams facilities listed below:

395 Boggs Lane South
Richmond, KY 40475

370 Boggs Lane South
Richmond, KY 40475

(2) Shipments between the two facilities must be made via Boggs Road South.

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- (3) Shipments shall be made by private carrier, operated by drivers qualified to transport hazardous materials.
 - (4) The driver of the motor vehicle shall remain in radio contact with the plant.
 - (5) Shipments shall only be made while the plant is operating.
 - (6) Sherwin-Williams' first responder team must be on duty during transport of hazardous materials under terms of this exemption.
 - (7) Not more than one transport vehicle containing the hazardous material authorized by this exemption maybe operated at any time.
 - (8) In lieu of shipping papers the vehicle operator must possess an internal tracking document that identifies the general types of hazardous materials being transported.
8. SPECIAL PROVISIONS: A current copy of this exemption must be maintained at the facility where the package is offered for transportation.
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.
10. MODAL REQUIREMENTS: None as a requirement 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 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.

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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 incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:

Robert A. McGuire

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: DBurger/sln