



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUL 13 2004

DOT-E 12995
(SECOND REVISION)

EXPIRATION DATE: June 30, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: The Dow Chemical Company
Midland, MI
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of certain DOT 2Q specification, non-refillable, containers containing polyurethane foam that will be tested by other means in lieu of subjecting each container to a hot water bath. 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 § 173.306(a)(3)(v) in that each container will be tested as specified herein in lieu of the required hot water bath test.
5. BASIS: This exemption is based on the application of The Dow Chemical Company dated June 22, 2004 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
Aerosols	2.2	UN1950	N/A
Aerosols, flammable	2.1	UN1950	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a non-refillable, DOT Specification 2Q inside container containing polyurethane foam. Each container must meet all requirements of § 173.306(a)(3) except for the hot water bath test requirements specified in § 173.306(a)(3)(v).

b. TESTING -

(1) One container out of each lot of 2,000 containers must be subjected to a test performed in a hot water bath after completion of the reaction of the contents. The temperature of the bath and the duration of the test must be such that the internal pressure reaches that which would be reached at 55°C (131°F). If the container shows evidence of leakage, distortion or other defect, the entire lot must be rejected. Additionally, if the pressure in the container exceeds 176 psig at 55°C, the entire lot must be rejected.

(2) A second container in each lot of 2,000 containers must be weighed. Dow must document the required weight specification for the container in the company's quality control procedures. Failure of any container to meet the weight specification is evidence of leakage. If there is any evidence of leakage, distortion or other defect the entire lot must be rejected.

(3) Each container not tested in paragraph 7.b.(1) and (2) above must be visually inspected. The operator must carefully inspect the valve, crimp, and seam areas of the completed containers following addition of the blowing agent (gas).

Any container with evidence of leakage must not be shipped.

c. OPERATIONAL CONTROLS -

(1) Prescribed containers may be shipped under the limited quantity provisions of § 173.306(a).

(2) Filling Conditions -

(a) The container must not be liquid full at any temperature up to and including 55°C (131°F).

(b) The pressure in the completed container as prepared for shipment may not exceed the following:

(i) 6.9 bar (101 psig) at 21.1°C (70°F); or

(ii) 12.1 bar (176 psig) at 55°C (131°F).

(3) Each container must be packed in strong outside packagings as prescribed in § 173.301(a)(9).

(4) Each outside packaging must be marked "INSIDE CONTAINERS CONFORM WITH DOT-E 12995".

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this exemption and the HMR.

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

c. Each container must be marked "DOT-E 12995" as specified in § 172.301(c).

d. Transportation of Division 2.1 materials (flammable gasses) are not authorized aboard cargo vessel or aircraft unless specifically authorized in the Hazardous Materials Table (§ 172.101).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo aircraft only, and passenger-carrying aircraft.
10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel or aircraft. The shipper must furnish a current copy of this exemption 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 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 this 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

JUL 13 2004
 (DATE)

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Associate Administrator for
Hazardous Materials Safety

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: CWF/AM