

## **Similarities and Differences of Exemptions and Approval Documents**

Both exemptions and approvals (E&A) provide authorizations to the Hazardous Materials Regulations. They can be looked at as an extension of the regulations. Since many unusual shipping situations as well as innovative ideas and technological advances take place, the E&A Programs provide relief on a case by case basis.

The biggest difference between an exemption and an approval is the fact that an approval document can only be issued if there is a specific approval cite in the Regulations that allows the Office of Hazardous Materials Safety to provide relief from the regulations. If there is no specific approval cite, the relief sought must be in the form of an exemption.

The following listing sets forth the major similarities and differences between exemption and approval documents:

### **Similarities**

- Both Exemptions and Approvals cover a broad set of circumstances.
- Both are used to provide relief from the Regulations when circumstances require an exception to the rule.
- Both require a written document to be issued to the holder.
- Both require a level of safety that is equal to or greater than the present Regulations consistent with public interest.
- Both require cost and safety justification.

### **Differences**

- An approval requires a specific cite in the Regulations in order to provide relief or change. (Look for words “may be used when approved by the Associate Administrator for Hazardous Materials Safety.”)
- A summary of the exemption application is published in the Federal Register on a monthly basis. Generally, applications for approvals are not published. (On occasion, certain approval applications are published when public comments are requested.)
- Certain exemptions allow persons to become a party-to an existing exemption. approvals do not. Each applicant must apply and get his own approval.
- Exemptions have an expiration date (generally 2 years). The majority of approval do not expire. They are usually valid indefinitely unless terminated by the Associate Administrator for Hazardous Materials Safety, there is a change in the product or circumstances, or the Regulations are changed.