U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

FEB 1 8 2005

DOT-E 11900
(FIFTH REVISION)

EXPIRATION DATE: January 31, 2007

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Osmose, Inc.
Buffalo, New York

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of small quantities of a wood preservative (MITC-FUME™) containing methyl isothiocyanate, a Division 6.1 Packing Group I Hazard Zone B material, to be shipped in accordance with the small quantity exceptions under § 173.4. 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 § 173.4(a)(1)(iii) in that the small quantity exception only authorizes one gram of a Division 6.1 PG I Hazard Zone B material per inner receptacle, except as specified herein and § 173.4(a)(10) in that the package need not be marked with a statement indicating compliance with § 173.4.

5. BASIS: This exemption is based on the application of Osmose, Inc. dated January 27, 2005 submitted in accordance with § 107.109.

FEB 1 8 2005

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi-fication Number**	**Packing Group**
Not applicable in accordance with the § 173.4 Small quantity exceptions. The active ingredient in the wood preservative (MITC-FUME™) is methyl isothiocyanate (UN2477) which is toxic and flammable)	N/A	N/A	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - In accordance with § 173.4 and as described in the application for exemption under "Description of Packaging". Packaging includes: (1) aluminum vials (inner receptacles) with crimped caps; (2) sealed steel canisters (secondary packaging) containing up to 18 vials per canister, and (3) a fiberboard box (outer packaging) containing up to 15 canisters. The maximum quantity of material per vial is limited to 30 grams (1 ounce). The gross mass of the completed package may not exceed 15 kilograms (33 pounds).

b. TESTING - In accordance with § 173.4.

c. MARKING - The outside of each package must be plainly and durably marked "DOT-E 11900", however the package need not be marked in conformance with § 173.4(a)(10).

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 modifications or changes are made to the package 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.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each motor vehicle used to transport packages covered by 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:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- 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.
- 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: Shipments or operations conducted under this exemption are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this exemption must notify the

Associate Administrator for Hazardous Materials Safety -- OHMEA, in writing, of any incident involving a package, shipment or operation conducted under terms of this exemption.

Issued in Washington, D.C.:

FEB 18 2005
DATE

Robert A. McGuire
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: KFW/AM