U.S. Department
of Transportation

**Pipeline and
Hazardous
Materials Safety
Administration**

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

JUN 15 2005

Mr. Ward D. Smith
Pacific Bio-Material Management, Inc.
1849 North Helm Avenue
Suite 102
Fresno, CA 93727

Dear Mr. Smith:

In response to your letter dated June 6, 2005, enclosed is a copy of the third Revision of DOT-E 13163 which has been extended to May 31, 2007 for Pacific Bio-Material Management, Inc.

This extension does not resolve proceedings which may be initiated by the Office of Hazardous Materials Enforcement, Pipeline and Hazardous Materials Safety Administration, concerning the shipments made between February 28, 2005, 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)366-0716.

Sincerely,

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

JUN 15 2005

U.S. Department
of Transportation

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

**Pipeline and
Hazardous Materials
Safety Administration**

DOT-E 13163
(THIRD REVISION)

EXPIRATION DATE: May 31, 2007

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Pacific Bio-Material Management, Inc.
Fresno, CA

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of certain infectious substances in special packagings transported by Pacific Bio-Material Management, Inc. 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 § 173.196(b)(2)(ii) in that a compressor-driven freezer system must be used instead of direct cooling with ice or dry ice; and the drop test specified in § 178.609(d).

5. BASIS: This exemption is based on the application of Pacific Bio-Material Management, Inc. dated June 6, 2005 submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Material Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi- fication Number**	**Packing Group**
Infectious substances, affecting humans*	6.2	UN2814	n/a
Infectious substances, affecting animals only*	6.2	UN2900	n/a

* Limited to Risk Group 2 or 3 only, as defined in the U.N. Recommendations on the Transport of Dangerous Goods, Twelfth revised edition, 2001. Risk Group 4 materials are not authorized for transport by this exemption.

7. SAFETY CONTROL MEASURES:

a. PACKAGING -

(1) Infectious substances, as listed in Paragraph 6, must be packed as follows: The substances, contained in sealed vials (primary receptacles), must be secured in individual cells of a box. The volume of the substance in each vial must not exceed 5.0 ml. Not more than eighty one (81) vials must be packed in a box. Not more than sixteen (16) or eight (8) filled and closed boxes containing 1.0 ml or 5.0 ml vials, respectively, must be packed in a plastic bag (secondary packaging) which must be heat-sealed. Sufficient absorbent material must be placed between the primary and secondary packagings to absorb the entire contents of all primary receptacles in case of vial breakage or leakage. Not more than thirty (30) plastic bags must be packed in a freezer with capacity not more than 0.8 cubic meters (28 cubic feet). The freezer serves as the outer packaging.

(2) Voids in the storage space of the freezer must be filled with bubble wrap to prevent the contents from shifting.

(3) All freezer doors must be secured with safety latches and straps to prevent opening during transportation.

(4) The infectious substances in the freezers must be kept frozen at all times within the operating temperature range of -20°C to -85°C by a compressor-driven freezer system. A back-up freezer system and liquid nitrogen or dry ice sufficient to keep the infectious substances within the operating temperature range for at least twice the estimated travel time must be carried on the transport vehicle.

(5) All freezers must be secured against movement in the transport vehicle.

(6) The freezers are constructed of double-walled steel with insulation material between the walls.

b. OPERATIONAL CONTROLS -

(1) This exemption authorizes the transport of packages containing infectious substances using a specialized dedicated transport vehicle. The freezer on the dedicated transport vehicle must be precooled, brought as closely as possible to the secondary packages, and wheeled back to the vehicle. Packages must be prepared, transported, and unpacked by Pacific Bio-Material Management, Inc.

(2) Not more than one transport vehicle may be operated at all times.

(3) Not more than eight freezers may be in a transport vehicle.

(4) Emergency refrigeration and spill response procedures must be in place and operational to address loss of refrigeration, delay in transportation or release of an infectious substance.

8. SPECIAL PROVISIONS: None as a provision of this exemption.

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.:

Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

JUN 15 2005
(Date)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-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.

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U.S. Department
of Transportation

**Pipeline and
Hazardous
Materials Safety
Administration**

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

JUN 2 1 2005

DOT-E 12926
(SECOND REVISION)

EXPIRATION DATE: May 31, 2007

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: The Clorox Company
(Former Grantee: S.C. Johnson & Son, Inc.)
Pleasanton, CA

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of certain aerosols for consumer testing in a non-DOT specification packaging system as specified herein. 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. The safety analyses did not consider the hazards and risks associated with consumer use, or other uses not 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)(1) in that the capacity of the container may not exceed 4 fluid ounces (7.22 cubic inches), except as specified herein.

5. BASIS: This exemption is based on the application of The Clorox Company dated May 26, 2005 submitted in accordance with § 107.107.

6. HAZARDOUS MATERIALS (49 CFR § 172.101): JUN 2 1 2005

Hazardous Materials Description			
Proper Shipping Name	**Hazard Class/ Division**	**Identi- fication Number**	**Packing Group**
Aerosols, *non-flammable (each not exceeding 1 L capacity)*	2.2	UN1950	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a non-DOT specification packaging system consisting of an inner plastic container and a full open head steel outer packaging.

(1) The inner packaging is a plastic container with a maximum pressure of 100 psig at 70°F and a volume not exceeding 32 cubic inches.

(2) The outer packaging is a non-DOT specification full opening head, steel salvage cylinder and must be in full conformance with a current copy of DOT-E 10987.

b. TESTING - The outer packaging must be tested, inspected, and maintained in accordance with the requirements specified in DOT-E 10987.

c. OPERATIONAL CONTROLS -

(1) The amount of liquid in each inner container may not exceed 80% of its volumetric capacity.

(2) The amount of gas (carbon dioxide) may not exceed 2.3 grams per inner container.

(3) No more than 75 inner containers may be packaged inside an outer container. Inner containers must be placed in the outer packaging so as to prevent excessive movement and damage during transportation.

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 and DOT-E 10987 must be maintained at each facility where the package is offered or reoffered for transportation.

c. Each outer packaging must be marked "DOT-E 12926" in addition to the markings required by DOT-E 10987.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption and DOT-E 10987 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.

JUN 2 1 2005

DATE

for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-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: AM