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

MAR 22 1999

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

DOT-E 11711
(FIRST REVISION)

EXPIRATION DATE: February 28, 2001

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: North Carolina Department of Agriculture (NCDA) Raleigh, North Carolina, as program manager acting for and on behalf of any person who has notified the NCDA that they plan to participate in the program during a scheduled event.

2. PURPOSE AND LIMITATION: This exemption authorizes local transportation in commerce of pesticides, in solid and liquid form, that are subject to the Hazardous Materials Regulations (49 CFR 171-180) to designated pesticide collection sites (temporary or permanent) during a government-sponsored collection and disposal program/event (program). This exemption provides no relief from any regulation other than as specifically stated herein.

3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Part 172; Part 173; and Part 177 except as specified herein.

5. BASIS: This exemption is based on the application of NCDA, dated March 2, 1999, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101): This exemption covers pesticides, as defined in 40 CFR 273.6, in solid and liquid form. Pesticides in gaseous form are not authorized.

7. PACKAGING AND SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings for pesticides described in paragraph 6 must be leak tight for liquids, sift proof for solids, securely closed, secured against movement, and protected against damage. Each material must be packaged in the manufacturers' original packaging, or a packaging of equal or greater strength and integrity. Fragile, severely corroded, damaged and/or leaking receptacles must be package within another securely closed packaging that is leak tight for liquids and sift proof for solids. Outer packagings are not required for nonfragile receptacles (e.g., cans and bottles) in good condition that are secured against movement in cages, carts, bins, boxes or compartments.

b. QUANTITY LIMITATIONS - The maximum net quantity of a package is as follows:

(1) Not more than 208 liters (55 gallons) for a pesticide in liquid form.

(2) Not more than 227 kilograms (500 pounds) for a pesticide in solid form.

c. LABELING/MARKING - Packages must be labeled/marked "UNIVERSAL WASTE - PESTICIDE" or "WASTE PESTICIDE" in accordance with 40 CFR 273.14.

d. OPERATIONAL CONTROLS

(1) Pesticides may only be transported by private motor carrier.

(2) Not more than 500 kg (1100 lbs) of pesticides may be transported on a motor vehicle.

(3) Appropriate instructions must be provided by the exemption holder in all promotional materials, as well as when requested by program participants, to promote the safe transport of pesticides to collection sites in conformance with this exemption.

(4) Public officials, such as the state highway patrol, county sheriff, city police, and emergency response agency, must be notified about the program by the exemption holder. The notification must be given by each participating county government and must include the program schedule and location of collection sites within that county.

8. SPECIAL PROVISIONS:

a. The exemption holder must comply with the telephone and written hazardous materials incident reporting requirements as specified in § 171.15 and § 171.16, respectively, in lieu of any motor carrier who transports pesticides in commerce to collection sites. (See paragraph 12.)

b. A current copy of this exemption must be located/posted at each collection site and must be available on request to any person participating in the program.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: None as a special requirement other than as stated in this exemption.

11. COMPLIANCE: Failure by the exemption holder or county government employees or any other person involved in sponsoring the program to comply with the terms and conditions of the exemption may result in suspension or cancellation of this exemption.

Failure by a person participating in the program 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.

- 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 exemption holder must report any incident involving the accidental release of a pesticide that presents a hazard to human health or the environment or that results in human injury or death or pollution to the environment which occurs during transportation by an individual in commerce to a collection site. This requirement is conditional on the exemption holder being aware of any such incident through official reports filed by an appropriate public safety authority, emergency response agency or an institution or from reports, either verbal or written, obtained by the exemption holder from the public. Such incidents must be reported by the exemption holder to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable.

Issued at Washington, D.C.:

R. Ryan Foster

FOR Alan I. Roberts
Associate Administrator
for Hazardous Materials Safety

3/22/99
(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590-0001. Attention: DHM-31.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, SW, Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

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