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

JAN 13 1999

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

DOT-E 12120

EXPIRATION DATE: **October 31, 2000**

(FOR RENEWAL, SEE 49 CFR SECTION 107.109)

1. GRANTEE: Sherwin-Williams Co.
Cleveland, Ohio

2. PURPOSE AND LIMITATION:

a. This exemption authorizes the transportation in commerce of certain flammable resin solutions, paint and paint related materials, and flammable solids from Sherwin-Williams Automotive Finishes' offsite warehouse to the Sherwin-Williams factory, a distance of approximately one thousand feet on a public road without meeting the labeling, marking, placarding and shipping paper requirements of 49 CFR Part 172. This exemption provides no relief from any Hazardous Materials Regulation (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 172 Subpart C, Subpart D, Subpart E and Subpart F in that the labeling, marking, placarding and shipping paper requirements are waived.

5. BASIS: This exemption is based on the application of Sherwin-Williams Company dated June 26, 1998, submitted in accordance with 49 CFR 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Resin Solution	3	1866	II
Resin Solution	3	1866	III
Paint	3	UN1263	II
Paint	3	UN1263	III
Paint related materials	3	UN1263	II
Paint related materials	3	UN1263	III
Flammable liquid, N.O.S.	3	UN1993	II
Flammable liquid, NOS	3	UN1993	III
Flammable Solids, Organic, N.O.S.	4.1	UN1325	II
Flammable Solids, Organic, N.O.S.	4.1	UN1325	III
Flammable Solids, Inorganic, N.O.S.	4.1	UN3178	II
Flammable Solids, Inorganic, N.O.S.	4.1	UN3178	III

For the N.O.S entries above, the requirements of 49 CFR 172.203(k) must be met

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging must be in accordance with the requirements of 49 CFR Part 173 for the materials listed in Paragraph 6.

b. OPERATIONAL CONTROLS -

(1) Shipment must be between the Sherwin-Williams facilities listed below:

395 Boggs Lane South
Richmond, KY 40475

370 Boggs Lane South
Richmond, KY 40475

(2) Shipments between the two faculties must be made via Boggs Road South.

(3) Shipments shall be made by private carrier, operated by drivers qualified to transport hazardous materials.

(4) The driver of the motor vehicle shall remain in radio contact with the plant.

(5) Shipments shall only be made while the plant is operating.

8. SPECIAL PROVISIONS: A current copy of this exemption must be maintained at the facility where the package is offered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: None as a requirement of 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. Section 5101 et seq:

- All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

o Registration required by 49 CFR 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in 49 CFR 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 49 CFR 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 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. (49 CFR 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 at Washington, D.C.:

JAN 13 1999

Alan I. Roberts
Associate Administrator for
Hazardous Materials Safety

(DATE)

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.

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, Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

Dist: FHWA
PO: DBurger