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

JUL 1 - 1994

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

DOT-E 11277

EXPIRATION DATE: **January 31, 1996**

(FOR RENEWAL, SEE 49 CFR 107.105.)

1. GRANTEE: Bulk Sak, Incorporated
Malvern, Arkansas

2. PURPOSE AND LIMITATIONS: This exemption authorizes the manufacture, marking and sale of large, non-reusable, collapsible, woven polypropylene bulk bags (coated with polyethylene film), incorporating four top lifting straps of woven polyester or polypropylene webbing with a minimum breaking strength of 6000 pounds, and having top and bottom outlets. These bags are used for the shipment of certain hazardous materials identified in paragraph 6 of this exemption, subject to the limitations and special requirements specified herein. This exemption provides no relief from any regulation other than as specifically stated.

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

4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Part 173 subpart E & F.

5. BASIS: This exemption is based on Bulk Sak, Incorporated's application dated December 1, 1993 and the supplemental information dated June 8, 10 and 13, 1994 submitted in accordance with 49 CFR 107.103 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (Descriptor and class): The following materials may be transported in packaging prescribed in paragraph 7 of this exemption:

   a. Packing group III solid materials meeting the definition of Class 8 and 9 and Division 4.1, 5.1 and 6.1;

   b. Solid materials meeting the definition of Class 8 and Division 4.2, 4.3, 5.1 and 6.1 listed in Appendix A of this exemption;

   c. Other solid materials which are specifically identified to, and acknowledged in writing by the Office of Hazardous Materials Exemptions and Approvals (OHMEA) prior to the first shipment.

Expired- Not active

c. MARKING: - Each bag must be permanently and durably marked in accordance with the requirements of 49 CFR 172.331 with letters at least two inches high on a contrasting background. Each bag must also be marked "DOT-E 11277" in the same manner as described above. In addition, for shipments by cargo vessel, the marking requirements of subsection 26.1.5 of the General Introduction to the IMDG Code must be met. The use of labels, tags or signs for marking purposes is prohibited.

8. SPECIAL PROVISIONS:

a. Offerors for transportation of the hazardous materials specified in this exemption may use the packaging described in this exemption for the transportation of such hazardous materials provided no modifications or changes are made to the packages, all terms of this exemption are complied with, and a copy of the current exemption is maintained at each facility from which such offering occurs.

b. Each packaging manufactured under the authority of this exemption must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated for a specific manufacturing facility.

c. A copy of this exemption, in its current status, must be maintained at each manufacturing facility at which this packaging is manufactured and must be made available to a DOT representative upon request.

d. Shippers using the packaging covered by this exemption must comply with all provisions of this exemption, and all other applicable requirements contained in 49 CFR Parts 171-180.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, and vessel. Shipments by vessel must be made in conformance with Section 26 of the General Introduction to the IMDG Code.

10. MODAL REQUIREMENTS:

a. A copy of this exemption must be carried aboard each cargo vessel, or motor vehicle used to transport packages covered by this exemption.

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a non-DOT specification collapsible, flexible, non-reusable bulk bag. The bag is fabricated of woven polypropylene (coated with polyethylene film with a 0.0035 inch minimum thickness), incorporating four lifting straps of woven polyester or polypropylene webbing with a minimum breaking strength of 6000 pounds, and having top and bottom outlets. The filled bag must be securely closed by means of 0.5 inch wide polypropylene tie cord, #4 zenith cord with a #3-B lok device or #6 zenith cord with a #5-B lok device. Each bag having a capacity of 1500 to 2200 pounds must have side panels constructed of at least 6.7 ounce fabric. Each bag with a capacity of more than 2200 pounds and less than 4000 pounds must have side panels constructed of at least 8 ounce fabric.

b. TESTING - The following test procedures are considered a minimum to ensure that each packaging in service is capable of passing one of the two following test procedures:

(1) Drop tests (at least three separate bags from a height of four feet); Jerk test & Topple test (at least two separate bags - one bag for each test) ; Topple and Drag test, Righting test, and Abrasion test (at least one bag used for all these tests - in addition, the bag(s) used must have also been used in either a drop, jerk, or topple test); as described in "Procedures for Performance Testing of Flexible Intermediate Bulk Containers," Packaging Institute, U.S.A., procedure T-4102-85, dated February, 1985. These test results must be on file with OHMEA; or

(2) Top lift test; Tear test; Stacking test; Drop test; Topple test; Righting test; - at least one bag must pass these tests (one bag may be used for all tests or one bag for each test) at the packing group II level as described in Chapter 16 of the United Nations "Recommendations on the Transport of Dangerous Goods Seventh Revised Edition". If this series of tests is used, then each bag must also be capable of passing the vibration standard described in 178.608 as found in 49 CFR dated December 31, 1991.

b. Shipment by highway must be in closed vehicles or freight containers, in full truckloads only except that bags containing ammonium nitrate fertilizer may be transported on flatbed trailers provided the bags are restricted from movement and completely covered by waterproof tarpaulins.

c. Shipment by rail must be in box cars except that COFC or TOFC service is authorized in accordance with 49 CFR 174.61.

d. For transportation by vessel, the following additional special provisions apply:

i. Materials classed as Division 5.1 (Oxidizer) in packing group III that are permitted by the IMDG Code to be transported without secondary containment may be carried as break-bulk cargo, provided -

(1) No readily combustible hazardous material or non-regulated material is stowed in the same hold or compartment.

(2) The hold or compartment is dry and thoroughly cleaned of all loose debris and dunnage.

(3) The hatches are inspected for weathertightness before loading.

(4) The hold or compartment is free of sharp projections which could tear or puncture the bulk bags.

(5) After the bulk bags are unloaded, the hold or compartment is inspected for spillage and any residue removed.

ii. Whenever a bulk bag containing a material classed as Division 5.1 (oxidizer) is loaded or unloaded as break bulk cargo:

(1) Firehoses must be laid out in the loading or unloading area and must be operable at all times.

(2) Smoking, carrying matches or lighting devices, or performing hot work shall be prohibited in the loading or unloading area; and the area must be posted with appropriate warnings signs.

iii. The provisions of 49 CFR 176.410(d), except subparagraphs (d)(1) and (d)(2) do not apply to shipments of ammonium nitrate fertilizer by vessel under this exemption.