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

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

AUG 25 2003

DOT-E 13287

EXPIRATION DATE: December 31, 2003

1. GRANTEE: The Dow Chemical Company
Midland, MI

2. PURPOSE AND LIMITATION: This emergency exemption authorizes the transportation in commerce of certain DOT Specification 2Q inner metal receptacles with alternative specification marking. This exemption provides no relief from the Hazardous Materials Regulations (HMR) 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 §§ 172.301(c) in that the marking requirements are waived, and 178.33a-9(a) in that the specification marking must be printed, lithographed, embossed or stamped, except as provided herein.

5. BASIS: This emergency exemption is based on the application of The Dow Chemical company dated August 20, 2003, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant economic loss.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper shipping name	Hazard Class/ Division	Identi-fication Number	Packing Group
Aerosols	2.1	UN1950	N/A
Aerosols	2.2	UN1950	N/A

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7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is a DOT Specification 2Q container meeting all requirements of the HMR except that the specification marking may be printed on a securely affixed label.

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.

c. MARKING - The marking requirements of § 172.301(c) are waived.

d. This exemption also serves as a Competent Authority Approval (CA-2003080024), issued by the Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration (RSPA), of the United States Department of Transportation, in accordance with Part 1; Chapter 1, paragraph 1.2 of the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO) and Chapter 7.9 of the International Maritime Dangerous Goods (IMDG) Code.

This approval in no way affects the need to obtain any required authorizations from other agencies of the United States Government or from the competent authorities of the countries of transit and destination.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo aircraft only, and passenger-carrying aircraft.

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. 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.

    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: 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. (Sections 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 in Washington, D.C.:

AUG 2 5 2003

Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, 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: LaValle