

April 5, 2006



U.S. Department
of Transportation

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

**Pipeline and
Hazardous Materials
Safety Administration**

DOT-SP 13113
(THIRD REVISION)

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of Division 6.1 liquid soil pesticide fumigants in DOT specification cargo tank motor vehicles and portable tanks that are not authorized by the Hazardous Materials Regulations (HMR) for those materials. This special permit provides no relief from the HMR other than as specifically stated herein.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce.
 - c. Unless otherwise stated herein, this special permit consists of the special permit authorization letter issued to the grantee together with this document.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.302(c) in that marking the special permit number on the package is waived; and § 173.243(b) and (c) in that the use of DOT Specification MC 306 and DOT 406 cargo tanks and stainless steel DOT Specification 57 portable tanks are not authorized except as specified herein.
5. BASIS: This special permit is based on the application of Dow AgroSciences, L.L.C., dated August 23, 2004, submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper shipping name	Hazard Class/ Division	Identi- fication Number	Packing Group
Pesticides, liquid, toxic, flammable, n.o.s., <i>flash point not less than 23 degrees C</i>	6.1	UN2903	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are DOT Specification MC 306 and DOT 406 cargo tank motor vehicles and DOT Specification 57 portable tanks, that meet the following additional requirements:

(1) **Cargo tank motor vehicles:**

(i) **Pressure relief system:** The pressure relief system on each cargo tank should conform to the applicable provisions of § 173.243(b)(1); and

(ii) **Bottom outlets:** Specification MC 306 cargo tank motor vehicles must be equipped with stop-valves capable of being remotely closed by manual and mechanical means. Specification DOT 406 cargo tank motor vehicles must conform to the provisions of § 173.243(b)(2) as applicable to Specification DOT 407 cargo tanks.

(2) **Portable tanks:** Only DOT Specification 57 portable tanks constructed of stainless steel are authorized.

b. TESTING - DOT Specification cargo tank motor vehicles must be retested and reinspected in accordance with the requirements in 49 CFR Part 180, Subpart E. DOT Specification 57 portable tanks must be retested and reinspected in accordance with the requirements in 49 CFR Part 180, Subpart G.

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c. OPERATIONAL CONTROLS:

(1) Transportation is limited to private carriage exclusively for agricultural purposes; and

(2) Transportation must be between a bulk loading facility and farms (including between farms) not exceeding 150 miles from one another. Intermediate stops for temporary storage of not more than 5 days, are permitted.

8. SPECIAL PROVISIONS:

a. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.

b. The marking requirements of §§ 172.302(b) and (c) regarding the marking the special permit number on bulk packagings (cargo or portable tanks) are waived.

c. Shipping papers displaying 'DOT-E 13113' may continue to be used until October 1, 2007, provided the special permit remains valid.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each motor vehicle used to transport packages covered by this special permit.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

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

o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.

o 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 special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)- 'The Hazardous Materials Safety and Security Reauthorization Act of 2005' (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term 'exemption' to 'special permit' and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit 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 special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Robert A. McGuire
Associate Administrator
for Hazardous Materials Safety

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Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, D.C. 20590. Attention: PHH-31.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at

http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm

Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: PTO/AM