



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

MAY 13 2004

DOT-E 13069
(FOURTH REVISION)

EXPIRATION DATE: September 30, 2004

1. GRANTEE: General Services Administration (GSA) and persons conducting operations under the direction of government officials from GSA and their designees.
2. PURPOSE AND LIMITATION:
 - a. This emergency exemption authorizes the one-way, one-time transportation in commerce of solid materials contaminated with or suspected to be contaminated with anthrax bacteria or spores, in a non-DOT specification packaging consisting of a bulk outer packaging and non-bulk inner packagings conforming to the provisions of this exemption for disposal. This exemption provides no relief from the Hazardous Materials Regulations (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 § 172.101 Table Column 8C in that bulk size outer packagings are not authorized for infectious substances, affecting humans, except as specified herein.
5. BASIS: This emergency exemption is based on the application of General Services Administration dated May 12, 2004, submitted in accordance with § 107.117 and a determination that it is necessary to prevent significant injury to persons or property.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Material Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Infectious substances, affecting humans (anthrax - contaminated solid material) See Note	6.2	UN2814	N/A

Note: The infectious substances authorized under this exemption are limited to solid materials that have been or are suspected to have been contaminated with anthrax bacteria or spores and that have been treated by a chemical sporicide, but may still pose a hazard.

7. SAFETY CONTROL MEASURES:a. LIMITATIONS ON SOLID MATERIALS THAT HAVE POTENTIALLY BEEN CONTAMINATED WITH ANTHRAX:

(1) This exemption authorizes the transportation in commerce of solid materials, such as personal protection equipment (PPE) and paper products, including mail, that have been contaminated with or are suspected to have been contaminated with anthrax, in a packaging system which consists of a bulk outer packaging - closed motor vehicle trailer (Trailer) or a sealed aluminum mail tote (Tote) used exclusively for solid materials contaminated with or suspected to be contaminated with anthrax bacteria or spores, and non-bulk inner packagings. The solid materials must be double-bagged in at least 1.8 mil red plastic film bags.

(2) Red plastic film bags are authorized only for PPE and soft solid wastes that will not puncture 1.8 mil plastic film.

b. PACKAGING: The following packaging system is authorized:

(1) Bulk Outer Packaging - Solid Materials Other Than Mail:

(i) Closed motor vehicle (Trailer): The authorized Trailer is constructed of aluminum walls and ceiling with wood floors. The Trailer must be lined with 6-mil plastic sheeting on the floor and walls up to the ceiling. The Trailer interior surfaces, with the plastic sheeting, must be smooth, non-porous and free of cracks, crevices and other defects which could damage inner packages or obstruct decontamination operations.

(ii) Each opening in the Trailer must be fitted with a closure that will prevent the intrusion of water during transportation operations.

(2) Inner Packagings - Plastic Film Bags (Red Bags) - Solid Materials Other Than Mail:

(i) Each 1.8 mil plastic film red bag containing solid wastes must be placed in a second 1.8 mil plastic film red bag. Each bag must be closed with a minimum of entrapped air and sealed securely by taping or tying the plastic to prevent the release of any material from the bag when inverted.

(ii) Doubled red bags must be sealed when placed in the closed trailer and must be piled or braced to prevent shifting during transportation.

(3) Bulk Outer and Inner Packaging - Mail:

(i) Inner packaging - Mail must be placed into flat trays that will be placed into a 1.8 mil plastic film bag, treated with disinfectant, and placed into a second 1.8 mil plastic bag. Each bag must be closed with a minimum of entrapped air and sealed securely by taping or heat-sealing to prevent the release of any material from the bag when inverted.

(ii) Bulk outer packaging - Double bags must be sealed and treated with disinfectant prior to placement in a 40" x 24" x 34" aluminum tote. Once the tote has been filled, a removable lid must be affixed to the top of the tote with duct tape. Totes must be sealed with duct tape to prevent the release of materials from the tote.

during transportation. Totes must be placed on the trailer in such a manner as to prevent shifting during transportation.

c. OPERATIONAL CONTROLS:

(1) A current copy of this exemption must be available at each location where the material is offered for transportation.

(2) Prior to placement of the solid material in the inner packaging, the material must be treated with a disinfectant that is recommended by the Center for Disease Control and Prevention for use as a disinfectant for anthrax bacteria and spores.

(3) After being treated with disinfectant, the material must then be bagged in a single 1.8 mil red bag. The red bag must then be treated with a disinfectant and placed in a second 1.8 mil red bag. Each bag must be sealed as specified in paragraph 7.b.(2) above. The sealed outer red bag must then be treated with a disinfectant. Sealed bags of mail must be treated with disinfectant prior to loading into aluminum totes.

(4) Red bags must be placed in the Trailer in such a manner to minimize the risk of puncture or breakage. Bags of mail must be placed in the aluminum totes in such a manner as to minimize the risk of puncture or breakage.

(5) The doors on the Trailer used to transport the material authorized by this exemption must be closed and locked except during loading and unloading.

(6) Prior to transportation, the carrier must perform an external visual inspection of the transport vehicle to determine that it is closed and free of leakage.

(7) The carrier must transport a loaded vehicle to a final destination that is authorized by applicable laws for storage, treatment or disposal of such materials, without unnecessary delay from the time the carrier's motor vehicle leaves the grantee's premises.

(8) The carrier must have a written spill response plan that includes provisions for the decontamination

of spilled materials and for personal protective equipment to be carried on the vehicle and used to protect its employees from contact with infectious materials in any form.

(9) The carrier must respond to any release of hazardous material that occurs during transportation. The response must include complete removal of any spilled material and decontamination of the release site and vehicle surfaces involved.

(10) Each Trailer must be decontaminated after each delivery of solid materials that have been contaminated with or are suspected to have been contaminated with anthrax bacteria or spores, prior to reuse.

8. SPECIAL PROVISIONS:

a. The outside of each motor vehicle Trailer must be plainly and durably marked "DOT-E 13069" and with identification numbers in the manner specified for a bulk packaging in §§ 172.302(b), (c) and 172.331.

b. In addition to marking the required identification number on the motor vehicle as specified in § 172.332, each side and each end must be marked "BIOHAZARD" in letters at least two inches high on a contrasting background.

c. Transportation must be by a private or contract carrier in a motor vehicle dedicated to exclusive use for the transportation of solid materials that have been contaminated with or are suspected to have been contaminated with anthrax bacteria or spores and which have been treated with a disinfectant. No other lading or packages may be combined on the vehicle with these materials.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS: A current copy of this exemption aboard each motor vehicle used to transport packages covered by 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:

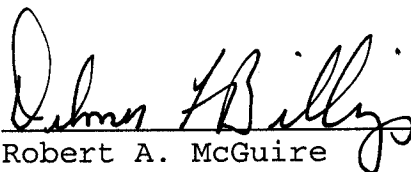
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

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.:



fm Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

MAY 13 2004

(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.

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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: PTOlson/dl