

260849  
RSPA-03-16591-2

DEPARTMENT OF TRANSPORTATION  
DOT FORM 13

**EXEMPTION EVALUATION FORM**  
(Revised as of May 20, 1998)

2003 DEC -2 A 10:07

**PART 1 APPLICANT**

- 1A. Exemption Number : 13331  
Application Number: 48324  
Project Officer : Ann Mazzullo
- 1B. Date of Application: 11/7/2003
- 1C. Name of Applicant: Joe Matousek  
Title: Compliance Manager  
Company Name: BASF Corp  
Address: 3000 Continental Drive  
Mt. Olive, NJ 07828  
Phone Number: (973) 426-2600
- 1D. U.S. Agent for foreign applicant or Consultant Name:  
Company name:  
Address:  
Phone Number:
- 1E. Summary of What Applicant is Requesting:  
To authorize transportation in commerce of a solid pesticide in FIBCs that are not authorized for the material in 49 CFR.
- 1F. Regulation(s) exempted: 173.243
- 1G. Modes of Transportation:  
1 Motor Vehicle (x )                      2 Rail Freight ( )  
3 Cargo Vessel ( )                      4 Cargo Aircraft ( )  
5 Passenger Aircraft ( )

**PART 2 REVIEW FOR DOCKETING**

- ( ) Application contains sufficient information to support docketing.
- ( ) Application is incomplete or unnecessary and should be returned for the following reason(s).

**PART 3 HAZARDOUS MATERIALS**

3A. Hazardous Materials to be shipped:

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Organophosphorus pesticides, solid, toxic	6.1	UN2783	I

3B. Is the hazardous material capable of being detonated? (If No - go to 3C)n

If so, under what conditions?

- (1) What special precautions have been taken to prevent these conditions in transportation?
- (2) Has the hazardous material been classed as an explosive? \_
  - Has it been tested and approved under § 173.56?
  - Is stabilization required and what type?

3C. Other risks presented by the material that warrant special assessment. (e.g. flammable or toxic gases produced upon contact with water, material can initiate or enhance a fire, article or device contains an ignition source)

**PART 4 PACKAGING**

4A. Is the applicant seeking an exemption from the packaging requirements?  
(If No - Go on to Part 5)

- 4B.  Non authorized specification package.  
 Authorized Specification package with quantity or size variation.  
 Material change.  
 Over authorized pressure.

— Non specification package. Most comparable spec. package.

4C. What are the possible failure modes of the packaging?

Is the material of construction appropriate?

Will the packaging integrity be sufficient?

In the case of a pressurized packaging, will the package adequately contain any pressure that might develop?

Does packaging meet the performance requirements for air transportation?

Have evaluation of tests results shown the package to be equivalent?

4D. Are special handling measures needed (specify)?

#### **PART 5 SPECIAL TRANSPORT AND INFORMATIONAL CONTROLS**

5A. Is the applicant seeking an exemption from Special Transport and Informational Controls? (If No - go to Part 6)

5B. Indicate control from which variance is sought. (i.e., placarding requirements, etc.)

5C. What controls have been offered or might be appropriate to mitigate risks otherwise presented with the exemption?

5D. What special data collection and reporting requirements are needed to document experience and exemption performance?

#### **PART 6 SHIPPING EXPERIENCE**

6A. What has the generally shipping experience been with this type of material, package, and operation?

6B. Can any rough estimate be made on the extent of the use of this exemption? How many shipments will be made and how much material will be transported?

6C. Is this a new package with no shipping experience?

**PART 7 SAFETY AND RISK ASSESSMENT**

- 7A. 49 CFR § 107.105(d) prescribes requirements for justification of an exemption through comparisons with established levels of safety and risk assessment. Has the applicant demonstrated equivalent levels of safety or provided an appropriate risk analysis?
- 7B. What are the hazards (worst case) posed by the proposed exemptions? What could go wrong? Are the risks significant? What is the degree of uncertainty as to likelihood or consequences?
- 7C. What are the benefits to the public and the applicant of granting the exemption? What trade-offs have been made?
- 7D. Does this exemption (and other similar exemptions) point to the need for possible regulatory changes? If so what other information is needed to support a regulatory change.

**PART 8 DOCKET COMMENTS/INFORMATION**

- 8A. Date checked: \_\_\_\_
- 8B. Comments: \_\_\_\_ (If Yes, summarize)
- 8C. Has **CONFIDENTIAL** or **PROPRIETARY** information (49 CFR 107.5) been considered in this application?

**PART 9 OVERALL EVALUATION & RECOMMENDATION**

This exemption authorizes a solid pesticide, pkg group I material, to be transported (one time) in FIBCs that are authorized for pkg group II materials. Transporting the packages by common carrier for a distance of 3 miles from the BASF warehouse to the plant is safer than repackaging the material, since each FIBC contains 1,728 lbs. of material, posing significant risk to humans and the warehouse environment. It is recommended that the emergency exemption be issued for the one-time movement. The expiration date of the exemption will be November 30, 2003.

**Note:** In a phone conversation with Mr. Joe Matousek with BASF on Friday (11/7/03), I asked what carrier would be used to transport the material and also asked if the company (Jacobson Warehouse Trucking) had a satisfactory safety rating from Federal Motor Carrier Safety Administration. Mr. Matousek stated that Jacobson Warehouse Trucking did have a satisfactory safety rating.

Office of Hazardous Materials Technology (OHMT)  
Office of Hazardous Materials Exemptions and Approvals (OHMEA)

Office: DHM-31

Project Officer/Date: Ann Magzullo 11/10/03

Reviewer/Date: \_\_\_\_\_

Office Director/Date: \_\_\_\_\_