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

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

DOT-E 11090
(SIXTH REVISION)

MAR 15 2001

EXPIRATION DATE: February 28, 2003

(FOR RENEWAL, SEE 49 CFR § 107.109.)

1. GRANTEE: Mobile Ripening Systems, Incorporated
Jessup, Maryland

2. PURPOSE AND LIMITATIONS:

a. This exemption authorizes the manufacture, mark and sale of a portable ripening device (De-Green Machine) which incorporates a DOT Specification 3AA cylinder containing ethylene, Division 2.1, for transportation in commerce subject to the limitations and special requirements specified herein. This exemption authorizes the controlled release of ethylene into a transport vehicle for the purpose of ripening fruits and vegetables, under the terms and conditions specified herein, and provides no relief from any regulation other than as specifically stated.

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 § Part 172, Subpart C, D and E, § 173.24(b)(1), § 173.24(f), § 174.24, and § 177.817 except as specified herein.

5. BASIS: This exemption is based on Mobile Ripening Systems, Incorporated's application dated March 13, 2001 submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous materials description/proper shipping name	Hazard Class/ Division	Identification Number	Packing Group
Ethylene, compressed	2.1	UN1962	NA

7. PACKAGING(S) and SAFETY CONTROL MEASURES:

a. Packaging prescribed is a portable ripening device (De-Green Machine) consisting of a DOT Specification 3AA cylinder, containing 1 pound or less of ethylene filled to 1200 psi. The cylinder is equipped with a valve (CGA350) and a regulator (Model No. E12CT50CC) to control the rate at which the ethylene is released from the cylinder into the cargo carrying compartment of a trailer. The valve and fittings are protected by a safety cap assembly. Each device is then held in place with polyethylene/polyurethane foam inserts in a specially designed copolypropylene plastic box.

b. An air circulation system must be in operation to produce a constant and controlled flow of outside air through the cargo carrying compartment. The rate of flow must be sufficient to effect a complete change of compartment air every six hours.

c. The De-Green Machine must limit the concentration of ethylene in the compartment to a maximum of 300 parts per million over a 24 hour period.

d. Not more than one De-Green Machine may be used in a trailer.

e. The cylinder must be filled in accordance with the provisions contained in § 173.304 and may not contain more than 1 pound of ethylene.

f. The De-Green Machine must be inspected for compliance with paragraph 7.c. above at the start of each trip and upon completion of the trip.

8. SPECIAL PROVISIONS:

a. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this exemption for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this exemption.

b. A person who is not a holder of this exemption, but 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 offered for transportation in conformance with this exemption and the HMR.

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

d. 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 by the Office of Hazardous Materials Exemptions and Approvals for a specific manufacturing facility.

e. A current copy of this exemption must be maintained at each facility where the package is manufactured under this exemption. It must be made available to a DOT representative upon request.

f. The outside packaging of each device must be marked "DOT-E 11090".

g. The requirements of Part 172, Subparts C, D, and E are waived except for the marking and labeling of the gas cylinder.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle and rail freight.

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 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 the 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 also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

Issued in Washington, D.C.

MAR 15 2001

(DATE)

for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, SW, Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

PO: sln