

March 31, 2020



U.S. Department
of Transportation

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 16011
(TENTH REVISION)

EXPIRATION DATE: 2024-02-29

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: Americase, Inc.
Waxahache, TX

2. PURPOSE AND LIMITATIONS:

a. This special permit authorizes the manufacture, mark, sale and use of four specially designed packagings intended for the transport of certain limited-size lithium ion cells and batteries that may be damaged or defective, are suspected of being damaged or defective including instances where the cells or batteries can't be appropriately assessed prior to transport and the packaging is being used as an added safety precaution. This special permit provides no relief from the Hazardous Materials Regulations (HMR) or the International Maritime Dangerous Goods (IMDG) Code other than as specifically stated herein. The most recent revision supersedes all previous revisions.

b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.

c. This special permit serves as an "exemption" under Chapter 7.9, Section 7.9.1 of the IMDG Code (see IMO MSC/Circ. 1075-Granting Exemptions from the Provisions of the IMDG Code) and as a "Competent Authority Approval" as defined under 49 CFR § 107.1.

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- d. In accordance with 49 CFR 107.107(a) party status may not be granted to a manufacturing permit. These packagings may be used in accordance with 49 CFR 173.22a.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180 and the IMDG Code.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Subparts C through H of Part 172 and Chapters 1.3, 5.2, 5.3 and 5.4 of the IMDG Code in that shipping papers, marking, labeling, emergency response information and training are required for damaged or defective lithium ion cells or batteries, including those packed with or contained in equipment, which meet the size limits in § 173.185(c) or Special Provision 188 of the IMDG Code, as applicable, except as specified herein; and § 173.185(f) in that alternative packaging is authorized.
5. BASIS: This special permit is based on the applications of Americase, Inc. dated March 10, 2020, 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
Lithium ion batteries*	9	UN3480	N/A
Lithium ion batteries contained in equipment*	9	UN3481	N/A
Lithium ion batteries packed with equipment*	9	UN3481	N/A

*Only damaged or defective lithium ion cells or batteries including those suspected of being damaged or defective and those packed with or contained in equipment, may be transported under the terms of this special permit. All cells and batteries must have met all requirements of § 173.185(a) prior to being damaged or defective.

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7. SAFETY CONTROL MEASURES:

a. Each cell and battery must be protected against short-circuits.

b. Each cell and battery contained in equipment must be protected from short-circuits.

c. PACKAGING: UN standard packaging is required. Thermally insulated UN 4G boxes identified as Model Number ENG-FBLIB-9100 or ENG-FBLIB-9200 or a 4G box containing the ACASE envelope identified as ENG-FBLIB-9300 and a UN 4B aluminum box identified as Model Number ENG-ATLIB-9100 may be used provided the following additional packaging requirements are met:

(1) For Model Numbers ENG-FBLIB-9100 and ENG-FBLIB-9200, cells and batteries, including those packed with or contained in equipment, may not have an aggregate Watt-hour (Wh) rating of more than 1,500 Wh (or 120 grams total equivalent lithium content);

(2) For Model Number ENG-ATLIB-9100, cells and batteries, including those packed with or contained in equipment, may not have an aggregate Wh rating of more than 5,700 Wh (or 456 grams total equivalent lithium content);

(3) Each cell, battery and equipment containing the cells or batteries identified in paragraphs 7.c.(1) and 7.c.(2) must be individually packed in a non-metallic inner packaging and surrounded by cushioning material that is non-combustible, and non-conductive;

(4) A UN Specification 4G box with a laminated, flame proof, electrically non-conductive ACASE envelope identified as Model Number ENG-FBLIB-9300 as described in the test reports submitted in the June 21, 2018 email on file with PHMSA may be used as an outer packaging. The limitation on the total Wh rating or the total equivalent lithium content prescribed in Paragraph 7.c.(1) applies when using this outer packaging;

(5) The outer packaging must meet Packing Group I performance criteria; and

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(6) Use of non-combustible cushioning material as required in paragraph 7.c.(3) may be waived for the packages identified in paragraphs 7.c.(1) and 7.c.(2) if it can be demonstrated by testing that in a thermal event:

(i) No flames exit the package;

(ii) No projectiles exit the package;

(iii) No surface temperature outside of the package exceeds 200 °C; and

(iv) Flammable gas or smoke exiting the package does not produce a flame or fire when sparked at the minimal interval of every second outside of the package surface where the gas or smoke is exiting.

d. TESTING REQUIREMENTS: For the testing specified in paragraph 7.c.(6) above, a package as prepared for transportation must be used. Such demonstrations must be recorded on videos and photographed. All parameters such as energy ratings of cells or batteries, the number of cells or batteries, the state of charge, specifics on the package tested and the type and thickness of cushioning material used must be documented. The documented materials must be readily made available to a DOT representative upon request.

e. OPERATIONAL CONTROLS:

(1) Cells, including those packed with or contained in equipment, that have a Watt-hour (Wh) rating of not more than 20 Wh or batteries, including those packed with or contained in equipment, that have a Wh rating of not more than 100 Wh are not subject to 49 CFR Subparts C through H of Part 172 or Chapters 1.3, 5.2, 5.3, and 5.4 of the IMDG Code, except as specified herein. Each package must not exceed 30 kg (66 pounds) gross weight.

(2) Cells, including those packed with or contained in equipment, that have a Wh rating of not more than 60 Wh or batteries, including those packed with or contained in equipment, that have a Wh rating of not more than 300 Wh may be transported aboard motor vehicle and rail freight and are not subject to 49 CFR Subparts C through H of Part 172, except as specified

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herein. Each package must not exceed 30 kg (66 pounds) gross weight.

(3) Cells or batteries, including those packed with or contained in equipment, that do not conform to the requirements in paragraphs 7.e.(1) or 7.e.(2) are subject to 49 CFR Subparts C through H of Part 172 and Chapters 1.3, 5.2, 5.3 and 5.4 of the IMDG Code (i.e., shipping papers, marking, labeling, placarding, emergency response information and training), as applicable.

(4) Detailed closure, packing and shipping instructions must be provided to individuals preparing shipments under the terms of the special permit.

Persons offering packages for transportation must comply with the closure instructions accompanying the packaging.

f. MARKING AND LABELING: Each package must be:

(1) Marked "DOT-SP 16011" in accordance with § 172.304;

(2) Marked with the words "Damaged/defective lithium ion battery" in accordance with § 172.304; and

(3) As applicable:

(i) Marked with the words "FORBIDDEN FOR TRANSPORT BY AIRCRAFT - GROUND AND VESSEL SHIPMENT ONLY" and the lithium battery handling marking conforming to § 173.185(c) or the lithium battery mark indicated in 5.2.1.10 of Amendment 38-16 of the IMDG Code when the package contains lithium ion cells that have a Watt-hour (Wh) rating of not more than 20 Wh or batteries that have a Wh rating of not more than 100 Wh.

(ii) Marked with the words "FORBIDDEN FOR TRANSPORT BY AIRCRAFT AND VESSEL - GROUND SHIPMENT ONLY" and the lithium battery handling marking conforming to § 173.185(c) or the lithium battery mark indicated in 5.2.1.10 of Amendment 38-16 of the IMDG Code when the package contains lithium

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ion cells that have a Wh rating of not more than 60 Wh or batteries that have a Wh rating of not more than 300 Wh.

(iii) Marked and labeled in accordance with the requirements in Subparts D and E of Part 172 and Chapter 5.2 of the IMDG code, as applicable, when the package does not conform to the requirements in paragraphs 7.e.(1) or 7.e.(2).

(4) Additionally, each package may be marked with a QR code which when scanned provides a direct link to a specific URL where the most recent revision of the special permit can be viewed or downloaded. If the QR code is marked on the packaging, the URL must also be marked on the packaging.

8. SPECIAL PROVISIONS:

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

b. A person who is not a holder of this special permit, but receives a package covered by this special permit, may reoffer a package covered by this special permit for transportation provided no modification or change is made to the package and the package is offered for transportation in conformance with this special permit, the HMR, and the IMDG Code.

c. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation. This requirement does not apply to cells or batteries, including those packed with or contained in equipment, offered or transported by a person not considered a "Hazmat employee" (e.g., a consumer offering for transportation or transporting hazardous materials subject to this special permit from the consumer's private residence).

d. Each packaging manufactured under the authority of this special permit must be marked with a registration symbol designated by the Office of Hazardous Materials Safety Approvals and Permits Division for a specific manufacturing facility.

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- e. A current copy of this special permit must be maintained at each facility where the packaging is manufactured under this special permit. It must be made available to a DOT representative upon request.
 - f. Any package that is damaged is not authorized to be loaded and transported.
 - g. This special permit 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 States of origin, transit and destination of the consignment.
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, cargo vessel (see paragraph 10.d. for restrictions) and rail freight.
10. MODAL REQUIREMENTS:
- a. A current copy of this special permit must be carried aboard each cargo vessel used to transport packages covered by this special permit.
 - b. For packages that do not conform to the requirements in paragraphs 7.e.(1) or 7.e.(2), a current copy of this special permit must be carried aboard each motor vehicle used to transport packages covered by this special permit or accompany the package in a manner that is readily available by marking the packages as described in paragraph 7.f.(4).
 - c. For packages that do not conform to the requirements in paragraphs 7.f.(3)(i) of this special permit, a current copy of this special permit must be carried aboard each common carrier motor vehicle or accompany the package in a manner that is readily available by marking the packages as described in paragraph 7.f.(4).
 - d. For packages that do not conform to the requirements in paragraphs 7.f.(3)(ii) of this special permit, a current copy of this special permit must be carried aboard each common carrier motor vehicle or accompany the package in a manner that is readily available by marking the packages as described in paragraph 7.f.(4).
 - e. For packages that are marked in accordance with paragraph 7.f.(3)(i) of this special permit, transportation

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by cargo vessel is only permitted when motor vehicle or rail shipments are not possible.

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.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit related to packages containing damaged or defective lithium ion cells or batteries, including those packed with or contained in equipment, that do not conform to the requirements in paragraphs 7.e.(1) or 7.e.(2) must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit related to packages containing damaged or defective lithium ion cells or batteries, including those packed with or contained in equipment, that conform to the requirements in paragraphs 7.e.(1) or 7.e.(2) must receive adequate instruction on the requirements and conditions of this special permit.

A person not considered a "Hazmat employee" (e.g., a consumer offering for transportation or transporting hazardous materials subject to this special permit from the consumer's private residence) need not receive training on the requirements and conditions of this special permit or

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the training required by §§ 172.700 through 172.704 but must be provided appropriate instruction to comply with the requirements and conditions of this special permit.

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 William Schoonover
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

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.