



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

November 22, 2023

1200 New Jersey Avenue, SE
Washington, DC 20590

DOT-SP 20331
(FOURTH REVISION)

EXPIRATION DATE: 2026-07-31

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: C. L. Smith Company Inc.
Saint Louis, MO
2. PURPOSE AND LIMITATIONS:
 - a. This special permit authorizes the manufacture, mark, sale and use of UN specification packagings for the transportation in commerce of damaged, defective, or recalled lithium ion cells and batteries and lithium metal cells and batteries and these cells or batteries contained in equipment. This special permit provides no relief from the Hazardous Materials Regulations (HMR) 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. In accordance with 49 CFR 107.107(a) party status may not be granted to a manufacturing permit. These packaging may be used in accordance with 49 CFR 173.22a.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171- 180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Subparts C through H of Part 172 in that shipping papers, marking, labeling, emergency response information, and training are not required and § 173.185(f) in that more than one lithium cell or battery per package is authorized as specified herein.

Tracking Number: 2023114652

5. BASIS: This special permit is based on the application of C. L. Smith Company Inc. dated June 21, 2022, submitted in accordance with § 107.109.

6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous Material 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 metal batteries*	9	UN3090	N/A
Lithium metal batteries contained in equipment*	9	UN3091	N/A

*Only damaged, defective, or recalled lithium ion or lithium metal cells or batteries and equipment containing these cells or batteries with a Watt-hour rating or a lithium content, as applicable, conforming to § 173.185(c)(1)(i), (ii) or (iv) may be transported under the terms of this special permit. For transportation by cargo vessel, only lithium ion or lithium metal cells or batteries and equipment containing these cells or batteries with a Watt-hour rating or a lithium content, as applicable, conforming to § 173.185(c)(1)(i) or (ii) may be transported under the terms of this special permit.

7. SAFETY CONTROL MEASURES:

a. OPERATIONAL CONTROLS:

(1) Cell, batteries, and these cells or batteries contained in equipment must have be of a type that originally met the requirements for testing in accordance with the most recent edition of the UN Manual of Tests and Criteria prior to becoming damaged, defective, or recalled.

(2) Each shipment offered under the terms of this special permit must be accompanied by a document that includes the following:

(i) An indication that the package contains “lithium metal” or “lithium ion” cells or batteries, as appropriate;

(ii) An indication that the package is to be handled with care and that a flammable hazard exists if the package is damaged;

(iii) An indication that special procedures must be followed in the event the package is damaged, to include inspection and repacking if necessary; and

(iv) A telephone number for additional information.

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

b. PACKAGING:

(1) INNER PACKAGING: Each cell or battery or each piece of equipment containing these cells or batteries must be individually packed in a non-metallic packaging that completely encloses the cell or battery or the piece of equipment containing the cells or batteries.

(2) OUTER PACKAGING: The completed inner package must be surrounded by cushioning material that is non-combustible, non-conductive, and absorbent and placed in a UN specification metal, wooden or plastic box or drum that meets the Packaging Group I performance level.

(3) Not more than 2 kg of lithium cells and batteries may be contained in a single package. However, a single cell or battery may be shipped within one (1) package provided the cell or battery has a mass of 5 kg or less.

c. MARKING: Each package covered under the terms of this special permit must be durably and legibly marked and displayed on a background of contrasting color with the following:

(1) “DOT-SP 20331”;

(2) The words “Damaged/defective lithium ion battery” or “Damaged/defective lithium metal battery”, as appropriate;

(3) The handling marking in § 173.185(c)(3)(i); and

(4) The words “FORBIDDEN FOR TRANSPORT ABOARD AIRCRAFT - GROUND AND VESSEL SHIPMENT ONLY”.

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

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 it for transportation provided no modification or change is made to the package and it is offered for transportation in conformance with this special permit and the HMR.

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

d. Each packaging manufactured under the authority of this special permit 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 for a specific manufacturing facility.

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.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, and cargo vessel.10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each cargo vessel or 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.

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.

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 Material Safety Administration, U.S. Department of Transportation, East Building PHH-13, 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 <https://www.phmsa.dot.gov/approvals-and-permits/hazmat/special-permits-search>. Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: Casey Chambers