



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

**November 14, 2024**

1200 New Jersey Avenue, SE  
Washington, DC 20590

DOT-SP 20639  
(FIFTH REVISION)

**EXPIRATION DATE: 2028-10-31**

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: ICC The Compliance Center Inc.  
Niagara Falls, NY

2. PURPOSE AND LIMITATIONS:

a. This special permit authorizes the manufacture, mark, sale, and use of alternative packagings for the transportation in commerce of damaged, defective, or recalled lithium ion cells and batteries and lithium metal cells and batteries (including when packed with or contained in equipment). 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. 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.

d. 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.

Tracking Number: 2023115217

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 cells or batteries, including those packed with or contained in equipment, and § 173.185(f) in that fiberboard boxes are not authorized and more than one lithium cell or battery per package is not authorized, except as specified herein.
5. BASIS: This special permit is based on the application of ICC The Compliance Center Inc., dated November 28, 2023, 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 <i>including lithium ion polymer batteries*</i>	9	UN3480	N/A
Lithium ion batteries contained in equipment <i>including lithium ion polymer batteries*</i>	9	UN3481	N/A
Lithium ion batteries packed with equipment <i>including lithium ion polymer batteries*</i>	9	UN3481	N/A
Lithium metal batteries <i>including lithium alloy batteries*</i>	9	UN3090	N/A
Lithium metal batteries contained in equipment <i>including lithium alloy batteries*</i>	9	UN3091	N/A
Lithium metal batteries packed with equipment <i>including lithium alloy batteries*</i>	9	UN3091	N/A

\*Only damaged, defective, or recalled lithium ion or lithium metal cells or batteries (including when packed with or contained in equipment) 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 (including when packed with or contained in equipment) 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) Cells, batteries, and these cells or batteries contained in or packed with equipment must have 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) Transportation by cargo vessel is only permitted when motor vehicle or rail shipments are not possible.

(3) All cells and batteries must be protected from short circuiting.

(4) The equipment containing or packed with the cells or batteries must be protected from inadvertent operation.

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(s) must be placed in a UN specification metal, wooden, plastic, or fiberboard box or drum that meets the Packaging Group II performance level and surrounded by the thermally insulating fire suppressant material as described in ICC The Compliance Center Inc.'s applications dated April 12, 2018 and April 12, 2021, and on file with the Office of Hazmat Safety (OHMS).

(3) Except when lithium cells or batteries are packed with or contained in equipment which affords rigid protection, the net weight of cells or batteries per package in a package volume capacity 55 gallon, 30 gallon, or 5 gallon may not exceed 181 kg (400 pounds), 91 kg (200 pounds), or 16 kg (35 pounds), respectively.

(4) The inner or outer packaging must be leak-proof to prevent the potential release of electrolyte and a venting device must be used for leaking cells or batteries.

(5) Each package must meet the requirements in §§ 173.24 and 173.24a.

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 20639”.

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

(3) The lithium battery mark in § 173.185(c)(3)(i).

(4) For cells or batteries conforming to § 173.185(c)(1)(i) or (ii): the words “FOR HIGHWAY OR VESSEL TRANSPORT ONLY – FORBIDDEN FOR TRANSPORTATION BY AIRCRAFT” at least 6 mm (0.25 inch) in height.

(5) For cells or batteries conforming to § 173.185(c)(1)(iv): the words “FORBIDDEN FOR TRANSPORTATION BY AIRCRAFT AND VESSEL” at least 6 mm (0.25 inch) in height.

(6) 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 version 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.

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

e. When lithium cells or batteries are not packed with, or contained in, equipment, and the package exceeds 30 kg (66 pounds) gross weight, the package is 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, and must be marked in accordance with § 173.185(f)(4).

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 Safety 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. 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.c.(5).
  - b. A current copy of this special permit must be carried aboard each cargo vessel 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.

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