



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

May 08, 2025

1200 New Jersey Avenue, SE
Washington, DC 20590

DOT-SP 21538
(FIRST REVISION)

EXPIRATION DATE: 2029-04-30

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: Evolve Renewable Materials, Inc.
Reno, NV
2. PURPOSE AND LIMITATIONS:
 - a. This special permit authorizes the manufacture, mark, sale, and use of UN standard 4G fiberboard boxes for the transportation in commerce of certain batteries without shipping papers and certain marking and labeling when transported for recycling or disposal. 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 special 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.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Subparts C, D, and E of Part 172 in that shipping papers, marking, and labeling are not required for UN3028 and UN3496; § 172.102(c)(1), Special Provision 130(d) in that used or spent batteries utilizing different chemistries (i.e., those battery chemistries specifically covered by another entry in the § 172.101 Hazardous Materials Table) as well as dry and wet

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batteries may be combined with used or spent batteries in the same package; § 173.159a(c)(2) in that marking the non-spillable battery and outer packaging is not required; and § 173.185(c)(1)(iii), (c)(1)(iv), (c)(1)(v), and (c)(3) in that alternative marking and documentation are authorized and alternative means of identifying any special procedures to be followed in the event a package is damaged is authorized.

5. BASIS: This special permit is based on the application of Evolve Renewable Materials, Inc. dated May 4, 2025, 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 metal batteries <i>including lithium alloy batteries</i>	9	UN3090	N/A
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
Batteries, wet, non-spillable, <i>electric storage</i>	8	UN2800	N/A
Batteries, nickel-metal hydride see Batteries, dry, sealed, n.o.s. <i>for nickel-metal hydride batteries transported by modes other than vessel</i>	9	UN3496	N/A
Batteries, dry, containing potassium hydroxide solid, <i>electric storage</i>	8	UN3028	N/A
Batteries, dry, sealed, n.o.s.	See Special Provision 130		

7. SAFETY CONTROL MEASURES:

- a. PACKAGING: Prescribed packagings are UN standard fiberboard boxes (UN 4G/Y30) (smaller specification boxes are also authorized) that are capable of withstanding a 1.2 meter drop test in any orientation and conforming to the Packing Group II performance level:

- (1) Without damage to cells or batteries contained in the package;
 - (2) Without shifting of the contents that would allow short circuiting; and
 - (3) Without release of package contents.
- b. Each authorized package must be printed with instructions for complying with the requirements of this special permit.
- c. Each package must be marked “Used Batteries for Recycling or Disposal: May Contain Lithium (ion and/or metal) and Nonspillable Batteries. FOR HIGHWAY OR RAIL FREIGHT ONLY – FORBIDDEN FOR TRANSPORTATION BY VESSEL OR AIRCRAFT” at least 6mm (.25 inch) in height.
- d. Each package must be marked with an emergency response telephone number accessible 24 hours per day in case of damage to the packaging or contents.
- e. Each package covered under the terms of this special permit must be plainly and durably marked “DOT-SP 21538”. This marking must comply with § 172.304.
- f. OPERATIONAL CONTROLS:
- (1) The grantee must provide each person who packages hazardous materials in packagings subject to this special permit detailed instructions on the requirements of the special permit and packaging batteries for transport. The instructions must be displayed where the packages are closed for transportation and must at a minimum communicate each requirement of paragraphs 7.b. through 7.f. and 8.c. of this special permit.
 - (2) This packaging is only authorized for battery disposal or recycling purposes.
 - (3) Lithium metal batteries transported in this packaging are limited to 25 grams of lithium per battery. Lithium ion batteries are limited to 300 Watt-hours per battery. Non-spillable batteries are limited to 11 pounds or less gross weight each.

- (4) Lithium ion, lithium metal, non-spillable batteries and dry cell batteries (dry cell batteries with a marked rating over 9 volts) must be protected against short circuits. Suitable methods of protecting all of the batteries against short circuits and the dangerous evolution of heat include, but are not limited to, placing the batteries in individual plastic bags or taping and covering the exposed terminals. The means of protection used to prevent short circuits must remain in place while the packages are in transportation.
- (5) Devices containing batteries must be protected against short circuits and unintentional activation.
- (6) The gross weight of the package must not exceed 30 kg (66 pounds).
- (7) Packages must be stored away from heat.
- (8) Packages must be securely closed prior to being offered for transportation.
- (9) When utilized as specified in this special permit, the completed package is excepted from the requirements of Subparts C, D, and E of Part 172 (shipping papers, marking, and labeling, respectively), except as specified herein.
- (10) The testing requirements for lithium batteries under § 173.185(a)(1) are waived.

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 who 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 person offering a package covered by this special permit to a motor carrier must notify the operator of the motor vehicle of the presence of hazardous materials and that in the event of damage, the emergency response number, and emergency procedures applicable to the motor carrier appear on the package.
- d. A current copy of this special permit must be accessible from each facility where the package is offered for transportation (computer generated copies are acceptable). In addition, a copy of the special permit must be available on the grantee's website.

- e. 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.
 - f. The grantee must keep on file and make available upon request annual reports from box inspections conducted at locations where batteries are consolidated and/or processed. These reports must include all noted non-compliance with the HMR and/or this special permit and actions taken to prevent recurring of such non-compliance.
 - g. A list of companies that have been provided these packagings must be maintained and made available upon request.
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle and rail freight.
10. MODAL REQUIREMENTS: None as a requirement of 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 in addition to the training required by §§ 172.700 through 172.704.

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-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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