1. **GRANTEE:** American Promotional Events, Inc.  
   Rialto, CA

2. **PURPOSE AND LIMITATIONS:**
   a. This emergency special permit authorizes the one-time, one-way transportation in commerce of unapproved and non-compliant packages of fireworks that have been confiscated by Hawaiian authorities. 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 the development of this special permit only considered the hazards and risks associated with the transportation in commerce.
   
   c. No party status will be granted to this special permit.

3. **REGULATORY SYSTEM AFFECTED:** 49 CFR Parts 106, 107 and 171-180.

4. **REGULATIONS FROM WHICH EXEMPTED:** 49 CFR Subparts D and E of Part 172 in that the packages are not required to be marked or labeled; §173.56 in that not all of the fireworks have been determined to have a valid EX approval; and §173.62 Packing Instruction 135 in that the packages are not compliant with the requirements of this section, as specified herein.

5. **BASIS:** This emergency special permit is based on the application of American Promotional Events, Inc. dated April 16, 2024, submitted in accordance with §107.117 and the determination it was necessary to prevent significant injury to persons or property.

Tracking Number: 2024044564
6. HAZARDOUS MATERIALS (49 CFR 172.101):

<table>
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<tr>
<th>Hazardous Material Description</th>
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<tr>
<td>Proper Shipping Name</td>
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<td>Fireworks*</td>
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7. SAFETY CONTROL MEASURES:

a. PACKAGING: Prescribed packagings are approximately 1,350 non-DOT specification boxes, as described in American Promotional Events, Inc.’s application dated April 16, 2024, on file with the Office of Hazardous Materials Safety, and which will be transported in three (3) separate shipments as described below:

   (1) 335 boxes of consumer fireworks.

   (2) 291 boxes of consumer fireworks contained within a freight container.

   (3) 724 boxes of consumer fireworks contained within a freight container.

b. TESTING/CLASSIFICATION: The fireworks must have been determined to be appropriately classified under a valid EX approval or must have been verified through the American Fireworks Standards Laboratory (AFSL) database as being tested after manufacture and meet the requirements applicable to consumer fireworks.

c. OPERATIONAL CONTROLS:

   (1) Transportation under the terms of this special permit is limited to the following:

      (i) The shipment described in paragraph 7.a.(1) may only be transported from the temporary storage facility to a storage location associated with the grantee on the island of Oahu and subsequently to retail locations.

      (ii) The container described in paragraph 7.a.(2) must be transported from the temporary storage facility to the port, loaded onto a barge operated by Young Brothers Transport, Ltd, transported to Kona, then by truck to a facility on the island of Hawaii and subsequently retail locations.
(iii) The container described in paragraph 7.a.(3) may only be transported from the temporary storage facility to the port, by motor vehicle, loaded onto a cargo vessel operated by Matson, transported to Tacoma by cargo vessel, then offloaded and transported by vehicle to a TNT Warehouse, and distributed to regional retail locations.

(2) All fireworks transported under the terms of this special permit must have been:
(i) Determined to have a valid EX approval classification;
(ii) Cross-checked against a valid AFSL export evaluation; or
(iii) Tested to ensure compliance with CPSC requirements.

(3) The fireworks, boxes and containers must be secured, blocked, and braced to protect against unintentional movement during transport.

d. **HAZARD COMMUNICATION:** The marking and labeling requirements of Subparts D and E of Part 172 do not apply.

8. **SPECIAL PROVISIONS:**

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

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

c. The grantee shall voluntarily terminate this special permit once all applicable fireworks have reached their final destination.

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:
All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

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.

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.:

[Signature]

for William Schoonover
Associate Administrator for Hazardous Materials Safety

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: ae