

April 17, 2025



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

DOT-SP 21859

EXPIRATION DATE: 2027-02-28

(FOR RENEWAL, SEE 49 CFR 107.109)

1. **GRANTEE:** Plastipak Packaging, Inc.
Plymouth, MI
2. **PURPOSE AND LIMITATIONS:**
 - a. This special permit authorizes the manufacture, mark, sale, and use of non-DOT specification plastic non-refillable inside containers conforming with all regulations applicable to a DOT specification 2S plastic inside container, except that recycled plastic may be used, for the transportation in commerce of the hazardous materials in paragraph 6. 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 §§ 178.33b-5(a) and 178.33b-6(a) in that recycled plastic is not authorized, except as specified herein.

5. **BASIS:** This special permit is based on the application of Plastipak Packaging, Inc. dated September 12, 2024, submitted in accordance with § 107.105 and the public proceeding thereon.

6. **HAZARDOUS MATERIALS (49 CFR 172.101):**

Hazardous Material Description			
Proper Shipping Name	Hazard Class/ Division	Identifi- cation Number	Packing Group
Aerosols, <i>flammable</i> , (each not exceeding 1 L capacity)	2.1	UN1950	N/A
Aerosols, <i>non-flammable</i> , (each not exceeding 1 L capacity)	2.2	UN1950	N/A

7. **SAFETY CONTROL MEASURES:**

a. **PACKAGING:** The prescribed packaging is a non-DOT specification plastic non-refillable inside container that conforms to all regulations applicable to the DOT-2S specification, except for the following:

§ 178.33b-5 Material.

(a) The receptacles must be constructed of polyethylene terephthalate (PET), polyethylene napthalate (PEN), polyamide (Nylon), recycled PET (rPET), or a blend of PET, PEN, rPET, ethyl vinyl alcohol and/or Nylon.

§ 178.33b-6 Manufacture.

(a) Each container must be manufactured by thermoplastic processes that will assure uniformity of the completed container. No used material other than production residues or regrind from the same manufacturing process or rPET derived from solid-state polymerization (SSP) may be used. The packaging must be adequately resistant to aging and to degradation caused either by the substance contained or by ultraviolet radiation.

§ 178.33b-9 Marking.

- (a) Each container must be clearly and permanently marked to show:
 - (1) "DOT-SP 21859" in lieu of "DOT-2S".
 - (2) The letters "REC", which indicate the packaging is manufactured from recycled material.
 - (3) Name or symbol of the special permit grantee. Symbols, if used, must be registered with the Associate Administrator for Hazardous Materials Safety.

b. QUALITY ASSURANCE PROGRAM: The grantee shall employ a quality assurance program for evaluating and controlling the rPET used in the manufacture of plastic inner containers to ensure the following:

- (1) Rejection of unsuitable material: The grantee may not use a resin from recycled material which:
 - (i) Is made from containers which previously contained a Division 6.1 material;
 - (ii) Does not conform to intrinsic viscosity (IV) and molecular weight (MW) specifications appropriate to the application; and
 - (iii) Is otherwise determined to be unsuitable under the grantee's assurance program.
- (2) Lot quality assurance:
 - (i) Each lot shall include a Certificate of Quality Analysis (CQA) from the material vendor, which shall include the intrinsic viscosity (IV) of the lot.
 - (ii) IV of each lot shall be a minimum of 0.80 +/- 0.02 dL/g.
 - (iii) A minimum of one lot per month of production across a six-month period shall be tested for verification of the IV listed in the CQA by a third-party laboratory.

c. **DOCUMENTATION AND RECORD RETENTION:** The grantee shall maintain for as long as the packagings are produced and two years thereafter, and make available upon request by DOT representatives at the manufacturing facility, the following information:

- (1) A copy of the grantee's quality assurance program.
- (2) For each resin used in the manufacture of an inside container:
 - (i) The source of the recycled material and description of the sorting process.
 - (ii) Previous lading of recycled containers, including identification of hazardous materials, if applicable.
 - (iii) Results of IV testing set forth in paragraph 7.b.(2)(iii) above.

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 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, ferry vessel, cargo vessel, passenger-carry aircraft, and cargo aircraft.
10. **MODAL REQUIREMENTS:** A current copy of this special permit must be carried aboard each vessel, aircraft, or motor vehicle used to transport packages covered by this special permit. The shipper must furnish a copy of this special permit to the air carrier before or at the time the shipment is tendered.
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.

PO: BM