



Nti, Jephthah <jephthah.nti@dot.gov>

Fwd: Clarification of Special Permit Wording

1 message

Gale, Tony <tony.gale@dot.gov>
To: "Nti, Jephthah (PHMSA)" <jephthah.nti@dot.gov>

Fri, Mar 20, 2026 at 1:49 PM

please log this as a GC interp



Tony Gale
Transportation Specialist
PHMSA/Office of Hazardous Materials Safety
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----- Forwarded message -----

From: **Mike Thompson - Dangerous Goods** <Mike.Thompson@berlinpackaging.com>
Date: Fri, Mar 20, 2026 at 12:35 PM
Subject: Clarification of Special Permit Wording
To: Gale, Tony (PHMSA) <tony.gale@dot.gov>, michael.nicks@dot.gov <michael.nicks@dot.gov>
Cc: Rachel Piecknick - Dangerous Goods <Rachel.Piecknick@berlinpackaging.com>, Stephen Sowa - Pittsburgh <Stephen.Sowa@berlinpackaging.com>

Tony and Michael,

I hope you're both doing well.

I worked with you on DOT-SP 21690 toward the end of 2024. Since then, we have been successfully providing shipping containers under this special permit without issue. However, we've recently received questions regarding the wording in the Operational Controls section and were hoping you could provide some clarification. Alternatively, please let us know if a formal letter of interpretation would be required.

We are currently supporting a client, in coordination with the EPA, on a sizeable DDR remediation/reclamation project and need to confirm our understanding.

In Section 2 (Purpose and Limitations), the Special Permit clearly states that it is authorized for both single and multiple batteries, including damaged, defective, or recalled (DDR) lithium batteries. We also reference §§ 173.185(f)(3)(iii), which pertains specifically to DDR batteries.

Section 7(c)(3) further indicates that DDR batteries are permitted for transport, provided they are not shipped in the same package as non-damaged, recycled, prototype, or low-production batteries.

However, Section 7(c)(4) states that cells or batteries liable to rapidly disassemble, dangerously react, produce a flame, or generate dangerous heat or emissions under normal transport conditions may not be transported under this special

permit.

Our interpretation is that this restriction applies to batteries that are already exhibiting signs of thermal runaway, whereas stable DDR batteries—consistent with Section 2 and Section 7(c)(3)—would still be permitted.

Could you please clarify the intent of this provision? As written, it appears to conflict with Section 2(a) and Section 7(c)(3).

Thank you in advance for your guidance.


Best regards,



Michael Thompson

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