

October 26, 2018



U.S. Department
of Transportation

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 20384
(SECOND REVISION)

EXPIRATION DATE: 2022-09-30

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: Beanworthy, LLC
Palo Alto, CA
2. PURPOSE AND LIMITATIONS:
 - a. This special permit authorizes the manufacture, mark, sale, and use of non-DOT specification packaging for recalled lithium ion batteries contained in equipment. 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.
 - 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.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Subparts C through H of Part 172 in that shipping papers, marking, labeling, emergency response information, and training are required, except as provided herein.
5. BASIS: This special permit is based on the application of Beanworthy, LLC dated August 3, 2018, submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous Material Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Lithium ion batteries contained in equipment	9	UN3481	N/A

7. SAFETY CONTROL MEASURES: The recalled handwarmers contain a battery which consist of 2 lithium ion cells and must be returned intact to a certified recycler in the packaging which is described in 7.c.

a. OPERATIONAL CONTROLS:

(1) Shipments are only authorized in support of a recall involving hand-warmer Model K408-1 EnergyFlux 4400mAh and Model K408-7 EnergyFlux Slim 4400mAh in response to a corrective action plan by the U.S. Consumer Product Safety Commission.

(2) Shipments of recalled lithium ion batteries contained in equipment are limited to the hand-warmers from consumer customers to the designated recycler, eCycleSecure, located in Charlotte, North Carolina.

(3) After placing the hand-warmer in a safe location outdoors with no flammable materials nearby, the battery in the product must be brought to the reduced state of charge (SOC) by turning the hand-warmer on until the indicator light stops flashing.

(4) Packages must be stored away from heat.

(5) Detailed SOC reduction, closure, packing and shipping instructions must be provided to individuals preparing shipments under the terms of the special permit.

b. TESTING: The cells and battery in the recalled product must have been of a type initially tested to meet the

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requirements in the UN Manual of Tests and Criteria, 5th Revised Edition before distribution to consumers.

c. PACKAGING: After completing Step 7.a.(3) above, the hand-warmers must be placed into its intact original packaging and further packaged as follows:

(1) INNER PACKAGING: Each hand warmer in its original packaging must be individually placed in a plastic bag and sealed to completely enclose the product and prevent the introduction of materials that could lead to short circuit (e.g., moisture, dirt).

(2) OUTER PACKAGING: The completed inner packaging must be individually placed in a rigid plastic box, as described in Beanworthy, LLC's application received on December 12, 2016 and on file with Office of Hazardous Materials Safety Approvals and Permits Division, containing non-combustible, non-conductive foam padding that meets Packing Group I drop test performance.

(3) The outer packaging must be sealed using packaging tape in a manner that will maintain package closure during incidents normal to transportation.

(4) Each outer packaging must be placed inside a plastic envelope, lined with bubble wrap, on which a label is affixed showing the markings per 7.d. and the recycler address.

(5) Beanworthy, Inc. must provide the following items to the consumer for return of the hand-warmers:

(i) The rigid plastic box that meets the PG I drop test performance criteria.

(ii) Plastic bags for inner packaging.

(iii) Plastic envelopes, lined with bubble wrap on which a label that shows required information is pasted.

(iv) Instructions about reducing the SOC, packaging, and performing other necessary tasks.

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d. MARKING: Each package must be marked:

(1) With the special permit number, "DOT-SP 20384", in accordance with § 172.301(c);

(2) With "Damaged/defective lithium ion battery" in accordance with § 173.185 (f)(4) and with the lithium battery handling marking conforming to § 173.185(c)(3); and

(3) With the words "FORBIDDEN FOR TRANSPORT ABOARD AIRCRAFT AND VESSEL - GROUND SHIPMENT ONLY".

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 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.

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 Approvals and Permits Division 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.

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- f. Detailed closure, packing and shipping instructions must be provided to individuals preparing shipments under the terms of the special permit.
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle and rail freight.
10. MODAL REQUIREMENTS: A current copy of this special permit must accompany packages covered by this special permit during transportation.
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

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"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-30, 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 http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: Steve H/Andrew Eckenrode/TD