

September 11, 2015



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 15097  
(FOURTH REVISION)

**EXPIRATION DATE: October 31, 2018**

1. GRANTEE: US Consumer Product Safety Commission (CPSC)  
Denver, CO
2. PURPOSE AND LIMITATION:
  - a. This special permit authorizes the one-way transportation in commerce of certain unapproved toy caps or fireworks to the CPSC laboratory in Gaithersburg, MD for testing. 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. 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 § 173.56 in that Class 1 materials are required to be approved prior to transportation, except as provided herein and § 173.320 in that incorrect EX numbers may be marked on each outer packaging.
5. BASIS: This special permit is based on the application of US Consumer Product Safety Commission dated February 2, 2015, submitted in accordance with § 107.105 and the public

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proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

<b>Hazardous Materials Description</b>			
<b>Proper shipping name</b>	<b>Hazard Class/ Division</b>	<b>Identification Number</b>	<b>Packing Group</b>
Fireworks	1.3G	UN0335	II
Articles pyrotechnic <i>for technical purposes</i> (toy caps)	1.3G	UN0430	II
Fireworks	1.4G	UN0336	II
Articles pyrotechnic <i>for technical purposes</i> (toy caps)	1.4G	UN0431	II

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is as required in the HMR.

b. OPERATIONAL CONTROLS -

- (1) Transportation is authorized one-way from the point of origin to the CPSC laboratory in Gaithersburg, MD for testing purposes only.
- (2) Transportation must be conducted on highways and avoid residential areas as much as possible.
- (3) No type of oxidizer, fuel, flammable solid or combustible device or item may be transported with these fireworks and toy caps.
- (4) A contract carrier must be used that holds a valid safety permit from the Federal Motor Carrier Safety Administration.
- (5) For UN0336 1.4G Fireworks and UN0431 1.4G Articles pyrotechnic (toy caps), the package weight must not exceed 50 kg.

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- (6) Fireworks (excluding toy caps) that are suspected of containing more pyrotechnic composition than that authorized for that type of device in the APA Standard 87-1, are not finished devices, or are a type of device not authorized as 1.4G by the APA Standard 87-1 must be shipped as Fireworks, 1.3G, UN0335 under the terms of this special permit.
- (7) Toy caps suspected of exceeding an average of 16 milligrams per cap must be shipped as Articles pyrotechnic *for technical purposes* (toy caps), 1.3G, UN0430 under the terms of this special permit. Toy caps not suspected of exceeding an average of 16 milligrams per cap may be shipped as Articles pyrotechnic *for technical purposes* (toy caps), 1.4G, UN0431.

8. SPECIAL PROVISIONS:

a. 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 modifications or changes are made to the package and it is reoffered 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. MARKING - Each consolidation unit must be marked "DOT-SP 15097."

9. MODES OF TRANSPORTATION AUTHORIZED: Motor Vehicle.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each 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:

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

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- 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 Dr. Magdy El-Sibaie  
Associate Administrator for Hazardous Materials Safety

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Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material 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](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: Dunham/SG