

§§173.24 and 173.24a and packaging requirements specified in 29 CFR 1910.1030, provided the material does not include a waste concentrated stock culture of an infectious substance. Sharps containers must be securely closed to prevent leaks or punctures.

(2) The following materials may be offered for transportation and transported as a regulated medical waste when packaged in a rigid non-bulk packaging conforming to the general packaging requirements of §§173.24 and 173.24a and packaging requirements specified in 29 CFR 1910.1030 and transported by a private or contract carrier in a vehicle used exclusively to transport regulated medical waste:

- (i) Waste stock or culture of a Category B infectious substance;
- (ii) Plant and animal waste regulated by the Animal and Plant Health Inspection Service (APHIS);
- (iii) Waste pharmaceutical materials;
- (iv) Laboratory and recyclable wastes;
- (v) Infectious substances that have been treated to eliminate or neutralize pathogens;
- (vi) Forensic materials being transported for final destruction;
- (vii) Rejected or recalled health care products;
- (viii) Documents intended for destruction in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) requirements; and
- (ix) Medical or clinical equipment and laboratory products provided they are properly packaged and secured against exposure or contamination. Sharps containers must be securely closed to prevent leaks or punctures.

(d) If an item listed in paragraph (b) or (c) of this section meets the definition of another hazard class or if it is a hazardous substance, hazardous waste, or marine pollutant, it must be offered for transportation and transported in accordance with applicable requirements of this subchapter.

[67 FR 53138, Aug. 14, 2002, as amended at 68 FR 57632, Oct. 6, 2003; 70 FR 56098, Sept. 23, 2005; 71 FR 32258, June 2, 2006; 71 FR 78631, Dec. 29, 2006; 72 FR 55692, Oct. 1, 2007; 73 FR 4718, Jan. 28, 2008; 74 FR 2257, Jan. 14, 2009; 76 FR 43530, July 20, 2011]

§ 173.136 Class 8—Definitions.

(a) For the purpose of this subchapter, “corrosive material” (Class 8) means a liquid or solid that causes full thickness destruction of human skin at the site of contact within a specified period of time. A liquid, or a solid which may become liquid during transportation, that has a severe corrosion rate on steel or aluminum based on the criteria in §173.137(c)(2) is also a corrosive material. Whenever practical, *in vitro* test methods authorized in §173.137 of this part or historical data authorized in paragraph (c) of this section should be used to determine whether a material is corrosive.

(b) If human experience or other data indicate that the hazard of a material is greater or less than indicated by the results of the tests specified in paragraph (a) of this section, PHMSA may revise its classification or make the determination that the material is not subject to the requirements of this subchapter.

(c) Skin corrosion test data produced no later than September 30, 1995, using the procedures of part 173, appendix A, in effect on September 30, 1995 (see 49 CFR part 173, appendix A, revised as of October 1, 1994) for appropriate exposure times may be used for classification and assignment of packing group for Class 8 materials corrosive to skin.

[Amdt. 173-224, 55 FR 52634, Dec. 21, 1990, as amended at 56 FR 66270, Dec. 20, 1991; Amdt. 173-234, 58 FR 51532, Oct. 1, 1993; Amdt. 173-241, 59 FR 67508, Dec. 29, 1994; Amdt. 173-261, 62 FR 24732, May 6, 1997; 69 FR 76155, Dec. 20, 2004; 71 FR 78631, Dec. 29, 2006; 76 FR 3372, Jan. 19, 2011]

§ 173.137 Class 8—Assignment of packing group.

The packing group of a Class 8 material is indicated in Column 5 of the §172.101 Table. When the §172.101 Table provides more than one packing group for a Class 8 material, the packing group must be determined using data obtained from tests conducted in accordance with the OECD Guideline for the Testing of Chemicals, Number 435, “*In Vitro* Membrane Barrier Test Method for Skin Corrosion” (IBR, *see* §171.7 of this subchapter) or Number 404, “Acute Dermal Irritation/Corrosion” (IBR, *see* §171.7 of this subchapter). A

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material that is determined not to be corrosive in accordance with OECD Guideline for the Testing of Chemicals, Number 430, “*In Vitro* Skin Corrosion: Transcutaneous Electrical Resistance Test (TER)” (IBR, *see* §171.7 of this subchapter) or Number 431, “*In Vitro* Skin Corrosion: Human Skin Model Test” (IBR, *see* §171.7 of this subchapter) may be considered not to be corrosive to human skin for the purposes of this subchapter without further testing. However, a material determined to be corrosive in accordance with Number 430 or Number 431 must be further tested using Number 435 or Number 404. The packing group assignment using data obtained from tests conducted in accordance with OECD Guideline Number 404 or Number 435 must be as follows:

(a) *Packing Group I.* Materials that cause full thickness destruction of intact skin tissue within an observation period of up to 60 minutes starting after the exposure time of three minutes or less.

(b) *Packing Group II.* Materials other than those meeting Packing Group I criteria that cause full thickness destruction of intact skin tissue within an observation period of up to 14 days starting after the exposure time of more than three minutes but not more than 60 minutes.

(c) *Packing Group III.* Materials, other than those meeting Packing Group I or II criteria—

(1) That cause full thickness destruction of intact skin tissue within an observation period of up to 14 days starting after the exposure time of more than 60 minutes but not more than 4 hours; or

(2) That do not cause full thickness destruction of intact skin tissue but exhibit a corrosion on either steel or aluminum surfaces exceeding 6.25 mm (0.25 inch) a year at a test temperature of 55 °C (130 °F) when tested on both materials. The corrosion may be determined in accordance with the UN Manual of Tests and Criteria (IBR, *see* §171.7 of this subchapter) or other equivalent test methods.

NOTE TO §173.137: When an initial test on either a steel or aluminum surface indicates the material being tested is corrosive, the

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follow up test on the other surface is not required.

[Amdt. 173–224, 55 FR 52634, Dec. 21, 1990, as amended at 56 FR 66270, Dec. 20, 1991; Amdt. 173–241, 59 FR 67508, Dec. 29, 1994; Amdt. 173–261, 62 FR 24733, May 6, 1997; 68 FR 75744, Dec. 31, 2003; 69 FR 76155, Dec. 20, 2004; 71 FR 78631, Dec. 29, 2006; 74 FR 2257, Jan. 14, 2009; 76 FR 3372, Jan. 19, 2011]

§ 173.140 Class 9—Definitions.

For the purposes of this subchapter, *miscellaneous hazardous material* (Class 9) means a material which presents a hazard during transportation but which does not meet the definition of any other hazard class. This class includes:

(a) Any material which has an anesthetic, noxious or other similar property which could cause extreme annoyance or discomfort to a flight crew member so as to prevent the correct performance of assigned duties; or

(b) Any material that meets the definition in §171.8 of this subchapter for an elevated temperature material, a hazardous substance, a hazardous waste, or a marine pollutant.

[Amdt. 173–224, 57 FR 45463, Oct. 1, 1992, as amended by Amdt. 173–231, 57 FR 52939, Nov. 5, 1992; Amdt. 173–233, 58 FR 33305, June 16, 1993]

§ 173.141 Class 9—Assignment of packing group.

The packing group of a Class 9 material is as indicated in column 5 of the §172.101 table.

§ 173.144 Other Regulated Materials (ORM)—Definitions.

Until December 31, 2013 and for the purposes of this subchapter, “ORM–D material” means a material such as a consumer commodity, cartridges, small arms or cartridges, power devices which, although otherwise subject to the regulations of this subchapter, presents a limited hazard during transportation due to its form, quantity and packaging. It must be a material for which exceptions are provided in Column (8A) of the §172.101 Hazardous Materials Table.

[76 FR 3372, Jan. 19, 2011]