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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 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 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]