

REGULATIONS

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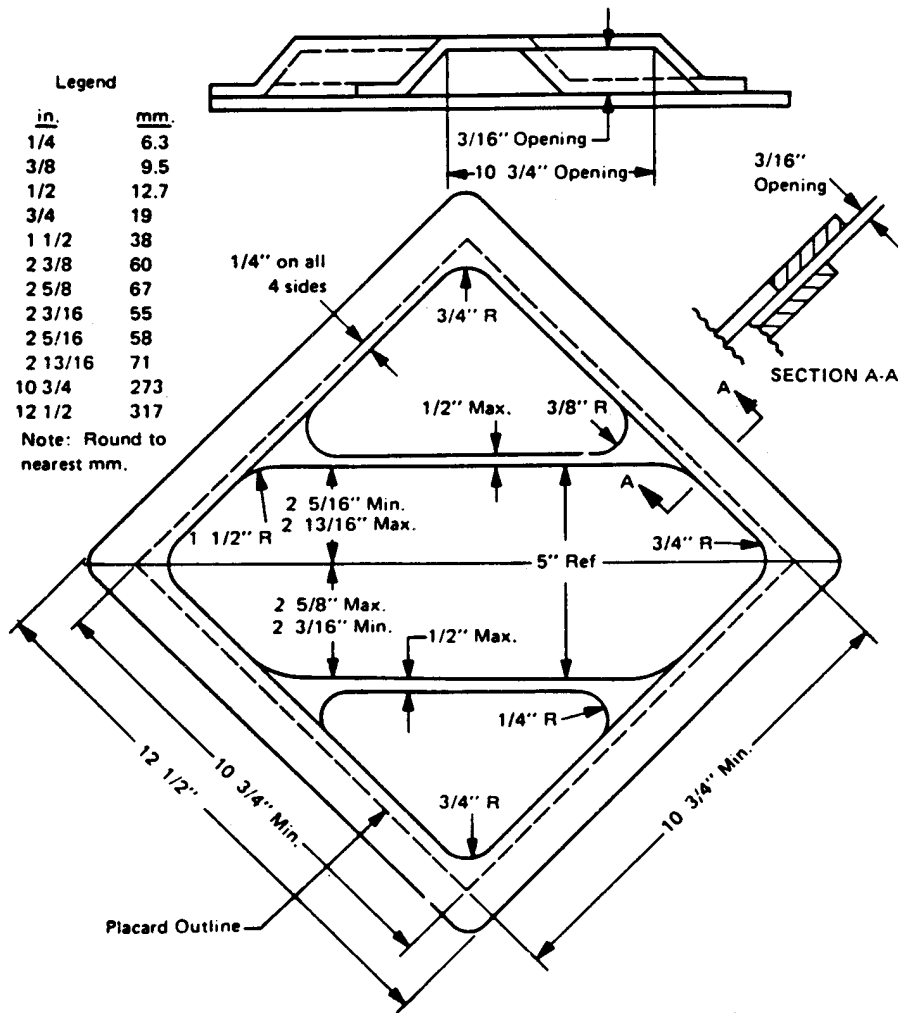
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Shippers - General Requirements for Shipments and Packaging

The Department of Transportation in compliance with Hazardous Materials Regulations outlines the requirements to be observed in preparing hazardous materials for shipment by air, highway, rail, or water, or any combination thereof. These regulations are based on the Recommendations of the United Nations Committee of Experts on the Transport of Dangerous Goods, the International Civil Aviation Organization, and the International Maritime Organization.

APPENDIX C TO PART 172—DIMENSIONAL SPECIFICATIONS FOR RECOMMENDED PLACARD HOLDER

APPENDIX C—DIMENSIONAL SPECIFICATIONS FOR RECOMMENDED PLACARD HOLDER



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§ 173.1

APPENDIX C TO PART 173—PROCEDURE FOR
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ING FOR SUSTAINED COMBUSTIBILITY

AUTHORITY: 49 U.S.C. 5101–5127, 44701; 49
CFR 1.45, 1.53.

Subpart A—General

§ 173.1 Purpose and scope.

(a) This part includes:
(1) Definitions of hazardous materials for transportation purposes;
(2) Requirements to be observed in preparing hazardous materials for shipment by air, highway, rail, or water, or any combination thereof; and
(3) Inspection, testing, and retesting responsibilities for persons who retest, recondition, maintain, repair and rebuild containers used or intended for use in the transportation of hazardous materials.
(b) A shipment of hazardous materials that is not prepared in accordance with this subchapter may not be offered for transportation by air, highway, rail, or water. It is the responsibility of each hazmat employer subject to the requirements of this subchapter to ensure that each hazmat employee is trained in accordance with the requirements prescribed in this subchapter. It is the duty of each person who offers hazardous materials for transportation to instruct each of his officers, agents, and employees having any responsibility for preparing hazardous materials for shipment as to applicable regulations in this subchapter.

(c) When a person other than the person preparing a hazardous material for shipment performs a function required by this part, that person shall perform the function in accordance with this part.

(d) In general, the Hazardous Materials Regulations (HMR) contained in this subchapter are based on the Recommendations of the United Nations Committee of Experts on the Transport of Dangerous Goods and are consistent with international regulations issued by the International Civil Aviation Organization (ICAO Technical Instructions) and the International Maritime Organization (IMDG Code). However, the HMR are not consistent in all respects with the UN Recommendations, the ICAO Technical Instructions or the IMDG Code, and compliance with the HMR will not guarantee acceptance by regulatory bodies outside of the United States.

[Amdt. 173–94, 41 FR 16062, Apr. 15, 1976, as amended by Amdt. 173–100, 41 FR 40476, Sept. 20, 1976; Amdt. 173–161, 48 FR 2655, Jan. 20, 1983; Amdt. 173–224, 55 FR 52606, Dec. 21, 1990; Amdt. 173–231, 57 FR 20953, May 15, 1992]

§ 173.2 Hazardous materials classes and index to hazard class definitions.

The hazard class of a hazardous material is indicated either by its class (or division) number, its class name, or by the letters “ORM–D”. The following table lists class numbers, division numbers, class or division names and those sections of this subchapter which contain definitions for classifying hazardous materials, including forbidden materials.

Class No.	Division No. (if any)	Name of class or division	49 CFR reference for definitions
None	.....	Forbidden materials	173.21
None	.....	Forbidden explosives	173.54
1	1.1	Explosives (with a mass explosion hazard)	173.50
1	1.2	Explosives (with a projection hazard)	173.50
1	1.3	Explosives (with predominately a fire hazard)	173.50
1	1.4	Explosives (with no significant blast hazard)	173.50
1	1.5	Very insensitive explosives; blasting agents	173.50
1	1.6	Extremely insensitive detonating substances	173.50
2	2.1	Flammable gas	173.115
2	2.2	Non-flammable compressed gas	173.115
2	2.3	Poisonous gas	173.115
3	.....	Flammable and combustible liquid	173.120
4	4.1	Flammable solid	173.124
4	4.2	Spontaneously combustible material	173.124
4	4.3	Dangerous when wet material	173.124
5	5.1	Oxidizer	173.127

Class No.	Division No. (if any)	Name of class or division	49 CFR reference for definitions
5	5.2	Organic peroxide	173.128
6	6.1	Poisonous materials	173.132
6	6.2	Infectious substance (Etiologic agent)	173.134
7	.....	Radioactive material	173.403
8	.....	Corrosive material	173.136
9	.....	Miscellaneous hazardous material	173.140
None	.....	Other regulated material: ORM-D	173.144

[Amdt. 173-224, 55 FR 52606, Dec. 21, 1990, as amended at 57 FR 45460, Oct. 1, 1992; Amdt. 173-234, 58 FR 51531, Oct. 1, 1993]

§ 173.2a Classification of a material having more than one hazard.

(a) *Classification of a material having more than one hazard.* Except as provided in paragraph (c) of this section, a material not specifically listed in the § 172.101 table that meets the definition of more than one hazard class or division as defined in this part, shall be classed according to the highest applicable hazard class of the following hazard classes, which are listed in descending order of hazard:

- (1) Class 7 (radioactive materials, other than limited quantities).
- (2) Division 2.3 (poisonous gases).
- (3) Division 2.1 (flammable gases).
- (4) Division 2.2 (nonflammable gases).
- (5) Division 6.1 (poisonous liquids), Packing Group I, poisonous-by-inhalation only.
- (6) A material that meets the definition of a pyrophoric material in

§ 173.124(b)(1) of this subchapter (Division 4.2).

(7) A material that meets the definition of a self-reactive material in § 173.124(a)(2) of this subchapter (Division 4.1).

(8) Class 3 (flammable liquids), Class 8 (corrosive materials), Division 4.1 (flammable solids), Division 4.2 (spontaneously combustible materials), Division 4.3 (dangerous when wet materials), Division 5.1 (oxidizers) or Division 6.1 (poisonous liquids or solids other than Packing Group I, poisonous-by-inhalation). The hazard class and packing group for a material meeting more than one of these hazards shall be determined using the precedence table in paragraph (b) of this section.

(9) Combustible liquids.

(10) Class 9 (miscellaneous hazardous materials).

(b) *Precedence of hazard table for Classes 3 and 8 and Divisions 4.1, 4.2, 4.3, 5.1 and 6.1.* The following table ranks those materials that meet the definition of Classes 3 and 8 and Divisions 4.1, 4.2, 4.3, 5.1 and 6.1:

PRECEDENCE OF HAZARD TABLE
[Hazard class and packing group]

	4.2	4.3	5.1 I ¹	5.1 II ¹	5.1 III ¹	6.1, I dermal	6.1, I oral	6.1 II	6.1 III	8, I liquid	8, I solid	8, II liquid	8, II solid	8, III liquid	8, III solid
3 I	3	3	3	3	3	(3)	3	(3)	3	(3)
3 II	3	3	3	3	8	(3)	3	(3)	3	(3)
3 III	6.1	6.1	6.1	3 ⁴	8	(3)	8	(3)	3	(3)
4.1 II ²	4.2	4.3	5.1	4.1	4.1	6.1	6.1	4.1	4.1	(3)	8	(3)	4.1	(3)	4.1
4.1 III ²	4.2	4.3	5.1	4.1	4.1	6.1	6.1	6.1	4.1	(3)	8	(3)	8	(3)	4.1
4.2 II	4.3	5.1	4.2	4.2	6.1	6.1	4.2	4.2	8	8	4.2	4.2	4.2	4.2
4.2 III	4.3	5.1	5.1	4.2	6.1	6.1	6.1	4.2	8	8	8	8	4.2	4.2
4.3 I	5.1	4.3	4.3	6.1	4.3	4.3	4.3	4.3	4.3	4.3	4.3	4.3	4.3
4.3 II	5.1	4.3	4.3	6.1	4.3	4.3	4.3	8	8	8	4.3	4.3	4.3
4.3 III	5.1	5.1	4.3	6.1	6.1	6.1	4.3	8	8	8	8	4.3	4.3
5.1 I ¹	5.1	5.1	5.1	5.1	5.1	5.1	5.1	5.1	5.1	5.1
5.1 II ¹	6.1	5.1	5.1	5.1	8	8	8	5.1	5.1	5.1
5.1 III ¹	6.1	6.1	6.1	5.1	8	8	8	8	5.1	5.1
6.1 I, Dermal	8	6.1	6.1	6.1	6.1	6.1
6.1 I, Oral	8	6.1	6.1	6.1	6.1	6.1
6.1 II, Inhalation	8	6.1	6.1	6.1	6.1	6.1
6.1 II, Dermal	8	6.1	8	6.1	6.1	6.1
6.1 II, Oral	8	8	8	6.1	6.1	6.1

PRECEDENCE OF HAZARD TABLE—Continued
[Hazard class and packing group]

	4.2	4.3	5.1 I ¹	5.1 II ¹	5.1 III ¹	6.1, I dermal	6.1, I oral	6.1 II	6.1 III	8, I liquid	8, I solid	8, II liquid	8, II solid	8, III liquid	8, III solid
6.1 III	8	8	8	8	8	8

¹ There are at present no established criteria for determining Packing Groups for liquids in Division 5.1. For the time being, the degree of hazard is to be assessed by analogy with listed substances, allocating the substances to Packing Group I, great; II, medium; or III, minor danger.

² Substances of Division 4.1 other than self-reactive substances.

³ Denotes an impossible combination.

⁴ For pesticides only, where a material has the hazards of Class 3, Packing Group III, and Division 6.1, Packing Group III, the primary hazard is Division 6.1, Packing Group III.

NOTE 1: The most stringent packing group assigned to a hazard of the material takes precedence over other packing groups; for example, a material meeting Class 3 PG II and Division 6.1 PG I (oral toxicity) is classified as Class 3 PG I.

NOTE 2: A material which meets the definition of Class 8 and has an inhalation toxicity by dusts and mists which meets criteria for Packing Group I specified in §173.133(a)(1) must be classed as Division 6.1 if the oral or dermal toxicity meets criteria for Packing Group I or II. If the oral or dermal toxicity meets criteria for Packing Group III or less, the material must be classed as Class 8.

(c) The following materials are not subject to the provisions of paragraph (a) of this section because of their unique properties:

(1) A Class 1 (explosive) material that meets any other hazard class or division as defined in this part shall be assigned a division in Class 1. Class 1 materials shall be classed and approved in accordance with §173.56 of this part;

(2) A Division 5.2 (organic peroxide) material that meets the definition of any other hazard class or division as defined in this part, shall be classed as Division 5.2;

(3) A Division 6.2 (infectious substance) material that also meets the definition of another hazard class or division, other than Class 7, or that also is a limited quantity Class 7 material, shall be classed as Division 6.2;

(4) A material that meets the definition of a wetted explosive in §173.124(a)(1) of this subchapter (Division 4.1). Wetted explosives are either specifically listed in the §172.101 table or are approved by the Associate Administrator for Hazardous Materials Safety (see §173.124(a)(1) of this subchapter); and

(5) A limited quantity of a Class 7 (radioactive) material that meets the

definition for more than one hazard class or division shall be classed in accordance with §173.423.

[Amdt. 173-224, 55 FR 52606, Dec. 21, 1990, as amended at 56 FR 66264, Dec. 20, 1991; Amdt. 173-241, 59 FR 67490, Dec. 29, 1994; Amdt. 173-247, 60 FR 48787, Sept. 20, 1995; Amdt. 173-244, 60 FR 50307, Sept. 28, 1995]

§173.3 Packaging and exceptions.

(a) The packaging of hazardous materials for transportation by air, highway, rail, or water must be as specified in this part. Methods of manufacture, packing, and storage of hazardous materials, that affect safety in transportation, must be open to inspection by a duly authorized representative of the initial carrier or of the Department. Methods of manufacture and related functions necessary for completion of a DOT specification or U.N. standard packaging must be open to inspection by a representative of the Department.

(b) The regulations setting forth packaging requirements for a specific material apply to all modes of transportation unless otherwise stated, or unless exceptions from packaging requirements are authorized.

(c) Salvage drums. Packages of hazardous materials that are damaged, defective, or found leaking and hazardous materials that have spilled or leaked may be placed in a metal or plastic removable head salvage drum that is compatible with the lading and shipped for repackaging or disposal under the following conditions:

(1) Except as provided in paragraph (c)(7) of this section, the drum must be a UN 1A2, 1B2, 1N2 or 1H2 tested and marked for Packing Group III or higher performance standards for liquids or solids and a leakproofness test of 20

(6) *Type F.* Organic peroxide type F is an organic peroxide which will not detonate in a cavitated state, does not deflagrate, shows only a low, or no, effect if heated when confined, and has low, or no, explosive power.

(7) *Type G.* Organic peroxide type G is an organic peroxide which will not detonate in a cavitated state, will not deflagrate at all, shows no effect when heated under confinement, and shows no explosive power. A type G organic peroxide is not subject to the requirements of this subchapter for organic peroxides of Division 5.2 provided that it is thermally stable (self-accelerating decomposition temperature is 50 °C (122 °F) or higher for a 50 kg (110 pounds) package). An organic peroxide meeting all characteristics of type G except thermal stability and requiring temperature control is classed as a type F, temperature control organic peroxide.

(c) *Procedure for assigning an organic peroxide to a generic type.* An organic peroxide shall be assigned to a generic type based on—

(1) Its physical state (i.e., liquid or solid), in accordance with the definitions for liquid and solid in §171.8 of this subchapter;

(2) A determination as to its control temperature and emergency temperature, if any, under the provisions of §173.21(f); and

(3) Performance of the organic peroxide under the test procedures specified in the UN Manual of Tests and Criteria, and the provisions of paragraph (d) of this section.

(d) *Approvals.* (1) An organic peroxide must be approved, in writing, by the Associate Administrator for Hazardous Materials Safety, before being offered for transportation or transported, including assignment of a generic type and shipping description, except for—

(i) An organic peroxide which is identified by technical name in the Organic Peroxides Table in §173.225(b);

(ii) A mixture of organic peroxides prepared according to §173.225(c)(5); or

(iii) An organic peroxide which may be shipped as a sample under the provisions of §173.225(c).

(2) A person applying for an approval must submit all relevant data concerning physical state, temperature controls, and tests results or an approval

issued for the organic peroxide by the competent authority of a foreign government.

(e) *Tests.* The generic type for an organic peroxide shall be determined using the testing protocol from Figure 20.1(a) (Classification and Flow Chart Scheme for Organic Peroxides) from the UN Manual of Tests and Criteria.

[Amdt. 173-224, 55 FR 52634, Dec. 21, 1990, as amended at 56 FR 66268, 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]

§ 173.129 Class 5, Division 5.2—Assignment of packing group.

All Division 5.2 materials are assigned to Packing Group II in column 5 of the §172.101 table.

§ 173.132 Class 6, Division 6.1—Definitions.

(a) For the purpose of this subchapter, *poisonous material* (Division 6.1) means a material, other than a gas, which is known to be so toxic to humans as to afford a hazard to health during transportation, or which, in the absence of adequate data on human toxicity:

(1) Is presumed to be toxic to humans because it falls within any one of the following categories when tested on laboratory animals (whenever possible, animal test data that has been reported in the chemical literature should be used):

(i) *Oral Toxicity.* A liquid with an LD₅₀ for acute oral toxicity of not more than 500 mg/kg or a solid with an LD₅₀ for acute oral toxicity of not more than 200 mg/kg.

(ii) *Dermal Toxicity.* A material with an LD₅₀ for acute dermal toxicity of not more than 1000 mg/kg.

(iii) *Inhalation Toxicity.* (A) A dust or mist with an LC₅₀ for acute toxicity on inhalation of not more than 10 mg/L; or

(B) A material with a saturated vapor concentration in air at 20 °C (68 °F) of more than one-fifth of the LC₅₀ for acute toxicity on inhalation of vapors and with an LC₅₀ for acute toxicity on inhalation of vapors of not more than 5000 ml/m³; or

(2) Is an irritating material, with properties similar to tear gas, which

causes extreme irritation, especially in confined spaces.

(b) For the purposes of this subchapter—

(1) LD₅₀ for acute oral toxicity means that dose of the material administered to both male and female young adult albino rats which causes death within 14 days in half the animals tested. The number of animals tested must be sufficient to give statistically valid results and be in conformity with good pharmacological practices. The result is expressed in mg/kg body mass.

(2) LD₅₀ for acute dermal toxicity means that dose of the material which, administered by continuous contact for 24 hours with the shaved intact skin (avoiding abrading) of an albino rabbit, causes death within 14 days in half of the animals tested. The number of animals tested must be sufficient to give statistically valid results and be in conformity with good pharmacological practices. The result is expressed in mg/kg body mass.

(3) LC₅₀ for acute toxicity on inhalation means that concentration of vapor, mist, or dust which, administered by continuous inhalation for one hour to both male and female young adult albino rats, causes death within 14 days in half of the animals tested. If the material is administered to the animals as a dust or mist, more than 90 percent of the particles available for inhalation in the test must have a diameter of 10 microns or less if it is reasonably foreseeable that such concentrations could be encountered by a human during transport. The result is expressed in mg/L of air for dusts and mists or in mL/m³ of air (parts per million) for vapors. See § 173.133(b) for LC₅₀ determination for mixtures and for limit tests.

(i) When provisions of this subchapter require the use of the LC₅₀ for acute toxicity on inhalation of dusts and mists based on a one-hour exposure and such data is not available, the LC₅₀ for acute toxicity on inhalation based on a four-hour exposure may be multiplied by four and the product substituted for the one-hour LC₅₀ for acute toxicity on inhalation.

(ii) When the provisions of this subchapter require the use of the LC₅₀ for acute toxicity on inhalation of vapors

based on a one-hour exposure and such data is not available, the LC₅₀ for acute toxicity on inhalation based on a four-hour exposure may be multiplied by two and the product substituted for the one-hour LC₅₀ for acute toxicity on inhalation.

(iii) A solid substance should be tested if at least 10 percent of its total mass is likely to be dust in a respirable range, e.g. the aerodynamic diameter of that particle-fraction is 10 microns or less. A liquid substance should be tested if a mist is likely to be generated in a leakage of the transport containment. In carrying out the test both for solid and liquid substances, more than 90% (by mass) of a specimen prepared for inhalation toxicity testing must be in the respirable range as defined in this paragraph (b)(3)(iii).

(c) For purposes of classifying and assigning packing groups to mixtures possessing oral or dermal toxicity hazards according to the criteria in § 173.133(a)(1), it is necessary to determine the acute LD₅₀ of the mixture. If a mixture contains more than one active constituent, one of the following methods may be used to determine the oral or dermal LD₅₀ of the mixture:

(1) Obtain reliable acute oral and dermal toxicity data on the actual mixture to be transported;

(2) If reliable, accurate data is not available, classify the formulation according to the most hazardous constituent of the mixture as if that constituent were present in the same concentration as the total concentration of all active constituents; or

(3) If reliable, accurate data is not available, apply the formula:

$$\frac{C_A}{T_A} = \frac{C_B}{T_B} + \frac{C_Z}{T_Z} = \frac{100}{T_M}$$

where:

C = the % concentration of constituent A, B
... Z in the mixture;

T = the oral LD₅₀ values of constituent A, B
... Z;

T_M = the oral LD₅₀ value of the mixture.

NOTE TO FORMULA IN PARAGRAPH (c)(3): This formula also may be used for dermal toxicities provided that this information is available on the same species for all constituents. The use of this formula does not take into account any potentiation or protective phenomena.

(d) The foregoing categories shall not apply if the Associate Administrator for Hazardous Materials Safety has determined that the physical characteristics of the material or its probable hazards to humans as shown by documented experience indicate that the material will not cause serious sickness or death.

[Amdt. 173-224, 55 FR 52634, Dec. 21, 1990, as amended at 56 FR 66268, Dec. 20, 1991; Amdt. 173-234, 58 FR 51532, Oct. 1, 1993; Amdt. 173-261, 62 FR 24732, May 6, 1997; 62 FR 45702, August 28, 1997]

§ 173.133 Assignment of packing group and hazard zones for Division 6.1 materials.

(a) The packing group of Division 6.1 materials shall be as assigned in column 5 of the §172.101 table. When the §172.101 table provides more than one packing group or hazard zone for a hazardous material, the packing group and hazard zone shall be determined by applying the following criteria:

(1) The packing group assignment for routes of administration other than inhalation of vapors shall be in accordance with the following table:

Packing Group	Oral toxicity LD ₅₀ (mg/kg)	Dermal toxicity LD ₅₀ (mg/kg)	Inhalation toxicity by dusts and mists LC ₅₀ (mg/L)
I	≤ 5	≤ 40	≤ 0.5
II	> 5, ≤ 50	> 40, ≤ 200	> 0.5, ≤ 2
III	solids: > 50, ≤ 200; liquids: > 50, ≤ 500 ..	> 200, ≤ 1000	> 2, ≤ 10

(2)(i) The packing group and hazard zone assignments for liquids (see §173.115(c) of this subpart for gases)

based on inhalation of vapors shall be in accordance with the following table:

Packing Group	Vapor concentration and toxicity
I (Hazard Zone A)	V ≥ 500 LC ₅₀ and LC ₅₀ ≤ 200 mL/M ³ .
I (Hazard Zone B)	V ≥ 10 LC ₅₀ ; LC ₅₀ ≤ 1000 mL/m ³ ; and the criteria for Packing Group I, Hazard Zone A are not met.
II	V ≥ LC ₅₀ ; LC ₅₀ ≤ 3000 mL/m ³ ; and the criteria for Packing Group I, are not met.
III	V ≥ .2 LC ₅₀ ; LC ₅₀ ≤ 5000 mL/m ³ ; and the criteria for Packing Groups I and II, are not met.

Note 1: V is the saturated vapor concentration in air of the material in mL/m³ at 20C° and standard atmospheric pressure.
 Note 2: A liquid in Division 6.1 meeting criteria for Packing Group I, Hazard Zones A or B stated in paragraph (a)(2) of this section is a material poisonous by inhalation subject to the additional hazard communication requirements in §§ 172.203(m)(3), 172.313 and table 1 of § 172.504(e) of this subchapter.

(ii) These criteria are represented graphically in Figure 1: