

(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 (IBR, see § 171.7 of this subchapter), and the provisions of paragraph (d) of this section.

(d) *Approvals.* (1) An organic peroxide must be approved, in writing, by the Associate Administrator, 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(c);

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

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

(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 (IBR, see § 171.7 of this subchapter).

[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; 65 FR 58629, Sept. 29, 2000; 66 FR 8647, Feb. 1, 2001; 66 FR 45379, Aug. 28, 2001; 68 FR 75744, Dec. 31, 2003; 69 FR 76155, Dec. 20, 2004]

§ 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 hu-

mans 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) greater than or equal to 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/mm³; 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 (median lethal dose) for acute oral toxicity is the statistically derived single dose of a substance that can be expected to cause death within 14 days in 50% of young adult albino rats when administered by the oral route. The LD₅₀ value is expressed in terms of mass of test substance per mass of test animal (mg/kg).

(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