



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

APR 20 2000

Mr. Valois Pagan III  
Consultant  
Dangerous Goods of America, Inc.  
P.O. Box 590888  
Miami, FL 33159-0888

Reference No. 99-0240

Dear Mr. Pagan:

This is in response to your letter concerning what types of laboratory animals are acceptable for determining the oral and dermal toxicity and packing group for a Division 6.1 material under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). I have paraphrased your questions and answered them in the order provided.

- Q1. Section 173.132 states that the toxicity test is to be performed on "albino rats." If a material safety data sheet (MSDS) for a product shows that the tests were performed on rats, mice, or rabbits, may this information be used to determine the Packing Group?
- A1. Typically, when a toxicity test is performed requiring the use of albino rats, a laboratory performs the test on albino rats but states for convenience that the test was performed on "rats" in its literature for public distribution describing the resulting classification. A description of the types of rats used can usually be found in the laboratory's hazard classification test report on the material. If the report does not contain this information, you should consult the laboratory staff to obtain additional information.

We do not accept toxicity tests performed on mice. A material that meets one or more of the LD<sub>50</sub> or LC<sub>50</sub> criteria for oral, dermal, or inhalation toxicity as a result of testing in accordance with § 173.132 meets the definition of a poisonous material (Division 6.1). As stated in § 173.132(b), albino rabbits are to be used to test for dermal toxicity and albino rats are to be used for oral or inhalation toxicity. Animal test data that has been reported in chemical literature should be used whenever possible. Under § 173.133, the shipper assigns the material a Packing Group based on these results.



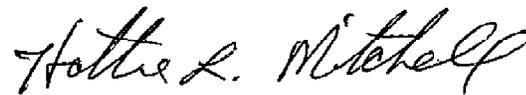
990240

Q2. An MSDS for a product shows that the toxicity tests were performed on rats, but not specifically "albino rats," and rabbits. If the rat specimen test results show the product is not regulated but the rabbit specimen test results show the product is a Division 6.1, Packing Group III material, is this product regulated under the HMR? Why?

A2. See our response in A1.

I hope this satisfies your request.

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell". The signature is written in black ink and is positioned above the typed name and title.

Hattie L. Mitchell, Chief  
Regulatory Review and Reinvention  
Office of Hazardous Materials Standards

# DANGEROUS GOODS OF AMERICA, INC.



PO BOX 590888 ♦ MIAMI, FL 33159-0888 ♦ USA

Phone (305) 871-3313 ♦ Fax (305) 871-1388

E-MAIL: info@dangerousgoods.net ♦ WEB SITE: www.dangerousgoods.net

Mr. Edward Mazzulo  
Department of Transportation  
Dangerous Goods/Hazardous Materials  
400 7<sup>th</sup> Street SW  
Washington D.C. 20590

Mack  
§ 173.132  
99-0240

August 19, 1999

Dear Mr. Mazzulo,

Below I have asked two questions in reference to packing group criteria with respect to Division 6.1 Toxic substances, more specifically, oral and dermal toxicity.

Q: Subpart 173.132 of CFR-49 states that the LD<sub>50</sub> toxicity tests are performed on "albino rats". If an MSDS shows only information for other rodents like rats, mice and/or rabbits, and not specifically "albino rats", can this information be used to determine respective Packing Groups?

Q2: Subpart 173.132 of CFR-49 states that the LD<sub>50</sub> toxicity tests are performed on "albino rats". If an MSDS shows the toxicity tests results for two rodents, a rat and a rabbit, not specifically stating "albino rat", according to the information given for the rat, the substance is not regulated, according to the information given on the rabbit (for the same substance), the substance would be considered Packing Group III, is this product regulated? Why or why not?

Please respond in writing to:

Dangerous Goods of America  
Mr. Val Pagan  
P O Box 590888  
Miami, FL 33159

Please do not hesitate to contact our office should you have any questions.

Best regards,

  
Valois Pagan III  
Consultant