

Helsinki, 30 January 2018

Addressee: [REDACTED]

Decision number: TPE-D-2114387529-31-01/F
Substance name: Bis(α,α -dimethylbenzyl) peroxide
EC number: 201-279-3
CAS number: 80-43-3
Registration number: [REDACTED]
Submission number: [REDACTED]
Submission date: 8 December 2016
Registered tonnage band: [REDACTED]

DECISION ON A TESTING PROPOSAL

Based on Article 40 of Regulation ((EC) No 1907/2006) (the REACH Regulation), ECHA examined your testing proposal(s) and decided as follows.

Your testing proposal is accepted and you are requested to carry out:

- 1. Pre-natal developmental toxicity study (Annex X, Section 8.7.2.; test method: EU B.31./OECD TG 414) in a second species (rabbit), oral route using the registered substance.**

You may adapt the testing requested above according to the specific rules outlined in Annexes VI to X and/or according to the general rules contained in Annex XI to the REACH Regulation.

To ensure compliance with the respective information requirement, any such adaptation will need to have a scientific justification, referring and conforming to the appropriate rules in the respective annex, and an adequate and reliable documentation.

You have to submit the requested information in an updated registration dossier by **5 February 2019**. You also have to update the chemical safety report, where relevant.

The reasons for this decision are set out in Appendix 1. The procedural history is described in Appendix 2 and advice and further observations are provided in Appendix 3.

Appeal

This decision can be appealed to the Board of Appeal of ECHA within three months of its notification. An appeal, together with the grounds thereof, has to be submitted to ECHA in writing. An appeal has suspensive effect and is subject to a fee. Further details are described under: <http://echa.europa.eu/regulations/appeals>.

Authorised¹ by Ofelia Bercaru, Head of Unit, Evaluation E3

¹ As this is an electronic document, it is not physically signed. This communication has been approved according to ECHA's internal decision-approval process.

Appendix 1: Reasons

The decision of ECHA is based on the examination of the testing proposal submitted by you.

1. Pre-natal developmental toxicity study (Annex X, Section 8.7.2.) in a second species

Pursuant to Article 40(3)(a) of the REACH Regulation, ECHA may require the Registrant to carry out the proposed test.

Pre-natal developmental toxicity studies on two species are part of the standard information requirements for substance registered for 1000 tonnes or more per year (Annex IX, Section 8.7.2., column 1, Annex X, Section 8.7.2., column 1, and sentence 2 of introductory paragraph 2 of Annex X of the REACH Regulation).

The dossier contains a pre-natal developmental toxicity study in rats as first species. However, there is no information available for a pre-natal developmental toxicity study in a second species. Consequently there is an information gap for Annex X, Section 8.7.2. and it is necessary to provide information for this endpoint.

You have submitted a testing proposal for a pre-natal developmental toxicity study in a second species (rabbits) according to EU B.31./OECD TG 414 by the oral route.

ECHA requested your considerations for alternative methods to fulfil the information requirement for Reproductive toxicity (pre-natal developmental toxicity). ECHA notes that you provided your considerations concluding that there were no alternative methods which could be used to adapt the information requirement for which testing is proposed. ECHA has taken these considerations into account.

ECHA considers that the proposed study performed with the registered substance is appropriate to fulfil the information requirement of Annex X, Section 8.7.2. of the REACH Regulation.

You proposed testing with the rabbit as a second species. The test in the first species was carried out with rat. According to the test method EU B.31./OECD 414, the rat is the preferred rodent species and the rabbit the preferred non-rodent species. On the basis of this default consideration, ECHA considers testing should be performed with the rabbit as a second species.

You proposed testing by the oral route. ECHA agrees that the oral route is the most appropriate route of administration for substances except gases to focus on the detection of hazardous properties on reproduction as indicated in ECHA Guidance on information requirements and chemical safety assessment (version 6.0, June 2017) Chapter R.7a, Section R.7.6.2.3.2. Since the substance to be tested is a solid, ECHA concludes that testing should be performed by the oral route.

Therefore, pursuant to Article 40(3)(a) of the REACH Regulation, you are thus requested to carry out the proposed study with the registered substance subject to the present decision: Pre-natal developmental toxicity study in a second species (rabbit), oral route (test method: EU B.31./OECD TG 414).

In the draft decision communicated to you the time indicated to provide the requested information was 12 months from the date of adoption of the decision. In your comments on the draft decision, you requested an extension of the timeline to 24 months. You sought to justify this request by the following statement: *"We would point out that this timeline is expected to be too short. This is mainly due to the increased workload related to the May 2018 REACH registration deadline. In addition, we already face a shortening of lab capacities. If available at all, fast-track lab testing would result in significant higher testing costs. Consequently, we suggest extending the timeline to 24 month to give us the opportunity to contract the test in a laboratory of our choice, for a reasonable price."*

Following the Registrant's comment, ECHA requested the Registrant to provide documentary evidence from the test laboratories indicating the scheduling timelines for the study in question, and also, the evidence of significant higher testing costs in case fast-track testing. The registrant has not provided such a documentary evidence. Instead, the Registrant informed ECHA that they do not need to extend the deadline for conducting an OECD 414 in rabbit.

Therefore, ECHA has not modified the deadline of the decision.

Appendix 2: Procedural history

ECHA received your registration containing the testing proposals for examination in accordance with Article 40(1) on 9 June 2016.

ECHA held a third party consultation for the testing proposals from 20 October 2016 until 5 December 2016. ECHA did not receive information from third parties.

This decision does not take into account any updates after 13 June 2017, 30 calendar days after the end of the commenting period.

The decision making followed the procedure of Articles 50 and 51 of the REACH Regulation, as described below:

ECHA notified you of the draft decision and invited you to provide comments.

ECHA took into account your comments and did not amend the deadline.

ECHA notified the draft decision to the competent authorities of the Member States for proposals for amendment.

ECHA received proposal(s) for amendment and did not modify the draft decision.

ECHA invited you to comment on the proposed amendment(s).

ECHA referred the draft decision to the Member State Committee.

You did not provide any comments on the proposed amendment(s).

The Member State Committee reached a unanimous agreement on the draft decision during its MSC-57 meeting and ECHA took the decision according to Article 51(6) of the REACH Regulation.

Appendix 3: Further information, observations and technical guidance

1. The substance subject to the present decision is listed in the Community rolling action plan (CoRAP) for substance evaluation in 2015.
2. This decision does not imply that the information provided in your registration dossier is in compliance with the REACH requirements. The decision does not prevent ECHA from initiating a compliance check on the registration at a later stage.
3. Failure to comply with the requests in this decision, or to otherwise fulfil the information requirements with a valid and documented adaptation, will result in a notification to the enforcement authorities of the Member States.
4. In relation to the information required by the present decision, the sample of the substance used for the new tests must be suitable for use by all the joint registrants. Hence, the sample should have a composition that is suitable to fulfil the information requirement for the range of substance compositions manufactured or imported by the joint registrants.

It is the responsibility of all joint registrants who manufacture or import the same substance to agree on the appropriate composition of the test material and to document the necessary information on their substance composition. In addition, it is important to ensure that the particular sample of the substance tested in the new tests is appropriate to assess the properties of the registered substance, taking into account any variation in the composition of the technical grade of the substance as actually manufactured or imported by each registrant.

If the registration of the substance by any registrant covers different grades, the sample used for the new tests must be suitable to assess these grades. Finally there must be adequate information on substance identity for the sample tested and the grades registered to enable the relevance of the tests to be assessed.