

MSC/M/51/2016
Adopted in MSC-52

Minutes

of the 51st Meeting of the Member State Committee (MSC-51)

12-16 December 2016

I. Summary Record of the Proceedings

Item 1 - Welcome and Apologies

The Chairman of the Committee, Mr Watze de Wolf, opened the meeting and welcomed the participants to the 51st meeting of the Member State Committee (MSC) (for the full list of attendees and further details see Part II of the minutes).

Item 2 - Adoption of the Agenda

The Agenda was adopted as provided for the meeting (final Agenda is attached to these minutes).

Item 3 - Declarations of conflicts of interest to the items on the Agenda

No potential conflicts of interests were declared by any members, experts or advisers with any item on the agenda of MSC-51.

Item 4 - Administrative issues

- Outlook for MSC-52

The Chairman presented an outlook on the potential length of the next meeting which is expected to require approximately three and half plenary days. The Chairman also presented an early stage estimation for the MSC-53 meeting in end of April.

- Refresher on ethics and integrity

SECR gave a short presentation as a refresher to members about ECHA's ethics and integrity rules. MSC was invited to take note of the information that was provided as part of the policy for managing and prevention of potential conflicts of interest.

- Other topics

The Chairman informed MSC that the work on the topics identified by MSC for discussion and possible evaluation in the Endocrine Disruptor Expert Group has been initiated. He reminded that those were scientific issues that arose during the substance and dossier evaluation and SVHC agreement seeking of MSC on selected cases.

Item 5 – Adoption of the minutes of the MSC-50 meeting

The minutes of MSC-50 were adopted as provided for the meeting.

Item 6 – Substance evaluation

1. Community Rolling Action Plan (CoRAP) & MSC opinion development

The Rapporteur introduced the working group (WG) members and explained how the work was organised to assess the draft CoRAP and prepare the draft MSC opinion. The documents that form the basis for the draft MSC opinion were the draft CoRAP Update 2017-2019, the 2011 selection criteria and the justification documents prepared by the evaluating Member State Competent Authority (eMSCA) for each substance on the draft CoRAP Update. The Rapporteur reflected that for most substances on the draft CoRAP there are sufficient grounds to consider that the substance has been included following a risk based priority approach taking hazard, exposure and tonnage information into account in accordance with REACH article 44.1. Hence the draft of the MSC opinion supports the draft CoRAP.

Due to the fact that SEv of a substance in some cases has been postponed until the dossier which contains the outcome of the ongoing compliance check on the same substance is evaluated, the number of substances to be evaluated is smaller than anticipated. Hence, some members asked for an exchange of new ideas on how to find new candidates and screening criteria for SEv in the near future. One stakeholder representative asked SECR to indicate on CoRAP list if the endpoints being evaluated in

Dossier evaluation (DEv) and SEv are different, since in such cases, both processes are running in parallel

MSC was invited to send comments to the Rapporteur on the Annex and draft opinion by 12 January 2016 and to remind their eMSCA to update the justification documents of the substances they are evaluating latest by same date.

2. Decision making process

a. Written procedure report on seeking agreement on draft decisions on substance evaluation

SECR introduced the report on the outcome of the written procedure (WP) for agreement seeking on four substance evaluation cases (see Part V for more detailed identification of the cases). WP was launched on 17 November 2016 and closed on 28 November 2016. By the closing date, unanimous agreement was reached on four DDs with one abstention received for two DDs.

b. Introduction to and preliminary discussion on draft decisions on substance evaluation after MS-CA's/ECHA reactions (Session 1, open) **c. Seeking agreement on draft decisions when amendments were proposed by MS-CA's/ECHA (Session 2, closed)**

SEV-AT-002/2014 *2,2',6,6'-tetra-tert-butyl-4,4'-methylene diphenol* (EC No. 204-279-1)

Session 1 (open)

Two representatives of the Registrants participated in the initial discussion. In absence of specific confidentiality concerns in draft decision (DD), an open session was held.

The evaluating Member State Competent Authority (eMSCA) from Austria (AT-CA) presented the outcome of substance evaluation (SEv) of the above-mentioned substance which was performed by the AT-CA on the basis of the initial grounds for concern relating to suspected CMR, potential endocrine disruptor, environment/ suspected PBT/vPvB, suspected sensitiser, exposure/wide dispersive use, consumer use, exposure of workers, exposure of environment.

The draft decision (DD) consulted with the Member State Competent Authorities (MSCAs) and ECHA had eleven requests for information. Proposals for Amendments (PfAs) were received on nine requests.

MSC was guided by the expert from the evaluating MSCA through the information on the substance (including PfAs, Registrant(s) comments, and the eMSCAs responses to them).

To tackle the concerns on endocrine disruption and reproductive toxicity the DD requested for *Extended One Generation Reproduction Toxicity Study (EOGRTS) in rats, oral route, with the DNT and DIT cohort and an extended pre-mating period of 10 weeks (test method: OECD TG 443) including parameters clarifying Mode of Action and Amphibian metamorphosis assay (AMA) (OECD TG 231) with dietary exposure.*

For the EOGRTS, PfAs were received from three MSCAs. All 3 PfA submitters agreed with the request for EOGRTs but differed in the test design. One proposed to delete the requests for mechanistic parameters since they doubted whether these are needed for the appropriate interpretation of endocrine disruption. The second CA recommended adding intermediate doses in addition to the doses used in the most recent study and requested the production of the F2 generation due to significant exposure to consumers and indications for endocrine disruption modes of action. In the context of another request - the AMA test - this CA suggested to use a sequential testing strategy (as explained below). The third CA proposed to delete the request for DIT cohort due to insufficient evidence to conclude that there is a particular concern for an adverse effect on the immune system.

They supported the EOGRTS and the inclusion of DNT cohorts but requested this is more clearly justified under separate subheadings.

For the AMA PfAs were received from three MSCAs. One expressed concern about the dietary exposure route and proposed to further justify this choice. In order to properly assess the results, they proposed that the eMSCA should get access to the full study report. A second CA proposed to discuss the feasibility of the study with an expert panel as there is no guideline to conduct this amphibian test with dietary exposure thus its interpretation could be difficult. They proposed to perform AMA first to follow up on the specific mode of action for the thyroid disruption in vertebrates, and if positive - conduct EOGRTS to make the link with reproductive toxicity in mammals including mechanistic data. A third CA proposed to delete the AMA request and wait first for the outcome of the EOGRTS before conducting further tests. Furthermore they considered that dietary exposure is, in principle, a reasonable approach for this specific substance but are not convinced there is a valid method for this. Highlighting the extensive validation efforts that were required in the development of the fish bioaccumulation study with dietary exposure, they did not think that the registrants should be potentially responsible for the level of development for the dietary AMA.

To tackle the persistency and bioaccumulation concern the DD requested for *Soil simulation testing (test method: Aerobic and anaerobic transformation in soil, EU C.23 / OECD TG 307)* and *additional information (robust study summaries) on persistency and terrestrial bioaccumulation, yet not included in the CSR.*

For the soil simulation test PfAs were received from four PfA submitters. One proposed a textual change referring to the likelihood of the substance to form non-extractable residues (NER) in soil, and the requirement for the registrant to clearly justify the extraction procedure/solvent chosen. The second submitter proposed a similar PfA. In addition, this submitter proposed to add a sentence allowing the test to run only for 4 months if it can already be concluded that the substance will meet the P-criterion. Thirdly they proposed to include a sediment simulation study OECD TG 308 at 12°C as a second step in the PBT assessment, in case the P-criterion is not met based on the soil simulation study, before conducting any toxicity tests. A third submitter proposed to explain why the available information is insufficient to address the concern. The fourth submitter proposed to further justify why OECD TG 307 is more appropriate than OECD TG 309 (surface water simulation degradation testing) since the uses and partitioning behaviour of the substance indicate that water is also a recipient, and transports the substance prior to it entering the sediment. Secondly the fourth submitter noted the request for the identification of potential metabolites at 20°C but proposed to request this at either 12°C or 20°C instead.

For the request for additional information (robust study summary) on persistency and terrestrial bioaccumulation, yet not included in CSR, PfAs were received from two submitters. One proposed to delete the part of the request for the literature search for terrestrial bioaccumulation and proposed deletion of some additional sentences from the reasoning for that request in DD. The second submitter proposed to delete this request in full since this data is publicly available and requesting it is an issue of compliance and not substance evaluation.

To tackle concerns on terrestrial toxicity the DD requested for:

- *Effects on terrestrial organisms – Effects on soil microorganisms: nitrogen transformation test, EU C.21./OECD TG 216).*
- *Effects on terrestrial organisms – Long-term toxicity testing on terrestrial invertebrates (test method Collembolan reproduction test in soil, OECD TG 232) with Folsomia firmetaria*
- *Effects on terrestrial organisms – Long-term toxicity testing on terrestrial invertebrates (test method Predatory mite (Hypoaspis aculeifer) reproduction test in soil, OECD TG 226)*
- *Effects on terrestrial organisms – Long-term toxicity testing on plants (test method Terrestrial plants, growth test, OECD TG 208), with at least six species tested (with as a minimum two monocotyledonous species and four dicotyledonous species), or Soil Quality – Biological Methods – Chronic toxicity in higher plants, ISO 22030)*

- *Additional information (robust study summaries) on terrestrial toxicity, yet not included in the CSR*

Overall these five requests received the same type of PfAs, proposing to request only three terrestrial toxicity studies as per REACH guidance and not four as per DD. Otherwise DD needed to justify the use of a different approach from REACH guidance.

The Registrants provided written comments on the PfAs and the draft decision (not reflected here). Regarding the EOGRTS test design, they could agree that, in theory, there might be a link between thyroid effects and neurotoxicity however in their view the thyroid effects are not well shown yet and, in case, potential for thyroid effect as a result of liver toxicity is not discounted. Therefore, in view of the Registrant, the request of a DNT cohort based on not yet substantiated thyroid effects is disproportionate, especially with regard to animal welfare. Regarding the DIT cohort, the Registrants were of the view that there are general concerns with no sign or a clear relation that the cholesterol effects would lead to immunotoxicity. Immunotoxic effects are seen in old studies carried out in the 60s hence according to the Registrants this additional cohort is not a proportionate request. TBMD was investigated for its possible use as cholesterol lowering agent in the 1960s / 1970s. TBMD lowered serum cholesterol levels in dogs, rats (where measured) and humans. Some immunotoxic effects are seen in old studies carried out in the 60s, but are not reported in more recent studies, hence according to the Registrants this additional cohort is not a proportionate request.

Registrants highlighted that they disagree with four fixed dose groups and the lack of a dose range finder, considering absence of an adequate dose-range finder available and potential to over-complicate the study could therefore jeopardise the study, as well as for animal welfare reasons.

Registrants' representative has highlighted that the registrants disagree with the assessment of the Daphnia magna reproduction study by the eMSCA leading (in the eMSCA's opinion) to a LOEC of 2.4 ng/L and with the use interpretation of the reduced length of daphnids in that study as argument for an ED mode of action as support for the AMA. Furthermore, the Registrants' representative expressed strong concerns with the feasibility to conduct this study. They stated that it is not possible to feed the tadpoles actively therefore that there is no control on the quantity of food consumed per animal. Hence they would not know if effects are due to lack of food intake. Other concerns they expressed with this protocol are sedimentation of food and lack of comparability with other data. They agreed with one of the PfAs commenting on the research element to conduct this study. In the view of the Registrants' representative this request is not proportionate for a SIEF of 3 companies, however, they could agree to do the test once a ring test of the protocol has been done.

The Registrants were of the view that a stepwise approach to evaluate endocrine disruption and the need for EOGRTS is appropriate given available evidence and with due regard to the principles of REACH. However, the Registrants are also of the view that it is disproportionate to request an AMA if a higher tier study is already requested.

With regards to the soil simulation test, the Registrants representatives expressed disagreement with performing the test for the half-life at 12°C. They also stated that high levels of NER would not be expected at the concentrations tested and they disagreed with the PfA suggesting to use strong extraction techniques since it would lead to an overestimation of the bioavailable fraction. They also disagreed with the inclusion of OECD TG 308 in the decision after OECD TG 307, since they wished the results of OECD TG 307 to be evaluated and discussed first, hence, also disagreed with conditional testing in the DD. With regards to the request for additional information for (robust study summary) on persistency and terrestrial bioaccumulation to be included in CSR they stated that this was already done. With regards to terrestrial toxicity testing the Registrants earlier had agreed to perform the four tests, but supported the PfA requesting for more clarity on why four tests are requested instead of three.

During the discussion clarification was sought on the cholesterol effects seen in the studies performed in the 60's since cholesterol effects leading to immunotoxic effects was one of

the reasons for requesting DIT cohort to be tested. The Registrant representative explained that the information they have on those studies is very scarce with no information on mode of action and differences between dogs and rats. However, immunotoxic effects were not seen in the newer studies in rats.

Other reasons for requesting the DIT cohorts were the pneumonia cases and the indication of estrogenic effects. An MSC adviser expressed some uncertainty on the former since the quality of some of the studies was rather low and the observed cases of pneumonia might have been unrelated to TBMD exposure, while the pneumonia cases in humans were seen in elderly subjects only, known to have a higher susceptibility for pneumonia than the younger population. Regarding the estrogenic effects, the Registrants' representative stated that there were only scattered findings with evidence limited to studies of poor quality.

Since exposure is one of the triggers for requesting testing on the F2 generation, clarification was sought from the Registrants' representatives on exposure. They replied that exposure has not been analysed in detail. Since the EU use is 1000T a year, in their view the overall exposure is low since this low tonnage is distributed over a lot of sources hence confirming the wide dispersive use of the substance.

With regards to the AMA there was consensus that dietary exposure is the more appropriate route of exposure considering the physicochemical properties of the substance. However, concerns were expressed on the protocol to be used, even though discussed at the ED Expert Group of ECHA, it is not yet fully peer reviewed or validated. Also feasibility of the next steps in the general ED-testing strategy, following positive results from the AMA, was questioned due to the difficulty in following up with a larval amphibian growth and development assay (LAGDA, OECD TG 241), due to the substance's extremely low water solubility hence inability to generate high concentration of the substance in water and the difficulty to get the substance into the food. The eMSCA expert explained their intention of using the AMA results together with the EOGRT results to investigate the thyroid mode of action, hence having potential evidence covering both the human health concern and the environmental concern.

With regards to the persistency testing strategy, the eMSCA accepted all of the editorial changes and the conditional testing of the sediment compartment. However there emerged two different views with regards to testing for P amongst the members. One view was to identify the worst case scenario and then test the substance in that compartment. If the results indicate this substance is not vP then testing in the other compartments would not be needed. The eMSCA identified the worst case compartment to be soil and this view was also underlined by the comments made from the Registrant(s), the reasoning for that was the very low water solubility. Due to potential confounding factors, such as NER-formation, the other view was to start with testing in the pelagic environment since t is a more homogenous medium compared to soil and sediment, hence easier to deduct the degradation half-life. The eMSCA clearly disagreed to perform first an OECD 309 test, as the water solubility is so low, that it is technically not feasible. For this case, MSC could agree to start testing on soil and not on water due to the extremely low water solubility of the substance. However, it was not yet resolved whether to include a conditional sediment simulation test or to request only for the soil simulation test at this stage.

With regards to the toxicity testing, considering that the Registrants were originally in favour of performing the four tests, the eMSCA still considered necessary to pursue the toxicity testing if the substance is considered to be not P or not vP. They justified the testing on two invertebrate species instead of one based on the substance having a low water solubility, a high log K_{oc}, is very bioaccumulative and shows a very high toxicity towards daphnids. In addition, with the soil being a target compartment, the difference in feeding regimes between the Collembolan and the predatory mite will enable them to identify the most sensitive species.

Session 2 (closed)

During the discussion on the EOGRTS test design, MSC considered all the arguments brought forward by the eMSCA with regards to regulatory risk management measures

following receipt of the EOGRTS results and the concerns raised by the Registrants on the proportionality of the request. MSC unanimously agreed to keep the request for EOGRTS in rats, (oral route, with the registered substance), with cohorts 1A, cohorts 2A and 2B (developmental neurotoxicity) and cohort 3 (Developmental immunotoxicity). Inclusion of the request to mate cohort 1B animals to produce the F2 generation allowed for a reduction of the premating period for the parental (P0) generation from 10 weeks to two weeks. In addition MSC unanimously agreed to remove the additional mechanistic parameters from the EOGRTS test.

With regards to the AMA, MSC considered all the arguments raised in open session and concluded that it would be more proportionate not to request for the test at this stage and await first for the outcome of the EOGRTS.

Regarding the persistency and toxicity assessment MSC unanimously agreed to request only the soil simulation test at this stage using radioactively ¹⁴C ring-labelled test substance and conducting the kinetic part of the test at 12°C and identification of potential metabolites at 20°C. Depending on the outcome of this test, the eMSCA will consider the need for further testing in sediment in the follow-up stage. MSC also unanimously agreed not to test for terrestrial toxicity until it is determined that the substance is P or vP.

The members from Germany and the United Kingdom abstained from voting.

SEV-BE-002/2015 propyl 4-hydroxybenzoate (EC No. 202-307-7)

Session 1 (open)

No representative of the Registrant participated in the initial discussion. In absence of specific confidentiality concerns in draft decision (DD), an open session was held.

The evaluating Member State Competent Authority (eMSCA) from Belgium (BE-CA) presented the outcome of substance evaluation (SEv) of the above-mentioned substance which was performed by the BE-CA for concern relating to suspected reproductive toxicity, potential endocrine disruption, wide dispersive use, consumer use, exposure of sensitive populations, exposure of environment and toxicity to the environment.

The DD consulted with the Member State Competent Authorities (MSCAs) and ECHA had three requests for information. Proposals for Amendments (PfAs) were received on all three requests.

MSC was guided by the expert from the eMSCA through the information on the substance (including PfAs, Registrant(s) comments, and the eMSCAs responses to them). The eMSCA agreed with most of the PfAs and amended the DD accordingly.

With regards to the request for *Extended one-generation reproductive toxicity study (oral route, with rats, with DNT/DIT cohorts and extension of Cohort 1B to an F2 generation - OECD TG 443)*, MSC mainly discussed the PfA which agreed that there are indications of endocrine disruption (ED) triggering the inclusion of F2 cohorts but disagreed that the information regarding weak oestrogenicity, weak perturbation of the hypothalamus-pituitary-thyroid (HPT) axis and read across to other benzoate esters is sufficient to support the requests for inclusion of DNT/DIT cohorts. In the PfA submitter's view, weak estrogens do not meet the requirement for a serious and severe effect, and they proposed to remove the request for inclusion of DNT/DIT cohorts.

During the discussion one member questioned whether there was a difference between substance evaluation (SEv) and dossier evaluation (DEv) with respect to the level of justification needed to trigger the DIT/DNT cohorts. MSC members and experts discussed on parts from the guidance document that refer to findings possibly triggering the inclusion of DIT/DNT cohorts in EOGRTS test design, and how far alignment should go between similar substance evaluation (SEv) and dossier evaluation (DEv) cases in respect to justification provided for similar cases. It was argued by some members that the substance evaluation process is concern driven contrary to dossier evaluation where the annexes set the minimum required and that the outcome of this evaluation is based on the information available in the registration dossier(s) and on all other available substance

related information. This may also lead to information requests which go beyond the standard information requirements.

It was clarified by the eMSCA that there is a structural similarity between propyl 4-hydroxybenzoate (i.e. propyl paraben) and butyl paraben supporting the requests for DIT/DNT and that there is a difference in metabolism of the substance in rats versus humans.

Furthermore, the eMSCA expert emphasized that all the arguments presented to support the DIT/DNT requests for this specific case are to be considered together in a weight-of-evidence approach.

Session 2 (closed)

MSC considered all the arguments brought forward in light of the proportionality of the requests taking also into account the complexity of concern driven considerations triggering the inclusion of the DIT and DNT cohorts. Some MSC members emphasised that the level of justification should be the same across both processes.

MSC agreed to keep the initial OECD TG 443 request and unanimously agreed the draft decision as modified during the meeting. One member abstained from the vote.

SEV-DE-010/2015 1-[4-(1,1-dimethylethyl)phenyl]-3-(4-methoxyphenyl)propane-1,3-dione (BMDM) (EC No. 274-581-6)

Session 1 (open)

Two representatives of the Registrants participated in the initial discussion. In absence of specific confidentiality concerns in draft decision (DD), an open session was held.

The evaluating Member State Competent Authority (eMSCA) from Germany (DE-CA) presented the outcome of substance evaluation (SEv) of the above-mentioned substance which was performed by the DE-CA for initial concerns relating to suspected PBT/vPvB, wide dispersive use, exposure of environment, high (aggregated) tonnage and an additional concern identified during evaluation related to potential risk to the aquatic environment (based on the wide dispersive use of the substance and monitoring data finding the substance in surface water).

The DD consulted with the Member State Competent Authorities (MSCAs) and ECHA had five requests for information. Proposals for Amendments (PfAs) on four requests and some additional PfAs were received. MSC was guided by the expert from the evaluating MSCA through the information on the substance (including PfAs, Registrant(s) comments, and the eMSCAs responses to them).

To conclude on the PBT/vPvB concern and the potential risk to the aquatic compartment further information was requested in a tiered testing strategy with requests for performing: 1) *Aerobic mineralisation in surface water – simulation biodegradation test (EU C.25, OECD TG 309)* 2) *Aerobic and anaerobic transformation in aquatic sediment systems (EU C.24, OECD TG 308)* 3) *Long-term toxicity testing on aquatic invertebrates - Daphnia magna reproduction test (EU C.20., OECD TG 211)*, 4) *Long-term toxicity testing on fish - Fish, early-life stage toxicity test (FELS, OECD TG 210) and 5) Bioaccumulation in fish - Aqueous Exposure test (EU C.13, OECD TG 305).*

Several PfAs were made relating to the P testing strategy. PfAs were received proposing to clarify that the sediment test (OECD TG 308) should be performed after the surface water simulation biodegradation test (OECD TG 309). Another PfA proposed that OECD TG 308 is only needed if the results from the OECD TG 309 do not allow to conclude that the registered substance meets the criteria for vP. One PfA proposed to delete the requests for both OECD TG 308 and 309 since based on the opinion of the PfA submitter the substance can already be concluded as P based on existing data.

Another PfA suggested that the Registrant should choose whether to perform the OECD 309 and toxicity testing before the OECD 308 study. If both the P and T criteria are met based on these tests, then the OECD TG 308 test should not be required. A further PfA

proposed to include a soil simulation degradation test OECD TG 307 in the P testing strategy.

On the design of the OECD TG 308 test, it was suggested to add a justification of the choice of extraction procedure/solvent for non-extractive residues (NER) in respect to the irreversibility of the binding to sediment. Other PfAs on the design of both the OECD TG 308 and OECD TG 309 tests proposed to give preference to the conduct of the kinetic degradation study at 12°C, and only to allow the test to be performed at 20°C if conduct at 12°C is not technically feasible. Another PfA relating to the study design proposed to perform the OECD 309 test with a suspended solids concentration of 15 mg/l.

In other PfAs it was suggested to request the test *Bioaccumulation in fish - Aqueous Exposure test (OECD TG 305)* only if the results from the other requests allow to conclude that the substance does not meet the T criteria but does meet the criterion for vP. Other PfAs proposed to remove this information requirement, agreeing that the existing dietary study is sufficient to conclude the substance is B, but that it is unlikely that BMDM meets the vB criteria.

With regard to the request for *FELS toxicity test, (OECD TG 210)* it was suggested not to conduct the FELS test unless the surface water and/or the sediment simulation degradation test indicate that the substance is P and/or vP, and if the results of the *Daphnia magna* reproduction test do not indicate the substance is T. If the FELS study is not needed for addressing the PBT concern, it was proposed to follow the decision scheme in REACH guidance 7B before deciding on the need for long-term fish testing. Another PfA proposed a tiered testing strategy as follows: a) for clarification of the environmental risks, irrespective of the PBT/vPvB concern, conduct aquatic toxicity testing in parallel with the simulation degradation testing; and b) require fish bioaccumulation testing only if the substance meets the vP criterion but does not meet the T criterion. Also, in order to minimize vertebrate testing, it was proposed to request first the testing on aquatic invertebrates (request 4) and if the T criteria are not met then to request testing on fish (request 5).

The Registrants provided written comments on the PfAs and the draft decision. They considered that: a) an aqueous bioaccumulation study should not be requested; b) toxicity testing should be conducted first; c) only if the substance is concluded to be T, persistence testing should be required; and d) if persistence testing is required, only the OECD TG 308 aquatic sediment study should be conducted.

The Registrants representatives explained in the meeting that in their view they have conducted a valid, reliable fish dietary bioaccumulation test. The exposure route selected is in accordance with the REACH guidance. In their view the request for a new fish bioaccumulation test is unjustified. Their interpretation of the dietary bioaccumulation test based on the current ECHA guidance is that the substance is not B and therefore not vB.

During the discussion one MSC member explained the reasons why in the view of the CA submitting the PfA it is necessary to test both soil and sediment as compartments of concern for persistence, including the limitations of tests on sediment only, and of the lack of read across possibilities between different environmental compartments

One MSC member justified the view of the CA submitting the PfA that there is sufficient evidence that the substance is B but not vB, and based on the existing inherent biodegradation test can be considered as P. Thus in their view only T testing is necessary.

Another MSC member disagreed with the conclusion of P based on existing data since the substance is adsorptive and poorly water soluble so there may have been reduced bioavailability in the test. Furthermore, the inherent biodegradation test provides no information on primary degradation. In their view an OECD TG 309 study is required to conclude on the P status. They agreed that the substance could be concluded as B based on the fish dietary study and to request a new fish bioaccumulation test is unjustified.

The Registrants representatives agreed that the available dietary bioaccumulation study is a valid study, questioning that an additional study will bring sufficient evidence to demonstrate BMDM has vB properties. This was supported by some MSC members, but

not by the eMSCA who argued that the uncertainties in the B assessment were sufficiently high to assume that the substance could meet the vB criterion. Uncertainties included variation in biological data and insolubility of the substance, uncertainty in predicting the uptake rate constant k_1 needed for estimating the BCF from the dietary study itself (since a recent publication finds a standard deviation of 0.5-1.5 log units), uncertainty of the benchmarking approach used by the eMSCA since 3 different fish species are considered, uncertainty with the depuration data for methoxychlor considered in the benchmarking.

Two MSC members expressed concern that the request for a fish aqueous bioaccumulation test would challenge the usefulness of the dietary exposure route as in this case there is a valid dietary study which, in their opinion, can be used to conclude the B assessment. It was also argued that further testing would not be justified because all calculations methods result in a BCF value significant below the vB criteria. The eMSCA explained that the proposed request for the fish aqueous study is to clarify the vB concern and they agree that the dietary study is sufficient to conclude that the substance is B, but the vB status cannot be clarified in their view.

The Registrants representatives indicated that they have not reached a conclusion on the P status of the substance. They agreed with the comment made in the meeting that the bioavailability in the existing inherent biodegradation test may have been reduced. The eMSCA noted that some highly insoluble substances have shown biodegradation in screening tests.

Session 2 (closed)

In the discussion on the B concern it was mentioned that a draft OECD guidance document recently has been circulated for comments by the OECD TGP NCs (WNT) and made publicly available at the OECD TGP web site). This draft guidance provides a clear and detailed description on how to perform BCF calculations and modelling from dietary bioaccumulation studies. It was suggested that the eMSCA considers this (draft) document in case it justifies the need for further vB testing in a follow-up stage. If the substance is considered PBT this is sufficient to be included in Annex XIV, and no additional regulatory risk management measures would be gained by an additional vPvB identification.

It was further pointed out that the DD has to justify each request taking into account that a possible approach could be to use multiple decisions and request the information in a stepwise approach. However, using multiple decisions would among others increase the length of the process and overall workload for Member States.

There was a discussion on the P testing strategy and when it is possible to conclude on P based only on degradation data for a single compartment. MSC indicated that further discussion on this topic is needed, but a case-specific decision was reached for this specific case.

Following further discussion on several suggested testing strategies MSC unanimously agreed to request an OECD TG 309 with the proposed 15 mg SPM (dw)/ L at 12 degrees for the kinetic part and , if the test results for the OECD TG 309 (surface water simulation degradation testing) indicate that the registered substance does not meet the P criterion, an OECD TG 308 (sediment simulation degradation testing). In parallel an OECD TG 211 test (*Daphnia magna* reproduction test) is requested and, if the substance is not T (according to the results from the OECD TG 211) and the substance is P (according to the results from the OECD TG 309 or the OECD TG 308) an OECD TG 210 (Fish, early-life stage (FELS) toxicity test) is requested. The request for OECD TG 305 (Bioaccumulation in fish - Aqueous Exposure test) was dropped at this stage. For clarity purposes an explanatory table was introduced to the DD with justification of the adopted testing strategy and modified deadlines, and also a note with the specification that further testing could be requested in future in case that the concern was not addressed, as well as editorial changes to align parts in the DD with regard to the requests.

MSC agreed unanimously the DD as amended during the meeting.

Draft decision on SEV-DK-012/2015 2,2',6,6'-tetrabromo-4,4'-isopropylidene diphenol (TBBPA) (EC No. 201-236-9)

Session 1 (open)

Two representatives of the Registrants participated in the initial discussion. In absence of specific confidentiality concerns in draft decision (DD), an open session was held.

The evaluating Member State Competent Authority (eMSCA) from Denmark (DK-CA) presented the outcome of substance evaluation (SEv) of the above-mentioned substance which was performed by the DK-CA for concern relating to human health; reproduction, endocrine disruptive properties in the environment and human health, exposure, and PBT properties.

The draft decision (DD) consulted with the Member State Competent Authorities (MSCAs) and ECHA had six requests for information. Proposals for Amendments (PfAs) were received on five requests.

MSC was guided by the expert from the evaluating MSCA through the information on the substance (including PfAs, Registrant(s) comments, and the eMSCAs responses to them).

To tackle the concerns on endocrine disruption the DD requested for *The Larval Amphibian Growth and Development Assay (LAGDA); test method: OECD TG 241 using the registered substance*. The eMSCA accepted all the PfAs received on this test hence there was no need for further discussion at the MSC meeting.

For the persistency (P) assessment, two transformation products of the registered substance were of potential concern – 1) monomethyl ether TBBPA and 2) bismethyl ether TBBPA. eMSCA concluded that surface water, sediment and soil are all compartments of concern for both transformation products.

For monomethyl ether TBBPA, the DD gave two options to the Registrants depending on the water solubility of the transformation product and analytical possibilities. If the water solubility is > 1ug/L then *Simulation testing on ultimate degradation in surface water OECD TG 309 at 12°C, with additional suspended solids/sediment particles (two concentrations of solids/sediment particles)* is likely to be technically feasible and could then be performed. If it however is documented that such testing is technically unfeasible then *Sediment simulation testing (Aerobic and anaerobic transformation in aquatic sediment systems OECD TG 308 at 12°C* can be chosen. The DD contained therefore, a request for *a water solubility test using the EU A.6/OECD TG 105 (column elution method or flask method) at 12°C in the OECD TG 309 test medium on the transformation product of the registered substance: monomethyl ether TBBPA (no CAS available)*. The eMSCA accepted all the PfAs received on the water solubility test hence there was no need for further discussion of this test at the MSC meeting meaning that the test should be performed according to the column elution method in pure water. Furthermore, another PfA was submitted proposing to request a log Kow test (using OECD TG 123) for the transformation product monomethyl ether TBBPA to be performed before the simulation degradation test is conducted. This was accepted by the eMSCA and was not discussed further at the MSC meeting.

For bismethyl ether TBBPA, the DD requested a *Soil simulation testing (test method: Aerobic and anaerobic transformation in soil, EU C.23./OECD TG 307) at 12 °C **with** water cover and **without** water cover*.

PfAs were received on the water, soil and sediment simulation tests. With regards to suspended particulate matter requested in the OECD TG 309 test, PfAs received proposed to explain in the DD why testing two concentrations of suspended particulate matter (SPM) was necessary and how the results from the two concentrations would be used or else replace the two concentrations with one concentration in the middle of the range. Another PfA asked to specify in Section I the SPM content concentrations should originate from the natural water and not to artificially add particles. A third PfA proposed to request the registrant to choose extraction procedure/solvent for minimizing non-extractable residues (NER) and to justify this properly. A fourth PfA proposed DK-CA to reconsider their testing proposal to request a sediment simulation study in case the substance does not fulfil the

vP criterion in surface water, unless it can be justified that the results from surface water simulation degradation test can be extrapolated to sediment.

With regards to the testing strategy, PfAs were received proposing to 1) replace the soil simulation test **with** water cover with a sediment simulation test since the registered substance was shown to be present also in sediments; 2) add reasoning if the two soil simulation degradation studies on bismethyl ether TBBPA were to be performed at the same time or 3) alternatively, to include a conditional testing strategy for the two simulation degradation studies on bismethyl ether TBBPA; 4) replace the soil simulation test with water cover, with a sediment simulation test and 5) delete the request for testing on bismethyl ether TBBPA and test first the monomethyl ether TBBPA. Only if monomethyl ether TBBPA is not shown to be persistent request in a follow-up decision to test bismethyl ether TBBPA for persistence.

These were the main discussion points together with the deadline to provide the requested information.

The Registrants provided written comments on the PfAs. Some were reiterated in the MSC meeting. They disagreed with performing the tests on the transformation products in parallel and with performing an OECD TG 308 in case the results of OECD TG 309 on the monomethyl ether TBBPA show that the substance does not fulfil the vP criterion. They argued that since the OECD TG 308 can be considered the more relevant test, then only this test should be conducted. They supported the PfA proposing to test first the monomethyl ether TBBPA since during a monitoring study of suspended matter in rivers, it was shown that the bismethyl ether TBBPA was observed less frequently than the monomethyl ether TBBPA and that Bismethyl methyl ether TBBPA, in this study, was detected only in the UK rivers and at levels below the LOQ.

With regards to the timelines the Registrant representatives stated that if all the studies in the decision would be performed in parallel it would take 45 months without considering the performance of the log Kow test and the update of the registration dossier. In the case of sequential testing of the two transformation products, an additional 21 months would be needed. The eMSCA representative explained how the proposed submission deadline was established according to general guidance from ECHA and a final deadline of 42 months was proposed based on this including the logKow test.

During the discussion the eMSCA expert explained the reason for still preferring to request for 2 suspended matter concentrations rather than just one. In their view it would be too radical to test only one water sample (with associated concentration of suspended matter) when for testing in sediments 2 different sediments are used and for testing in soil 4 different soils are tested. MSC was not fully supporting the eMSCA, and as the Registrant agreed with having one suspended matter concentration only, the eMSCA expert asked the Registrants whether it would be more clear than in the PfA, if in addition to the request in the decision of the EU default SPM concentration of 15 mg SPM dw/L used in the requested aquatic simulation degradation test, an acceptable SPM range between for example 10 and 20 mg SMP dw/L is indicated to simplify the practical conduct of the test with a sample from natural surface water with this SMP content. The registrant representative agreed to this.

With regards to the testing strategy, arguments in favour of parallel testing were raised since this would be less time consuming in case one of the transformation products results to be not P, it would avoid having to go back to simulation testing of the other transformation product. These were counter argued with the argument in favour of sequential/conditional testing as presented in the PfAs, that the DD does not demonstrate why the concern is sufficiently high to request for both tests to be performed in parallel. The eMSCA indicated disagreement with this view and argued that both transformation products have been shown to be formed in the environmental degradation of TBBPA and have been detected in environmental monitoring studies so formation of both transformation products were of concern. The eMSCA also mentioned that the overall stepwise P-, then B- and finally then T-testing strategy already in a case like this potentially could mean that the whole process for reaching a decision of proper regulatory management of TBBPA potentially could take more than ten years. Hence the eMSCA felt

that performing also sequential testing between the two degradation products both fulfilling the PBT screening criteria would not be proportionate as it would further prolong an already long decision making process.

Session 2 (closed)

The discussion in closed session focused on the testing strategy. It was argued that it may be justified to extrapolate between the two transformation metabolites, with regard to persistency, if one of these two substances meet the vP criterion. In this case it may be possible for the Registrant to conclude, by extrapolation, that the other transformation product should also be regarded as vP without further simulation degradation testing. If monomethyl ether TBBPA is tested in sediment first, and the vP criterion is not fulfilled, it would however not be acceptable to extrapolate from this result to an assumed lack of persistency of bismethyl ether TBBPA in soil. Dehalogenation is an observed transformation pathway under anaerobic conditions for halogenated substances, and thus some debromination of monomethyl ether TBBPA could be expected in the aerobic-anaerobic sediment transformation test (OECD TG 308). This was not considered likely to occur to a similar extent for bismethyl ether TBBPA in soil due to the fact that aerobic conditions are more prevailing in soil than in sediments. It was therefore mentioned that the Registrants could start with testing the bismethyl ether TBBPA in soil while performing the requested tests on the physical-chemical properties of monomethyl ether in parallel. Should bismethyl ether TBBPA not meet the criteria for vP, the simulation degradation test in surface water for the monomethyl ether TBBPA should be performed, if technically feasible, or else in sediment. If on the other hand bismethyl ether TBBPA clearly meets the criteria for vP in soil, the Registrant may choose to develop a read across justification and conclude that monomethyl ether TBBPA is also vP. In order for the Registrants to have time to also consider whether extrapolation concerning vP between the two transformation products could be applied according to the cautious approach described above, an additional 3 months for the submission deadline, i.e. to set it to 45 months as mentioned by the registrant, was suggested by the eMSCA representative.

In the end however, MSC unanimously agreed that it is *a priori* not possible to predict exactly, despite their close structural relationship, how similar the degradability of the two transformation products in different environmental compartments would be. Therefore, a request to experimentally determine the persistency for both transformation products in one decision, which can be compared with the P/vP criteria, is justified. In the follow-up it can then be decided for which transformation product(s), if any, the next step in the PBT assessment would be warranted.

With regards to the suspended particulate matter MSC unanimously agreed to use surface water with a naturally occurring SPM concentration of approximately 15 mg SPM dw/L. Water containing between 10 and 20 mg SPM dw/L is considered acceptable.

With regards to the deadline MSC unanimously agreed to extend it from 42 to 45 months.

SEV-DK-014/2015 2,3-epoxypropyl neodecanoate (EPDA) (EC No. 247-979-2)

Session 1 (open)

The registrant had not indicated interest to follow the initial discussion. In absence of specific confidentiality concerns in draft decision (DD), an open session was held.

Eight PfAs had been submitted in total, and those discussed at the meeting are reflected here. With regards to the skin sensitisation request (Local Lymph Node Assay (LLNA), dermal route, OECD TG 429) four CAs had proposed to delete the request because from the available documentation it appeared that the eMSCA deemed the existing data as sufficient to conclude on category 1A classification (potent/extreme skin sensitizer).

Further arguments in some of the PfAs against requesting a further LLNA were that the Registrants advised against consumer use and that the registration dossier did not support widespread use of the substance. Two CAs also proposed the eMSCA to consider a CLH proposal for skin sensitisation.

One CA proposed to add further specification to the test conditions, in case requesting of LLNA would be agreed by MSC, to ensure a maximal exposure to unreacted EPDA. Another CA proposed that, in the event that MSC agreed to drop the LLNA request, the concern for skin sensitisation is re-evaluated when the results from the requested Transgenic rodent somatic and germ cell gene mutation assay (TGR; OECD TG 488) are available. In their opinion if the substance meets the criteria for classification as Muta. 1B, conducting LLNA would not necessarily lead to improved RMMs.

The main discussion point in MSC was whether all available relevant information would be sufficient and could already lead to a classification Skin Sens. cat. 1A. It was raised whether a proposal for a harmonised classification should be forwarded to RAC, or alternatively, whether the Registrant should obtain new LLNA test data for increasing the certainty for an appropriate classification for skin sensitisation.

One expert suggested that, since the available information on the substance tested shows current and previous production processes are the same and, hence, it can be assumed the substance identity has not changed since the conduct of the previous studies, a CLH proposal should be taken forward already now. This was supported by one member, however, another member raised concern that RAC may not accept the residual uncertainty as regards substance identity and may conclude on Skin Sens. cat. 1 only. A representative of the eMSCA pointed out that it is not fully clear what the tested material had been, and more certainty in this regard could be achieved if a new LLNA was requested. Furthermore, based on a survey from 2014, consumer uses or exposure to unreacted EPDA could not be excluded. One stakeholder observer regretted that four available guinea pig studies did not yet seem sufficient, also pointing out that the difference of classifying as 1 or as 1A would make a difference for specific concentration limits in mixtures only. An expert representing the eMSCA commented that that this very high volume substance is used in many marketed mixtures.

During the discussion it was also pointed out if RAC would not be able to classify the substance as category 1A a request for a LLNA could still be made in a follow-up evaluation but the eMSCA doubted that the timing of the SEV process in relation to RAC's schedule for classification would allow the eMSCA to do this. In this regards the eMSCA referred to an – in his view – unfortunate absence of general mechanisms in place between MSC and RAC assuring that this would be practically possible when warranted.

Session 2 (closed)

MSC discussed different regulatory approaches in closed session, noting also that the Registrant had not self-classified the substance as Skin Sens. cat. 1A based on the available data. Some members considered the Registrant's approach potentially insufficient and spoke in favour of proposing a classification for RAC to decide upon using current data. A further option discussed was to await the TGR results before preparing a CLH proposal, but several members questioned the grounds for such linking and the additional delay.

In this context one member requested a general discussion, for a future MSC-meeting, on assessing the situation where a substance would be classified as muta 1B and whether there would be a need for requesting further data generation on skin sensitisation potency. In this Member's view, given the correlation between the binding properties (binding to DNA or binding to a protein), skin sensitisation potency could be inferred from the mutagenicity results. If this view is shared by MSC it should be transparently captured in the MSC Manual of Decisions and Opinions.

For this draft decision MSC decided to leave out the request for a LLNA and unanimously agreed on the DD as modified at the meeting. The member from Lithuania abstained from voting.

d. General topics

SECR gave an overview of the status of recent appeals on evaluation submitted to the Board of Appeal of ECHA (BoA) and pending cases submitted to the European Court of Justice relating to the authorisation process. MSC took note of the information received.

Item 7 – Dossier evaluation

a. Written procedure report on seeking agreement on draft decisions on dossier evaluation

SECR introduced the report on the outcome of the written procedure (WP) for agreement seeking on 11 dossier evaluation cases (see Part VI for more detailed identification of the cases). WP was launched on 17 November 2016. By the closing date 28 November 2016 MSC reached unanimous agreement on ten DDs. For one DD (CCH-098/2016), MSC Chairman terminated the WP on the basis of Article 20(6) of the MSC Rules of Procedure.

b. Introduction to and preliminary discussion on draft decisions on testing proposals when amendments were proposed by MS-CAs (*Session 1, open*)

c. Seeking agreement on draft decisions on compliance checks and testing proposal examinations when amendments were proposed by MS-CAs (*Session 2, closed*)

CCH-098/2016 Ethanol, 2,2'-oxybis-, reaction products with ammonia, morpholine derivs. residues (EC No. 272-712-1)

Session 2 (closed)

SECR explained that agreement was initially sought in WP, which was terminated by the Chairman of MSC in accordance with Article 20(6) of the MSC Rules of Procedure.

Two MSC members requested stopping the written procedure to allow a discussion in the plenary meeting. Both MSC members referred to PfAs on EOGRTS requesting DNT and DIT cohorts (OECD TG 443). One MSC member additionally referred to the PfA on simulation testing on ultimate degradation in surface water (OECD TG 309) requesting justification on chosen extraction procedure/solvent and non-extractable residues (NER).

SECR had not modified the DD in advance of the written procedure based on these two PfAs.

The Registrant had provided written comments on the PfAs, disagreeing with the PfA on EOGRTS, and commenting on the other PfA that no further simulation testing was deemed necessary.

The MSC member who requested discussion on simulation testing reiterated the consideration whether all metabolites would be identified. The Registrant should scientifically justify that the extraction procedure and solvent chosen are appropriate and to consider the remaining part as non-extractable residues (NER), since the substance is expected to irreversibly adsorb to the sediment and/or suspended particulate matter (SPM).

MSC took note of the remark and concluded that no more discussion was necessary on this aspect. It agreed on some minor clarifying text changes that SECR suggested to introduce in the DD text.

The two MSC members who requested discussion on the EOGRTS design reiterated the considerations that the two important constituents of the registered substance, a UVCB, showed both acute and delayed neurotoxicity effects and further evidence on MoAs supporting the request for DNT and DIT cohorts.

SECR responded in the meeting that the dose levels leading to neurotoxic effects were high and not considered relevant triggers for this case, that there were no explanations how to link the suggested MoAs to mammalian species, and that there would be an

assessment of the results from the request for a 90-day sub-chronic toxicity study (OECD TG 408) before confirming the EOGRTS study design.

A MSC member informed that one of the constituents had been subject of a substance evaluation, which was concluded without specific concerns.

The two MSC members who requested for discussion in the meeting argued that in their view the effects observed are in line with those in the ECHA guidance, that under specific conditions the constituents can act in different ways to replace hormones, and that there is a general concern in this case as effects observed at high concentrations would not rule out effects at lower ones. One MSC member expressed agreement with the arguments from SECR. Another MSC member was of the view that there is evidence that this substance would interfere with sex hormones during critical development period. SECR suggested that the analysis of the 90-day study results could offer a possibility to bridge the divergent views. With respect to sequential testing of the sub-chronic toxicity study and EOGRTS, the DD contained the text as agreed earlier by MSC (see Manual of Decisions, entry 3.1.9). However, the MSC changed one sentence of this text to clarify that it has not decided yet whether to include or exclude the extension of DNT and DIT cohorts in the EOGRTS design.

MSC concluded that this text is appropriate for this particular case and the analysis of the 90-day study results can be awaited.

MSC agreed unanimously to the DD as amended in the meeting.

CCH-108/2016 – Vinyl acetate (EC No. 203-545-4)

Session 1 (open)

Two representatives of the Registrant participated in the initial discussion. In absence of specific confidentiality concerns in DD, an open session was held.

SECR explained that two PfAs to ECHA's DD were submitted on *in vivo* mammalian alkaline comet assay (OECD TG 489). The first PfA suggested including a requirement for a test design to detect a DNA cross-linking mode of action (MoA). The second PfA supported the testing via inhalation to clarify whether nasal tumours in the carcinogenicity assay were due to a genotoxic mechanism of action, but noted that the comet assay has not yet been validated in nasal tissue. Therefore, it suggested oral exposure through gavage, with analysis in the stomach, intestines and liver.

SECR had modified the DD based on the first PfA in advance of the meeting.

The Registrant had provided written comments on the DD (not reflected here) and on the PfAs. In the latter he noted that oral exposure would not address the target route or organs, but agreed that the comet assay had not yet been validated for nasal tissue. The representatives of the Registrant reiterated their disagreement with the PfAs, as he considered that the standard comet assay was not suitable for a substance that induces DNA cross-linking. They also commented, in addition to difficulties in deciding on the non-standard assay conditions and the coordination required for an inhalation study, that using ionising gamma ray radiation might overcome some of those difficulties. However, they considered such investigative testing time consuming and doubted whether sufficient expertise was available. The representatives of the Registrant informed that they would continue using a weight of evidence approach, as in their view the available evidence pointed to potential negative or false negative results with a comet assay on this substance. In addition, they questioned whether analysing nasal tissue was sufficiently validated if only one CRO had performed validation studies, and that their choice of contracting the study to a CRO could thus be limited to only one laboratory.

Some MSC members noted that the standard comet assay electrophoresis approach may not be appropriate, but that it could be supplemented with a modified one with e.g. ionising radiation. SECR confirmed that the testing guidelines did not claim a standard testing approach appropriate in this instance, but a modified testing should be used with e.g. increased electrophoresis time. The MSC expert representing the country submitting

the second PfA was of the view that there are technical issues with the modified approaches.

The expert further informed MSC that at least one contract research organisation (CRO) seemed to be able to analyse nasal tissues of comet assay, however, they did not seem to have analysed a positive control for nasal tissue. Therefore, oral route was preferred over inhalation. SECR confirmed that it was aware of one CRO capable of analysing nasal tissue of comet assay.

Another expert to an MSC member reminded that the substance was carcinogenic both by inhalation and by oral routes, noted the technical difficulties with inhalation route and isolating nasal tissue, and reminded that the Registrant would have a choice of only one CRO; therefore, supporting the oral route.

SECR noted that some uncertainty around the registered substance's carcinogenicity was related to whether the stability of dosing solutions utilised was controlled and whether the animals may have been exposed to carcinogenic degradation products; if solutions were prepared twice a week for oral dosage this could result in hydrolysis products and other changes.

Session 2 (closed)

A MSC member noted that their eMSCA is performing a substance evaluation (CoRAP 2018), where in general the tests required are via the inhalation route and a comet assay may be one of those requirements, thereby stressing the importance whether generic or case-specific conclusions were reached at this meeting on performing a comet assay via inhalation.

Another MSC member raised a question on the appropriate protocol as references indicated in the DD seemed to have differences in their approach to modify the assay. SECR informed that there were several CROs that were capable of performing a modified comet assay with different setups to increase sensitivity. One MSC member reminded that the study follows the OECD testing guideline when amended, but that detailed protocols could not be requested (i.e. prescribed to the Registrant).

The MSC expert representing the country submitting the second PfA raised concern whether the justifications for inhalation route provided were sufficiently strong given the anticipated technical difficulties. SECR reminded that to investigate site of contact effects in the comet assay the OECD test guideline 489 explicitly requires the positive control to be made with the same route of exposure as the tested substance. Some MSC members considered the oral testing to give more flexibility and thus preferable, unless there were sufficient arguments for requiring the inhalation route. One MSC member suggested to use freshly prepared vehicle solutions to avoid unwanted interferences.

MSC concluded that in this specific case, due to the combined technical difficulties expected with both the detection of DNA cross-linking and the inhalation route with analysis on nasal tissue, the comet assay should be requested via the oral route, by gavage, using liver, glandular stomach and duodenum tissues. One of two sets of slides should be submitted to a modified experimental conditions enabling the detection of DNA crosslinks. The modified protocol would also include a specific positive control group of animals to validate the detection of DNA crosslinks and treatment by MMS or ionising irradiation, giving references to the relevant studies.

MSC agreed unanimously to the DD as amended at the meeting. One member abstained from voting.

TPE-075/2016 Praseodymium(III,IV) oxide (EC No. 234-857-9)

Session 1 (open)

No representative of the Registrant participated in the initial discussion. In absence of specific confidentiality concerns in DD, an open session was held.

SECR explained that two PfAs to ECHA's DD had been submitted. The first PfA suggested to change the route of exposure from inhalation to oral for the transgenic rodent somatic and germ cell gene mutation assays (TGR; OECD TG 488), or *in vivo* mammalian alkaline comet assay (OECD TG 489).

The second PfA on the request for TGR (OECD TG 488), or *in vivo* mammalian alkaline comet assay (OECD TG 489), suggested to (a) change route of exposure from inhalation to oral; and (b) perform either test on three tissues: liver, stomach and duodenum.

SECR had modified the DD in advance of the meeting based on the PfAs on the route of exposure, while requesting liver and glandular stomach tissues if the TGR is performed and additionally duodenum tissue in case of the comet assay is performed.

The Registrant had provided written comments prior to the meeting and agreed with the PfAs.

MSC was satisfied with ECHA's response on the route of exposure, whilst it further discussed the PfA on extending the analysed tissues to the duodenum for TGR.

SECR reasoned that the OECD TG 488 specifically indicated that the liver and at least one rapidly dividing tissue should be evaluated. In most cases this could be achieved by choosing in addition to the liver the glandular stomach as the default site of contact tissue. A MSC member noted that, although the reactivity of the substance is of relevance when deciding on the tissue, in this case not much uptake was expected and there was little concern on the substance's reactivity. Another MSC member emphasized that in general appropriate dosing should be used in testing. The MSC member of the PfA submitting country agreed with further information received that the request for a third tissue (duodenum) for TGR was not needed in this case.

Session 2 (closed)

MSC concluded that in this case there was no justification to request examining duodenum as third tissue for TGR.

MSC agreed unanimously to the DD as provided for the meeting.

d. Decision making process general topics

• Appeals update

See under 6.2.d.

Item 8 – SVHC identification

a. Written procedure report on seeking agreement on identification of SVHCs

SECR gave a brief report on the outcome of the written procedure for SVHC agreement seeking on the identification of *4,4'-isopropylidenediphenol (bisphenol A)* proposed to be identified as SVHC based on Article 57 (c) of Regulation (EC) 1907/2006, due to its toxic for reproduction properties; of *Nonadecafluorodecanoic acid (PFDA) and its sodium and ammonium salts* proposed to be identified as SVHC based on Article 57 (c) and (d) and *Benzene-1,2,4-tricarboxylic acid 1,2-anhydride (trimellitic anhydride, TMA)* proposed to be identified as SVHC based on Article 57 (f) of REACH due to its respiratory sensitiser properties.

On 30 November 2016, the MSC Chairman terminated the written procedure for agreement seeking on the SVHC proposal for *TMA* following a justified request of an MSC member and the case was brought for further discussion and agreement seeking in the MSC-51 meeting.

MSC agreed unanimously on identification of *bisphenol A* and *PFDA and its sodium and ammonium salts* as SVHCs in the written procedure launched on 22 November 2016 and closed on 2 December 2016. SECR explained that the final documents will be made

available on MSC S-CIRCABC and on the ECHA website and these substances will be included in the Candidate List of SVHCs mid-January 2017.

b. Seeking agreement on Annex XV proposals for identification of SVHC

p-(1,1-dimethylpropyl)phenol (pentylphenol, PTAP) (EC No. 201-280-9)

The dossier submitter (DS) representative from the German CA presented to MSC the Annex XV proposal for identification of p-(1,1-dimethylpropyl)phenol (pentylphenol, PTAP) as an SVHC under Article 57 (f) due to its endocrine disrupting properties for which there is evidence of probable serious adverse effects to the environment giving rise to equivalent level of concern (ELoC) to CMR, PBT and vPvB substances under Article 57 (a)-(e). The DS explained the rationale for preparing the dossier. Further, the DS pointed out that the proposal for PTAP has been prepared on the basis of *in vitro* and experimental data on mode of action and adverse effects in fish. For several fish species data unambiguous showed that PTAP interacts with the endocrine system and consequently causes adverse effects, since adverse effects indicative for an estrogen mode of action such as a change of sex-ratio were observed. To further strengthen the proposal, a read-across had been developed to structurally similar alkylphenols that either had already been identified as SVHCs and included in the Candidate list as endocrine disruptors, like 4-*tert*-octylphenol and 4-nonylphenol, branched and linear, or are proposed for SVHC identification in parallel and also discussed at the meeting, such as 4-heptylphenol, branched and linear (4-HPbl) and 4-*tert*-butylphenol (PBTP).

The DS outlined the main comments received in the public consultation on the proposal and the DS's responses to them. The DS concluded that during the public consultation, the SVHC identification of PTAP has been supported by all commenting MSCAs based on the information and justification provided in the Annex XV dossier where all proposed amendments have been taken into account. The DS explained that following a MS's request in the public consultation, more information on PTAP persistence and bioaccumulation were included in the draft support document (SD) provided for MSC agreement seeking and noted that although PTAP is a readily biodegradable substance, there is evidence that it reaches the environmental compartments (sediments and water) and affects fish populations (e.g. seen in impaired sex ratio and reproduction of different fish species). Based on the mode of action, it is expected that other taxa are affected too, as estrogen (or estrogen-like) receptors are conserved across species and for other alkylphenols some taxa responses have been very sensitive. Although providing information on persistence and bioaccumulation, the DS was of the view that this information is not necessary for SVHC identification of these substances. The DS considered that only the probability of serious adverse effect should be evaluated in the ELoC assessment under Article 57 (f), based on a comparison between the text of REACH Article 57 (f) and the wording of the WHO/IPCS definition of endocrine disruptors, while consideration of exposure-related aspects would become relevant at later stages of the authorisation process.

The DS mentioned that some sensitive endpoints were *in vivo* effects in fish (reduced reproduction, reduced growth) for which an endocrine mechanism or mode of action is most likely, however, it cannot be unequivocally concluded that this is the (only) cause of adverse effects. Based on a read-across it was concluded that effects on non-standard endpoints and other taxa may occur at exposures concentrations below those observed for standard endpoints, and that thus it is difficult to define a safe level.

An adviser of an MSC member and two members raised several issues for MSC's consideration and discussion regarding this identification proposal, including references made in the SD to anaerobic degradation, read across to other taxa, effects of transient exposure, lack of derivation of a safe threshold, fate and potency of the substance.

In the following discussions, MSC exchanged views on all issues raised, went through the text of the agreement seeking documents (SD and draft agreement) and introduced some amendments at the meeting. Specifically, two members noted that information on bioaccumulation and biodegradation, as well as on potency and fate-related properties of a

substance proposed for SVHC identification are important to consider within the full dataset on a substance proposed as endocrine disruptor for the environment. An advisor of an MSC member noted that in his MSCA's view for a substance to be ELoC the effect levels observed for the key endocrine endpoint need to be at level equivalent to the environmental classification of Chronic Aquatic 1. Many members were of the view that fate and potency should not be considered as a part of ELoC and are not relevant for the hazard-based SVHC identification process, but for the later authorisation stages. Reference was made to the draft criteria for ED identification of pesticides and biocides under Biocidal Product Regulation and Plant Protection Product Regulation where potency is not considered either. Most members generally agreed not to consider explicitly fate-related properties, such as bioaccumulation and biodegradation, as well as potency of a substance as arguments, but to focus on the provided dataset as a whole for the purpose of the agreement seeking in this case. One MSC member underlined that she agreed to this ELoC based on the ED effect concentration and level of screening biodegradation (not rapidly biodegradable for the purposes of environmental classification).

In conclusion, MSC unanimously acknowledged that there is scientific evidence of adverse effects which could plausibly be linked to endocrine activity of PTAP demonstrating that this substance is an endocrine disruptor for the environment in accordance with the WHO/IPCS definition of an endocrine disruptor. Furthermore, MSC concluded that the evidence provided in the PTAP dossier is sufficient to constitute an equivalent level of concern to CMR and PBT/vPvB substances. Consequently, MSC unanimously agreed on the SVHC identification of PTAP under Article 57 (f) of the REACH Regulation, due to its endocrine disrupting properties. One member made a statement (annexed to these minutes, see annex VII). One member abstained from voting.

The Chairman thanked the dossier submitter for the proposal submitted to the SVHC identification process and MSC for its successful deliberation on it.

4-tert-butylphenol (PTBP)(EC No. 202-679-0)

The dossier submitter (DS) representative from the German CA presented to MSC the Annex XV proposal for identification of 4-*tert*-butylphenol (PTBP) as an SVHC under Article 57 (f) due to its endocrine disrupting properties for which there is evidence of probable serious adverse effects to the environment giving rise to equivalent level of concern (ELoC) to CMR, PBT and vPvB substances under Article 57 (a)-(e). The DS explained the rationale for preparing the dossier. Further, the DS pointed out that this proposal is based on results of a non-standard key study¹ (Demska-Zakęś, 2005), and in addition, some supportive data on ED effects in fish which were considered to trigger the ED concern on their own accord. The proposal was further strengthened through read-across to the structurally similar alkylphenols that have already been identified as SVHCs and included in the Candidate list as endocrine disruptors, like 4-*tert*-octylphenol and 4-nonylphenol, branched and linear, or are currently proposed for such SVHC identification, such as 4-HPbI and PTAP.

The DS outlined the main comments received in the public consultation on this proposal and the DS's responses to them. The DS noted that several similar comments to the ones on PTAP and 4-HPbI had been received in the public consultation, as well as some additional critical comments regarding the validity of the key study and remarks regarding the ready biodegradability of PTBP in comparison to the other alkylphenols. Based on the mode of action of PTBP, it is expected that other taxa are affected too, as estrogen (or estrogen-like) receptors are conserved across species. The DS also underlined that although PTBP is a readily biodegradable substance, ECHA's Risk Assessment Committee recently concluded that 4-*tert*-butylphenol shall be classified as Aquatic Chronic 1 (with

¹ Long-term fish study with *Sander lucioperca* (pikeperch) where the effects of PTBP and other substances on mortality, development (weight, length, condition factor, gonads) and sex ratio (based on histological examination) were investigated (Demska-Zakęś, 2005)

NOEC of 9.6 µg/l for growth, secondary sex characteristics, time to hatch) and noted that growth is plausibly linked to the ED mode of action.

Some conclusions from the MSC discussions on the issues raised as regards the PTAP identification proposal have been applied, as relevant also to this case when reviewing the agreement seeking documentation.

Further to this, an adviser to an MSC member brought for MSC's consideration at the meeting an expert's view challenging the validity of the key study in the PTBP proposal (key study for PTBP and 4-HPbl), in particular with regard to the temperature employed in the study and its overall implication on aquaculture of the species (temperature being considered as a critical factor for gonadal maturation). This expert's view also re-iterated the comment provided during the public consultation on lack of analytical verification of the test concentrations. The adviser also noted that PTBP is a readily biodegradable substance and this should be considered when applying the read-across category approach to the ELoC assessment. One member also noted that based on the Robust Study Summary provided the effects seen in the key study are severe and relevant to other alkylphenols, however, the uncertainty due to lack of access to the full study report (available in Polish, with only a non-official translation into English) needs to be considered.

With regard to the reliability and validity of Demska- Zakęś (2005) study, the DS noted that the study results are very consistent with no effects seen in the controls and clear concentration-response curves for several alkylphenols and positive controls. The DS provided further clarification on the way the uncertainty as regards the nominal concentrations has been addressed in the support document with potential loss due to volatility, sorption or degradation leading to actual concentrations being lower than the nominal ones. Further, the DS pointed to the further detailed quality assessment of this study and the conclusions presented in Annex II of the Support document.

In the following discussions, MSC exchanged views on the issues raised. It considered the biological specificity and higher sensitivity of the *Sander lucioperca* species and further clarifications provided by the DS and other MS experts on the temperature applied during the study. The temperature turned out to be appropriate for this test species, in particular with regard to the growth stage investigated, and MSC concluded in agreement with the DS. The majority of the Committee members also shared the view that the lack of the concentration measurements does not invalidate the study in respect to use for identification of endocrine disruption. Considering the consistency of concentration-response curves, it is not likely that significant dosing errors have been made. Actual test concentrations rather may have been lower than the nominal ones due to effects like degradation, adsorption etc.

Following the discussion, MSC went through the text of the Support Document and draft Agreement for PTBP and introduced amendments at the meeting.

MSC unanimously acknowledged that there is scientific evidence of adverse effects which could plausibly be linked to the endocrine activity of PTBP demonstrating that this substance is an endocrine disruptor for the environment and meets the WHO/IPCS definition of an endocrine disrupter.

However, MSC **did not reach** unanimous agreement on the identification of PTBP as an SVHC.

The majority of members supported the conclusion that based on the overall assessment of all the factors, the Annex XV proposal provides sufficient evidence PTBP constitutes an ELoC to CMR and PBT/vPvB substances. However, two members were of the view that based on the currently available data, PTBP did not qualify as being a substance 'of equivalent level of concern' and that more data are needed to come to a clear conclusion on its adverse effects at low exposure concentrations. Consequently, these members did not agree with the majority of MSC and their minority view, submitted after the meeting in writing, will be published in a separate document together with the MSC opinion. One member made a statement (provided in Annex VII of these minutes).

The Chairman thanked the dossier submitter for this SVHC proposal and MSC for the interesting discussions on it, and informed the Committee that the MSC opinion reflecting the majority view of MSC, the minority position of opposing members and the other supporting documentation will be referred to the European Commission for further decision making in committee procedure in accordance with Article 133 (3) of the REACH Regulation.

4-heptylphenol, branched and linear [substances with a linear and/or branched alkyl chain with a carbon number of 7 covalently bound predominantly in position 4 to phenol, covering also UVCB- and well-defined substances which include any of the individual isomers or a combination thereof] (4-HPbl) (EC No. -)

The dossier submitter (DS) representative from the Austrian CA presented to MSC the Annex XV proposal for identification of 4-heptylphenol, branched and linear² (4-HPbl) as SVHCs under Article 57 (f) due to endocrine disrupting properties for which there is evidence of probable serious adverse effects to the environment giving rise to equivalent level of concern (ELOC) to CMR, PBT and vPvB substances under Article 57 (a)-(e). DS explained the rationale for preparing this dossier pointing out its similarity to the previous phenol cases and clarifying that the proposal covers a group of p-heptylphenols with linear or branched alkyl chains in analogy to the previously identified as SVHCs 4-nonylphenol, branched and linear. It was also explained that the SVHC identification proposal for 4-HPbl has been prepared on the basis of *in silico* (QSAR-based) and *in vitro* data, experimental data from the non-standard key study³ (Demska-Zakęś, 2005) used also for identification of PTBP, as well as a read-across to other structurally similar alkylphenols which demonstrates that for alkylphenols, endocrine disrupting properties for the environment occur with alkyl chain lengths of 4,5,7,8 and 9 C-atoms.

The DS outlined the main comments received in the public consultation on this SVHC proposal and the DS's responses to them. The DS noted that comments received on 4-HPbl are very similar to the ones submitted on PTAP and PTBP and have been addressed in a consistent manner in all three proposals, as relevant. Furthermore, despite the critical remarks received as regards the Demska-Zakęś, 2005 study (also a key study in this case), the DS concluded that for the purpose of the SVHC identification, the reliability of the key study by Demska-Zakęś is sufficient, as other available data for 4-HPbl also show that it is an endocrine disruptor causing severe population-relevant effects that persist even after exposure has ceased. Furthermore, there is sufficient information to justify an equivalent level of concern based on the justified read across (based on the substances similarity and modes of action that indicate similar effect pattern across the category).

Relevant MSC conclusions from the discussions on PTAP and PTBP proposals have been applied by analogy to this case when reviewing the 4-HPbl agreement seeking documentation.

An advisor of an MSC member noted that in his MSCA's view for a substance to be ELOC the effect levels observed for the key endocrine endpoint need to be at level equivalent to the environmental classification of Chronic Aquatic 1. However, this interpretation was not supported by the majority of the MSC members.

MSC went through the text of the 4-HPbl Support Document and draft Agreement and introduced some changes in the meeting.

Due to concerns about the validity of the Demska-Zakęś (2005) data (raised in the discussion of the PTBP above), one MSC member agreed to ELOC based only on read-

² Substances with a linear and/or branched alkyl chain with a carbon number of 7 covalently bound predominantly in position 4 to phenol, covering also UVCB- and well-defined substances which include any of the individual isomers or a combination thereof

³ Long-term fish study with *Sander lucioperca* (pikeperch) where the effects of 4-n-heptylphenol, PTBP and other substances on mortality, development (weight, length, condition factor, gonads) and sex ratio (based on histological examination) were investigated (Demska-Zakęś, 2005)

across of ED effects, together with the level of screening biodegradation (not rapidly biodegradable for the purposes of environmental classification).

MSC unanimously acknowledged that for 4-HPbI there is scientific evidence of adverse effects which could plausibly be linked to endocrine activity demonstrating that this substance is an endocrine disruptor for the environment and meets the WHO/IPCS definition of an endocrine disruptor. Further, taking into account the overall assessment of all factors, MSC unanimously agreed on the identification of 4-HPbI as an SVHC under Article 57 (f) of the REACH Regulation, due to their endocrine disrupting properties. One member made a statement (annexed to these minutes, see annex VII). One member abstained from voting.

The Chairman thanked the dossier submitter for the interesting proposal submitted to the SVHC identification process and MSC for its successful deliberations on them.

Benzene-1,2,4-tricarboxylic acid 1,2-anhydride (trimellitic anhydride, TMA) (EC No. 209-008-0)

The DS's representative from the Dutch CA presented to MSC the Annex XV proposal for TMA due to its respiratory sensitising properties. The DS explained that the current SVHC proposal had been developed on the basis of the ECHA's general approach paper⁴ where 'comparison factors for case-by-case assessment' are suggested to be used for assessing the level of concerns considering the health effects and other factors. Further, the DS outlined the key elements in the substance-specific argumentation provided for Article 57 (f) identification, as well as the main comments received in the public consultation on this SVHC proposal and the way they have been addressed in the draft Support document and in the response-to-comments table (RCOM). The DS noted that TMA has harmonised classification as Resp. Sens. Cat.1 and Skin Sens. Cat. 1 in Annex VI of the CLP Regulation, and highlighted the similarity of TMA to the respiratory sensitisers HHPA and MHHPA (both also cyclic anhydrides) which were previously identified as SVHCs. The DS highlighted that based on the effects observed in multiple epidemiological and case studies (human data), it can be concluded that TMA may cause serious health effects that may range from relatively mild (coughing and shortness of breath) to very severe where prolonged exposure may result/progress in serious and permanent organ dysfunction, as well as permanent impairment of lung functions (occupational asthma), rhinitis/conjunctivitis. These effects are similarly observed for the cyclic anhydrides MHHPA and HHPA. As regards, irreversibility of the effects, the DS noted that TMA sensitisation is irreversible⁵ and may cause permanent impairment of lung function. Furthermore, there is clearly societal concern for workers whose quality of life is also affected, as available human data suggest that approximately 7% of the workers develops adverse effects. Although there are human clinical data demonstrating that TMA induces occupational asthma, data are insufficient to derive a no effect level for sensitisation. The DS further noted that depending on the dose, low level exposure may lead to induction followed by gradual development of more severe effects (a delay is observed) or effects may develop upon a single high exposure.

In the following discussion, two members underlined that the current approach for identification of substances as SVHCs due to ELoC (under Article 57 (f) of REACH) is very generic and can be easily applied for all sensitisers and does not make clear differentiation for those causing serious problems of equivalent concern to CMRs and the others with milder effects. These members considered there is a need for further discussion at policy level. However, while some members acknowledged these views, they considered as well that such discussion is not in the remit of MSC which should focus on the particular

⁴Identification of substances as SVHCs due to equivalent level of concern to CMRs (Article 57(f)) – sensitisers as an example: https://echa.europa.eu/documents/10162/13657/svhc_art_57f_sensitisers_en.pdf

⁵ According to the judgement of the General Court 30 April 2015 T-134/13* on HHPA and T-135/13* on MHHPA it is common ground that sensitization is a two phase process of which the first, the induction (or sensitization) phase, is irreversible. The second, the elicitation phase, is reversible after exposure is ceased. However, irreversible damage to and remodelling of the air wall may occur after prolonged exposure.

proposal at-hand and deliberate the arguments provided for SVHC identification on a case-by-case basis.

Further, MSC considered the information provided and the analyses made by the DS on each of the different 'comparison factors' listed in the ECHA's general ELoC approach paper and came to the following conclusions:

MSC unanimously acknowledged that for TMA, there is scientific evidence it is a potent respiratory sensitiser, which has a harmonised classification as a respiratory sensitiser in Annex VI of CLP and causes severe effects to human health after acute or prolonged exposures (with some latency time). The majority of MSC acknowledged that an ongoing exposure to TMA may lead to permanent lung damage.

A majority of MSC members supported the DS's conclusions from its ELoC assessment also with regard to: the type and severity of the adverse health effects caused by TMA, the irreversibility of these health effects, impossibility for/difficulty in DNEL derivation, the negative effects on quality of life of the affected workers and the societal concerns arising from these. However, three members expressed diverging views with regard to the assessment on these ELoC elements and did not agree with the ELoC conclusion (for the reasons listed in their minority position, published on the ECHA website together with the MSC opinion⁶).

The MSC Chairman asked the members to carefully assess all factors and to indicate potential missing information or any points for further considerations as regards the SVHC identification of this substance. The support document and the draft agreement for TMA were further updated to additionally strengthen the reasoning why the substance is considered to have probable serious effects to the human health and is a substance of an equivalent level of concern, by adding a reference to the judgement of the European Court of Justice⁷. In its judgement, the Court re-confirmed that the SVHC identification is based on a hazard assessment and this is also valid for substances manufactured or used under strictly-controlled conditions, so the additional factors considered during an ELoC assessment simply show the wider impacts related to the intrinsic properties of the substance.

When this SVHC proposal was brought to the vote, MSC **did not reach** unanimous agreement on the identification of TMA as an SVHC under Article 57 (f) of REACH.

A majority of the members agreed the available information for TMA was sufficient to conclude that there is scientific evidence of probable serious effects giving rise to an equivalent level of concern in relation to human health (i.e. to substances listed in points (a) to (e) in Article 57 of the REACH Regulation). Three members abstained from voting. One MSC member made a statement (provided in Annex VII to the current minutes).

A minority of three members expressed the view that they do not consider the ELoC assessment conclusions for TMA strong enough to justify an SVHC identification under Article 57 (f) of REACH. Consequently, these members did not agree with the majority of MSC on the identification of TMA and their minority view, submitted after the meeting in writing, will be published in a separate document together with the MSC opinion. Their minority view, submitted after the meeting in writing, will be published together with the MSC opinion on the ECHA website.

In conclusion, the MSC Chairman further clarified the procedural aspects and considerations he had followed when deciding to address TMA for MSC agreement seeking

⁶ <https://echa.europa.eu/role-of-the-member-state-committee-in-the-authorisation-process/svhc-opinions-of-the-member-state-committee>

⁷ General Court's judgements on Case T-134/13 and on case T-135/13 on the SVHC identification of the respiratory sensitisers HHPA and MHHPA:
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=164047&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=506546>
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=164048&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=506433>

in written procedure. He reminded MSC how important the public consultation is for the SVHC identification process, as if there are no comments submitted that trigger the MSC involvement, a substance will go directly for inclusion in the Candidate List. Furthermore, the type and the nature of the challenging comments are assessed by the SECR when considering the most appropriate way for MSC agreement seeking on each proposal and planning the MSC work (written procedures and plenary discussions).

The MSC Chairman thanked the dossier submitter for this SVHC proposal and MSC for the discussions held. He noted that the MSC opinion expressing the view of the majority of the MSC members, the minority position of disagreeing members and the other supporting documentation will be referred to the Commission for further decision making and made publicly available on ECHA website and MSC S-CIRCABC by mid-January 2017.

c. General topics

The MSC observer from the Commission informed MSC about the recent REACH Committee decision on the SVHC identification proposal of hexamethylene diacrylate (hexane-1,6-diol diacrylate) (HDDA). As MSC did not reach unanimous agreement on HDDA identification as an SVHC in December 2015, the MSC opinion, minority position and other supporting documentation were referred to the Commission in the beginning of 2016 for further decision making. MSC was informed that in the case of this Annex XV proposal, the Commission's proposal not to identify HDDA as an SVHC was supported by qualified majority of the REACH Committee's members. The main reason for not following the Annex XV proposal and the MSC majority opinion was that the effects have not been seen sufficiently severe to justify an SVHC identification. The final decision⁸ has been published in the Official Journal on 30 November 2016. Consequently, the Commission has informed ECHA about the outcome on this SVHC identification proposal and as HDDA has not been identified as an SVHC, it will not be included in the Candidate List.

Item 9 – ECHA's recommendations of priority substances to be included in Annex XIV

First discussion of the prioritisation results for ECHA's 8th draft recommendation of substances to be included in Annex XIV.

SECR presented the results of the prioritisation assessment to MSC. All substances on the Candidate List added by December 2015 and which had not yet been recommended to Annex XIV had been assessed for their priority and the results were presented both in terms of scores and verbal description for inherent properties, volumes and wide-dispersive use. For this assessment the registrations had been checked for updates (up to October 2016), including changes in volumes and uses, registration status (if changed) or changes and any updates regarding other regulatory processes. Grouping considerations may also apply for substances already included in Annex XIV and those on the Candidate List.

In its observations SECR separately listed the substances with the highest priority and noted some further considerations which may apply to few of the substances. SECR indicated that these results were not yet a draft 8th recommendation but rather invited for any views and comments on this updated prioritisation assessment as a further basis for ECHA to draft the 8th recommendation in advance of MSC-52. SECR also reminded that the preliminary prioritisation assessment in preparation of the 8th recommendation had been presented already at MSC-46 (in February 2016).

⁸ Commission implementing decision (EU) 2016/2091 of 28 November 2016 not to identify hexamethylene diacrylate (hexane-1,6-diol diacrylate) (HDDA) as a substance of very high concern pursuant to Article 57(f) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council (notified under document C(2016) 7524)

Discussion on the draft 8th recommendation is scheduled for MSC-52 which will be followed by launch of the public consultation in early March 2017. The Chairman concluded the item by expressing the hope to be able to appoint a Rapporteur and a Working Group to support the Rapporteur in February after first initiating a search for volunteers.

COM representative informed MSC about the vote in the REACH Committee for the 5th amendment of Annex XIV indicating that 12 substances from ECHA's 5th and 6th recommendations were chosen for inclusion. In addition, the draft amendment proposes later latest application dates and later sunset dates for the use of some substances in the production of legacy spare parts.

Item 10 – Any other business

- Update on project to harmonise the use of WoE and uncertainty within ECHA processes

SECR gave a presentation on internal ECHA work on weight of evidence (WoE) and uncertainty. SECR will send a questionnaire on these topics to MSCAs, Expert Groups of ECHA and MSC. MSC took note of the overview and both MSC members and stakeholder observers will provide feedback to the questionnaire by its deadline.

- Suggestions from members

MSC was invited to provide inputs into a survey in preparation for an OECD review to determine how often *in vivo* non-mammalian regulatory ecotoxicology studies are repeated due to deviations from OECD test guidelines due to regulatory rejection. The survey is managed by National Centres for the Replacement, Refinement and Reduction of Animals in Research in the United Kingdom. The intention is based on the survey to analyse how important those deviations are that are most often reported as being the reason for study rejection.

Some MSC members flagged a need to increase members' awareness on progress in guidance development as well as work carried out in Expert Groups of ECHA. MSC agreed to better align and channel information on topics relevant to it.

Item 11 – Adoption of main conclusions and action points

The conclusions and action points of the meeting were adopted (see Part IV).

II. List of attendees

Members/Alternate members	ECHA staff
ALMEIDA, Inês (PT)	AJAO, Charmaine
ANDRIJEWSKI, Michal (PL)	BALDUYCK, Bo
COCKSHOTT, Amanda (UK)	BERCARU, Ofelia
COSGRAVE, Majella (IE)	BICHLMAIER, Ingo
DEIM, Szilvia (HU)	BROERE, William
DIMCHEVA, Tsvetanka (BG)	CARLON, Claudio
DUNAUSKIENE, Lina (LT)	DE WOLF, Watze
FINDENEGG, Helene (DE)	DELOFF-BIALEK, Anna
HUMAR-JURIC, Tatjana (SI)	DREVE, Simina
JANTONE, Anta (LV)	FOTAKIS, George
KOUTSODIMOU, Aglaia (EL)	HALLING, Katrin
KREKOVIĆ, Dubravka (HR)	HAUTAMÄKI, Anne
KULHANKOVA, Pavlína (CZ)	HERBATSCHKEK, Nicolas
LONDESBOROUGH, Susan (FI)	HUUSKONEN, Hannele
LUNDBERGH, Ivar (SE)	JAAGUS, Triin
MARTÍN, Esther (ES)	JOHANSSON, Matti
MIHALCEA UDREA, Mariana (RO)	JUTILA, Arimatti
PALEOMILITOU, Maria (CY)	KARHU, Elina
PISTOLESE, Pietro (IT)	KREUZER, Paul
REIERSON, Linda (NO)	LE CURIEUX, Frank
STESSEL, Helmut (AT)	LEPPER, Peter
TYLE, Henrik (DK)	MÜLLER, Birgit
VANDERSTEEN, Kelly (BE)	NAUR, Liina
VESKIMÄE, Enda (EE)	O'FARRELL, Norah
WAGENER, Alex (LU)	RÖCKE, Timo
WIJMENGA, Jan (NL)	RÖNTY, Kaisu
WODLI, Jordane (FR)	SCHOENING, Gabriele
Representatives of the Commission	SCHULTHEISS, Christian
BERTATO, Valentina (DG GROW)	SOBANSKA, Marta
KOBE, Anrej (DG ENV)	STILGENBAUER, Eric
Observers	THUVANDER, Ann
ANNYS, Erwin (Cefic)	TRNKA, Jan Peter
BERNARD, Alice (ClientEarth)	VAHTERISTO, Liisa
FAßBENDER, Christopher (PISC)	VASILEVA, Katya
HÖK, Frida (ChemSec)	WOLLENBERGER, Leah
KERÄNEN, Hannu (CONCAWE)	CALEY, Jane
TAYLOR, Katy (ECEAE)	
WAETERSCHOOT, Hugo (Eurometaux)	

Proxies

- PISTOLESE, Pietro (IT) also acting as proxy of BORG, Ingrid (MT)
- DEIM, Szilvia (HU) also acting as proxy of COSGRAVE, Majella (IE) from 14:15 onwards on 16 December
- FINDENEGG, Helene (DE) also acting as proxy of MARTÍN, Esther (ES) from the noon onwards on 16 December
- FINDENEGG, Helene (DE) also acting as proxy of VANDERSTEEN, Kelly (BE) from 14:00 onwards on 16 December
- HUMAR JURIC, Tatjana (SI) also acting as proxy of MIHALCEA UDREA (RO) from the noon onwards on 16 December
- KOUTSODIMOU, Aglaia (EL) also acting as proxy of PALEOMILITOU, Maria (CY) on 12 and 16 December
- LONDESBOROUGH, Susan (FI) also acting as proxy of COCKSHOTT, Amanda (UK) from 14:00 onwards on 16 December
- MARTIN, Esther (ES) also acting as proxy of WODLI, Jordane (FR) on 12-14 December

- STESSEL, Helmut (AT) also acting as proxy of WAGENER, Alex (LU) from 11:00 onwards on 16 December
- TYLE, Henrik (DK) also acting as proxy of DUNAUSKIENE, Lina (LT) during short periods on 12-16 December

Experts and advisers to MSC members

ALTMANN, Dominik (AT) (expert to STESSEL, Helmut)
 ATTIAS, Leonello (IT) (expert to PISTOLESE, Pietro)
 BARTHELEMY BERNERON, Johanna (FR) (expert to WODLI, Jordane)
 BUDASOVA, Jana (EE) (expert to VESKIMÄE, Enda)
 COPOIU, Oana (RO) (expert to MIHALCEA UDREA, Mariana)
 DE KNECHT, Joop (NL) (expert to WIJMENGA, Jan)
 DEMIERRE, Anne-Laure (BE) (adviser to VANDERSTEEN, Kelly)
 DOBRAK-VAN BERLO, Agnieszka (BE) (expert to VANDERSTEEN, Kelly)
 DOYLE, Ian (UK) (adviser to COCKSHOTT, Amanda)
 GRACZYK, Anna (PL) (expert to ANDRIJEWSKI, Michal)
 GRINCEVICIUTE, Otilija (LT) (expert to DUNAUSKIENE, Lina)
 INDANS, Ian (UK) (expert to COCKSHOTT, Amanda)
 KOZMIKOVA, Jana (CZ) (expert to KULHANKOVA, Pavlina)
 LOSERT, Anne-Marie (AT) (adviser to STESSEL, Helmut)
 MALKIEWICZ, Katarzyna (SE) (expert to LUNDBERGH, Ivar)
 NYGREEN, Beryl. C. (NO) (expert to REIERSON, Linda)
 RISSANEN, Eeva (FI) (adviser to LONDESBOROUGH, Susan)
 TARNÓCZAI, Timea (HU) (expert to DEIM, Szilvia)
 TERENDIJ, Carline (FR) (adviser to WODLI, Jordane)
 UNKELBACH, Christian (DE) (expert to FINDENEGG, Helene)
 ZELJEZIC, Davor (HR) (expert to KREKOVIĆ, Dubravka)

MSCA experts for SEV cases

BOISEN, Anne Mette (DK)
 JÖHNCKE, Ulrich (DE)
 KINZL, Max (AT)
 REILER, Emilie (DK)
 RÖHL, Martine (BE)

MSCA experts for SVHC cases

ROSENTHAL, Esther (DE)
 STOCK, Frauke (DE)
 STOCKER, Eva (AT)
 VAN BROEKHUIZEN, Fleur (NL)

By WEBEX/phone connection:

During the agenda item 6: Els BOEL (BE), Catherine MEYS (BE), Eric VERBRUGGEN (NL), Annemarie LOSERT (AT) and Marie Louise HOLMER (DK)
 During the agenda items 6 and 7: Mandy LOKAJ (DE)
 During the agenda items 6 and 8: Simone MÜHLEGGGER (AT), Romana HORNEK-GAUSTERER (AT) and Ingrid HAUZENBERGER (AT)
 During the agenda item 8: Wouter TER BURG (NL) and Sabine GERMER (DE)

Case owners:

Representatives of the Registrants were attending under the agenda item 6b for SEV-AT-002/2014, SEV-DE-010/2015 and SEV-DK-012/2015; under the agenda item 7b for CCH-108/2016 and TPE-075/2016.

Apologies:

BORG, Ingrid (MT)
 FRANZ, Michel (FR)
 RUSNAK, Peter (SK)

III. Final Agenda



MSC/A/051/2016

Agenda

51st meeting of the Member State Committee

12-16 December 2016
ECHA Conference Centre
Annankatu 18, in Helsinki, Finland

12 December: starts at 9 am
16 December: ends at 4 pm

Item 1 – Welcome and Apologies

Item 2 – Adoption of the Agenda

MSC/A/051/2016

For adoption

Item 3 – Declarations of conflicts of interest to items on the Agenda

Item 4 – Administrative issues

- Outlook for MSC-52
- Refresher on ethics and integrity

For information

ECHA/MSC-51/2016/001

For information

Item 5 – Minutes of the MSC-50

- Draft minutes of MSC-50

MSC/M/50/2016

For adoption

Item 6 – Substance evaluation

Start of item 6.2b is Day 1 (pm)
Closed session for 6.2c

3. Community Rolling Action Plan (CoRAP) & MSC opinion development

Preparations for the MSC opinion on the draft update of Community Rolling Action Plan (CoRAP)

- Report by the Rapporteur and discussion on the first draft opinion of MSC

4. Decision making process

a. Written procedure report on seeking agreement on draft decisions on substance evaluation

ECHA/MSC-51/2016/003
For information

b. Introduction to and preliminary discussion on draft decisions on substance evaluation after MS-CA's/ECHA reactions (*Session 1, open*):

ECHA/MSC-51/2016/004

For discussion followed by agreement seeking under 6.2c:

MSC code	Substance name	EC No./ Documents
SEV-BE-002/2015	propyl 4-hydroxybenzoate	202-307-7 ECHA/MSC-51/2016/021-022
SEV-AT-002/2014	2,2',6,6'-tetra-tert-butyl-4,4'-methylenediphenol	204-279-1 ECHA/MSC-51/2016/015-016
SEV-DK-014/2015	2,3-epoxypropyl neodecanoate	247-979-2 ECHA/MSC-51/2016/019-020
SEV-DE-010/2015	1-[4-(1,1-dimethylethyl)phenyl]-3-(4-methoxyphenyl)propane-1,3-dione	274-581-6 ECHA/MSC-51/2016/017-018
SEV-DK-012/2015	2,2',6,6'-tetrabromo-4,4'-isopropylidenediphenol	201-236-9 ECHA/MSC-51/2016/023-024 For discussion

c. Seeking agreement on draft decisions when amendments were proposed by MS-CA's/ECHA (*Session 2, closed*)

Cases as listed above under **6.2b**

For agreement

d. General topics

- Appeals update⁹

For information

Item 7 – Dossier evaluation

**Start of item 7b is Day 3 (pm)
Closed session for 7c**

a. Written procedure report on seeking agreement on draft decisions on dossier evaluation

ECHA/MSC-51/2016/005
For information

⁹ A combination of Appeal updates for Substance and Dossier Evaluation may be introduced, if appropriate.

b. Introduction to and preliminary discussion on draft decisions on compliance checks and testing proposals when amendments were proposed by MS-CA's (Session 1, open)

ECHA/MSC-51/2016/006

For discussion followed by agreement seeking under 7c:

Compliance checks

MSC code	Substance name	EC No/ Document
CCH-108/2016	Vinyl acetate	203-545-4 ECHA/MSC-51/2016/009-010

Testing proposal examinations

MSC code	Substance name	EC No. / Document
TPE-075/2016	Praseodymium(III,IV) oxide	234-857-9 ECHA/MSC-51/2016/011-012

For discussion

c. Seeking agreement on draft decisions on compliance checks and testing proposal examinations when amendments were proposed by MS-CA's (Session 2, closed)

Cases as listed above under **7b** and a case returned from written procedure for agreement seeking in the meeting:

CCH-098/2016 ¹⁰	Ethanol, 2,2'-oxybis-, reaction products with ammonia, morpholine derivs. residues	272-712-1
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For agreement

e. Decision making process general topics

- Appeals update¹

For information

Item 8 – SVHC identification

Start of item 8 is Day 1 (am)

a. Written procedure report on seeking agreement on identification of SVHCs

ECHA/MSC-51/2016/013 (room document)
For information

b. Seeking agreement on Annex XV proposals for identification of SVHC

Substance name	EC No.	Document
p-(1,1-dimethylpropyl)phenol (pentylphenol, PTAP)	201-280-9	ECHA/MSC-51/2016/031-033
4-tert-butylphenol (PTBP)	202-679-0	ECHA/MSC-51/2016/028-030
4-heptylphenol, branched and linear [substances with a linear and/or branched alkyl chain with a carbon number of 7 covalently bound predominantly in position 4]	-	ECHA/MSC-51/2016/025-027

¹⁰ Documents are available in MSC S-CIRCABC in a substance specific folder for dossier evaluation

to phenol, covering also UVCB- and well-defined substances which include any of the individual isomers or a combination thereof] (4-HPib)

Benzene-1,2,4-tricarboxylic acid 1,2-anhydride (trimellitic anhydride, TMA)

209-008-0

ECHA/MSC/D/2016/196-198

For discussion and agreement

c. General topics

For information

Item 9 – ECHA’s recommendations of priority substances to be included in Annex XIV

First discussion of the prioritisation results for ECHA’s 8th draft recommendation of substances to be included in Annex XIV

ECHA/MSC-51/2016/014

For information and discussion

Item 10 – Any other business

- Update on project to harmonise the use of WoE and uncertainty within ECHA processes
- Suggestions from members

For information

Item 11 – Adoption of main conclusions and action points

- Table with conclusions and action points from MSC-51

For adoption

Information documents:

Information documents are not allocated a specific agenda time but the documents are available on MSC CIRCABC before the meeting. Based on the listed documents and the meeting agenda, if any MSC member considers that information documents may merit a discussion under any agenda point, they should inform MSC Secretariat

- Status report on on-going dossier evaluation work (Presentation slides)
- Note on substance evaluation consistency screening of 2016 substances

IV. Main Conclusions and Action Points



Main conclusions and action points MSC-51, 12-16 December 2016 (adopted at MSC-51)

CONCLUSIONS / DECISIONS / MINORITY OPINIONS	ACTIONS REQUESTED
Item 4 – Administrative issues <ul style="list-style-type: none"> • Outlook for MSC-52 • Refresher on ethics and integrity 	
Item 5 – Minutes of the MSC-50	
MSC adopted the draft minutes as submitted for the meeting.	MSC-S to upload final version of the minutes on MSC CIRCABC by 16 December 2016 and on ECHA website without undue delay.
Item 6 – Substance evaluation 6.1 Community Rolling Action Plan (CoRAP) & MSC opinion development Preparations for the MSC opinion on the draft update of Community Rolling Action Plan (CoRAP). Report by the Rapporteur and discussion on the first draft opinion of MSC opinion on the draft Community Rolling Action Plan (CoRAP).	
MSC took note of the update.	MSC members to send comments to Rapporteur on the draft CoRAP opinion by 12 January 2017.
Item 6.2 - Substance evaluation - Decision making process	
a) Written procedure report on seeking agreement on draft decisions on substance evaluation	
MSC took note of the written procedure report.	MSC-S to upload on MSC CIRCABC the final ECHA decisions agreed in written procedure.
b) Introduction to and preliminary discussion on draft decisions on substance evaluation after MS-CA's/ECHA reactions (Session 1, open session) c) Seeking agreement on draft decisions when amendments were proposed by MS-CA's/ECHA (Session 2, closed)	
MSC reached unanimous agreement on the following ECHA draft decisions as modified in the meeting: SEV-AT-002/2014 2,2',6,6'-tetra-tert-butyl-4,4'-methylenediphenol (EC No. 204-279-1) SEV-BE-002/2015 propyl 4-hydroxybenzoate (EC No. 202-307-7) SEV-DE-010/2015 1-[4-(1,1-dimethylethyl)phenyl]-3-(4-methoxyphenyl)propane-1,3-dione (EC No. 274-581-6) SEV-DK-014/2015 2,3-epoxypropyl neodecanoate (EC No. 247-979-2) SEV-DK-012/2015 2,2',6,6'-tetrabromo-4,4'-isopropylidenediphenol (EC No. 201-236-9)	MSC-S to upload on MSC CIRCABC the final ECHA decisions of the agreed cases. eMSCA's and ECHA to perform and implement editorial checks.

CONCLUSIONS / DECISIONS / MINORITY OPINIONS	ACTIONS REQUESTED
MSC mandated ECHA and eMSCAs to perform and implement final editorial checks on the decisions.	
Item 7 – Dossier evaluation a) Written procedure report on seeking agreement on draft decisions on dossier evaluation	
MSC took note of the report.	MSC-S to upload on MSC CIRCABC the final ECHA decisions agreed in written procedure.
Item 7 – Dossier evaluation b) Introduction to and preliminary discussion on draft decisions on testing proposals and compliance checks after MS-CA reactions (Session 1, open session) c) Seeking agreement on draft decisions on a testing proposal examination and a compliance check when amendments were proposed by MS-CA's (Session 2, closed)	
<p>MSC reached unanimous agreement on the following ECHA draft decisions (as modified in the meeting):</p> <p>CCH-098/2016 Ethanol, 2,2'-oxybis-, reaction products with ammonia, morpholine derivs. residues (EC No. 272-712-1)</p> <p>CCH-108/2016 Vinyl acetate (EC No. 203-545-4)</p> <p>TPE-075/2016 Praseodymium(III,IV) oxide (EC No. 234-857-9)</p>	MSC-S to upload on MSC CIRCABC the final ECHA decisions of the agreed cases.
Item 8 – SVHC identification a) Written procedure report on seeking agreement on identification of SVHC	
MSC took note of the report.	MSC-S to upload on MSC S-CIRCABC the final MSC documents on the substances identified as SVHCs in written procedure. SECR to add the newly identified SVHCs to the Candidate List (update foreseen by mid-January 2017).
Item 8 – SVHC identification b) Seeking agreement on Annex XV proposals for identification of SVHC	
<p>MSC unanimously agreed to identify the following substances as SVHCs (and unanimously agreed on their SDs and agreements):</p> <ul style="list-style-type: none"> • 4-heptylphenol, branched and linear [substances with a linear and/or branched alkyl chain with a carbon number of 7 covalently bound predominantly in position 4 to phenol, covering also UVCB- and well-defined substances which include any of the individual isomers or a combination thereof] (4-HPIb) • p-(1,1-dimethylpropyl)phenol (pentylphenol, PTAP) (EC No. 201-280-9) 	MSC-S to upload the agreements and support documents on MSC S-CIRCABC and to publish them, as well as the RCOMs, on the ECHA website. SECR to add the newly identified SVHCs to the Candidate List (update foreseen by mid-January 2017).
<p>MSC considered the Annex XV proposal for SVHC identification of</p> <ul style="list-style-type: none"> • Benzene-1,2,4-tricarboxylic acid 1,2-anhydride (trimellitic anhydride, TMA) (EC No. 209-008-0) <p>under Article 57(f) as giving rise to an equivalent level of concern due respiratory sensitising properties. MSC unanimously acknowledged that for TMA, there is scientific evidence it is a respiratory sensitiser, which causes severe effects to human health after acute or prolonged exposures (with some latency time). The majority of MSC acknowledged</p>	<p>MSC members who voted against the SVHC identification of TMA and PTBP to provide their minority views in writing to the MSC-S. The draft versions are due by 15 December, and the final versions by 20 December 2016.</p> <p>Those MSC members who made statements (with their TMA and/or PTBP votes) and requested for their attachment to the minutes to provide these statements in writing</p>

CONCLUSIONS / DECISIONS / MINORITY OPINIONS	ACTIONS REQUESTED
<p>that an ongoing exposure to TMA may lead to permanent lung damage.</p> <p>Unanimous agreement of MSC on TMA identification as an SVHC under Article 57(f) was not reached. A majority of the members supported this substance's SVHC identification, whereas a minority of three members held a different view with regard to the ELoC assessment conclusion.</p> <p>MSC considered the Annex XV proposal for SVHC identification of</p> <ul style="list-style-type: none"> • 4-tert-butylphenol (PTBP) (EC No. 202-679-0) <p>under Article 57(f) because of its endocrine disrupting properties which cause probable serious effects to the environment which give rise to an equivalent level of concern to those of CMR and PBT/vPvB substances. MSC unanimously acknowledged that for PTBP there is scientific evidence that PTBP is an endocrine disruptor.</p> <p>Unanimous agreement of MSC on PTBP identification as an SVHC under Article 57(f) was not reached. A majority of the members supported this substance's SVHC identification, whereas a minority of two members held a different view with regard to the ELoC assessment conclusion.</p>	<p>to the MSC-S by 20 December 2016.</p> <p>MSC-S to finalise the MSC opinions documentation on TMA and PTBP without undue delay.</p> <p>MSC-S to refer the MSC opinions on TMA and PTBP, the minority positions and the other supporting documentation to the Commission for further decision making by 16 January 2017.</p> <p>MSC-S to upload MSC opinions on TMA and PTBP, the minority positions and the other supporting documentation on MSC S-CIRCABC and on the ECHA website by 16 January 2017.</p>
<p>Item 9 – ECHA's recommendations of priority substances to be included in Annex XIV</p> <p>First discussion of the prioritisation results for ECHA's 8th draft recommendation of substances to be included in Annex XIV</p>	
<p>MSC took note of the prioritisation results.</p> <p>MSC took note of the possibility to become Rapporteur or WG member for drafting the MSC opinion on the next recommendation for Annex XIV.</p>	<p>MSC to provide any further comments by 6 January 2017.</p> <p>MSC members to consider volunteering. Expressions of interest can be indicated to MSC-S by 13 January 2017.</p> <p>MSC Chairman to send out the invitation for expressions of interest by 20 December, and follow-up with members interested by 20 January 2017.</p> <p>MSC Chairman to approach further members in advance of MSC-52 if no or only a limited number of expressions of interests are received then.</p>
<p>Item 10 – Any other business</p> <p>Update on project to harmonise the use of WoE and uncertainty within ECHA processes</p> <p>Suggestions from members</p>	

CONCLUSIONS / DECISIONS / MINORITY OPINIONS	ACTIONS REQUESTED
<p>MSC took note on the presentation on weight of evidence (WoE).</p> <p>MSC took note on an OECD project titled "Critical assessment of deviations from technical requirements in OECD vertebrate non-mammalian Ecotoxicology Test Guidelines", managed by NC3Rs (National Centre for the Replacement, Refinement and Reduction of Animals in Research) in the UK, aiming to assess the outcome of study deviations.</p> <p>Some members flagged a need to increase members' awareness on progress in guidance development as well as work carried out in Expert Groups of ECHA.</p>	<p>MSC members and stakeholders are asked to provide comments by 6th of February 2017 on a questionnaire on WoE they will receive via MSC-S.</p> <p>MSC members and stakeholders are asked to complete specific surveys by the end of 2016 (CROs on regulatory ecotoxicology tests: https://www.surveymonkey.co.uk/r/CROslabs ; companies sponsoring regulatory ecotoxicology tests: https://www.surveymonkey.co.uk/r/sponsors1 ; regulatory agencies and CAs dealing with registrations: https://www.surveymonkey.co.uk/r/Regulators1 .</p> <p>MSC Chairman to contact respective units in ECHA to agree on ways to better align and channel information towards MSC on topics relevant to it.</p> <p>MSC members are asked to be in contact with their representatives and Guidance development groups to further increase awareness within MSC and those groups on ongoing discussion topic(s).</p>
<p>Item 11– Adoption of main conclusions and action points</p>	
<p>MSC adopted the main conclusions and action points of MSC-51 at the meeting.</p>	<p>MSC-S to submit draft minutes of MSC-51 for commenting by 13 January 2017.</p> <p>MSC-S to upload the main conclusions and action points on MSC CIRCABC by 16 December 2016.</p>

V. Substance evaluation cases addressed for MSC agreement seeking in written procedure (WP):

Draft decision unanimously agreed by MSC in WP

MSC ID number	Substance name used in draft decision	EC/List number
SEV-SE-034/2014	Imidazolium compounds, 2-C17-unsatd.-alkyl-1-(2-C18-unsatd. amidoethyl)-4,5-dihydro-N-methyl, Me sulfates	931-745-8
SEV-EE-016/2015	reaction mass of 4,4'-methylenediphenyl diisocyanate and o-(p-isocyanatobenzyl) phenyl isocyanate / methylene diphenyl diisocyanate	905-806-4
SEV-FI-017/2015	resin acids and rosin acids, hydrogenated, esters with pentaerythritol (HRPE)	264-848-5
SEV-FI-018/2015	resin acids and rosin acids, hydrogenated, esters with glycerol (HRGE)	266-042-9

VI. Dossier evaluation cases addressed for MSC agreement seeking in the written procedure (WP)

MSC unanimously agreed on dossier evaluation draft decisions in the written procedure:

Compliance checks (CCH)

MSC ID number	Substance name used in draft decision	EC number
CCH-097/2016	Mequinol	205-769-8
CCH-100/2016	2,2-dioctyl-1,3,2-oxathiasannolan-5-one	239-581-2
CCH-101/2016	Trioctyl benzene-1,2,4-tricarboxylate	201-877-4
CCH-102/2016	Tetrahydrothiophene 1,1-dioxide	204-783-1
CCH-109/2016	Sodium 3-nitrobenzenesulphonate	204-857-3
CCH-110/2016	Sodium 3-nitrobenzenesulphonate	204-857-3
CCH-111/2016	1H-Imidazole-1-ethanol, 4,5-dihydro-, 2-nortall-oil alkyl derivs	263-171-2

Testing proposal examinations (TPE)

MSC ID number	Substance name used in draft decision	EC number
TPE-076/2016	N-octadecylstearamide	236-276-6
TPE-079/2016	4-methylmorpholine 4-oxide, monohydrate	231-391-8
TPE-084/2016	1H-Imidazole-1-ethanol, 4,5-dihydro-, 2-nortall-oil alkyl derivs.	263-171-2

VII. Statements as regards agenda item 8b 'Seeking agreement on Annex XV proposals for identification of SVHCs'

- **Statement of MSC member from FI** regarding SVHC identification on 4-heptylphenol (branched and linear), p-(1,1-dimethylpropyl)phenol and 4-tert-butylphenol - Equivalent level of concern having probable serious effects to the environment (REACH Article 57 f)

The member of the MSC for Finland supports the identification of 4-heptylphenol (branched and linear), p-(1,1-dimethylpropyl)phenol and 4-tert-butylphenol as substances of very high concern based on REACH article 57f. The support is based on a weight-of-evidence approach taking into account read-across between the substances and to previously identified alkylphenols (nonyl- and octylphenol) and the precautionary principle.

The member of the MSC for Finland considers that the reliability of the key study for 4-heptyl- and 4-tert-butylbutylphenol ([Demska-Zakeś, 2005](#)) is not possible to assign due to limitations in the study design and in its documentation. Based on the properties of the substances, it is expected that maintenance on test substance concentrations in the test medium is challenging. However, only nominal concentrations are available. No raw data is available (number of males, female, intersex in individual replicates) and details on histological determinations are missing. The number of replicates used in the study (2 or 3) is unclear. Therefore, the results from the study can be used only as supporting evidence.

- **Statement of MSC member from UK** regarding SVHC proposal on Benzene-1,2,4-tricarboxylic acid 1,2-anhydride or Trimellitic anhydride (TMA) (EC No. 209-008-0)-Equivalent level of concern having probable serious effects to human health (REACH Article 57 f)

Respiratory sensitizers may be identified as SVHC where it can be shown that they are of an equivalent level of concern (ELoC) to CMR substances. It has been agreed that the ELoC assessment should be made on a case-by-case basis and it should be demonstrated that the impacts caused by these substances on both the health of affected individuals and society as a whole are comparable to the impact of CMRs.

Currently the assessment considers a number of factors to conclude on ELoC:

- Type and severity of possible health effects
- Irreversibility of health effects
- Delay of health effects
- Derivation of a safe level of exposure
- Quality of life
- Societal concern

In the cases considered so far, these factors have been assessed on a generic level which will apply equally to all substances classified as respiratory sensitizers (which are in scope of Authorisation). We therefore consider that some other criteria should be applied; otherwise simply being classified as a respiratory sensitizer is sufficient to be identified as SVHC which does not appear to have been the intent of the legislator. Further consideration of these factors should be made to separate respiratory sensitizers where there is a clear need for additional action owing to ongoing cases of ill health from those which are being effectively managed.

Initially it should be shown that there are current real concerns regarding risks and that authorisation is the most appropriate risk management measure to control the identified risks. Consideration should be given to the consequences and proportionality of such an action and whether substitution is possible and/or necessary.

As such we currently cannot support this proposal to identify TMA as an SVHC Article 57(f).