Decision number: TPE-D-2114313372-62-01/F Helsinki, 08 January 2016

DECISION ON TESTING PROPOSAL(S) SET OUT IN A REGISTRATION PURSUANT TO ARTICLE 40(3) OF REGULATION (EC) NO 1907/2006

For Reaction mass of Amines, coco alkyl and β-Alanine, N-(2-carboxyethyl)-, N-coco alkyl derivs. and β-Alanine, N-coco alkyl derivs., EC No 915-790-0(CAS No NS), registration number: [redacted]

Addressee: [redacted]

The European Chemicals Agency (ECHA) has taken the following decision in accordance with the procedure set out in Articles 50 and 51 of Regulation (EC) No 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH Regulation).

I. Procedure

Pursuant to Article 40(1) of the REACH Regulation, ECHA has examined the following testing proposals submitted as part of the registration dossier in accordance with Articles 10(a)(ix) and 12(1)(d) thereof for Reaction mass of Amines, coco alkyl and β-Alanine, N-(2-carboxyethyl)-, N-coco alkyl derivs. and β-Alanine, N-coco alkyl derivs., EC No 915-790-0, submitted by [redacted] (Registrant).

- Repeated dose toxicity: oral (OECD 408) in rats;
- Developmental toxicity / teratogenicity study (OECD 414).

This decision is based on the registration as submitted with submission number [redacted], for the tonnage band of 100 to 1000 tonnes per year.

This decision does not take into account any updates after 21 September 2015, i.e. 30 calendar days after the end of the commenting period.

This decision does not imply that the information provided by the Registrant in his registration dossier is in compliance with the REACH requirements. The decision does not prevent ECHA from initiating a compliance check on the registration at a later stage.

ECHA received the registration dossier containing the above-mentioned testing proposals for further examination pursuant to Article 40(1) on 28 May 2013.

ECHA held a third party consultation for the testing proposals from 12 December 2014 until 26 January 2015. ECHA received information from third parties (see section III below).

On 14 July ECHA sent the draft decision to the Registrant and invited him to provide comments within 30 days of the receipt of the draft decision. That draft decision was based on the registration dossier as updated by submission number [redacted].

On 20 August ECHA received comments from the Registrant agreeing to ECHA's draft decision.

On 29 October ECHA notified the Competent Authorities of the Member States of its draft decision and invited them pursuant to Article 51(1) of the REACH Regulation to submit proposals for amendment of the draft decision within 30 days of the receipt of the notification.

As no proposal for amendment was submitted, ECHA took the decision pursuant to Article 51(3) of the REACH Regulation.

II. Testing required

A. Tests required pursuant to Article 40(3)

The Registrant shall carry out the following proposed tests pursuant to Article 40(3)(a) and 13(4) of the REACH Regulation using the indicated test methods and the registered substance subject to the present decision:

1. Sub-chronic toxicity study (90-day), oral route (Annex IX, Section 8.6.2.; test method: EU B.26/ OECD 408) in rats;
2. Pre-natal developmental toxicity study, oral route (Annex IX, Section 8.7.2.; test method: EU B.31/ OECD 414) in rats or rabbits.

Note for consideration by the Registrant:

The Registrant may adapt the testing requested above according to the specific rules outlined in Annexes VI to X and/or according to the general rules contained in Annex XI of the REACH Regulation. In order to ensure compliance with the respective information requirement, any such adaptation will need to have a scientific justification, referring to and conforming with the appropriate rules in the respective Annex, and an adequate and reliable documentation.

Failure to comply with the request(s) in this decision, or to fulfil otherwise the information requirement(s) with a valid and documented adaptation, will result in a notification to the Enforcement Authorities of the Member States.

B. Deadline for submitting the required information

Pursuant to Articles 40(4) and 22(2) of the REACH Regulation, the Registrant shall submit to ECHA by **15 January 2018** an update of the registration dossier containing the information required by this decision, including, where relevant, an update of the Chemical Safety Report. The timeline has been set to allow for sequential testing as appropriate.

III. Statement of reasons

The decision of ECHA is based on the examination of the testing proposals submitted by the Registrant for the registered substance and scientific information submitted by third parties.

A. Tests required pursuant to Article 40(3)

1. Repeated dose toxicity study (Annex IX, Section 8.6.2)

a) Examination of the testing proposal

Pursuant to Article 40(3)(a) of the REACH Regulation, ECHA may require the Registrant to carry out the proposed test.
A sub-chronic toxicity study (90 day) is a standard information requirement as laid down in Annex IX, Section 8.6.2. of the REACH Regulation. The information on this endpoint is not available for the registered substance but needs to be present in the technical dossier to meet the information requirements. Consequently there is an information gap and it is necessary to provide information for this endpoint.

The Registrant has submitted a testing proposal for a sub-chronic toxicity study (90 day) in rats via the oral route (EU B.26/OECD 408) with the following justification: *"experimental study planned".*

ECHA considers that the proposed study, via the oral route is appropriate to fulfil the information requirement of Annex IX, Section 8.6.2. of the REACH Regulation because the proposed route is the most appropriate route of administration having regard to the likely route of human exposure due to the following reasons.

After considering the arguments related to the properties of the substance, namely the high irritancy potency (liquid with low vapour pressure classified as corrosive to the skin and damaging to the eyes, water soluble) and the information provided on the uses and human exposure (no uses with spray application), ECHA considers that testing by the oral route is most appropriate.

The Registrant proposed testing in rats. According to the test method EU B.26/ OECD 408, the rat is the preferred species. ECHA considers this species as being appropriate and testing should be performed with the rat.

b) Consideration of the information received during third party consultation

ECHA received third party information concerning the testing proposal during the third party consultation. For the reasons explained further below the information provided by third parties is not sufficient to fulfil this information requirement.

The third party has indicated that "*In view of the corrosive nature of the substance, the absence of systemic toxicity and predominant marked local gastrointestinal effects at all dose levels from 22 to 200 mg/kg bw/d in an oral screening study according to OECD Test Guideline 422 the additional informative value of the proposed oral sub-chronic toxicity study is disputable. For animal welfare reasons dosing would have be to be adjusted in the planned study. A weight-of-evidence approach as an alternative may rely on existing sub-acute and chronic toxicity data of primary alkyl amines (octadecylamine, tallow alkylamines) and sodium N-(2-carboxyethyl)-N-(2-ethylhexyl)-β-alaninate which are structurally related to constituents of the registered UVCB substance. All investigated chemicals induced signs of gastrointestinal corrosion and inflammation. Whereas systemic toxicity effects of N-(2-carboxyethyl)-N-(2-ethylhexyl)-β-alaninate and octadecylamine were not observed, N-tallow (C8-18) alkyl amines were found be toxic to the liver and to affect clinical-chemistry and haematology parameters (LOAEL 12.5 mg/kg bw/d). See attachment for details."*

The third party has referred to the corrosive property of the substance and to the need to adjust the test doses in the proposed oral study for animal welfare reasons.

ECHA acknowledges that – as specified in the general part of Annexes VII-X – *"in vivo testing with corrosive substances at concentration/dose levels causing corrosivity shall be avoided"*. The test methods for repeated dose toxicity and reproductive toxicity specify that the highest dose level should induce *"toxicity but not death or severe suffering"*. Therefore, it is the Registrant's responsibility to ensure that appropriate dose/exposure levels are used in the requested studies.

ECHA also acknowledges that the third party has proposed a weight of evidence approach from repeated dose toxicity data of primary alkylamines for the Registrant to consider.

ECHA notes that it is the Registrant's responsibility to consider and justify any adaptation of the information requirements in accordance with the relevant conditions as established in Annex XI, Section 1.2. Therefore, the Registrant may assess whether they can justify weight of evidence as suggested by the third party. If the information requirement can be met by way of adaptation, the Registrant may include the adaptation argument with all necessary documentation according to Annex XI, Section 1.2. in an updated registration. The Registrant is reminded that this decision does not take into account any updates of the registration submitted later than the date indicated in Section I of this decision. Later updates of the registration will however be examined in the follow-up evaluation pursuant to Article 42 of the REACH Regulation.

ECHA concludes that the information provided by the third party is currently insufficient for demonstrating that the conditions of Annex XI, Section 1.2. are met. For example, the cirteria of OECD 422 do not meet the RDT-90 criteria. Therefore, the information provided by the third party in itself would not be sufficient to adapt the standard information requirement. In addition, the RSS were not made available to ECHA or the Registrant.

c) Outcome

Therefore, pursuant to Article 40(3)(a) of the REACH Regulation, the Registrant is requested to carry out the proposed study with the registered substance subject to the present decision: Sub-chronic toxicity study (90-day) in rats, oral route (test method: EU B.26/OECD 408).

2. Pre-natal developmental toxicity study (Annex IX, Section 8.7.2.)

a) Examination of the testing proposal

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

A pre-natal developmental toxicity study for a first species is a standard information requirement as laid down in Annex IX, Section 8.7.2. of the REACH Regulation. The information on this endpoint is not available for the registered substance but needs to be present in the technical dossier to meet the information requirements. Consequently there is an information gap and it is necessary to provide information for this endpoint.

The Registrant has submitted a testing proposal for a pre-natal developmental toxicity study according to EU B.31/OECD 414 to be performed on the registered substance. The Registrant proposed testing by the oral route.
ECHA considers that the proposed study is appropriate to fulfil the information requirement of Annex IX, Section 8.7.2. of the REACH Regulation.

The Registrant did not specify the species to be used for testing. According to the test method EU B.31/OECD 414, the rat is the preferred rodent species, the rabbit the preferred non-rodent species and the test substance is usually administered orally. ECHA considers these default parameters appropriate and testing should be performed by the oral route with the rat or the rabbit as a first species to be used.

b) Outcome

Therefore, pursuant to Article 40(3)(a) of the REACH Regulation, the Registrant is requested to carry out the proposed study with the registered substance subject to the present decision: Pre-natal developmental toxicity study in rabbits or rats, by oral route (test method: EU B.31/OECD 414).

IV. Adequate identification of the composition of the tested material

The process of examination of testing proposals set out in Article 40 of the REACH Regulation aims at ensuring that the new studies meet real information needs. Within this context, the Registrant's dossier was sufficient to confirm the identity of the substance to the extent necessary for examination of the testing proposal. The Registrant must note, however, that this information, or the information submitted by other registrants of the same substance, has not been checked for compliance with the substance identity requirements set out in Section 2 of Annex VI of the REACH Regulation.

In relation to the proposed tests, the sample of substance used for the new studies must be suitable for use by all the joint registrants. Hence, the sample should have a composition that is within the specifications of the substance composition that are given by the joint registrants. It is the responsibility of all joint registrants of the same substance to agree to the tests proposed (as applicable to their tonnage level) and to document the necessary information on their substance composition.

In addition, it is important to ensure that the particular sample of substance tested in the new studies is appropriate to assess the properties of the registered substance, taking into account any variation in the composition of the technical grade of the substance as actually manufactured by each registrant. If the registration of the substance by any registrant covers different grades, the sample used for the new studies must be suitable to assess these grades.

Finally there must be adequate information on substance identity for the sample tested and the grade(s) registered to enable the relevance of the studies to be assessed.

V. Information on right to appeal

An appeal may be brought against this decision to the Board of Appeal of ECHA under Article 51(8) of the REACH Regulation. Such appeal shall be lodged within three months of receiving notification of this decision. Further information on the appeal procedure can be found on the ECHA's internet page at http://www.echa.europa.eu/regulations/appeals. The notice of appeal will be deemed to be filed only when the appeal fee has been paid.

Authorised[1] by Ofelia Bercaru, Head of Unit, Evaluation E3

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