~~CONFIDENTIAL~~

European Chemicals Agency

Decision number: CCH-D-0000001941-75-02/F Helsinki,
Date of the decision: 21 October 2011

DECISION ON A COMPLIANCE CHECK OF A REGISTRATION PURSUANT TO ARTICLE 41(3) OF REGULATION (EC) NO 1907/2006

For Disodium metasilicate, CAS 6834-92-0 (EC 229-912-9), 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 41(1) of the REACH Regulation, ECHA has performed a compliance check of the registration dossier for **Disodium metasilicate**, CAS 6834-92-0 (EC 229-912-9) submitted by [redacted] (Registrant), latest submission number [redacted] for 100-1000 tonnes per year.

The compliance check was initiated on 11 February 2011.

On 6 June 2011 ECHA notified the Registrant of its draft decision and invited him pursuant to Article 50(1) of the REACH Regulation to provide comments within 30 days of the receipt of the draft decision.

On 6 July 2011 the Registrant provided to ECHA comments on the draft decision.

On 23 August 2011 the Registrant updated his dossier. Based on the updated dossier, ECHA Secretariat amended the draft decision.

On 2 September 2011 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 to amend the draft decision within 30 days. Subsequently, Competent Authorities of the Member States did not propose amendments to the draft decision and ECHA took the decision pursuant to Article 51(3) of the REACH Regulation.

This compliance check decision does not prevent ECHA to initiate further compliance checks on the present dossier at a later stage.

II. Information required

1) Pursuant to Articles 41(1)(a) and (b), 41(3), 10(a)(vi), 12(1)(d), 13 and Annexes VII and VIII of the REACH Regulation the Registrant shall submit the information using the test method as indicated on

   a. *In vitro* gene mutation study in bacteria (Annex VII, 8.4.1; EU Method B.13/14.);
   b. Toxicokinetics (Annex VIII, 8.8; information on absorption, metabolism and distribution of the registered substance).

Pursuant to Article 41(4) of the REACH Regulation the Registrant shall submit the information in the form of an updated IUCLID dossier to ECHA by **23 April 2012**, 6 months from the date of the decision.

III. Statement of reasons

Based on the examination of the technical dossier, ECHA concludes that the information therein, submitted by the Registrant for registration of the above mentioned substance for the purpose of registration within the applicable tonnage band of 100 to 1000 tonnes per year in accordance with Article 6 of the REACH Regulation, does not comply with the requirements of Articles 10, 12 and 13 and with Annexes VI, VII, VIII and XI thereof. Consequently, the Registrant is requested to submit the information mentioned above that is needed to bring the registration into compliance with the relevant information requirements.

1) Missing information related to endpoints

Pursuant to Articles 10(a)(vi), 12(1)(d) of the REACH Regulation, a registration for a substance produced in quantities of 100 – 1000 tonnes per year shall contain as a minimum the information specified in Annexes VII to IX of the REACH Regulation.

a. *In vitro* gene mutation in bacteria (Annex VII, 8.4.1)

   According to Annex XI, the standard information requirements can be fulfilled by a weight of evidence approach provided that the criteria set out in section 1.2 of Annex XI are met. In case of a weight of evidence approach, information from several independent sources might lead to a conclusion that a substance has or has not a certain property, while the information from each single source alone is regarded insufficient to support this notion.

   The Registrant has adapted the standard testing regime by providing three studies: 1) a bacterial reverse mutation assay with four *S.typhimurium* strains conducted with the registered substance, 2) an *E.coli* reverse mutation assay conducted with an analogue substance using a read-across approach pursuant to Annex XI, 1.5 of the REACH Regulation, and 3) a *B.subtilis* recombinant assay, to cover the information requirements for Annex VII, 8.4.1. The studies have been published in scientific journals and in the OECD SIDS initial assessment report.

The technical dossier does not contain adequate information for bacterial mutagenicity as foreseen in the EU B.13/14 test guideline on Mutagenicity: Reverse mutation test using bacteria. In particular, in the study with four *S.typhimurium* strains, the test substance concentration is not reported, only three concentrations have been tested, and test conditions (e.g. dosing and number of replicates) and results are not presented in sufficient detail to show that the study is valid. In the *E.coli* test, no justification for the read-across according to Annex XI Section 1.5 has been provided, the bacterial strains as indicated in the EU B.13/14 guideline have not been used, metabolic activation has not been used and no data on positive controls has been provided. The *B.subtilis* recombinant assay does not assess gene mutations in bacteria, but rather induction of DNA damage.

As the provided studies – as single sources of information or as a weight of evidence approach – do not cover the key parameters addressed in the EU B.13/14 test guideline, the criteria as set out in Annex XI, 1.2, Weight of evidence, are not met, and therefore the information requirements for this endpoint cannot be considered fulfilled.

The Registrant is accordingly requested to submit the required information for this endpoint according to Annex VII, section 8.4.1, EU Method B.13/14.

In response to ECHA's draft decision sent on 6 June 2011, the Registrant provided (i) a statement regarding the acceptability of the data under OECD HPV Programme and under REACH, (ii) clarification on the test conditions of the bacterial reverse mutation assays with *S.typhimurium* and *E.coli*, and (iii) a reference to Pfuhler et al. (2007) strategy and a statement that since the *in vitro* gene mutation assay in mammalian cells has been provided in the registration dossier, a new bacterial gene mutation assay is not needed that are addressed as follows:

(i) The Registrant states that since the data regarding genotoxicity has been accepted under OECD HPV Programme the data should be considered acceptable also under REACH. ECHA notes that although the completeness of the REACH registration dossiers for the SIDS endpoints will not need to be reviewed, additional information may need to be requested for the REACH dossier to be compliant as is the case regarding the endpoint in question.

(ii) Additional clarification regarding the test conditions, (concentrations used, read-across justification for *E.Coli* assay, bacterial strains used and positive controls) of the bacterial reverse mutation assays with *S.typhimurium* and *E.coli* has been provided by the Registrant. However, since no new data has been provided, ECHA notes that the studies do not cover the key parameters addressed in the EU B.13/14 test guideline.

(iii) ECHA notes that *in vitro* gene mutation in mammalian cells does not address the *in vitro* gene mutation in bacteria and is therefore not an adequate study for this endpoint. In addition, the strategy described and proposed by Pfuhler et al. (2007) is not in line with ECHA guidance and legal requirements.

Therefore, the additional information provided by the Registrant does not meet the criteria of Annex XI, 1.2. The Registrant is requested to submit the information listed in Section II above to bring the registration dossier into compliance with the relevant REACH information requirements.

b. Toxicokinetics (Annex VIII, 8.8.1)

According to Annex VIII, 8.8.1, the Registrant shall provide an assessment of the toxicokinetic behaviour of the substance to the extent that can be derived from the relevant available information.

The Registrant has provided two scientific publications to cover the information requirements for this endpoint. In the provided publications, information only on excretion of the substance has been provided.

The information provided in the technical dossier is not considered to be sufficient to fulfil the information requirements for this endpoint because no information on absorption, metabolism and distribution of the registered substance has been provided necessary to establish the toxicokinetic profile of the registered substance (Annex I, section 1.0.2 of the REACH Regulation and Chapter R.7.12 of Guidance on information requirements and chemical safety assessment, http://guidance.echa.europa.eu/docs/guidance_document/information_requirements_r7c_en.pdf?vers=20_08_08).

The Registrant is requested to submit a toxicokinetic assessment in accordance with Annex VIII, 8.8.1 of the registered substance to the extent that can be derived from the relevant available information (including physicochemical and other properties of the registered substance).

IV. General requirements for the generation of information and Good Laboratory Practice

ECHA always reminds Registrants of the requirements of Article 13(4) of the REACH Regulation that reads:

"Ecotoxicological and toxicological tests and analyses shall be carried out in compliance with the principles of good laboratory practice provided for in Directive 2004/10/EC or other international standards recognised as being equivalent by the Commission or the Agency and with the provisions of Directive 86/609/EEC, if applicable."

According to Article 13(3) of the REACH Regulation, tests that are required to generate information on intrinsic properties of substances shall be conducted in accordance with the test methods laid down in a Commission Regulation or in accordance with other international test methods recognised by the Commission or the European Chemicals Agency as being appropriate. Thus, the Registrant shall refer to Commission Regulation (EC) No 440/2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 as adapted to the technical progress and use the applicable test methods to generate the information on the endpoints indicated above.

National authorities monitoring good laboratory practice (GLP) maintain lists of test facilities indicating the relevant areas of expertise of each facility.

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 an appeal shall be lodged within three months of receiving notification of this decision. Further information on the appeal procedure can be found on ECHA's internet page at http://echa.europa.eu/appeals/app_procedure_en.asp. The notice of appeal will be deemed to be filed only when the appeal fee has been paid.

Done at Helsinki,

[redacted]

Jukka Malm
Director of Regulatory Affairs