~~Confidential~~

Helsinki, 5 May 2022

**Addressees**
Registrant(s) of JS_5232-99-5 as listed in Appendix 3 of this decision

**Date of submission of the dossier subject to this decision**
08/08/2019

**Registered substance subject to this decision ("the Substance")**
Substance name: Etocrilene
EC number: 226-029-0

**Decision number:** Please refer to the REACH-IT message which delivered this communication (in format CCH-D-XXXXXXXXXX-XX-XX/F)

## DECISION ON A COMPLIANCE CHECK

Under Article 41 of Regulation (EC) No 1907/2006 (REACH), you must submit the information listed below, by the deadline of ***13 May 2024***.

Requested information must be generated using the Substance unless otherwise specified.

**Information required from all the Registrants subject to Annex VII of REACH**

1. In vitro gene mutation study in bacteria (Annex VII, Section 8.4.1.; test method: OECD TG 471, 2020) using the following 4 strains: *S. typhimurium* TA98, TA100, TA1535, and TA1537 or TA97a or TA97)

**Information required from all the Registrants subject to Annex VIII of REACH**

2. Long-term toxicity testing on fish also requested below (triggered by Annex VIII, Section 9.1.3., column 2)

**Information required from all the Registrants subject to Annex IX of REACH**

3. Long-term toxicity testing on fish (Annex IX, Section 9.1.6.; test method: EU C.47./OECD TG 210)

The reasons for the decision(s) are explained in Appendix 1.

**Information required depends on your tonnage band**

You must provide the information listed above for all REACH Annexes applicable to you in accordance with Articles 10(a) and 12(1) of REACH. The addressees of the decision and their corresponding information requirements based on registered tonnage band are listed in Appendix 3.

In the requests above, the same study has been requested under different Annexes. This is because some information requirements may be triggered at lower tonnage band(s). In such cases, only the reasons why the information requirement is triggered are provided for the lower tonnage band(s). For the highest tonnage band, the reasons why the standard information requirement is not met and the specification of the study design are

provided. Only one study is to be conducted; all registrants concerned must make every effort to reach an agreement as to who is to carry out the study on behalf of the others under Article 53 of REACH.

You are only required to share the costs of information that you must submit to fulfil your information requirements.

**How to comply with your information requirements**

To comply with your information requirements, you must submit the information requested by this decision in an updated registration dossier by the deadline indicated above. You must also **update the chemical safety report, where** relevant, including any changes to classification and labelling, based on the newly generated information.

You must follow the general requirements for testing and reporting new tests under REACH, see Appendix 4.

**Appeal**

This decision, when adopted under Article 51 of REACH, may be appealed to the Board of Appeal of ECHA within three months of its notification to you. Please refer to http://echa.europa.eu/regulations/appeals for further information.

**Failure to comply**

If you do not comply with the information required by this decision by the deadline indicated above, ECHA will notify the enforcement authorities of your Member State.

Authorised[1] under the authority of Mike Rasenberg, Director of Hazard Assessment

Appendix 1: Reasons for the decision
Appendix 2: Procedure
Appendix 3: Addressees of the decision and their individual information requirements
Appendix 4: Conducting and reporting new tests under REACH

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

## Appendix 1: Reasons for the decision

### Contents

**Reasons related to the information under Annex VII of REACH**

## 1. In vitro gene mutation study in bacteria

1 An in vitro gene mutation study in bacteria is an information requirement under Annex VII to REACH (Section 8.4.1.).

### *1.1. Information provided*

2 You have provided:

i. *In vitro* gene mutation study in bacteria (2014) in *E. coli* WP2 uvr A with the Substance.
ii. *In vitro* gene mutation study in bacteria (1980) in *S. typhimurium* TA 1535, TA 1537, TA 1538, TA 98 and TA 100 with the Substance.

### *1.2. Assessment of the information provided*

3 We have assessed this information and identified the following issue:

#### *1.2.1. The provided studies do not meet the information requirement*

4 To fulfil the information requirement, the study must meet the requirements of OECD TG 471 (2020). Therefore, the following specifications must be:

a) The test must be performed with 5 strains: four strains of *S. typhimurium* (TA98; TA100; TA1535; TA1537 or TA97a or TA97) and one strain which is either *S. typhimurium* TA102 or *E. coli* WP2 uvrA or *E. coli* WP2 uvrA (pKM101)
b) The maximum concentration tested must induce a reduction in the number of revertant colonies per plate compared to the negative control, or the precipitation of the tested substance. If no precipitate or limiting cytotoxicity is observed, the highest test dose must correspond to 5 mg/plate or 5 µl/plate.

5 The studies (i.) and (ii.) are described as in vitro gene mutation study in bacteria. However, the following specifications are not according to the requirements of OECD TG 471 (2020):

a) The study (i.) did not include the results for the 4 strains of *S. typhimurium* (TA98; TA100; TA1535; TA1537 or TA97a or TA97). The study (ii.) did not include results for the required fifth strain, *S. typhimurium* TA102, or *E. coli* WP2 uvrA or *E. coli* WP uvrA (pKM101).
b) The study (ii.) did not include a maximum dose of 5 mg/plate or 5 ml/plate or that induced a reduction in the number of revertant colonies per plate compared to the negative control, of precipitation of the tested substance. The highest concentration tested (1 mg/plate) did not cause cytotoxicity or precipitation.

6 The information provided does not cover the key parameters required by OECD TG 471.

7 On this basis, the information requirement is not fulfilled

### *1.3. Specification of the study design*

8 To fulfil the information requirement for the Substance, the in vitro gene mutation study in bacteria (OECD TG 471, 2020) should be performed using the following 4 strains: S. typhimurium TA98, TA100, TA1535, and TA1537 or TA97a or TA97).

9 In your comments on the draft dection, you agree to perform the requested study.

**Reasons related to the information under Annex VIII of REACH**

## 2. Long-term toxicity testing on fish

10 Short-term toxicity testing on fish is an information requirement under Column 1 of Annex VIII to REACH (Section 9.1.3.). However, long-term toxicity testing on fish must be considered (Section 9.1.3., Column 2) if the substance is poorly water soluble.

### *2.1. Information provided*

11 You have provided an OECD TG 203 study, but no information on long-term toxicity on fish for the Substance.

### *2.2. Assessment of the information provided*

12 We have assessed this information and identified the following issue:

13 Poorly water soluble substances require longer time to reach steady-state conditions. As a result, the short-term tests does not give a true measure of toxicity for this type of substances and the long-term test is required. A substance is regarded as poorly water soluble if, for instance, it has a water solubility below 1 mg/L or below the detection limit of the analytical method of the test material (Guidance on IRs and CSA, Section R.7.8.5).

14 In the provided an ETAD method study (2012), the saturation concentration of the Substance in water was below the limit of detection of the analytical method (i.e. 5 µg/L).

15 Therefore, the Substance is poorly water soluble and information on long-term toxicity on fish must be provided.

16 The examination of the information provided, as well as the selection of the requested test and the test design are addressed under Appendix 1.3.

**Reasons related to the information under Annex IX of REACH**

## 3. Long-term toxicity testing on fish

17 Long-term toxicity testing on fish is an information requirement under Annex IX to REACH (Section 9.1.6.).

### *3.1. Information provided*

18 You have provided a justification to omit the study which you consider to be based on Annex IX, Section 9.1., Column 2. In support of your adaptation, provided the following justification: '*The hazard assessment of the test item reveals neither a need to classify the substance as dangerous for the environment, nor is it a PBT or vPvB substance, nor are there any further indications that the substance may be hazardous to the environment. Furthermore, the risk of long term exposure was investigated on aquatic invertebrates (reproduction of Daphnia magna). No long-term effects occurred for Daphnia magna in the range of water solubility. There is no indication, that fish are more sensitive than daphnia. Therefore, and for reasons of animal welfare, a long-term toxicity study in fish is not provided*'.

### *3.2. Assessment of the information provided*

19 We have assessed this information and identified the following issue:

#### *3.2.1. Annex IX, Section 9.1., Column 2 is not a valid basis to omit the study*

20 Annex IX, Section 9.1., Column 2 does not allow omitting the need to submit information on long-term toxicity to fish under Column 1. It must be understood as a trigger for providing further information on long-term toxicity to fish if the chemical safety assessment according to Annex I indicates the need (Decision of the Board of Appeal in case A-011-2018).

21 Your adaptation is therefore rejected.

22 On this basis, the information requirement is not fulfilled.

23 In your comments on the draft dection, you agree to perform the requested study.

### *3.3. Study design and test specifications*

24 To fulfil the information requirement for the Substance, the Fish, Early-life Stage Toxicity Test (test method OECD TG 210) is the most appropriate (Guidance on IRs and CSA, Section R.7.8.2.).

25 The Substance is difficult to test due to its low water solubility (<5µ/L). OECD TG 210 specifies that, for difficult to test substances, you must consider the approach described in OECD GD 23 or other approaches, if more appropriate for your substance. In all cases, the approach selected must be justified and documented. Due to the properties of Substance, it may be difficult to achieve and maintain the desired exposure concentrations. Therefore, you must monitor the test concentration(s) of the Substance throughout the exposure duration and report the results. If it is not possible to demonstrate the stability of exposure concentrations (i.e. measured concentration(s) not within 80-120% of the nominal concentration(s)), you must express the effect concentration based on measured values as described in OECD TG 210. In case a dose-response relationship cannot be established (no observed effects), you must demonstrate that the approach used to prepare test solutions was adequate to maximise the concentration of the Substance in the test solution.

**References**

The following documents may have been cited in the decision.

***Guidance on information requirements and chemical safety assessment (Guidance on IRs & CSA)***

Chapter R.4 Evaluation of available information; ECHA (2011).
Chapter R.6 QSARs, read-across and grouping; ECHA (2008).
Appendix to Chapter R.6 for nanoforms; ECHA (2019).
Chapter R.7a Endpoint specific guidance, Sections R.7.1 – R.7.7; ECHA (2017).
Appendix to Chapter R.7a for nanomaterials; ECHA (2017).
Chapter R.7b Endpoint specific guidance, Sections R.7.8 – R.7.9; ECHA (2017).
Appendix to Chapter R.7b for nanomaterials; ECHA (2017).
Chapter R.7c Endpoint specific guidance, Sections R.7.10 – R.7.13; (ECHA 2017).
Appendix to Chapter R.7a for nanomaterials; ECHA (2017).
Appendix R.7.13-2 Environmental risk assessment for metals and metal compounds; ECHA (2008).
Chapter R.11 PBT/vPvB assessment; ECHA (2017).
Chapter R.16 Environmental exposure assessment; ECHA (2016).

***Guidance on data-sharing***; ECHA (2017).

All Guidance on REACH is available online: https://echa.europa.eu/guidance-documents/guidance-on-reach

***Read-across assessment framework (RAAF)***

RAAF, 2017 Read-across assessment framework (RAAF), ECHA (2017)
RAAF UVCB, 2017 Read-across assessment framework (RAAF) – considerations on multi- constituent substances and UVCBs), ECHA (2017).

The RAAF and related documents are available online:
https://echa.europa.eu/support/registration/how-to-avoid-unnecessary-testing-on-animals/grouping-of-substances-and-read-across

***OECD Guidance documents* (OECD GDs)**

OECD GD 23 Guidance document on aquatic toxicity testing of difficult substances and mixtures; No. 23 in the OECD series on testing and assessment, OECD (2019).
OECD GD 29 Guidance document on transformation/dissolution of metals and metal compounds in aqueous media; No. 29 in the OECD series on testing and assessment, OECD (2002).
OECD GD 150 Revised guidance document 150 on standardised test guidelines for evaluating chemicals for endocrine disruption; No. 150 in the OECD series on testing and assessment, OECD (2018).
OECD GD 151 Guidance document supporting OECD test guideline 443 on the extended one-generation reproductive toxicity test; No. 151 in the OECD series on testing and assessment, OECD (2013).

**Appendix 2: Procedure**

This decision does not prevent ECHA from initiating further compliance checks at a later stage on the registrations present.

ECHA followed the procedure detailed in Articles 50 and 51 of REACH.

The compliance check was initiated on 15 June 2021.

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

ECHA took into account your comments and did not amend the requests.
In your comments on the draft decision, you requested an extension of the deadline to provide information from 12 to 25 months from the date of adoption of the decision. You provide the following justification for the extension:

- The selected contract research organisation (CRO) identified the need to conduct a water solubility study and to develop a specific analytical method to conduct the requested OECD TG 210 study. Based on the experience gained on the similar substance octocrilene, the CRO estimates the time needed to 12 months;
- You provide a letter from the CRO indicating that due to limited laboratory capacity, the time-estimate to conduct the OECD TG 210 is 12-15 months (excluding the water solubility experiment referred to above).

ECHA acknowledges the fact that the Substance is difficult to test and that adequate information on the solubility of the Substance in the test medium used to conduct the OECD TG 210 is needed. However, the CRO has provided no justification as to why 12 months are required to generate this information, also taking into account that experience must have been gained in testing the similar substance octocrilene. ECHA also acknowledges that considering the properties of the substance an extra 3 months might be needed to conduct the OECD TG 210.

On this basis, ECHA has extended the deadline to 21 months.

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

As no amendments were proposed, ECHA took the decision according to Article 51(3) of the REACH Regulation.

**Appendix 3: Addressees of this decision and their corresponding information requirements**

In accordance with Articles 10(a) and 12(1) of REACH, the information requirements for individual registrations are defined as follows:

- the information specified in Annex VII to REACH, for registration at 1-10 tonnes per year (tpa), or as a transported isolated intermediate in quantity above 1000 tpa;
- the information specified in Annexes VII and VIII to REACH, for registration at 10-100 tpa;
- the information specified in Annexes VII, VIII and IX to REACH, for registration at 100-1000 tpa.

| Registrant Name | Registration number | Highest REACH Annex applicable to you |
|---|---|---|
| [redacted] | [redacted] | [redacted] |
| [redacted] | [redacted] | [redacted] |
| [redacted] | [redacted] | [redacted] |

Where applicable, the name of a third party representative (TPR) may be displayed in the list of recipients whereas ECHA will send the decision to the actual registrant.

## Appendix 4: Conducting and reporting new tests for REACH purposes

### 1. Requirements when conducting and reporting new tests for REACH purposes

### 1.1. Test methods, GLP requirements and reporting

(1) Under Article 13(3) of REACH, all new data generated as a result of this decision must be conducted according to the test methods laid down in a European Commission Regulation or to international test methods recognised by the Commission or ECHA as being appropriate.

(2) Under Article 13(4) of REACH, ecotoxicological and toxicological tests and analyses must be carried out according to the GLP principles (Directive 2004/10/EC) or other international standards recognised by the Commission or ECHA.

(3) Under Article 10(a)(vi) and (vii) of REACH, all new data generated as a result of this decision must be reported as study summaries, or as robust study summaries, if required under Annex I of REACH. See ECHA Practical Guide on How to report robust study summaries[2].

### 1.2. Test material

Before generating new data, you must agree within the joint submission on the chemical composition of the material to be tested (Test Material) which must be relevant for all the registrants of the Substance.

(1) Selection of the Test material(s)
The Test Material used to generate the new data must be selected taking into account the following:
- the variation in compositions reported by all members of the joint submission,
- the boundary composition(s) of the Substance,
- the impact of each constituent/ impurity on the test results for the endpoint to be assessed. For example, if a constituent/ impurity of the Substance is known to have an impact on (eco)toxicity, the selected Test Material must contain that constituent/ impurity.

(2) Information on the Test Material needed in the updated dossier
- You must report the composition of the Test Material selected for each study, under the "Test material information" section, for each respective endpoint study record in IUCLID.
- The reported composition must include all constituents of each Test Material and their concentration values and other parameters relevant for the property to be tested.

This information is needed to assess whether the Test Material is relevant for the Substance and whether it is suitable for use by all members of the joint submission.

Technical instructions on how to report the above is available in the manual on How to prepare registration and PPORD dossiers[3].

[2] https://echa.europa.eu/practical-guides
[3] https://echa.europa.eu/manuals