

Decision number: TPE-D-0000003399-64-05/F

Helsinki, 30 July 2013

DECISION ON A TESTING PROPOSAL SET OUT IN A REGISTRATION PURSUANT TO ARTICLE 40(3) OF REGULATION (EC) NO 1907/2006**For Reaction mass of 1,3-Propanediamine, N-[3-(tridecyloxy)propyl]-, branched and 1,3-Propanediamine, N-[3-(tridecyloxy)propyl]-, branched acetate (List No 931-295-2), 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)(e) thereof for Reaction mass of 1,3-Propanediamine, N-[3-(tridecyloxy)propyl]-, branched and 1,3-Propanediamine, N-[3-(tridecyloxy)propyl]-, branched acetate (List No 931-295-2), by [REDACTED] (Registrant).

- 90-day oral toxicity study (OECD 408).
- Developmental toxicity / teratogenicity study (OECD 414).

This decision is based on the registration dossier as submitted with submission number [REDACTED], for the tonnage band of 1000 tonnes or more per year. This decision does not take into account any updates after 8 March 2013, the date upon which ECHA notified its draft decision to the Competent Authorities of the Member States pursuant to Article 51(1) of the REACH Regulation.

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.

On 15 October 2010, pursuant to Article 40(1) of the REACH Regulation, ECHA initiated the examination of the testing proposals set out by the Registrant in the registration dossier for the substance mentioned above.

ECHA held a third party consultation for the testing proposals from 15 September 2011 until 31 October 2011. ECHA did receive information from third parties (see section III below).

On 19 November 2012 ECHA sent the draft decision to the Registrant and invited him to provide comments within 30 days of the receipt of the draft decision.

On 17 December 2012 ECHA received comments from the Registrant.

On 29 January 2013 the Registrant updated the dossier, withdrawing the testing proposal for dissociation constant in water and for the two-generation reproduction toxicity study. On this basis there was no longer a need to address in this decision the withdrawn testing proposals and third party comments relating to these endpoints.

ECHA considered the Registrant's comments received as well as the registration updates received before 8 March 2013 and amended the draft decision.

On 8 March 2013 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 of the receipt of the notification.

Subsequently, one Competent Authority of a Member State submitted a proposal for amendment to the draft decision.

On 11 April 2013 ECHA notified the Registrant of the proposal for amendment to the draft decision and invited him pursuant to Article 51(5) of the REACH Regulation to provide comments on the proposal for amendment within 30 days of the receipt of the notification.

On 22 April 2013 ECHA referred the draft decision to the Member State Committee.

ECHA reviewed the proposal for amendment received and amended the draft decision.

The Registrant did not provide any comments on the proposed amendment.

A unanimous agreement of the Member State Committee on the draft decision was reached on 28 May 2013 in a written procedure launched on 17 May 2013. ECHA took the decision pursuant to Article 51(6) of the REACH Regulation.

II. Testing required

The Registrant shall carry out the following proposed tests pursuant to Article 40(3)(a) 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) in rats, oral route (Annex IX, 8.6.2.; test method: EU B.26/OECD 408);
2. Pre-natal developmental toxicity study in rats or rabbit, oral route (Annex IX, 8.7.2.; test method: EU B.31/OECD 414);

The Registrant shall determine the appropriate order of the studies taking into account the possible outcome and considering the possibilities for adaptations of the standard information requirements according to column 1 or 2 provisions of the relevant Annexes of the REACH Regulation.

Pursuant to Articles 40(4) and 22 of the REACH Regulation, the Registrant shall submit to ECHA by **30 July 2015** an update of the registration dossier containing the information required by this decision.

At any time, the Registrant shall take into account that there may be an obligation to make every effort to agree on sharing of information and costs with other Registrants.

Data from a second pre-natal developmental toxicity study on another species is a standard information requirement according to Annex X, 8.7.2 of the REACH Regulation. The Registrant should firstly take into account the outcome of the pre-natal developmental toxicity on a first species and all other relevant available data to determine if the conditions are met for adaptations according to Annex X, 8.7 column 2, or according to Annex XI. If the Registrant considers that testing is necessary to fulfill this information requirement, he should include in the update of his dossier a testing proposal for a pre-natal developmental toxicity study on a second species.

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.

1. Sub-chronic toxicity study (90 day)

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 proposed testing by the oral route. In the light of the physico-chemical properties of the substance (liquid with low vapour pressure) and the information provided on the uses and human exposure (no spraying), ECHA considers that there is no potential for inhalation exposure and testing by the oral route is the most appropriate. Regarding the mode of administration of the oral dosing, in light of the corrosive properties of the substance, ECHA recommends to consider administrating the substance via the diet. Furthermore, the results of the 90-d study should be analysed in order to assess whether systemic effects (and not only local effects) are observed.

The Registrant did not specify the species to be tested. According to the test method EU B.26/OECD 408 the rat is the preferred rodent species. ECHA considers this species as being appropriate.

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 under Section III.3 the information provided by the third party is not sufficient to fulfil this information requirement.

c) Outcome

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

2. Pre-natal developmental toxicity study

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.

Pre-natal developmental toxicity studies are part of the standard information requirements as laid down in Annexes IX and X, 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 did not specify the species and route 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. For the reasons explained in section III.2.a, ECHA recommends to consider administering the substance orally via the diet.

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 under Section III.3 the information provided by the third party is not sufficient to fulfil this information requirement.

c) Outcome

Therefore, pursuant to Article 40(3)(a) of the REACH Regulation, the Registrant is required to carry out the proposed study: Pre-natal developmental toxicity study with the rat or the rabbit, oral route (test method: EU B.31/OECD 414) using the registered substance.

When considering the need for a testing proposal for a prenatal developmental toxicity study in a second species, the Registrant should take into account the outcome of the pre-natal developmental toxicity study on the first species and all available data to determine if the conditions are met for adaptations according to Annex X, 8.7. column 2, or according to Annex XI; for example if the substance meets the criteria for classification as toxic for reproduction Category 1B: May damage the unborn child (H360D), and the available data are adequate to support a robust risk assessment, or alternatively, if Weight of Evidence assessment of all relevant available data provides scientific justification that the study in a second species is not needed.

d) Deadline for submitting the information

In the draft decision communicated to the Registrant the time indicated to provide the requested information was 36 months from the date of adoption of the decision.

This period of time took into account the fact that the draft decision requested 3 vertebrate testings: the two-generation reproductive toxicity study or Extended one-generation reproductive toxicity study according to the standard information requirement of Annex X, section 8.7.3 of the REACH Regulation; the sub-chronic toxicity study (90 day) according to the standard information requirement of Annex IX, 8.6.2 of the REACH Regulation; and the pre-natal developmental toxicity study according to the standard information requirements of Annex IX and X, 8.7.2 of the REACH Regulation. As the testing proposal for the two-generation reproductive toxicity study has been removed from the dossier and is not addressed in the present draft decision, ECHA considers that a reasonable time period for providing the required information in the form of an updated IUCLID5 dossier registration is 24 months from the date of the adoption of the decision. The decision was therefore modified accordingly.

3. Consideration of corrosivity of the substance in regard to the in vivo testing received during third party consultation

A third party has indicated that due to the corrosive property of the substance, doses exceeding 3 mg/kg bw/day should not be administered in oral studies to avoid severe local corrosion. It indicated that available information could imply that the in vivo tests proposed by the Registrant would not provide additional meaningful results and could imply that the tests should be waived for animal welfare reasons.

ECHA notes 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". It is the Registrant's responsibility to ensure that appropriate dose/exposure levels are used. Therefore, the information submitted by the third party does not provide a sufficient basis on which to reject the proposed tests.

IV. Adequate identification of the composition of the tested material

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. If the registration of the substance covers different grades, the sample used for the new studies must be suitable to assess these.

Furthermore, there must be adequate information on substance identity for the sample tested and the grade registered to enable the relevance of the studies to be assessed.

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

ECHA reminds registrants of the requirements of Article 13(4) of the REACH Regulation that ecotoxicological and toxicological tests and analyses shall be carried out in compliance with the principles of good laboratory practice (GLP).

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 technical progress or to other international test methods recognised as being appropriate and use the applicable test methods to generate the information on the endpoints indicated above.

VI. 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://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.



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