EUROPEAN CHEMICALS AGENCY

Decision number: CCH-D-0000003802-77-04/F Helsinki, 27 June 2014

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

For isophthaloyl dichloride, CAS No 99-63-8 (EC No 202-774-7), 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 isophthaloyl dichloride, CAS No 99-63-8 (EC No 202-774-7), submitted by [redacted] (Registrant). The scope of this compliance check is limited to the standard information requirement of Annex VII, Section 8.4. and Annex VIII, Section 8.4. of the REACH Regulation.

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 20 June 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 compliance check decision does not prevent ECHA from initiating further compliance checks on the present dossier at a later stage.

The compliance check was initiated on 20 September 2012.

On 14 December 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. That draft decision was based on submission number [redacted].

On 21 January 2013 ECHA received comments from the Registrant. On 21 January 2013 the Registrant updated his registration dossier ([redacted]).

The ECHA Secretariat considered the Registrant's comments and update.

On basis of this information, Section II was amended by removing the information request for the *in vitro* gene mutation study in mammalian cells, whereas the other two information requests were upheld. The Statement of Reasons (Section III) was changed accordingly.

On 20 June 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, a Competent Authority of a Member State submitted proposals for amendment to the draft decision.

On 26 July 2013 ECHA notified the Registrant of proposals for amendment to the draft decision and invited him pursuant to Article 51(5) of the REACH Regulation to provide comments on those proposals for amendment within 30 days of the receipt of the notification.

ECHA reviewed the proposals for amendment received and did not amend the draft decision, however, the Statement of Reasons (Section III) of the draft decision was changed.

On 6 August 2013 ECHA referred the draft decision to the Member State Committee.

On 23 August 2013 the Registrant provided comments on the proposed amendments. The Member State Committee took the comments of the Registrant into account.

A unanimous agreement of the Member State Committee on the draft decision was reached on 9 September 2013 in a written procedure launched on 29 August 2013. ECHA took the decision pursuant to Article 51(6) of the REACH Regulation.

II. Information required

Pursuant to Articles 41(1), 41(3), 10(a)(vii), 12(1)(e), 13 and Annexes VII and VIII of the REACH Regulation the Registrant shall submit the following information using the indicated test methods and the registered substance subject to the present decision:

a. *In vitro* gene mutation study in bacteria (Annex VII, 8.4.1.; test method: EU B.13/14/OECD 471); and
b. *In vitro* cytogenicity study in mammalian cells (Annex VIII, 8.4.2., test method: EU B.10/OECD 473) or *in vitro* micronucleus study (Annex VIII, 8.4.2.; test method: OECD 487).

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 **6 July 2015**.

III. Statement of reasons

Pursuant to Article 41(3) of the REACH Regulation, ECHA may require the Registrant to submit any information needed to bring the registration into compliance with the relevant information requirements. The scope of the present decision are the *in vitro* gene mutation study in bacteria (Annex VII, 8.4.1. of the REACH Regulation) and the *in vitro* cytogenicity study in mammalian cells or *in vitro* micronucleus study (Annex VIII, 8.4.2 of the REACH Regulation). In accordance with Articles 10(a)(vii) and 12(1)(e) of the REACH Regulation, any registration for a substance manufactured or imported by a registrant at the tonnage level of 1000 tonnes or more per year shall contain this information.

1. Mutagenicity, *in vitro* gene mutation study in bacteria

The technical dossier contained an adaptation to the standard information requirement concerning *in vitro* gene mutation study in bacteria (Annex VII, 8.4.1.). The Registrant has sought to justify the adaptation with the following argument: "In accordance with Section 1, Subsection 1.5 of REACH Annex XI, Grouping of substances and read-across approach, in vitro gene mutation study in bacteria, information requirement 8.4.1 in Annex VII, does not need to be conducted as the test substance rapidly hydrolyzes to isophthalic acid (IPA) and IPA is structurally similar to terephthalic acid (TPA). Therefore, the in vitro gene mutation in bacteria study for TPA is being used to support meeting this data requirement." Additional documentation provided within IUCLID is intended to support the read across approach.

ECHA notes that the adaptation of Section 1.5. of Annex XI allows Registrants to fulfil information requirements by predicting the required data by using the endpoint information from a reference substance. However, the Registrant had not provided in the technical dossier a robust study summary for the reference substance to adequately and reliably cover the key parameters addressed by *in vitro* gene mutation study in bacteria. Thus, ECHA concluded that the Registrant had not provided adequate and reliable documentation of the applied method and hence the adaptation argument was not justified. As the data provided was insufficient even for the proposed read-across substance, ECHA did not need to assess whether the conditions for applying the group concept had been justified by the Registrant.

In his comments from 21 January 2013 on the draft decision, the Registrant acknowledged that a robust study summary was missing in the technical dossier of the isophthaloyl dichloride (ICL) for the data which have been read-across. Further, the Registrant provided in the updated dossier revised category reporting format and robust study summary of *in vitro* gene mutation study in bacteria with the reference substance TPA. Also, the Registrant presented evidence that the hydrolysis occurs rapidly. However, ECHA observes that no explanation was given in the updated dossier why read-across may be performed from TPA to its meta-isomer IPA concerning this genotoxic endpoint. Therefore, the adaptation for Annex VII, Section 8.4.1 standard information requirement cannot be considered adequate.

No valid adaptation was provided, and test information for this endpoint included in the registration dossier is not sufficient. Consequently there is an information gap and it is necessary to generate the data for this endpoint. Therefore, the Registrant is requested to submit the information for this endpoint using the test method mentioned in Section II.a. on the registered substance.

2. Mutagenicity, *in vitro* cytogenicity study in mammalian cells or in vitro micronucleus study

The technical dossier contained an adaptation to the standard information requirement concerning *in vitro* cytogenicity study in mammalian cells or *in vitro* micronucleus study (Annex VIII, 8.4.2.). The Registrant has sought to justify the adaptation with the following argument: "*In accordance with Section 1, Subsection 1.5 of REACH Annex XI, Grouping of substances and read-across approach, in vitro cytogenicity study in mammalian cells or in vitro micronucleus study, information requirement 8.4.2 in Annex VIII, does not need to be conducted as the test substance rapidly hydrolyzes to isophthalic acid (IPA) and IPA is structurally similar to terephthalic acid (TPA). Therefore, the in vitro cytogenicity in mammalian cells study for TPA is being used to support meeting this data requirement.*"

Additional documentation provided within IUCLID is intended to support the read across approach.

ECHA notes that the adaptation of Section 1.5. of Annex XI allows Registrants to fulfil information requirements by predicting the required data by using the endpoint information from a reference substance. Similarly as for the endpoint of Annex VII, Section 8.4.1, the Registrant provided in the updated dossier revised category reporting format and robust study summary of *in vitro* chromosomal aberration study with the reference substance TPA. Also, the Registrant presented evidence that the hydrolysis occurs rapidly. However, ECHA observes that no explanation was given in the updated dossier why read-across may be performed from TPA to its meta-isomer IPA concerning this genotoxic endpoint. Therefore, the adaptation for Annex VIII, Section 8.4.2 standard information requirement cannot be considered adequate.

No valid adaptation was provided, and test information for this endpoint included in the registration dossier is not sufficient. Consequently there is an information gap and it is necessary to generate the data for this endpoint. Therefore, the Registrant is requested to submit the information for this endpoint using one of the test methods mentioned in Section II.b. on the registered substance.

3. Reflection on the Registrant's comments on a proposal for amendment:

In his comments on a proposal for amendment concerning the clarification of ECHA's argument regarding the lack of explanation of the read-across, the Registrant indicated that he had updated the category reporting format document to give detailed explanation why the read-across may be performed from TPA to its meta-isomer IPA for these genotoxic endpoints and submitted an updated registration dossier (22 August 2013, [redacted]). The Registrant expressed his hope that the decision-making could be terminated on the basis of this information. However, as already stated in Section I, this decision does not take into account any updates after 20 June 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. The information can however be taken into account at the stage of follow-up (Article 42 of the REACH Regulation) after the expiry of the deadline set in the present decision. If at that stage ECHA assesses that the read-across is fully justified, the dossier would not be regarded as incompliant with the REACH Regulation even if the tests required by the present decision were not carried out.

IV. Adequate identification of the composition of the tested material

ECHA stresses that the information submitted by the Registrant and by other joint registrants for identifying the 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 information required by the present decision, 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 who manufacture or import the same substance to agree on the appropriate composition of the test material 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 grades 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 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.

[redacted]
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