EUROPEAN CHEMICALS AGENCY

Decision number: TPE-D-0000003199-68-04/F Helsinki, 28 June 2013

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

For 3-((5-(3-(Dodecanoyloxy)-2,2-dimethylpropylideneamino)-1,3,3-trimethylcyclohexyl)methylimino)-2,2-dimethylpropyl dodecanoate, CAS No 932742-30-8 (EC No 700-071-4), 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 3-((5-(3-(Dodecanoyloxy)-2,2-dimethylpropylideneamino)-1,3,3-trimethylcyclohexyl)methylimino)-2,2-dimethylpropyl dodecanoate, CAS No 932742-30-8 (EC No 700-071-4), by [redacted] (Registrant).

- 90-day repeated dose toxicity study (EU B.26/OECD TG 408), oral route in rats, with additional examinations/parameters on sexual organs.
- Developmental toxicity / teratogenicity study (OECD 414), oral route in rats.

This decision is based on the registration dossier as submitted with submission number [redacted], for the tonnage band of [redacted]. This decision does not take into account any updates after 18 January 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 present dossier at a later stage.

The examination of the testing proposals was initiated upon the date when receipt of the complete registration dossier was confirmed on 29 March 2012.

ECHA held a third party consultation for the testing proposals from 16 May 2012 until 02 July 2012. ECHA did receive information from third parties (see section III below).

On 20 September 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.

By 22 October 2012 the Registrant did not provide any comments on the draft decision to ECHA.

On 11 October 2012 the Registrant updated his registration dossier.

On 18 January 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, the Competent Authority of a Member State submitted a proposal for amendment to the draft decision.

On 21 February 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 those proposals for amendment within 30 days of the receipt of the notification.

ECHA reviewed the proposal for amendment received and decided to amend the draft decision.

On 4 March 2013 ECHA referred the draft decision to the Member State Committee.

On 7 March 2013, the Registrant provided comments on the proposed amendment. 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 8 April 2013 in a written procedure launched on 27 March 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). It is at the Registrant's discretion to perform the intended additional examinations during the testing program.
2. Pre-natal developmental toxicity study in rats or rabbits, 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 **28 June 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.

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.

ECHA notes that the information provided in the dossier concerning the proposed test substance was conflicting regarding the reported test material identity. In the pick-list above the reported Test material identity within IUCLID, the identity of the test material is claimed to be the same as for the substance defined in section 1 of the registration dossier. Nevertheless, the reported test material identifier, tert-butyl 3,5,5-tris(methylperoxy) hexanoate, CAS No 13122-18-4 (EC No 236-050-7), differs from the substance subject to the present decision. As there was no justification provided for read-across approach according to the criteria of Annex XI section 1.5., ECHA assumes it is the Registrant's intention to test the registered substance. In the absence of such justification, ECHA requests in both of the test proposed the testing to be done with the registered substance subject to the present decision.

1. Sub-chronic repeated dose 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 IUCLID section 7.5.1 the Registrant did not justify the choice of the route of administration. Nevertheless, in the context of DNEL derivation for workers (in the CSR), the Registrant states "Local inhalation exposure is not considered relevant as the substance is not classified as skin and eye irritating. Data form the hydrolysis product 2,2-Dimethyl-3-lauroyloxy-propanal also reveales no local irritating effects to skin and eye. The second hydrolysis product 3-aminomethyl-3,5,5-trimethylcyclohexylamine is classified as skin corrosive. Exposure to this hydrolysis product can however be excluded based on information from the substance use (for details refert to CSR). Only repeated exposure to the substance causes skin sensitisation. Thus, local dermal effects are covered by the long term local risk assessment and no quantitative acute local dermal assessment is required." Similar considerations are included for the DNEL derivation for general population. ECHA notes that there is no acute or subacute inhalation toxicity data available for the registered substance, while there is data indicating that the substance is not a skin or eye irritant, but is a skin sensitiser. ECHA notes further that the vapour pressure of the registered substance is low, but there is potential for aerosol inhalation exposure to workers in some of the uses reported (e.g. industrial spraying and roller application or brushing). Nevertheless, the substance is a sensitiser and the Registrant refers to mandatory effective risk management measures during these applications. Based on the above considerations, ECHA considers that testing by the oral route is appropriate.

The Registrant proposed testing in rat. According to the test method EU B.26/OECD 408, the rat is the preferred rodent species and the rabbit the preferred non-rodent species. ECHA considers the default species appropriate and testing should be performed with the rat as a first species to be used.

The Registrant proposed to extend the sub-chronic toxicity study (90 day) by including additional examinations/parameters on sexual organs. ECHA notes, that it is at the Registrant's discretion to perform the intended additional examinations during the testing program and use the results to ensure the safe use of the substance. However, the Registrant is reminded that the proposed extension of this study does not fulfil the standard information requirements in the registration dossier for reproductive toxicity set out in Annex X, 8.7.3. unless Annex X, 8.7. column 2 adaptation is applied.

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.

A third Party proposed a weight-of evidence approach for ECHA to take into account before further tests on vertebrate animals are required. As part of this approach, the third party referred to 1) substance stability and toxicokinetics, 2) existing data from a repeated dose 90-day oral toxicity in rodents study by using a read-across substance 3-aminomethyl-3,5,5-trimethylcyclohexylamine (CAS No. 2855-13-2) and 3) exposure control considerations.

ECHA has taken the information provided into account and concludes that it is insufficient for demonstrating that the conditions of Annex XI, Section 1.2 and 1.5 of the REACH Regulation are met. ECHA notes that the information provided by the third party concerning the speed and rate of hydrolysis and the toxicological information available for all the relevant degradation products is not sufficient for concluding that the repeated dose toxicity or the pre-natal toxicity properties of the registered substance could be reliably predicted with tests performed with only one of the degradation products. Therefore, the proposed weight-of-evidence approach is not sufficient to assume that the substance has or has not a particular dangerous property after sub-chronic administration of the substance and that the standard information requirement for a 90-day repeated dose toxicity study could be adapted. Furthermore, the proposed read-across approach as an element of the weight of evidence justification did not demonstrate that human health effects of the registered substance may be predicted from data on the reference substance. In addition, ECHA notes that the Registrant did not use exposure-based adaptation.

Although ECHA recognises that the information as provided by the third party might be scientifically valid, it does not fulfil Annex XI requirements and is therefore not sufficient to allow ECHA to reject the testing proposal. Nevertheless, ECHA acknowledges that the Registrant may himself supplement under its own responsibility the argumentation and information provided by the third party in order to make use of adaptation possibilities. This would require that the Registrant documents, using several independent sources of information, that there is a sufficient weight of evidence leading to the assumption/conclusion that a substance has or has not particular dangerous properties, according to the criteria laid down in Annex XI of the REACH Regulation.

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.

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 proposed to perform the test in the rat via the oral route. 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 the first species to be used.

b) Consideration of the information received during third party consultation

ECHA received third party information concerning the testing proposal during the public consultation. For the reasons explained above (see section III, 1, Sub-chronic repeated dose toxicity study (90-day), b)) the information provided by third parties 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 in rats or rabbits, oral route (test method: EU B.31/OECD 414) using the registered substance.

IV. Adequate identification of the composition of the tested material

The process of evaluation 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 evaluation of the testing proposal. The Registrant must note, however, that this information has not been checked for compliance with the substance identity requirements set out in Section 2 of Annex VI of the REACH Regulation.

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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