

Decision number: TPE-D-0000002711-81-07/F

Helsinki, 2 September 2013

**DECISION ON A TESTING PROPOSAL SET OUT IN A REGISTRATION PURSUANT TO ARTICLE 40(3) OF REGULATION (EC) NO 1907/2006****For Octene, hydroformylation products, high-boiling, CAS No 68526-89-6 (EC No 271-237-7), 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 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 Octene, hydroformylation products, high-boiling, CAS No 68526-89-6 (EC No 271-237-7), by [REDACTED] (Registrant):

- 90-day oral toxicity study (OECD 408) in rats, oral route
- Developmental toxicity / teratogenicity study (OECD 414) in rats.
- Two-generation reproduction toxicity study in rats (OECD 416)

The present decision relates to the examination of the testing proposals for repeated dose 90-day oral toxicity study (Annex IX, 8.6.2) and the pre-natal developmental toxicity study (Annex X, 8.7.2). The testing proposal for a two generation reproduction toxicity study (Annex X, 8.7.3) is addressed in a separate decision although all these were initially addressed together in the same draft decision.

This decision is based on the registration dossier as submitted with submission number [REDACTED], for the tonnage band of [REDACTED] per year. 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.

On 1 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 July 2011 until 29 August 2011. ECHA did receive information from third parties for both the two-generation reproduction toxicity study and 90-day oral toxicity (see section III below).

On 24 August 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 20 September 2012 ECHA received comments from the Registrant.

On 4 December 2012 ECHA contacted the Registrant via REACH-IT requesting additional clarification from the Registrant on his comments regarding the deadlines set in the draft decision. On 13 December 2012 ECHA received comments indicating that the deadline set in the draft decision is acceptable.

ECHA considered the Registrant's comments received. The comments are reflected in the Statement of Reasons (Section III) whereas no amendments to the Testing Required (Section II) were made.

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, Competent Authorities of the Member States submitted proposals for amendment to the draft decision.

On 21 February 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 decided not to amend the draft decision.

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

On 19 March 2013 the Registrant provided comments on the proposed amendments. The Member State Committee took the comments of the Registrant into account.

The draft decision was split into two draft decision documents: one relating to the testing proposal for a two-generation reproduction toxicity study (Annex X, 8.7.3), and one relating to the testing proposals for a 90-day oral toxicity (Annex IX, 8.6.2.) and the pre-natal developmental toxicity study (Annex X, 8.7.2.).

A unanimous agreement of the Member State Committee on the draft decision relating to the testing proposal for a repeated dose 90-day oral toxicity study and the pre-natal developmental toxicity study 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).

2. Pre-natal developmental toxicity study in rats or rabbits, oral route (Annex X, 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 **2 March 2015** an update of the registration dossier containing the information required by this decision.

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.

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.

#### **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.

In proposing the test, the Registrant states the following "a related substance showed effects on reproductive organs in a 28d study. Therefore a 90d study is proposed for Oxooil 9N. Dependingly on the observed effects, esp. related to fertility, of a proposed 90d study of Oxooil 9N a developmental study (OECD 414) will be considered.

Further-on a two generation study (OECD 416) will be initiated in accordance to the previous results." The Registrant has not included the results of this study on the related substance. Nevertheless, the Registrant has raised a potential concern for the toxicity of the registered substance, including its effects on reproductive organs, and has proposed to investigate this concern further using the standard REACH information requirements.

In addition to the concern raised by the Registrant, 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 and the information provided on the uses and human exposure, ECHA considers that testing by the oral route is appropriate.

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 further below the information provided by third parties is not sufficient to fulfil this information requirement.

##### Third party information 1:

As a result of the third party consultation, ECHA received information on a 14 day repeated dose toxicity study on isononanol. Third parties were invited, as specified by Article 40(2) of the REACH Regulation to submit "scientifically valid information and studies that address the relevant substance and hazard end-point, addressed by the testing proposal". The third party submitted information on the study with no further justification as to why this study is relevant for this testing proposal. ECHA has evaluated the submitted information, and concluded that the tested substance is different from the registered substance. Furthermore, the duration of the study is not comparable to the study that is the subject of the current testing proposal, and therefore cannot be considered sufficient to address the relevant substance and hazard end-point that is the subject of this testing proposal. Therefore ECHA concludes that this is not a sufficient basis to fulfil the data/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**

#### 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.

In addition to the concern raised by the Registrant (see Section III.1.a above) 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.

b) Consideration of the information received during third party consultation

ECHA did not receive any third party information concerning the testing proposal on a pre-natal developmental toxicity study during the third party consultation.

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.

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.

### **3. 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 also requested a reproductive toxicity study according to the standard information requirement of Annex X, 8.7.3 of the REACH Regulation. As the testing proposal for this study 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 is 18 months from the date of the adoption of the decision. The decision was therefore modified accordingly.

#### **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, or the information submitted by other registrants of the same 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 proposed tests, 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 of the same substance to agree to

the tests proposed (as applicable to their tonnage level) 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 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](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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