

Helsinki, 7 October 2016

Addressee: [REDACTED]

Decision number: TPE-D-2114344773-45-01/F

Substance name: [1,3(or 1,4)-phenylenebis(1-methylethylidene)]bis[tert-butyl] peroxide

EC number: 246-678-3

CAS number: 25155-25-3

Registration number: [REDACTED]

Submission number: [REDACTED]

Submission date: 17.12.2015

Registered tonnage band: 1000+T

### DECISION ON A TESTING PROPOSAL

Based on Article 40 of Regulation (EC) No 1907/2006 (the 'REACH Regulation'), ECHA has taken the following decision.

**Your testing proposal is accepted and you are requested to carry out:**

- 1. Pre-natal developmental toxicity study (Annex X, Section 8.7.2.; test method: EU B.31./OECD TG 414) in a second species (rabbits), oral route using the registered substance.**

You may adapt the testing requested above according to the specific rules outlined in Annexes VI to X and/or according to the general rules contained in Annex XI of the REACH Regulation. In order to ensure compliance with the respective information requirement, any such adaptation will need to have a scientific justification, referring and conforming to the appropriate rules in the respective Annex, and an adequate and reliable documentation.

You are required to submit the requested information in an updated registration dossier by **16 October 2017**. You shall also update the chemical safety report, where relevant.

The reasons of this decision are set out in Appendix 1. The procedural history is described in Appendix 2. Advice and further observations are provided in Appendix 3.

### Appeal

This decision can be appealed to the Board of Appeal of ECHA within three months of its notification. An appeal, together with the grounds thereof, shall be submitted to ECHA in writing. An appeal has suspensive effect and is subject to a fee. Further details are described under <http://echa.europa.eu/regulations/appeals>.

Authorised<sup>1</sup> by Claudio Carlon, Head of Unit, Evaluation E2

<sup>1</sup> 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**

The decision of ECHA is based on the examination of the testing proposal(s) submitted by you.

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 study (Annex X, Section 8.7.2.) in a second species**

Examination of the testing proposal

Pre-natal developmental toxicity studies on two species are part of the standard information requirements for substance registered for 1000 tonnes or more per year (Annex IX, Section 8.7.2., column 1, Annex X, Section 8.7.2., column 1, and sentence 2 of introductory paragraph 2 of Annex X of the REACH Regulation).

The dossier contains a pre-natal developmental toxicity study in rats as first species. However, there is no information available for a pre-natal developmental toxicity study in a second species. Consequently there is an information gap for Annex X, Section 8.7.2. and it is necessary to provide information for this endpoint.

You have submitted a testing proposal for a pre-natal developmental toxicity study in a second species (rabbits) according to EU B.31/OECD TG 414 by the oral route.

ECHA considers that the proposed study performed with the registered substance is appropriate to fulfil the information requirement of Annex X, Section 8.7.2. of the REACH Regulation.

You proposed testing with rabbits as a second species. The test in the first species was carried out with rats. According to the test method EU B.31/OECD 414, the rat is the preferred rodent species and the rabbit the preferred non-rodent species. On the basis of this default consideration, ECHA considers testing should be performed with rabbits as a second species.

You proposed testing by the oral route.

ECHA agrees that the oral route is the most appropriate route of administration for substances except gases to focus on the detection of hazardous properties on reproduction as indicated in ECHA *Guidance on information requirements and chemical safety assessment* (version 4.1, October 2015) R.7a, chapter R.7.6.2.3.2. Since the substance to be tested is a solid, ECHA concludes that testing should be performed by the oral route.

## Outcome

Therefore, pursuant to Article 40(3)(a) of the REACH Regulation, you are thus requested to carry out the proposed study with the registered substance subject to the present decision: Pre-natal developmental toxicity study in a second species (rabbits), oral route (test method: EU B.31/OECD TG 414).

### *Notes for your consideration*

For the selection of the appropriate species you are advised to consult ECHA *Guidance on information requirements and chemical safety assessment* (version 4.1, October 2015), Chapter R.7a, section R.7.6.2.3.2.

## **Appendix 2: Procedural history**

ECHA received your registration containing the testing proposal for examination pursuant to Article 40(1) on 15 September 2015.

ECHA held a third party consultation for the testing proposal(s) from 30 November 2015 until 15 January 2016. ECHA did not receive information from third parties.

This decision does not take into account any updates after **15 April 2016**, i.e 30 calendar days after the end of the commenting period.

The decision making followed the procedure of Articles 50 and 51 of the REACH Regulation, as described below:

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

ECHA did not receive any comments by the end of the commenting period.

ECHA notified the draft decision to the competent authorities of the Member States for proposal(s) for amendment.

A unanimous agreement of the Member State Committee on the draft decision was reached on 23 August 2016 in a written procedure launched on 21 July 2016. ECHA took the decision pursuant to Article 51(6) of the REACH Regulation.

**Appendix 3: Further information, observations and technical guidance**

1. This decision does not imply that the information provided in your 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.
2. Failure to comply with the request(s) in this decision, or to fulfil otherwise the information requirement(s) with a valid and documented adaptation, will result in a notification to the Enforcement Authorities of the Member States.
3. In relation to the information required by the present decision, the sample of the substance used for the new test(s) must be suitable for use by all the joint registrants. Hence, the sample should have a composition that is suitable to fulfil the information requirement for the range of substance compositions manufactured or imported 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 the substance tested in the new test(s) 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 or imported by each registrant. If the registration of the substance by any registrant covers different grades, the sample used for the new test(s) must be suitable to assess these grades. Finally there must be adequate information on substance identity for the sample tested and the grade(s) registered to enable the relevance of the test(s) to be assessed.

