

Helsinki, 09 August 2022

Addressees

Registrant(s) of JS_CAS 13676-54-5 as listed in Appendix 3 of this decision

Date of submission of the dossier subject to this decision

18/06/2021

Registered substance subject to this decision ("the Substance")

Substance name: 1,1'-(methylenedi-p-phenylene)bismaleimide

EC number: 237-163-4

Decision number: Please refer to the REACH-IT message which delivered this communication (in format TPE-D-XXXXXXXXXX-XX-XX/F)**DECISION ON TESTING PROPOSAL(S)**Based on Article 40 of Regulation (EC) No 1907/2006 (REACH), you must submit the information listed below by **16 February 2024**.

Requested information must be generated using the Substance unless otherwise specified.

Information required from all the Registrants subject to Annex IX of REACH

1. Pre-natal developmental toxicity study (Annex IX, Section 8.7.2.; test method: OECD TG 414) by oral route, in one species (rat or rabbit)

The reasons for the decision(s) are explained in Appendix 1.

Information required depends on your tonnage band

You must provide the information listed above for all REACH Annexes applicable to you in accordance with Articles 10(a) and 12(1) of REACH. The addressees of the decision and their corresponding information requirements based on registered tonnage band are listed in Appendix 3.

You are only required to share the costs of information that you must submit to fulfil your information requirements.

How to comply with your information requirementsTo comply with your information requirements, you must submit the information requested by this decision in an updated registration dossier by the deadline indicated above. You must also **update the chemical safety report**, where relevant, including any changes to classification and labelling, based on the newly generated information.

You must follow the general requirements for testing and reporting new tests under REACH, see Appendix 4.

Appeal

This decision, when adopted under Article 51 of REACH, may be appealed to the Board of Appeal of ECHA within three months of its notification to you. Please refer to <http://echa.europa.eu/regulations/appeals> for further information.

Failure to comply

If you do not comply with the information required by this decision by the deadline indicated above, ECHA will notify the enforcement authorities of your Member State.

Authorised¹ under the authority of Mike Rasenberg, Director of Hazard Assessment

Appendix 1: Reasons for the decision

Appendix 2: Procedure

Appendix 3: Addressees of the decision and their individual information requirements

Appendix 4: Conducting and reporting new tests under REACH

¹ 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 for the decision

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Reasons for the decision(s) related to the information under Annex IX of REACH**1. Pre-natal developmental toxicity study**

1 A pre-natal developmental toxicity (PNDT) study (OECD TG 414) in one species is an information requirement under Annex IX to REACH (Section 8.7.2.).

1.1. *Information provided to fulfil the information requirement*

2 After consideration of alternatives to testing you have submitted a testing proposal for a PNDT study according to the OECD TG 414 with the Substance. We therefore understand that in principle you consider testing necessary.

3 In your considerations for alternative methods to fulfil the information requirement for Developmental toxicity you nevertheless suggest adaptations, based on the results from an OECD TG 422 (2012) study with the Substance and making reference to:

(1) Annex XI, Section 1 (Use of existing data); and

(2) "low toxicological activity (no evidence of toxicity seen in any of the tests available), it can be proven from toxicokinetic data that no systemic absorption occurs via relevant routes of exposure (e.g. plasma/blood concentrations below detection limit using a sensitive method and absence of the substance and of metabolites of the substance in urine, bile or exhaled air) and there is no or no significant human exposure." ECHA understands that your adaptation refers to Annex IX, Section 8.7., Column 2, third indent.

1.2. *Assessment of the information provided*

4 We have assessed the information submitted in support of such adaptation and identified the following issues regarding adaptations based on the above mentioned legal bases:

1.2.1. *Issue 1: The study does not qualify as adequate existing data*

5 Any data generated as from 1 June 2008 shall not be considered as "existing data" and shall not be subject to the general rules for adaptation laid down in Annex XI, section 1.1.

6 The OECD 422 study you refer to is from 2012 and therefore the general adaptation rule for "existing data" does not apply.

7 In any case, ECHA points out that the data from the study must have adequate and reliable coverage of the key parameters of the OECD TG 414, the corresponding test method referred to in Article 13(3). Therefore, among others the following specifications would have to be met:

a) the foetuses are examined for skeletal and soft tissue alterations (variations and malformations).

8 The provided study has been conducted according to OECD TG 422 which is a screening test rather than a conclusive developmental toxicity study. In particular it does not meet the above requirement, that is:

a) key parameters of the OECD TG 414 such as skeletal and soft tissue alterations (variations and malformations) have not been investigated.

9 The study is therefore not adequate for the information requirement.

1.2.2. Issue 2: Low toxicological activity not demonstrated

10 Under Section 8.7., Column 2 of Annex IX to REACH, the study does not need to be conducted if the substance is of low toxicological activity. This needs to be demonstrated with three concomitant criteria, namely:

- (1) that there is no evidence of toxicity seen in any of the tests available; and
- (2) that it can be proven from toxicokinetic data that no systemic absorption occurs via relevant routes of exposure; and
- (3) that there is no or no significant human exposure.

11 You consider that "there is not any toxic effect observed in the available OECD 422 study up to 1000 mg/kg". But you have not addressed the criteria of no systemic absorption (toxicokinetic data) or no significant human exposure in the justification of your adaptation.

12 ECHA further notes that:

- (1) the Substance shows toxicity (self-classified as Acute Tox. 3, H331); and
- (2) the registration dossier does not contain toxicokinetic data. However, in IUCLID section 7.1 you conclude that for the oral route, there is "an indication of accumulation of the test material, following adsorption through the gastrointestinal tract"; and
- (3) IUCLID section 13 reports industrial uses with human exposure (e.g. PROC 10).

13 To conclude, the available information shows evidence of toxicity, you have not provided toxicokinetic data to show that no systemic absorption occurs via relevant routes of exposure, and the uses of the Substance indicate that there is human exposure.

14 Therefore, the criteria set out in Section 8.7., Column 2 of Annex IX to REACH for adaptation of the information are not met.

15 In the absence of a valid adaptation, ECHA agrees that a PNDT study in a first species is necessary.

1.3. Specification of the study design

16 You proposed testing in the rat as a first species. You may select between the rat or the rabbit because both are preferred species under the OECD TG 414 (Guidance on IRs and CSA, Section R.7.6.2.3.2.).

17 You did not specify the route for testing. The oral route of administration is the most appropriate to investigate reproductive toxicity (Guidance on IRs and CSA, Section R.7.6.2.3.2.).

1.4. Outcome

18 Your testing proposal is accepted under Article 40(3)(a) and you are requested to conduct the test, as specified above.

References

The following documents may have been cited in the decision.

Guidance on information requirements and chemical safety assessment (Guidance on IRs & CSA)

- Chapter R.4 Evaluation of available information; ECHA (2011).
Chapter R.6 QSARs, read-across and grouping; ECHA (2008).
Appendix to Chapter R.6 for nanoforms; ECHA (2019).
Chapter R.7a Endpoint specific guidance, Sections R.7.1 – R.7.7; ECHA (2017).
Appendix to Chapter R.7a for nanomaterials; ECHA (2017).
Chapter R.7b Endpoint specific guidance, Sections R.7.8 – R.7.9; ECHA (2017).
Appendix to Chapter R.7b for nanomaterials; ECHA (2017).
Chapter R.7c Endpoint specific guidance, Sections R.7.10 – R.7.13; (ECHA 2017).
Appendix to Chapter R.7a for nanomaterials; ECHA (2017).
Appendix R.7.13-2 Environmental risk assessment for metals and metal compounds; ECHA (2008).
Chapter R.11 PBT/vPvB assessment; ECHA (2017).
Chapter R.16 Environmental exposure assessment; ECHA (2016).

Guidance on data-sharing; ECHA (2017).

All Guidance on REACH is available online: <https://echa.europa.eu/guidance-documents/guidance-on-reach>

Read-across assessment framework (RAAF)

- RAAF, 2017 Read-across assessment framework (RAAF), ECHA (2017)
RAAF UVCB, 2017 Read-across assessment framework (RAAF) – considerations on multi- constituent substances and UVCBs), ECHA (2017).

The RAAF and related documents are available online:

<https://echa.europa.eu/support/registration/how-to-avoid-unnecessary-testing-on-animals/grouping-of-substances-and-read-across>

OECD Guidance documents (OECD GDs)

- OECD GD 23 Guidance document on aquatic toxicity testing of difficult substances and mixtures; No. 23 in the OECD series on testing and assessment, OECD (2019).
OECD GD 29 Guidance document on transformation/dissolution of metals and metal compounds in aqueous media; No. 29 in the OECD series on testing and assessment, OECD (2002).
OECD GD 150 Revised guidance document 150 on standardised test guidelines for evaluating chemicals for endocrine disruption; No. 150 in the OECD series on testing and assessment, OECD (2018).
OECD GD 151 Guidance document supporting OECD test guideline 443 on the extended one-generation reproductive toxicity test; No. 151 in the OECD series on testing and assessment, OECD (2013).

Appendix 2: Procedure

ECHA started the testing proposal evaluation in accordance with Article 40(1) on 23 August 2021.

ECHA held a third party consultation for the testing proposal(s) from 30 September 2021 until 15 November 2021. ECHA did not receive information from third parties.

ECHA followed the procedure detailed in Articles 50 and 51 of REACH.

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

ECHA did not receive any comments within the commenting period.

ECHA notified the draft decision to the competent authorities of the Member States for proposals for amendment.

As no amendments were proposed, ECHA adopted the decision under Article 51(3) of REACH.

The deadline of the decision is set based on standard practice for carrying out OECD TG tests. It has been exceptionally extended by 6 months from the standard deadline granted by ECHA to take into account currently longer lead times in contract research organisations.

Appendix 3: Addressees of this decision and their corresponding information requirements

In accordance with Articles 10(a) and 12(1) of REACH, the information requirements for individual registrations are defined as follows:

- the information specified in Annexes VII, VIII and IX to REACH, for registration at 100-1000 tpa.

Registrant Name	Registration number	Highest REACH Annex applicable to you
██████████	██████████	██████

Where applicable, the name of a third party representative (TPR) may be displayed in the list of recipients whereas ECHA will send the decision to the actual registrant.

Appendix 4: Conducting and reporting new tests for REACH purposes

1. Requirements when conducting and reporting new tests for REACH purposes

1.1. Test methods, GLP requirements and reporting

- (1) Under Article 13(3) of REACH, all new data generated as a result of this decision must be conducted according to the test methods laid down in a European Commission Regulation or to international test methods recognised by the Commission or ECHA as being appropriate.
- (2) Under Article 13(4) of REACH, ecotoxicological and toxicological tests and analyses must be carried out according to the GLP principles (Directive 2004/10/EC) or other international standards recognised by the Commission or ECHA.
- (3) Under Article 10(a)(vi) and (vii) of REACH, all new data generated as a result of this decision must be reported as study summaries, or as robust study summaries, if required under Annex I of REACH. See ECHA Practical Guide on How to report robust study summaries².
- (4) Under the introductory part of Annexes VII/VIII/IX/X to REACH, where a test method offers flexibility in the study design, for example in relation to the choice of dose levels or concentrations, the chosen study design must ensure that the data generated are adequate for hazard identification and risk assessment.

1.2. Test material

Before generating new data, you must agree within the joint submission on the chemical composition of the material to be tested (Test Material) which must be relevant for all the registrants of the Substance.

- (1) Selection of the Test material(s)
The Test Material used to generate the new data must be selected taking into account the following:
 - the variation in compositions reported by all members of the joint submission,
 - the boundary composition(s) of the Substance,
 - the impact of each constituent/ impurity on the test results for the endpoint to be assessed. For example, if a constituent/ impurity of the Substance is known to have an impact on (eco)toxicity, the selected Test Material must contain that constituent/ impurity.
- (2) Information on the Test Material needed in the updated dossier
 - You must report the composition of the Test Material selected for each study, under the "Test material information" section, for each respective endpoint study record in IUCLID.
 - The reported composition must include all constituents of each Test Material and their concentration values and other parameters relevant for the property to be tested.

This information is needed to assess whether the Test Material is relevant for the Substance and whether it is suitable for use by all members of the joint submission.

Technical instructions on how to report the above is available in the manual on How to prepare registration and PPORD dossiers³.

² <https://echa.europa.eu/practical-guides>

³ <https://echa.europa.eu/manuals>