ECHA
EUROPEAN CHEMICALS AGENCY

For final decision: TPE-D-0000001778-62-05/F Helsinki, 6 March 2012

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

For Tert-butyl 3,5,5-trimethylperoxyhexanoate (TBPIN), CAS 13122-18-4, (EC NO 236-050-7), 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 testing proposals set out in the registration dossier for **Tert-butyl 3,5,5-trimethylperoxyhexanoate (TBPIN), CAS 13122-18-4 (EC No 236-050-7)** submitted by [redacted] (Registrant), latest submission number [redacted], for 100-1000 tonnes per year.

In accordance with Articles 10(a)(ix) and 12(1)(d) of the REACH Regulation, the Registrant submitted the following testing proposals as part of the registration dossier to fulfil the information requirements set out in Annex IX:

a) Annex IX, 8.4: *In vivo* mammalian erythrocyte micronucleus test according to the EU test Method B.12/OECD test guideline 474
b) Annex IX, 8.6.2: Sub-chronic repeated dose toxicity study (90-days) in rat by the oral route and according to the EU test Method B.26/OECD test guideline 408, including additional examinations on sexual organs
c) Annex IX, 8.7.2: Pre-natal developmental toxicity study according to the EU test Method B.31/OECD test guideline 414.

The examination of the testing proposals was initiated on 27 October 2010.

ECHA opened a third party consultation for the testing proposals including testing on vertebrate animals that was held from 15 April 2011 until 30 May 2011. ECHA did not receive any comments by the deadline from third parties.

ECHA examined the testing proposal and drafted a decision in accordance with Article 40 of REACH.

On 9 August 2011 ECHA notified the Registrant of its draft decision and invited him pursuant to Article 50(1) of the REACH Regulation to provide comment on the draft decision.

On 7 September 2011 the Registrant provided to ECHA comments on the draft decision. He agreed to the content of the draft decision and asked for an extension of the deadline for submitting the updated dossier to 15 months.

ECHA has taken into account the information received and decided to amend the draft decision.

On 4 November 2011 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. Subsequently, Competent Authorities of the Member States submitted proposals for amendment to the draft decision.

On 8 December 2011 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 within 30 days of the receipt of the notification.

ECHA reviewed the proposals for amendment received and modified the draft decision.

On 19 December 2011, the draft decision was referred to the Member State Committee.

On 3 January 2012 the Registrant provided comments on the proposals for amendment. The Member State Committee took the comments of the Registrant into account.

A unanimous agreement of the Member State Committee on the modified draft decision was reached on 20 January 2012 in a written procedure launched on 10 January 2012.

This decision does not imply that the information provided by the Registrant in his registration dossier is in compliance with the requirements of the REACH Regulation. The decision does not prevent ECHA to initiate a compliance check on the present dossier at a later stage.

II. Testing required

Pursuant to Article 40(3)(a) of the REACH Regulation, the Registrant shall carry out the following tests using the indicated test method:

a) *In vivo* mammalian erythrocyte micronucleus test (Annex IX, 8.4, method B12. of Regulation (EC) No 440/2008, OECD test guideline 474)
b) Sub-chronic toxicity study (90-day) (Annex IX, 8.6.2, method B.26 of Regulation (EC) No 440/2008, OECD test guideline 408)
c) Pre-natal developmental toxicity study (Annex IX, 8.2.2, method B.31 of Regulation (EC) No 440/2008, OECD test guideline 414) in rat by the oral route

Pursuant to Articles 40(4) and 22 of the REACH Regulation, the Registrant shall submit to ECHA by **7 March 2014** an update of the registration dossier containing the information required by this decision.

The Registrant shall determine the appropriate order of the studies taking into account the possible outcomes 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.

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 of the Registrant for the registered substance.

a) *In vivo* mammalian erythrocyte micronucleus test

According to the REACH Regulation, appropriate *in vivo* mutagenicity studies shall be considered in case of a positive result in any of the mutagenicity studies in Annex VII or VIII (Annex VIII, 8.4.3., column 2 REACH Regulation). An appropriate study to follow-up positive results from *in vitro* assays on chromosome aberrations is an *in vivo* assay addressing chromosomal effects. The appropriate testing strategy is further described in the Guidance on information requirements and chemical safety assessment, chapter R7.7.1. and figure R.7.7-1.

Pursuant to Annex IX, 8.4. of the REACH Regulation, in case any *in vitro* test required at Annex VII or VIII had positive results and no appropriate *in vivo* results are available, an *in vivo* mutagenicity study may be proposed by the Registrant. The Registrant has followed this provision by proposing an *in vivo* mammalian erythrocyte micronucleus test (OECD 474).

Therefore, pursuant to Article 40(3) (a) of the REACH Regulation, the Registrant is thus requested to carry out the following test: *in vivo* mammalian erythrocyte micronucleus test (method B.12 of Regulation (EC) No 440/2008; OECD test guideline 474).

b) Sub-chronic toxicity study (90-day), oral route

A sub-chronic toxicity study (90-day) is a standard information requirement under Annex IX, 8.6.2 of the REACH Regulation. ECHA notes that this standard information is not available in the present registration dossier, but a testing proposal concerning a sub-chronic toxicity study (90-day) has been made.

The Registrant has based his testing proposal on the findings observed in the 28-day repeated dose toxicity study, where the registered substance showed test-substance related effects in both sexes. Additionally, the study showed clear differences in the response of both sexes to the test substance. Therefore, the Registrant proposes to include additional parameters on sexual organs to support the test proposal with regards to reproduction toxicity.

Therefore, pursuant to Article 40(3) (a) of the REACH Regulation, the Registrant is thus requested to carry out the following test: 90-day repeated dose toxicity study in rats, oral route (method B.26 of Regulation (EC) No 440/2008; OECD test guideline 408). It is at the Registrant's discretion to perform the intended additional examinations during the testing and use the results to ensure the safe use of the substance.

c) Pre-natal developmental toxicity study

A pre-natal developmental toxicity study for a first species is a standard information requirement under Annex IX, 8.7.2 of the REACH Regulation. ECHA notes that this standard information is not available in the present registration dossier, but a testing proposal concerning a pre-natal developmental toxicity study has been made.

The Registrant has based his testing proposal on the fact that the available screening study for reproduction and development does not allow a final conclusion with regard to developmental toxicity/teratogenicity.

Therefore, pursuant to Article 40(3) (a) of the REACH Regulation, the Registrant is thus requested to carry out the following test: Pre-natal developmental toxicity study in rats, oral route (method B.31 of Regulation (EC) No 440/2008; OECD test guideline 414).

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 generation of information is tailored to real information needs in order to prevent unnecessary testing. The information submitted in your dossier was sufficient to confirm the identity of the substance for the purpose of assessing the testing proposal. You 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 the joint registrants of the same substance to agree with the tests proposed in the testing proposal (as applicable to their tonnage level) and to document the necessary information on its composition. The substance identity information of the registered substance and of the sample tested must enable ECHA to confirm the relevance of the testing for the substance actually registered by each joint registrant. Finally, the studies must be shared by the joint registrants concerned.

V. General requirements for the generation of information and Good Laboratory Practice

ECHA always reminds registrants of the requirements of Article 13(4) of the REACH Regulation that reads:

ECHA
EUROPEAN CHEMICALS AGENCY

> *"Ecotoxicological and toxicological tests and analyses shall be carried out in compliance with the principles of good laboratory practice provided for in Directive 2004/10/EC or other international standards recognised as being equivalent by the Commission or the Agency and with the provisions of Directive 86/609/EEC, if applicable."*

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 the 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.

National authorities monitoring good laboratory practice (GLP) maintain lists of test facilities indicating the relevant areas of expertise of each facility.

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.

[redacted]
Jukka Malm
Director of Regulatory Affairs