ECHA
EUROPEAN CHEMICALS AGENCY

Decision number: TPE-D-0000003211-90-04/F Helsinki, 28 November 2013

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

For S-[3-(triethoxysilyl)propyl] octanethioate, CAS No 220727-26-4 (EC No 436-690-9), 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 S-[3-(triethoxysilyl)propyl] octanethioate, CAS No 220727-26-4 (EC No 436-690-9), by [redacted] (Registrant).

- 90-day oral toxicity study (OECD 408), species not specified, oral route, including unspecified additional examinations/parameters concerning reproductive toxicity;
- 90-day oral toxicity study (OECD 408) in rats, oral route, including additional examinations/parameters concerning reproductive toxicity (sperm parameters such as testis weight, epididymis weight, sperm count in testes, sperm count in epididymides, enumeration of cauda epididymal sperm reserve, sperm motility, sperm morphology; and oestrus cycle length); to fulfil the information requirement for a two-generation reproductive toxicity study (Annex IX, 8.7.3.) and
- Developmental toxicity / teratogenicity study (OECD 414), oral route, species not specified.

This decision is based on the registration dossier as submitted with submission number [redacted], for the tonnage band of 100 to 1000 tonnes per year. This decision does not take into account any updates after 1 August 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 registration 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 21 August 2012.

ECHA held a third party consultation for the testing proposals from 25 September 2012 until 12 November 2012. ECHA did receive information from third parties (see section III below).

On 31 January 2013 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 04 March 2013 the Registrant did not provide any comments on the draft decision to ECHA.

On 1 August 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 did not propose amendments to the draft decision and ECHA took the decision pursuant to Article 51(3) 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; and
2. Pre-natal developmental toxicity study in rats or rabbits, oral route (Annex IX, 8.7.2.; test method: EU B.31/OECD 414).

while the originally proposed test extended 90-day oral toxicity study (test method: EU B.26/OECD 408) to cover two-generation reproductive toxicity study in Annex IX, 8.7.3 with additional parameters concerning reproductive toxicity (sperm parameters, such as testis weight, epididymis weight, sperm count in testes, sperm count in epididymides, enumeration of cauda epididymal sperm reserve, sperm motility, sperm morphology; and oestrus cycle length) proposed to be carried out using the registered substance is rejected pursuant to Article 40(3)(d) of the REACH Regulation.

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 the column 2 provisions of the respective Annex and those contained in Annex XI of the REACH Regulation.

Pursuant to Articles 40(4) and 22 of the REACH Regulation, the Registrant shall submit to ECHA by **28 November 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.

1. Sub-chronic toxicity study (90-day)

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 to conduct a 90-day toxicity study (OECD 408) in IUCLID section 7.5.1 (oral repeated dose toxicity) to fulfil the current information requirement.

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.

The Registrant also proposed in IUCLID section 7.5.1 (oral repeated dose toxicity) to extend the sub-chronic toxicity study (90 day) by including additional examinations/parameters concerning reproductive toxicity, but has not specified such additional examinations/parameters in this testing proposal.

While accepting the the testing proposal for a 90-day toxicity study (OECD 408), ECHA considers 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 the Registrant can apply the results from the 90-day study as a valid adaptation according to Annex X, 8.7, column 2 (see also section III.3 below).

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

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 did not specify the species 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.

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.

3. Sub-chronic toxicity study (90-day) to cover two-generation reproductive toxicity study

a) Examination of the testing proposal

Pursuant to Article 40(3)(d) of the REACH Regulation, ECHA may reject a proposed test.

According to Annex IX, section 8.7.3., a two-generation reproductive toxicity study is an information requirement if adverse effects on reproductive organs or tissues have been observed in a 28-day or 90-day repeated dose toxicity study.

ECHA notes that available information on a 28-day repeated dose toxicity study does not indicate any effects on reproductive organs or tissues that would trigger the need for a two-generation reproductive toxicity study. The 90-day repeated dose toxicity study is currently in a testing proposal status, so it cannot (yet) trigger the need for two-generation study in this stage. No screening study has been performed to fulfil the information requirements of Annex VIII, 8.7.1.

ECHA further recognises that the Registrant inserted in the IUCLID file in section 7.8.1 (toxicity to reproduction) a testing proposal which actually contains a highly similar testing proposal than already submitted in IUCLID section 7.5.1 (oral repeated dose toxicity) and analysed above under Section III.1. The difference with these two testing proposals lies with the suggested additional examinations/parameters concerning reproductive toxicity, which are only specified in IUCLID section 7.8.1. The Registrant specified the extension of the sub chronic toxicity study (90 day) to cover sperm parameters, such as testis weight, epididymis weight, sperm count in testes, sperm count in epididymides, enumeration of cauda epididymal sperm reserve, sperm motility, sperm morphology; and oestrus cycle length. No two-generation study is proposed in the registration dossier.

ECHA considers the testing as proposed in IUCLID section 7.8.1 as a testing proposal aiming to cover the information requirement for a two-generation reproductive toxicity study of Annex IX, section 8.7.3. This testing proposal must be rejected, because a 90-day sub-chronic toxicity study with the proposed additions does not fulfil the standard information requirements for a two-generation reproductive toxicity study.

ECHA reminds the Registrant that in case the 90-day study required under Sections II.1 and III.1 above, once conducted, reveals adverse effects in reproductive organs or tissues, the Registrant should consider a testing proposal for a two-generation reproductive toxicity study, unless Annex IX, 8.7. column 2 adaptation can be 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.
The third party proposed to perform the OECD TG 443 in place of the OECD 416. As the OECD 416 was not proposed by the Registrant, the comment is not taken into further consideration.

c) Outcome

Consequently, the proposed test 90-day oral toxicity study (test method: EU B.26/OECD 408) to cover two-generation reproductive toxicity study in Annex IX, 8.7.3, including the suggested additional examination/parameters, is rejected pursuant to Article 40(3)(d) of the REACH Regulation.

IV. Adequate identification of the composition of the tested material

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(s) 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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