ECHA
EUROPEAN CHEMICALS AGENCY

Decision number: TPE-D-2114310565-56-01/F Helsinki, 20 October 2015

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

For tert-dodecanethiol, EC No 246-619-1(CAS No 25103-58-6), 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 proposal submitted as part of the registration dossier in accordance with Articles 10(a)(ix) and 12(1)(e) thereof for tert-dodecanethiol, EC No 246-619-1 (CAS No 25103-58-6), submitted by [redacted] (Registrant).

- Subchronic Inhalation Toxicity: 90-day in rat on the registered substance

This decision is based on the registration as submitted on 19 May 2014 with submission number [redacted], for the tonnage band of 1000 tonnes or more per year. This decision does not take into account any updates after 22 May 2015 i.e. 30 calendar days after the end of the commenting period.

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.

ECHA received the registration dossier containing the above-mentioned testing proposal for further examination pursuant to Article 40(1) on 20 September 2013. ECHA suspended the testing proposal evaluation until necessary substance identity issues in compliance check of the registration dossier were clarified by the Registrant.

ECHA held a third party consultation for the testing proposal from 14 November 2013 until 30 December 2013. ECHA did not receive information from third parties.

On 16 March 2015 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 16 April 2015 ECHA received comments from the Registrant on the draft decision.

The ECHA Secretariat considered the Registrant's comments.

On basis of this information Section II was amended. The Statement of Reasons (Section III) was changed accordingly.

On 3 September 2015 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 for amendment of the draft decision within 30 days of the receipt of the notification.

As no proposal for amendment was submitted, ECHA took the decision pursuant to Article 51(3) of the REACH Regulation.

II. Testing required

A. Tests required pursuant to Article 40(3)

The Registrant shall carry out the following proposed tests pursuant to Article 40(3)(b) and 13(4) 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), inhalation route (Annex IX, Section 8.6.2.; test method: EU B.29/OECD 413) in rats. The study should include vaginal smears as described in paragraphs 40 and 41 of the OECD 443 Test Guideline. Vaginal smears should be taken for two weeks at the end of the 90-day study, before the termination of animals.

Note for consideration by the Registrant:

The Registrant 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 to and conforming with the appropriate rules in the respective Annex, and an adequate and reliable documentation.

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.

B. Deadline for submitting the required information

Pursuant to Articles 40(4) and 22(2) of the REACH Regulation, the Registrant shall submit to ECHA by **27 April 2017** an update of the registration dossier containing the information required by this decision, including, where relevant, an update of the Chemical Safety Report.

III. Statement of reasons

The decision of ECHA is based on the examination of the testing proposal submitted by the Registrant for the registered substance.

A. Tests required pursuant to Article 40(3)

1. Test requested in Section II (Annex)

a) Examination of the testing proposal

Pursuant to Article 40(3)(b) of the REACH Regulation, ECHA may require the Registrant to carry out the proposed test under modified conditions.

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 has submitted a testing proposal for a sub-chronic toxicity study (90 day) according to OECD Guideline 413 (Subchronic Inhalation Toxicity: 90-Day) with the registered substance in rat by inhalation. The Registrant did not provide a justification for the selection of the inhalation route.

In the draft decision of 16 March 2015, ECHA considered that the proposed study via the inhalation route is not the most appropriate route of administration to fulfil the information requirement of Annex IX, Section 8.6.2. of the REACH Regulation due to the following reasons. Firstly, the registered substance is reported to be a liquid at ambient temperature of low vapour pressure (20 Pa at 25C). Secondly, no uses with spray application were reported in the technical dossier and chemical safety report. Hence, inhalation exposure of humans to vapour or aerosols of potential inhalable size was regarded as not likely and the criteria listed in Annex IX, Section 8.6.2., column 2 with regard to the appropriateness of testing by the inhalation route were found not to be met. The oral bioavailability of the registered substance was assumed to be 100%.

The Registrant in their comments on the draft decision provided a detailed justification for the choice of inhalation route, referencing that there is vapour exposure to workers and arguing that this is the most appropriate route for worker exposure, the technical feasibility of the inhalation study vis-à-vis vapour and aerosol formation, and coherence with the existing dataset of toxicity studies which are performed by inhalation.

Based on the new information provided, ECHA has re-assessed the most appropriate route of exposure for the testing. ECHA notes that the principal route of exposure will be to workers by the inhalation exposure route, as set out in the CSR, with inhalation RCRs up to 0.7. Moreover, ECHA agrees that this route appears to be feasible, and that systemic toxicity would be expected at 100 ppm from the results of the 28-day rat inhalation study. There are no indications that there is route-specific toxicity. In view of the above information, and the Registrant's preference for inhalation testing for coherency with existing data, ECHA agrees with the Registrant that the inhalation route seems to be the most appropriate.

ECHA further notes that the oral OECD 422 screening study provided in the dossier, performed with a structurally-related substance (octane-1-thiol) indicated effects on mean oestrous cycle, gestation length and decrease in the delivery index at 250 mg/kg bw/d. Also in a supporting study in mice [redacted] equivalent or similar to OECD Guideline 412 (Repeated Dose Inhalation Toxicity: 28/14-Day) the ovaries had statistically significantly depressed weights and exhibited absent or few corpora lutea. In referring to the above results and to the summary and paragraphs 42 and 45 of the OECD 413 Test Guideline, ECHA highlights the need to take into consideration any effect on reproductive organs, which it considers as target organs. Therefore, to address this concern, vaginal smears as described in paragraphs 40 and 41 of the OECD 443 Test Guideline should be taken for two weeks at the end of the 90-day study, before the termination of animals, to determine the normality of estrous cycle.

b) Outcome

Therefore, pursuant to Article 40(3)(b) of the REACH Regulation, the Registrant is requested to carry out the proposed study with the registered substance subject to the present decision: Sub-chronic toxicity study (90-day) in rats, inhalation route (test method: EU B.29/OECD 413).
The study should include vaginal smears as described in paragraph 40 and 41 of the OECD 443 Test Guideline. Vaginal smears should be taken for two weeks at the end of the 90d-study, before the termination of animals.

IV. Adequate identification of the composition of the tested material

The process of examination of testing proposals set out in Article 40 of the REACH Regulation aims at ensuring that the new study 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 examination of the testing proposal.

In relation to the proposed test, the sample of substance used for the new study 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 test 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 study 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 study 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 study to be assessed.

V. 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://www.echa.europa.eu/regulations/appeals. The notice of appeal will be deemed to be filed only when the appeal fee has been paid.

Authorised[1] by Ofelia Bercaru, Head of Unit, Evaluation

[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.