ECHA
EUROPEAN CHEMICALS AGENCY

Decision number: CCH-D-0000005112-88-02/F Helsinki, 16 September 2014

DECISION ON A COMPLIANCE CHECK OF A REGISTRATION PURSUANT TO ARTICLE 41(3) OF REGULATION (EC) NO 1907/2006

For chrome antimony titanium buff rutile, CAS No 68186-90-3 (EC No 269-052-1), 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 41(1) of the REACH Regulation ECHA has performed a compliance check of the registration for chrome antimony titanium buff rutile, CAS No 68186-90-3 (EC No 269-052-1), submitted by [redacted] (Registrant). The scope of this compliance check is limited to the standard information requirement of Annex IX, Section 8.7.2. of the REACH Regulation. ECHA stresses that it has not checked the information provided by the Registrant and other joint registrants for compliance with requirements regarding the identification of the substance (Section 2 of Annex VI).

This decision is based on the registration as submitted with submission number [redacted], for the tonnage band of 1000 tonnes or more per year. This decision does not take into account any updates submitted after 12 June 2014, 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 compliance check decision does not prevent ECHA from initiating further compliance checks on the present registration at a later stage.

The compliance check was initiated on 25 April 2013.

On 24 May 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. That draft decision was based on submission number [redacted]

On 20 June 2013 ECHA received comments from the Registrant on the draft decision. On 8 July 2013 the Registrant updated his registration dossier with the submission number [redacted]

The ECHA Secretariat considered the Registrant's update. The information is reflected in the Statement of Reasons (Section III) whereas no amendments to the Information Required (Section II) were made.

On 12 June 2014 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. Information required

Pursuant to Articles 41(1), 41(3), 10(a)(vii), 12(1)(e), 13 and Annex IX, of the REACH Regulation the Registrant shall submit the following information using the indicated test method and the registered substance subject to the present decision:

- Pre-natal developmental toxicity study in rats or rabbits, oral route (Annex IX, 8.7.2.; test method: EU B.31/OECD 414).

Pursuant to Article 41(4) of the REACH Regulation the Registrant shall submit the information in the form of an updated registration to ECHA by **23 September 2015.**

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.

Data from a second pre-natal developmental toxicity study on another species is a standard information requirement according to Annex X, 8.7.2. of the REACH Regulation. The Registrant should firstly take into account the outcome of the pre-natal developmental toxicity on a first species and all other relevant available data to determine if the conditions are met for adaptations according to Annex X, 8.7. column 2, or according to Annex XI. If the Registrant considers that testing is necessary to fulfil this information requirement, he should include in the update of his dossier a testing proposal for a pre-natal developmental toxicity study on a second species. If the Registrant comes to the conclusion that no study on a second species is required, he should update his technical dossier by clearly stating the reasons for adapting the standard information requirement of Annex X, 8.7.2.

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

Pursuant to Article 41(3) of the REACH Regulation, ECHA may require the Registrant to submit any information needed to bring the registration into compliance with the relevant information requirements.

A pre-natal developmental toxicity study is a standard information requirement as laid down in Annex IX, section 8.7.2. of the REACH Regulation. Adequate information on this endpoint needs to be present in the technical dossier for the registered substance to meet this information requirement.

In the technical dossier the Registrant provided information with which he sought to fulfil this standard information requirement. The provided information stems from a Combined Repeated Dose Toxicity Study with the Reproduction/Developmental Toxicity Screening Test (OECD 422) with the read-across substance C.I. Pigment Yellow 53 (no CAS No or EC No given by the Registrant). This study does not provide the information required by Annex IX, Section 8.7.2., because it lacks, amongst others, sound data on pre- and post-implantation losses, external, soft tissue and skeletal malformations, types and incidences of individual anomalies. As the information provided is insufficient even for the proposed read-across substance, ECHA did not need to assess whether the conditions for applying the group concept (condition for a read-across argument) have been justified by the Registrant.

The Registrant has proposed to adapt the information requirement of prenatal developmental toxicity. The justification of the adaptation given by the Registrant in the initial submission was that "there are no indications for bioavailability of the TS since analogous substances (chrome and nickel rutiles; CAS Nrs. 68186-90-3 and 8007-18-9, respectively) showed no bioavailability after oral and inhalative exposure (...). Additionally, no leaching of metal ions was detected in a leaching study with the analogous nickel rutile (...)." Referring to nickel rutile, the Registrant claimed that "in a GLP compliant study performed according to OECD guideline 422, CD rats were administered orally 250, 500 or 1000 mg/kg bw/d for 46 d (males) or 41-45 d (females; MHLW 2002). The substance did not cause any significant maternal or teratogenic effect."

In the updated dossier and in their comments the Registrant claimed an adaptation according to Annex IX. 8.7, column 2, third indent: *The studies need not to be conducted if the substance is of 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.*

The Registrant has however not documented that the cumulative conditions of that adaptation possibility are fulfilled for the registered substance. While the Registrant has provided some evidence of low toxicity, it has not been documented that there is "no systemic absorption via relevant routes". On the contrary, according to information provided by the Registrant, the substance is bioavailable:

- In the submitted sub-chronic toxicity study (90-day) in rats the registered substance was administered in the diet. After 1, 2 and 3 months, liver and kidneys from 5 animals per gender and dose group were analysed for their nickel and antimony contents by AAS. The limit of detection (LOD) for antimony was 5 ppb and for nickel 10 ppb. According to the data submitted by the Registrant the antimony contents in

liver and kidneys of rats (median values) were slightly above the limit of detection (LOD) after one and two months of exposure to 10,000 ppm of test substance in the diet (according to the Registrant equal to ca. 500 mg/kg body weight and day) and clearly higher after 3 months of administration (14-27 ppb). The Registrant mentions in their comments that levels of up to 40 ppb were measured. Therefore systemic absorption must have occurred and there is even proof of bioavailability, also at a very low level.

- ECHA notes that the highest dose in the above cited sub-chronic toxicity study (90-day) was 10,000 ppm in the diet (500 mg/kg body weight and day), whereas the limit dose should either equal 1,000 mg/kg body weight and day (OECD Guideline for the testing of chemicals 408, September 1998) or not exceed 5 % in the diet (OECD Series on testing and assessment Number 32, Guidance Notes for Analysis and Evaluation of Repeat-Dose Toxicity Studies, July 2002), which would be 50,000 ppm. After 3 months of test substance administration the antimony levels in liver and kidneys were below the LOD for test substance concentrations of 0.1 and 1,000 ppm and clearly above the LOD at 10,000 ppm. Therefore higher antimony levels may be expected at higher doses than those used in the submitted study.

- The Registrant writes that "the low bioavailability of ions from rutile pigments can be regarded as an established fact" and "it can be concluded that the bioavailability of these substances is very low". Therefore the Registrant notes that the substance is bioavailable, although only at a low level, and that absorption has occurred.

With regard to "*no or no significant human exposure*" ECHA notes that the substance is contained in consumer products and in articles handled by consumers. The only information on exposure and uses which the Registrant gives is that workers can be exposed to the substance via inhalation and that according to leaching studies and in vivo studies there is no exposure to the toxiphores (nickel- and antimony-ions).

ECHA therefore concludes that the Registrant has in the dossier update still not documented that the cumulative conditions of the adaptation possibility Annex IX, section 8.7.2, column 2, third indent, are fulfilled. The adaptation of the information requirement suggested by the Registrant can therefore not be accepted.

As explained above, the information available on this endpoint for the registered substance in the technical dossier does not meet the information requirement. Consequently there is an information gap and it is necessary to provide information for this endpoint.

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 41(1) and 41(3) of the REACH Regulation, the Registrant is requested to submit information on Pre-natal developmental toxicity on rats or rabbits, oral route (test method EU B.31/OECD 414) on the registered substance.

When considering the need for a testing proposal for a prenatal developmental toxicity study in a second species (Annex X, 8.7.2.), the Registrant should take into account the outcome of the pre-natal developmental toxicity study on the first species (Annex IX, 8.7.2.) and all available data to determine if the conditions are met for adaptations according to Annex X, 8.7. column 2, or according to Annex XI; for example if the substance

meets the criteria for classification as toxic for reproduction Category 1B: May damage the unborn child (H360D), and the available data are adequate to support a robust risk assessment, or alternatively, if Weight of Evidence assessment of all relevant available data provides scientific justification that the study in a second species is not needed.

IV. Adequate identification of the composition of the tested material

ECHA stresses that the information submitted by the Registrant and other joint registrants for identifying the substance has not been checked for compliance with the substance identity requirements set out in Section 2 of Annex VI of the REACH Regulation. The Registrant is reminded of his responsibility and that of joint Registrants to ensure that the joint registration covers one substance only and that the substance is correctly identified in accordance with Annex VI, Section 2 of the REACH Regulation.

In relation to the information required by the present decision, 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 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 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 an appeal shall be lodged within three months of receiving notification of this decision. Further information on the appeal procedure can be found on 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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