~~CONFIDENTIAL~~

European Chemicals Agency

Decision number: CCH-D-0000001400-91-05/F Helsinki, 8 April 2011

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

For 3-Octadecyloxypropyl-N,N,N-trimethylammonium chloride, CAS 23328-71-4 (EC Nr. 700-414-8), 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 (the REACH Regulation).

I. Procedure

Pursuant to Article 41(1) of the REACH Regulation ECHA has performed a compliance check of the registration dossier for 3-Octadecyloxypropyl-N,N,N-trimethylammonium chloride, CAS 23328-71-4 (EC NR. 700-414-8) submitted by [redacted] (the "Registrant"), latest submission number [redacted], for [redacted]

The compliance check was initiated on **2 July 2010**.

The draft decision was sent to the Registrant for comments on 4 January 2011.

On 1 February 2011 the Registrant sent a comment stating that he has no objections to the draft decision sent by ECHA.

On 18 February 2011, ECHA notified the Member State Competent Authorities of its draft decision and invited them to propose amendments and to comment on the draft decision.

By 21 March 2011 ECHA did not receive any proposals for amendments from the Competent Authorities of the Member States.

This compliance check decision does not prevent ECHA to initiate further compliance checks on the present dossier at a later stage.

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II. Information required

1. Pursuant to Articles 41(1)(a), 41(3), 10(a)(vi) and 12(1)(a) as well as Section 7.8, column 2 of Annex VII to the REACH Regulation, the Registrant shall provide a calculated value including details of the calculation method, for the endpoint Partition coefficient n-octanol/water.
2. Pursuant to Articles 41(1)(a), 41(3), 10(a)(vi) and 3(29) of the REACH Regulation, the Registrant shall provide

    i. a study summary of Annex VII, Section 8.3 (IUCLID section 7.4.1) for the endpoint Skin sensitisation that provides sufficient information to make an assessment of the relevance of the Guinea Pig Maximisation Test (GPMT) study, and
    ii. a justification why the negative result of the GPMT study has been selected as a key study over the positive result of the Local Lymph Node Assay (LLNA) study.

Pursuant to Article 41(4) of the REACH Regulation the registrant shall submit the information in the form of an updated IUCLID dossier to ECHA by 11 July 2011.

III. Statement of reasons

Based on the examination of the technical dossier, ECHA concludes that the information therein, submitted by the registrant for registration of the above mentioned substance in accordance with **Article 6** of the REACH Regulation, does not comply with the requirements of Articles **10, 12 and 13 and with Annex VII** thereof. Consequently, the registrant is requested to submit the information mentioned above that is needed to bring the registration into compliance with the relevant information requirements.

1) Missing information related to Partition coefficient

Pursuant to Articles 10(a)(vi) and 12(1)(a) of the REACH Regulation, a registration for a substance produced in quantities of 1 – 10 tonnes per year shall contain as a minimum the information specified in Annex VII of the REACH Regulation.

The registrant has waived the endpoint Partition coefficient (Annex VII, Section 7.8; IUCLID section 4.7) on the following basis: the registered substance has surface active properties and there are no suitable calibration compounds for the High Performance Liquid Chromatography (HPLC) method. Furthermore, the registered substance shows self-aggregating properties and computer based estimation programs would lead to possible invalid results due to the ionic charge and colloid formation.

According to Column 2 of Annex VII, Section 7.8. Partition coefficient n-octanol/water, which contains specific rules for adaptation from column 1, if a test cannot be performed, a calculated value for log P as well as details of the calculation method shall be provided. Whereas ECHA may accept that the physical test cannot be performed, the IUCLID dossier still does not contain any additional information regarding the fulfilment of Column 2 requirements.

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As the specific rules for adaptation from column 1 of Annex VII, Section 7.8, have not been met, the omission of data cannot be accepted. Consequently, the information requirements of Annex VII, Section 7.8 are not fulfilled and a calculated value for log P as well as details of the calculation method shall be provided. In addition, it is further explained in Chapter R.7.1.8.1 of the Guidance on information requirements and chemical safety assessment that the endpoint for Partition coefficient cannot be completely waived, because it is an essential value for Chemical Safety Assessment, Classification and Labelling and PBT (Persistence, Bioaccumulation and Toxicity) assessment.

The registrant is accordingly requested to submit the required information for this endpoint.

2) Insufficient study summary for Skin sensitisation

i. Request for study summary

According to Articles 10(a)(vi) and 111 of the REACH Regulation, a technical dossier in the IUCLID format shall include study summaries of the information derived from the application of Annex VII. Under Article 3(29), a study summary shall include "a summary of the objectives, methods, results and conclusions of a full study report providing sufficient information to make an assessment of the relevance of the study."

The Registrant has not reported in the IUCLID format a study summary within the meaning of Article 3(29) of the REACH Regulation for Skin sensitisation (Guinea Pig Maximisation Test - GPMT; Annex VII, Section 8.3; IUCLID Section 7.4.1). In particular, necessary details of the test method (inter alia the route of induction and challenge administrations, concentrations used in the induction and challenge, number of doses given, spacing between doses, and the use of Freund's complete adjuvant) are not presented in a way that allows the relevance of the study to be verified. Hence, it must be concluded that insufficient information has been provided to allow an assessment of the relevance of the study as it cannot be concluded that the negative results of the study are appropriate. In the present case, it is important to assess the relevance of the study due to the fact that it provides a different result than the Local Lymph Node Assay (LLNA) study, which showed that the registered substance is a skin sensitiser.

ii. Request for justification to use the Guinea Pig Maximisation Test instead of the Local Lymph Node Assay as the key study

The Registrant justified the selection of the GPMT study as the key study with the following statement: [redacted]

The registrant has not given any further explanation as to why the concentration levels in the GPMT study have better applicability. Moreover, whereas it is correct that the Local Lymph Node Assay (LLNA) might produce such false positive results, no justification has been provided to explain why the result for the registered substance is a false positive result.

Therefore, in addition to providing a study summary for the GPMT in accordance with Article 3(29) of the REACH Regulation, the registrant is requested to provide a thorough justification why the GPMT study has been selected as the key study. In particular, the

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justification should include the clarification of why the concentration levels in the GPMT study have better applicability, and explain why the result in the LLNA study is believed to be a false positive result.

In case no sufficient study summary or justification for the GPMT as a key study can be provided, the classification of the substance needs to be reassessed and adapted to the changed circumstances.

IV. 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:

"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 1907/2008 adapted to the technical progress by Commission Regulation (EC) No 761/2009 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.

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.

Done at Helsinki,

[redacted]

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