EUROPEAN CHEMICALS AGENCY

Decision number: CCH-D-0000004756-65-04/F Helsinki, 31 March 2014

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

For propylidynetrimethyl trimethacrylate, CAS No 3290-92-4 (EC No 221-950-4), 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 propylidynetrimethyl trimethacrylate, CAS No 3290-92-4 (EC No 221-950-4), submitted by [redacted] (Registrant). The scope of this compliance check is limited to the standard information requirement of Annex IX, Sections 8.6.2. and 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 compliance check decision does not prevent ECHA from initiating further compliance checks on the present dossier at a later stage.

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 3 January 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.

The compliance check was initiated on 7 March 2013.

On 4 June 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 3 July 2013 ECHA received comments from the Registrant. On 29 July 2013 and 11 December 2013 the Registrant updated his registration dossier (submission numbers [redacted] and [redacted]).

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

On 3 January 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 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); 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).

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 **31 March 2016**. The timeline has been set to allow for sequential testing as appropriate.

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 requirement.

1. Sub-chronic toxicity study (90-day) (Annex IX, Section 8.6.2.)

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. 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" (test method: OECD 422). However, this study does not provide the information required by Annex IX, Section 8.6.2., because exposure duration is less than 90 days. The technical dossier neither contained a testing proposal nor an adaptation in accordance with column 2 of Annex IX, Section 8.6.2. or with the general rules of Annex XI for this standard information requirement.

In his comments to the draft decision and in the updated registration, the Registrant proposed to waive the sub-chronic toxicity study (90 day) with the following arguments:

- no adverse effects were observed in the OECD 422 screening study at the highest tested dose (900 mg/kg bw/d);
- same animal number in OECD 422 and OECD 408;
- exposure duration at least 5 weeks in males and 8 weeks in females;
- no alert for reproductive parameters in the OECD 422 screening study;
- not classified for human health (no skin/eye irritation, no sensitizer, no acute toxicity;
- not classified for mutagenicity (negative results in the *in vitro* gene mutation study in bacteria; positive results in the *in vitro* mammalian gene mutation test but negative outcome in an *in vivo* micronucleus test);
- no expected bioaccumulation based on log Kow comprised between 2.7 and 4.1; therefore no other bioaccumulative effects is expected after a 90-day exposure.

The Registrant considered that the combined 5-week general toxicity and reproduction developmental toxicity screening study on rats is sufficient to evaluate the repeated toxicity of the registered substance.

While the Registrant has not explicitly claimed an adaptation, he has provided information that could be interpreted as an attempt to adapt the information requirement according to Annex XI, 1.2., weight of evidence. However, ECHA notes that this adaptation does not meet the general rules for adaptation of Annex XI, 1.2. because it cannot be assumed or concluded with sufficient certainty that the substance has no dangerous property when male and female rats are exposed for a prolonged period of 90 days since there were effects in the dose-range finding study at 1000 mg/kg bw/d (reduced body weight gain) and in the OECD 422 screening study at 900 mg/kg bw/d (reduced body weight gain in males during the first two weeks and in females during the first week of treatment; "suggestion of a minor shift towards a slightly longer gestation length" and increased "liver weights" in both sexes and increased "kidney weights" in females) that might become adverse when the substance will be administered for a longer period.

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

In light of the properties of the substance (liquid with a low vapour pressure not irritating or corrosive to skin or eyes) and the information provided on the uses and human exposure (i.e., no spray application), ECHA considers that testing by the oral route is most

appropriate. According to the test method the rat is the preferred rodent species. ECHA considers this species as being appropriate.

Therefore, pursuant to Article 41(1) and (3) of the REACH Regulation, the Registrant is requested to submit information on sub-chronic toxicity (90-day) in rats, oral route (test method EU B.26./OECD 408) derived with the registered substance subject to the present decision.

2. Pre-natal developmental toxicity study (Annex IX, Section 8.7.2)

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.

The Registrant has proposed to adapt the information requirement of prenatal developmental toxicity. The justification of the adaptation given by the Registrant is the following: "*In a recent GLP combined repeated dose and reproduction / developmental screening test conducted according to OECD guideline 422, no signs of toxicity that could be attributable to the test item were identified on offspring of female rats exposed by gavage up to 900 mg/kg bw/day from 2 weeks before mating until day 7 of lactation; therefore, no further testing is deemed necessary*". However, ECHA notes that neither Column 2 of Annex IX, 8.7. nor general rules for adaptation of Annex XI include such possibility to adapt this information requirement. Therefore, the adaptation of the information requirement suggested by the Registrant cannot be accepted.

In his comments to the draft decision, the Registrant agreed to perform a pre-natal developmental toxicity study in rats by gavage.

As explained above, the information available on this endpoint for the registered substance in the technical dossier does not meet the information requirements. 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, the Registrant should take into account the outcome of the pre-natal developmental toxicity study on the first species 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 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 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 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 by each registrant. If the registration of the substance by any registrant covers different grades, the sample used for the new studies 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 studies 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.

[redacted]
Leena Ylä-Mononen
Director of Evaluation