European Chemicals Agency

Decision number: CCH-D-0000001293-80-03/F Helsinki, 12 October 2010

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

For *164462-16-2_master_DL-Alanine, N,N-bis(carboxymethyl)-, trisodium salt*, CAS 164462-16-2 (EC Nr. 423-270-5), 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 the European Chemicals Agency (ECHA) has performed a compliance check of the registration dossier for ***164462-16-2_master_DL-Alanine, N,N-bis(carboxymethyl)-, trisodium salt***, CAS 164462-16-2 (EC No. 423-270-5), submitted by [redacted] (the "Registrant"), latest submission number [redacted] registered for a tonnage band reaching 1000 tonnes or more per year.

The compliance check was initiated on 3 July 2009.

On 1 June 2010 ECHA notified the Registrant of its draft decision and invited him pursuant to Article 50(1) of the REACH Regulation to provide comments within 30 days of the receipt of the draft decision.

On 28 June 2010 the Registrant provided to ECHA comments on the draft decision.

ECHA has taken into account the information received and decided to amend the draft decision.

On 27 August 2010 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.

By 26 September 2010 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.

II. Information required

1) Pursuant to Article 41(3) of the REACH Regulation the Registrant is required to submit the following information in the relevant parts of the registration dossier (including the Chemical Safety Report (CSR)):

- Dissociation constant (Annex IX, 7.1.6. OECD Testing Method 112)
- Full justification for adapting the standard testing regime for the two-generation reproductive toxicity study (Annex X, 8.7.3) [redacted]

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 within six months from the date of the present decision.

III. Statement of reasons

Following the examination of the technical dossier, ECHA concludes that the information therein does not comply with the requirements of Articles 10, 12 and 13 and/or with Annexes IX, X, XI thereof. Consequently, the Registrant is requested to submit the information mentioned above in order to bring the registration into compliance with the relevant information requirements.

1) Missing information related to endpoints

Pursuant to Articles 10(a)(vi) and 12(1)(e) of the REACH Regulation, a registration for a substance produced in quantities of more than a 1000 tonnes per year shall contain as a minimum the information specified in Annexes VII and VIII and testing proposals for the provision of the information specified in Annexes IX and X of the REACH Regulation.

a. Dissociation constant (Annex IX, 7.1.6)

The registrant has waived the study based on Annex XI, Section 1, "the dissociation constant does not need to be performed as the substance is an inorganic salt".

However, ECHA considers that the registered substance is in fact an organic compound because it contains carbon. Therefore, the waiving cannot be accepted. In any event neither Annex XI, section 1 nor the specific rules for adaptation set out in column 2 of Annex IX permit a registrant to waive the dissociation constant on the basis that it is an inorganic salt. The registrant is accordingly required to submit the information for this endpoint by producing the study in accordance with OECD guideline 112.

b. Two-generation reproductive toxicity study (Annex X, 8.7.3)

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The registrant waived the need to provide the study on two grounds.

(i) Waiver on the basis of negative results from toxicity tests

The Registrant considered that the study could be waived on the basis of negative results found in the submitted subchronic and chronic toxicity tests, and in the reproductive/developmental screening test.

It is apparent that this waiver is based on the third sub-paragraph of the specific rules for adaptation for the study set out in column 2 of Annex X which provides that the study need not 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*".

[redacted]

Therefore, ECHA considers that no sufficient justification has been provided for waiving the study under the specific rules for adaptation in Annex X column 2.

(ii) Waiver on the basis of [redacted]

The Registrant considered that the study could be waived [redacted]

Annex X, third introductory paragraph, requires the Registrant to clearly state reasons for adapting the standard information according to the rules in Annex XI.

ECHA noted however in its draft decision of 1 June 2010 that the Registrant did not provide in his dossier any information [redacted]
Moreover, the Registrant did not provide information on what basis it established the [redacted]

In response to ECHA's draft decision the Registrant provided further justification to support [redacted] In particular, the Registrant argued that [redacted] is supported [redacted]

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On the basis of the additional information provided by the Registrant ECHA can in principle accept that [redacted] can be applied [redacted]

In response to ECHA's draft decision the Registrant further provided [redacted] No effects on reproductive parameters have been reported in this study. In addition the Registrant referred to the absence of adverse effects on reproductive performance and fertility in an OECD 421 screening study with the registered substance. Also in the prenatal toxicity study (OECD 414) with the registered substance adverse effects have not been reported. The results of repeated dose toxicity studies for the registered substance did also not show adverse effects on reproductive organs. This information has been used by the Registrant to predict the absence of adverse effects on reproductive performance or fertility for the registered substance.

ECHA notes that [redacted] However, on balance the information from this study together with the other information provided meet the information requirements for the endpoint reproductive toxicity.

Accordingly, the justification provided by the Registrant in its comments on the draft decision for adapting the standard testing regime for the two-generation reproductive toxicity study [redacted] is acceptable.

(iii) Conclusion

Therefore, ECHA considers that on the basis of the justification provided by the Registrant in its comments on the draft decision it is possible to adapt the standard testing regime for the two-generation reproductive toxicity study [redacted] For the dossier to be compliant, this justification needs to be reflected in the actual registration dossier. The Registrant is therefore required to include this justification, [redacted]

Moreover, the Registrant is required to include this justification in section 5.9.1 of his CSR.

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

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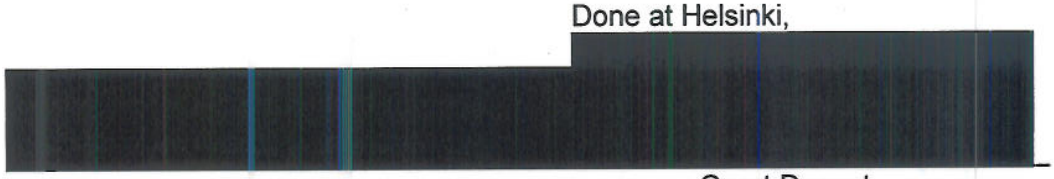
Agency as being appropriate. Thus, the registrant shall refer to Commission Regulation (EC) No 440/2008 laying down test methods pursuant to Regulation (EC) No 1907/2008 adapted to the technical progress by Commission Regulation (EC) No 761/2009 and use the applicable test methods to generate the information 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,



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