

Decision number: TPE-D-2114296552-42-01/F

Helsinki, 24 March 2015

DECISION ON TESTING PROPOSALS SET OUT IN A REGISTRATION PURSUANT TO ARTICLE 40(3) OF REGULATION (EC) NO 1907/2006**For diisodecyl sebacate, CAS No 28473-19-0 (EC No 249-047-0), 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 proposals submitted as part of the registration dossier in accordance with Articles 10(a)(ix) and 12(1)(d) thereof for diisodecyl sebacate, CAS No 28473-19-0 (EC No 249-047-0), submitted by [REDACTED] (Registrant).

- 90-day oral toxicity study (OECD 408) with the registered substance,
- Pre-natal developmental toxicity study (OECD 414), oral route

This decision is based on the registration dossier as submitted with submission number [REDACTED], for the tonnage band of 100 to 1000 tonnes per year. This decision does not take into account any updates after 15 January 2015, 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 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 proposals for further examination pursuant to Article 40(1) on 03 July 2013.

ECHA held a third party consultation for the testing proposals from 2 June 2014 until 17 July 2014. ECHA received information from third parties (see section III below).

On 30 September 2014 ECHA sent the draft decision to the Registrant and invited him to provide comments within 30 days of the receipt of the draft decision.

By 6 November 2014 the Registrant did not provide any comments on the draft decision to ECHA.

On 15 January 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)(a) 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), oral route (Annex IX, Section 8.6.2.; test method: EU B.26/OECD 408) in rats;
2. Pre-natal developmental toxicity study (Annex IX, Section 8.7.2.; test method: EU B.31/OECD 414) in rats or rabbits, oral route.

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 **31 March 2017** an update of the registration dossier containing the information required by this decision, including, where relevant, an update of the Chemical Safety Report. The timeline has been set to allow for sequential testing as appropriate.

III. Statement of reasons

The decision of ECHA is based on the examination of the testing proposals submitted by the Registrant for the registered substance and scientific information submitted by third parties.

A. Tests required pursuant to Article 40(3)

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

a) Examination of the testing proposal

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

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) via the oral route (EU B.26/OECD 408).

ECHA considers that the proposed study via the oral route is appropriate to fulfil the information requirement of Annex IX, Section 8.6.2. of the REACH Regulation. The substance is a liquid of low vapour pressure and the dossier includes uses with spray application. However, the substance is not classified for skin or eye corrosion or irritation raising no concerns for local effects in the respiratory tracts. Therefore, ECHA considers that testing by the oral route is most appropriate.

The Registrant did not specify the species to be used for testing. According to the test method EU B.26/OECD 408 the rat is the preferred species. ECHA considers this species as being appropriate and testing should be performed with the rat.

b) Consideration of the information received during third party consultation

ECHA received third party information concerning the testing proposal during the third party consultation. For the reasons explained further below the information provided by third parties is not sufficient to fulfil this information requirement.

A third party has indicated that "the physico-chemical properties of the substance and the absence of adverse effects in acute and sub-acute tests with the analogue chemical diisodecyl adipate suggest that the substance may not be absorbed from the gastro-intestinal tract (prediction by Lipinski rule OASIS: not bioavailable). If in vitro bioavailability studies in the sense of an integrated testing strategy will confirm this, the proposed study will not add significant information to the risk assessment and will therefore scientifically not be justified.

Besides, repeated dose toxicity data for the diesters category in the US HVP Challenge Program support a weight-of-evidence approach. Diisononyl adipate (CAS No. 33703-08-1) administered to rats for 90 days at a maximum dietary dose level of ca. 500 mg/kg/d did not induce adverse effects. An adequate dietary 90-day study in rats has also been carried out with adipic acid, di-C7-9 branched and linear alkyl ester (CAS No. 68515-75-3). The treatment did not evoke significant toxicity".

ECHA acknowledges that the third party has proposed a testing strategy including a weight of evidence approach for the Registrant to consider.

ECHA notes that it is the Registrant's responsibility to consider and justify any adaptation of the information requirements in accordance with the relevant conditions as established in Annex XI, Section 1.2. However, ECHA notes that the information, as provided by the third party, is insufficient for demonstrating that the conditions of Annex XI, Section 1.2. of the REACH Regulation are met. Therefore, the Registrant should assess whether he can justify and document a weight of evidence as suggested by the third party. If the information requirement can be met by way of adaptation, he should include the adaptation argument with all necessary documentation according to Annex XI, 1.2. in the registration dossier.¹

c) Outcome

Therefore, pursuant to Article 40(3)(a) 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, oral route (test method: EU B.26/OECD 408).

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

a) Examination of the testing proposal

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

A pre-natal developmental toxicity study for a first species is a standard information requirement as laid down in Annex IX, Section 8.7.2. 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 pre-natal developmental toxicity study according to EU B.31/OECD 414.

ECHA considers that the proposed study is appropriate to fulfil the information requirement of Annex IX, Section 8.7.2. of the REACH Regulation.

The Registrant did not specify the species to be used for testing. He proposed testing by the oral route. 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.

b) Outcome

Therefore, pursuant to Article 40(3)(a) of the REACH Regulation, the Registrant is requested to carry out the proposed study with the registered substance subject to the present decision: Pre-natal developmental toxicity study in rats or rabbits, oral route (test method: EU B.31/OECD 414).

¹ Such update can only be taken into consideration in the decision-making if it is submitted before the draft decision is sent to the Member State Competent Authorities pursuant to Article 51(1) of the REACH Regulation.

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 studies 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. The Registrant must note, however, that this information has not been checked for compliance with the substance identity requirements set out in Section 2 of Annex VI of the REACH Regulation.

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. If the registration of the substance covers different grades, the sample used for the new studies must be suitable to assess these.

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 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.



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