~~Confidential~~

Helsinki, 10 February 2022

Addressees
Registrant(s) of JS-3-Methylpyridine as listed in the last Appendix of this decision

Date of submission of the dossier subject to this decision
21/03/2018

Registered substance subject to this decision ("the Substance")
Substance name: 3-methylpyridine
EC number: 203-636-9
CAS number: 108-99-6

Decision number: Please refer to the REACH-IT message which delivered this communication (in format CCH-D-XXXXXXXXXX-XX-XX/F)

DECISION ON A COMPLIANCE CHECK

Under Article 41 of Regulation (EC) No 1907/2006 (REACH), you must submit the information listed below, by the deadline of ***15 November 2024***.

Requested information must be generated using the Substance unless otherwise specified.

A. Information required from all the Registrants subject to Annex VII of REACH

1. Short-term toxicity testing on aquatic invertebrates (Annex VII, Section 9.1.1.; test method: EU C.2./OECD TG 202)

2. Growth inhibition study aquatic plants (Annex VII, Section 9.1.2.; test method: EU C.3./OECD TG 201)

B. Information required from all the Registrants subject to Annex VIII of REACH

1. Screening for reproductive/developmental toxicity (Annex VIII, Section 8.7.1.; test method: EU B.63/OECD TG 421 or EU B.64/OECD TG 422) by oral route, in rats

2. Short-term toxicity testing on fish (Annex VIII, Section 9.1.3.; test method: OECD TG 203)

C. Information required from all the Registrants subject to Annex IX of REACH

1. Pre-natal developmental toxicity study (Annex IX, Section 8.7.2.; test method: OECD TG 414) by oral route, in one species (rat or rabbit)

2. Long-term toxicity testing on aquatic invertebrates (Annex IX, Section 9.1.5.; test method: EU C.20./OECD TG 211)

3. Long-term toxicity testing on fish (Annex IX, Section 9.1.6.; test method: OECD TG 210)

Reasons for the request(s) are explained in the following appendices:

- Appendix entitled "Reasons common to several requests";

- Appendices entitled "Reasons to request information required under Annexes VII to IX of REACH", respectively.

Information required depends on your tonnage band

You must provide the information listed above for all REACH Annexes applicable to you, and in accordance with Articles 10(a) and 12(1) of REACH:

- the information specified in Annexes VII and VIII to REACH, for registration at 10-100 tpa;
- the information specified in Annexes VII, VIII and IX to REACH, for registration at 100-1000 tpa.

You are only required to share the costs of information that you must submit to fulfil your information requirements.

How to comply with your information requirements

To comply with your information requirements you must submit the information requested by this decision in an updated registration dossier by the deadline indicated above. You must also update the chemical safety report, where relevant, including any changes to classification and labelling, based on the newly generated information.

You must follow the general testing and reporting requirements provided under the Appendix entitled "Requirements to fulfil when conducting and reporting new tests for REACH purposes". For references used in this decision, please consult the Appendix entitled "List of references".

Appeal

This decision, when adopted under Article 51 of REACH, may be appealed to the Board of Appeal of ECHA within three months of its notification to you. Please refer to http://echa.europa.eu/regulations/appeals for further information.

Failure to comply

If you do not comply with the information required by this decision by the deadline indicated above, ECHA will notify the enforcement authorities of your Member State.

Authorised[1] under the authority of Mike Rasenberg, Director of Hazard Assessment

[1] As this is an electronic document, it is not physically signed. This communication has been approved according to ECHA's internal decision-approval process.

Appendix on Reasons common to several requests

1. Assessment of your read-across approach under Annex XI, Section 1.5.

You seek to adapt the information requirements for the following standard information requirements by grouping substances in the category and applying a read-across approach in accordance with Annex XI, Section 1.5:

- Screening for reproductive/developmental toxicity (Annex VIII, Section 8.7.1.)
- Pre-natal developmental toxicity study (Annex IX, Section 8.7.2.)

ECHA has considered the scientific and regulatory validity of your grouping and read-across approach in general before assessing the specific standard information requirements in the following appendices.

Grouping of substances and read-across approach

Annex XI, Section 1.5. specifies two conditions which must be fulfilled whenever a read-across approach is used. Firstly, there needs to be structural similarity between substances which results in a likelihood that the substances have similar physicochemical, toxicological and ecotoxicological properties so that the substances may be considered as a group or category (addressed under 'Scope of the grouping'). Secondly, it is required that the relevant properties of a substance within the group may be predicted from data for reference substance(s) within the group (addressed under 'Assessment of prediction(s)').

Additional information on what is necessary when justifying a read-across approach can be found in the ECHA Guidance R.6. and related documents[2,3].

A. Scope of the grouping

i. Description of the grouping

In your registration dossier you have formed a group (category) of Pyridine and Methylpyridine Derivatives. You identify the members of the category in a read-across justification document which you have provided under Section Linked categories in your IUCLID dossier.

For the purpose of this decision, the following abbreviations are used for the group members:
[1] Pyridine (EC No. 203-809-9);
[2] 2-Methylpyridine (EC No. 203-643-7);
[3] 3-Methylpyridie (EC No. 203-636-9), the Substance;
[4] 4-Methylpyridine (EC No. 203-626-4).

You define the structural basis for the grouping as *"[…] pyridine unsaturated ring as common functional group and similar physical properties environmental fate and toxicity, and mammalian toxicity"*. ECHA understands that this is the applicability domain of the grouping and will assess your predictions on this basis.

B. Predictions for toxicological properties

ECHA understands that you predict the properties of the Substance using a read-across hypothesis which assumes that different compounds have the same type of effects. The

[2] Read-Across Assessment Framework (RAAF). 2017 (March) ECHA, Helsinki. 60 pp. Available online: Read-Across Assessment Framework (https://echa.europa.eu/support/registration/how-to-avoid-unnecessary-testing-on-animals/grouping-of-substances-and-read-across)
[3] Read-across assessment framework (RAAF) - considerations on multi-constituent substances and UVCBs. 2017 (March) ECHA, Helsinki. 40 pp. Available online: https://doi.org/10.2823/794394

properties of your Substance are predicted to be quantitatively equal to those of the source substance.

You provide the following reasoning for the grouping the substances: *"A category of pyridine and alkyl pyridine derivatives is comprised of: pyridine (CAS 110-86-1), 2-methylpyridine (CAS 109-06-8), 3-Methylpyridine (CAS 108-99-6), and 4-Methylpyridine (CAS 108-89-4). The foundation of the category is a common functional group (the pyridine unsaturated ring structure) and similar physical properties, environmental fate and toxicity, and mammalian toxicity. Similar toxicological properties derive from physical-chemical parameters and common pathways of metabolism and elimination among all members of the category."*

The U.S. Environmental Protection Agency has accepted this category, as indicated in its September 2009 Hazard Characterization Document reviewing the screening-level data set […]. In this 2009 document, this group of substances is referred to as Sub-category I, to differentiate it from other pyridine derivatives including nitriles and piperidine".

You intend to predict the properties for the category members from information obtained from the following source substances:

Screening for reproductive/developmental toxicity (Annex VIII, Section 8.7.1.)

[1] Pyridine (EC No. 203-809-9).

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

[1] Pyridine (EC No. 203-809-9).

ECHA notes the following deficiencies with regards to prediction of toxicological properties.

1. *Missing supporting information to compare properties of the category members*

Annex XI, Section 1.5 of the REACH Regulation states that "*physicochemical properties, human health effects and environmental effects or environmental fate may be predicted from data for reference substance(s)*". For this purpose "*it is important to provide supporting information to strengthen the rationale for the read-across*"[4]. The set of supporting information should allow to verify the crucial aspects of the read-across hypothesis and establish that the properties of the Substance can be predicted from the data on other category members.

Supporting information must include bridging studies to compare properties of the category members.

As indicated above, your read-across hypothesis is based on the assumption that the structurally similar category members cause the same type of effects. In this context, relevant, reliable and adequate information allowing to compare the properties of the category members is necessary to confirm that both substances cause the same type of effects. Such information can be obtained, for example, from bridging studies of comparable design and duration for the category members.

You have provided information on [1] and [3] for repeated dose toxicity, whilst there is no data on [3] to compare the properties for reproductive and developmental toxicity.

[4] Guidance on information requirements and chemical safety assessment Chapter R.6: QSARs and grouping of Chemicals, Section R.6.2.2.1.f

Therefore, the data set reported in the technical dossier does not include relevant, reliable and adequate information for the category members to support your read-across hypothesis.

In the absence of such information, you have not established that the category members are likely to have similar properties. Therefore, you have not provided sufficient supporting information to strengthen the rationale for the read-across.

2. Adequacy and reliability of source study

In accordance with Annex XI, Section 1.5., if grouping concept is applied then in all cases, the results should have adequate and reliable coverage of the key parameters addressed in the corresponding test method referred to in Article 13(3).

According to the provisions of Annex VIII, Section 8.7.1., information on Screening for reproductive and developmental toxicity as specified in the OECD TG 421/422 must be provided. The identified deficiencies are explained in section B.3.

C. Conclusions on the grouping of substances and read-across approach

As explained above, you have not established that relevant properties of the Substance can be predicted from data on the source substance. Therefore, your adaptation does not comply with the general rules of adaptation as set out in Annex XI, Section 1.5. and your grouping and read-across approach is rejected.

Appendix A: Reasons to request information required under Annex VII of REACH

1. Short-term toxicity testing on aquatic invertebrates

Short-term toxicity testing on aquatic invertebrates is an information requirement under Annex VII to REACH (Section 9.1.1.).

You have provided a study performed with the Substance in 1991.

We have assessed this information and identified the following issue:

Since the study you provided was performed before 1 June 2008, ECHA understands that you provided an adaptation under Annex XI, Section 1.1.2. Under that Annex, the study must have adequate and reliable coverage of the key parameters of OECD TG 202. If the substance is difficult to test, the study must in addition comply with the requirements of OECD GD 23 (ENV/JM/MONO(2000)6/REV1).

In particular, the following specifications must be met for the characterisation of exposure:

- a reliable analytical method for the quantification of the test material in the test solutions with reported specificity, recovery efficiency, precision, limits of determination (i.e. detection and quantification) and working range must be available;
- the concentrations of the test material are measured at least at the highest and lowest test concentration, at the beginning and end of the test;
- the effect values can only be based on nominal or measured initial concentration if the concentration of the test material has been satisfactorily maintained within 20 % of the nominal or measured initial concentration throughout the test (see also ECHA Guidance R.7b, Section R.7.8.4.1);

In the study provided in your registration dossier, no analytical monitoring of exposure was conducted, and the effect value is based on nominal concentration.

The Substance is difficult to test due to the high vapour pressure (vapour pressure of 807 Pa at 29.6°C).

Based on the above, there are critical methodological deficiencies resulting in the rejection of the study results. The Substance has a high vapour pressure and therefore may have volatilised from the test medium. Since no analytical monitoring of exposure was conducted in that study, you have not demonstrated that the concentration of the test material was satisfactorily maintained within 20 % of the nominal concentrations throughout the test.

Therefore, you have not demonstrated that the study provides adequate and reliable coverage of the key parameters of OECD TG 202.

On this basis, the information requirement is not fulfilled.

Study design

The Substance is difficult to test due to the high vapour pressure. OECD TG 202 specifies that, for difficult to test substances, you must consider the approach described in OECD GD 23 or other approaches, if more appropriate for your substance. In all cases, the approach selected must be justified and documented. Due to the properties of Substance, it may be difficult to achieve and maintain the desired exposure concentrations. Therefore, you must monitor the test concentration(s) of the Substance throughout the exposure duration and report the results. If it is not possible to demonstrate the stability of exposure concentrations (i.e. measured concentration(s) not within 80-120% of the nominal concentration(s)), you

must express the effect concentration based on measured values as described in OECD TG 202. In case a dose-response relationship cannot be established (no observed effects), you must demonstrate that the approach used to prepare test solutions was adequate to maximise the concentration of the Substance in the test solution.

In your comments to the initial draft decision you agree to perform the Long-term toxicity test on aquatic invertebrates according to the OECD TG 211 with the Substance, instead of Short-term toxicity study on aquatic invertebrates (OECD TG 202).

2. Growth inhibition study aquatic plants

Growth inhibition study aquatic plants is an information requirement under Annex VII to REACH (Section 9.1.2.).

You have provided the following information:

i. A key study performed with the Substance in 1991.
ii. A supporting study performed with the Substance in 2005.

We have assessed this information and identified the following issues:

Since the studies you provided were performed before 1 June 2008, ECHA understands that you provided an adaptation under Annex XI, Section 1.1.2. Under that Annex, the studies must have adequate and reliable coverage of the key parameters of OECD TG 201. If the substance is difficult to test, the studies must in addition comply with the requirements of OECD GD 23 (ENV/JM/MONO(2000)6/REV1).

In particular, the following specifications must be met:

Key parameters to be measured

- the concentrations of the test material leading to a 50 % and 0% (or 10%) inhibition of growth at the end of the test are estimated.

Validity criteria

- exponential growth in the control cultures is observed over the entire duration of the test;
- at least 16-fold increase in biomass is observed in the control cultures by the end of the test;
- the mean coefficient of variation for section-by-section specific growth rates (days 0-1, 1-2 and 2-3, for 72-hour tests) in the control cultures is ≤ 35%;
- the coefficient of variation of average specific growth rates during the whole test period in replicate control cultures is ≤ 7% in tests with *Pseudokirchneriella subcapitata* or *Desmodesmus subspicatus*. For other less frequently tested species, the value is ≤ 10%.

Technical specifications impacting the sensitivity/reliability of the test

- the test duration is 72 hours. For slow-growing species (*i.e.* specific growth rate < 0.92 day^{-1} in the control), the test duration must be extended until the biomass in the control cultures increases by at least 16-fold;
- three replicates at each test concentration and at least three replicates for controls (including solvent controls, if applicable) are included;
- one of the two alternative growth medium (*i.e.* the OECD or the AAP medium) is used. Any deviations from recommended test media must be described and justified;
- the pH of the control medium does not increase by > 1.5 units.

Characterisation of exposure

- a reliable analytical method for the quantification of the test material in the test solutions with reported specificity, recovery efficiency, precision, limits of determination (*i.e.* detection and quantification) and working range must be available. Alternatively, a justification why the analytical monitoring of exposure concentrations is not technically feasible must be provided;
- the test media prepared specifically for analysis of exposure concentrations during the test is treated identically to those used for testing (*i.e.* inoculated with algae and incubated under identical conditions);
- the concentrations of the test material are measured at least at the beginning and end of the test:
  1) at the highest, and
  2) at the lowest test concentration, and
  3) at a concentration around the expected EC_{50}.

  For volatile, unstable or strongly adsorbing test substances, additional samplings for analysis at 24 hour intervals is required.
- the results can be based on nominal or measured initial concentration only if the concentration of the test material has been maintained within 20 % of the nominal or measured initial concentration throughout the test;
- if the concentration of the test material has not been maintained within 20 % of the nominal or measured initial concentration throughout the test, results must be based on the geometric mean of measured concentrations during exposure or on a model describing the decline of the concentration of the test material.

Your registration dossier provides two studies showing the following:

Key parameters to be measured

No NOEC or EC10 is provided (studies i and ii).

Validity criteria

No information is provided on:

- the section-by-section growth rates in the control cultures (studies i and ii);
- the initial biomass and the biomass in the control at the end of the test (study ii);
- the mean coefficient of variation for section-by-section specific growth in the control (studies i and ii);
- the coefficient of variation of average specific growth rates during the whole test period in replicate control cultures (studies i and ii).

Technical specifications impacting the sensitivity/reliability of the test

No information is provided on:

- the number of replicates (study ii);
- the test medium (study ii). For study i, the test medium is described as a "Boltz Basal Medium". You have not provided a justification as why one of the two alternative growth medium of OECD TG 201 was not used;
- the pH increase in the controls (study ii).

For study ii, the test duration is 14 days but there is no information on the specific growth rate in the control. There is no information on whether exponential growth was maintained in the control cultures over the entire duration of that test.

Characterisation of exposure

No analytical monitoring of exposure was conducted (studies i and ii). The results are based on nominal concentrations.

The Substance is difficult to test due to the high vapour pressure (vapour pressure of 807 Pa at 29.6°C).

Based on the above,

- the key parameters of OECD TG 201 are not covered (studies i and ii);
- the validity criteria of OECD TG 201 cannot be verified (studies i and ii);
- there are critical methodological deficiencies resulting in the rejection of the studies results. More specifically, for both studies analytical monitoring of exposure was not conducted, and you have not demonstrated that the concentration of the test material was satisfactorily maintained within 20 % of the nominal concentrations throughout the test. The Substance has a high vapour pressure (vapour pressure of 807 Pa at 29.6°C) and therefore may have volatilised from the test medium.

Therefore, you have not demonstrated that the studies provide adequate and reliable coverage of the key parameters of OECD TG 201.

On this basis, the information requirement is not fulfilled.

Study design

OECD TG 201 specifies that for difficult to test substances OECD GD 23 must be followed. As already explained above, the Substance is difficult to test. Therefore, you must fulfil the requirements described in 'Study design' under Appendix A.1.

Appendix B: Reasons to request information required under Annex VIII of REACH

1. Screening for reproductive/developmental toxicity

Screening for reproductive/developmental toxicity is a standard information requirement under Annex VIII to REACH. This information may take the form of a study record or a valid adaptation in accordance with either a specific adaptation rule under Column 2 of Annex VIII or a general adaptation rule under Annex XI.

You have adapted this information requirement by using a Grouping of substances and read-across approach under Annex XI, Section 1.5.

In support of your adaptation you have submitted the following studies:

(i) 2004, F344 rat, Combined Toxicity/Carcinogenicity study, similar to OECD TG 453, with the Substance;
(ii) 2004, mice, Combined Toxicity/Carcinogenicity study, similar to OECD TG 453 with the Substance;
(iii) 2000, (performed in 1991 and 1993) Wistar rat/ F344 rat, 2 year combined repeated dose and carcinogenicity study, according to EPA OTS 798.3260 (Chronic Toxicity) with the source substance [1];
(iv) 2008, Reproduction/Developmental Toxicity Screening Test, according to OECD 421 with the source substance [1].

Study (i) has been submitted as a key study and study (ii) as a supporting study on the Substance. However, submitted as stand alone studies they would have been rejected for not fulfilling the requirements of OECD TG 421/422 as discussed below. Thus, ECHA understands that they have been submitted as supporting studies for the read-across adaptation

As explained in the Appendix on general considerations your adaptation is rejected. In addition, the following endpoint-specific deficiencies have been identified in your read-across adaptation and in the studies on the Substance:

As explained under the Appendix on Reasons common to several requests, a study must have adequate and reliable coverage of the key parameters of the corresponding TG, in this case, the study has to meet the requirements of EU B.63/OECD TG 421 or EU B.64/OECD TG 422. The criteria of this test guideline include for example:

- Dosing of the Substance for a minimum of approx. 63 days for females to cover premating, conception, pregnancy and at least 13 days of lactation;
- Examination of offspring parameters such as /number and sex of pups/stillbirths and live births/gross abnormalities/pup body weight/litter weight/anogenital distance/number of nipples/areolae in male pups.

In the provided studies (i) to (iii) the animals were exposed only prior to mating/without mating. The studies do not have a required exposure duration and study design according to OECD TG 421 because the animals were not mated and the exposure does not cover pregnancy and at least 13 days of lactation. Therefore, it does not fulfil the criteria set in EU B.63/OECD TG 421 or EU B.64/OECD TG 422. Furthermore, in the provided studies (i) to (iii) investigations for duration of gestation/number and sex of pups/stillbirths and live births/gross abnormalities/pup body weight/litter weight/anogenital distance/number of nipples/areolae in male pups have not been performed as required in EU B.63/OECD TG 421 or EU B.64/OECD TG 422.

On this basis, you have not demonstrated that these studies have adequate and reliable coverage of the key parameters of OECD TG 421/422.

Therefore, the information requirement is not fulfilled.

Based on the above, the information you provided does not fulfil the information requirement.

Information on study design

A study according to the test method EU B.63/OECD TG 421 or EU B.64/OECD TG 422 must be performed in rats with oral[5] administration of the Substance.

In the comments to the draft decision, you agree that the Screening for reproductive/developmental toxicity study is a standard information requirement, and indicate your intention to use the pre-natal developmental toxicity study (Annex IX, Section 8.7.2; OECD TG 414), requested in the current draft decision, to adapt this information requirement.

ECHA points out that when the pre-natal developmental toxicity study is available, you may adapt this information requirement according to Annex VIII, Section 8.7.1, Column 2, first paragraph, fourth indent of REACH ("*this study does not need to be conducted if: [..] a pre-natal developmental toxicity study (Annex IX, 8.7.2) [..] is available*"). However, at this point in time, the study is still to be conducted.

Based on above, the information requirement is not fulfilled.

2. Short-term toxicity testing on fish

Short-term toxicity testing on fish is an information requirement under Annex VIII to REACH (Section 9.1.3.).

You have provided a study performed with the Substance in 1991.

We have assessed this information and identified the following issue:

Since the study you provided was performed before 1 June 2008, ECHA understands that you provided an adaptation under Annex XI, Section 1.1.2. Under that Annex, the study must have adequate and reliable coverage of the key parameters of OECD TG 203. If the substance is difficult to test, the study must in addition comply with the requirements of OECD GD 23 (ENV/JM/MONO(2000)6/REV1).

In particular, the analytical measurement of the test concentrations is one of the validity criteria for this test guideline and must therefore be conducted.

In the study provided in your registration dossier, no analytical monitoring of exposure was conducted.

Therefore, you have not demonstrated that the study provides adequate and reliable coverage of the key parameters of OECD TG 203.

On this basis, the information requirement is not fulfilled.

Study design

OECD TG 203 specifies that for difficult to test substances OECD GD 23 must be followed. As already explained above, the Substance is difficult to test. Therefore, you must fulfil the requirements described in 'Study design' under Appendix A.1.

[5] ECHA Guidance R.7a, Section R.7.6.2.3.2.

In your comments to the initial draft decision you agree to perform the Long-term toxicity test on fish according to the OECD TG 210 with the Substance, instead of Short-term toxicity study on fish (OECD TG 203).

Appendix C: Reasons to request information required under Annex IX of REACH

1. Pre-natal developmental toxicity study in one species

Pre-natal developmental toxicity study in a first species is a standard information requirement in Annex IX to REACH.

You have adapted this information requirement by using a Grouping of substances and read-across approach under Annex XI, Section 1.5.

In support of your adaptation you have provided the following study:

(i) 2008, Reproduction/Developmental Toxicity Screening Test, according to OECD 421 with the source substance [1].

We have assessed this information and identified the following issue:

As explained in the Appendix on general considerations your adaptation is rejected. In addition, the following endpoint-specific deficiency has been identified in your read-across adaptation:

As explained under the Appendix on Reasons common to several requests, a study must have adequate and reliable coverage of the key parameters of the corresponding TG, in this case the study has to meet the requirements of OECD TG 414 in one species, e.g. external, skeletal and visceral malformations and variations has to be investigated as described in OECD TG 414.

You have not provided information following OECD TG 414. Instead, you have provided a "reproduction/ developmental toxicity screening test" (OECD TG 421). This study does not inform on skeletal and visceral malformations and variations as required by OECD TG 414.

Therefore, you have not demonstrated that the study provide adequate and reliable coverage of the key parameters of OECD TG 414 and this study does not fulfil the information requirement.

A PNDT study according to the test method OECD TG 414 must be performed in rat or rabbit as preferred species with oral[6] administration of the Substance.

In your comments to the initial draft decision you agree to perform a pre-natal developmental toxicity study according to the OECD TG 414 with the Substance by oral route, in one species (rat).

2. Long-term toxicity testing on aquatic invertebrates

Long-term toxicity testing on aquatic invertebrates is an information requirement under Annex IX to REACH (Section 9.1.5.).

You have provided a justification to omit the study which you consider to be based on Annex IX, Section 9.1., Column 2. In support of your adaptation, you provided the following justification:

> "*Long-term toxicity testing in aquatic invertebrates is waived, based on the results of the chemical safety assessment, in accordance with Regulation (EC) No.1907/2006, Annexes VIII and IX, Column 2.*
>
> *According to Regulation (EC) No.1907/2006, Annexes VIII and IX, Column 2, long-term*

[6] ECHA Guidance R.7a, Section R.7.6.2.3.2.

aquatic toxicity testing shall be conducted if the substance is poorly soluble in water, or if the chemical safety assessment indicates the need to investigate further the effects on aquatic organisms. The substance is miscible in water, with a reported water solubility of 100,000 mg/L at 20 °C. The chemical safety assessment indicated that aquatic exposures do not require further investigation; the risk characterisation ratios for fresh water and marine water are below one. Therefore, in accordance with Annex I, the risks are considered to be controlled, and long-term toxicity testing of aquatic invertebrates is not indicated".

We have assessed this information and identified the following issue:

Annex IX, Section 9.1., Column 2 does not allow omitting the need to submit information on long-term toxicity to aquatic invertebrates under Column 1. It must be understood as a trigger for providing further information on aquatic invertebrates if the chemical safety assessment according to Annex I indicates the need (Decision of the Board of Appeal in case A-011-2018).

Your adaptation is therefore rejected.

On this basis, the information requirement is not fulfilled.

Study design

OECD TG 211 specifies that for difficult to test substances OECD GD 23 must be followed. As already explained above, the Substance is difficult to test. Therefore, you must fulfil the requirements described in 'Study design' under Appendix A.1.

In your comments to the initial draft decision you agree to perform the study with the Substance according to the OECD TG 211.

3. Long-term toxicity testing on fish

Long-term toxicity testing on fish is an information requirement under Annex IX to REACH (Section 9.1.6.).

You have provided a justification to omit the study which you consider to be based on Annex IX, Section 9.1., Column 2. In support of your adaptation, you provided the following justification:

"*Long-term toxicity testing in fish is waived, based on the results of the chemical safety assessment, in accordance with Regulation (EC) No.1907/2006, Annexes VIII and IX, Column 2.*

According to Regulation (EC) No.1907/2006, Annexes VIII and IX, Column 2, long-term aquatic toxicity testing shall be conducted if the substance is poorly soluble in water, or if the chemical safety assessment indicates the need to investigate further the effects on aquatic organisms. The substance is miscible in water, with a reported water solubility of 100,000 mg/L at 20 °C. The chemical safety assessment indicated that aquatic exposures do not require further investigation; the risk characterisation ratios for fresh water and marine water are below one. Therefore, in accordance with Annex I, the risks are considered to be controlled, and long-term toxicity testing of fish is not indicated".

We have assessed this information and identified the following issue:

Annex IX, Section 9.1., Column 2 does not allow omitting the need to submit information on long-term toxicity to fish under Column 1. It must be understood as a trigger for providing

further information on long-term toxicity to fish if the chemical safety assessment according to Annex I indicates the need (Decision of the Board of Appeal in case A-011-2018).

Your adaptation is therefore rejected.

On this basis, the information requirement is not fulfilled.

Study design

To fulfil the information requirement for the Substance, the Fish, Early-life Stage Toxicity Test (test method OECD TG 210) is the most appropriate (ECHA Guidance R.7.8.2.).

OECD TG 210 specifies that for difficult to test substances OECD GD 23 must be followed. As already explained above, the Substance is difficult to test. Therefore, you must fulfil the requirements described in 'Study design' under Appendix A.1.

In your comments to the initial draft decision you agree to perform the study with the Substance according to the OECD TG 210.

Appendix D: Requirements to fulfil when conducting and reporting new tests for REACH purposes

A. Test methods, GLP requirements and reporting

1. Under Article 13(3) of REACH, all new data generated as a result of this decision must be conducted according to the test methods laid down in a European Commission Regulation or to international test methods recognised by the Commission or ECHA as being appropriate.

2. Under Article 13(4) of REACH, ecotoxicological and toxicological tests and analyses must be carried out according to the GLP principles (Directive 2004/10/EC) or other international standards recognised by the Commission or ECHA.

3. Under Article 10(a)(vi) and (vii) of REACH, all new data generated as a result of this decision must be reported as study summaries, or as robust study summaries, if required under Annex I of REACH. See ECHA Practical Guide on How to report robust study summaries[7].

B. Test material

Before generating new data, you must agree within the joint submission on the chemical composition of the material to be tested (Test Material) which must be relevant for all the registrants of the Substance.

1. Selection of the Test material(s)

   The Test Material used to generate the new data must be selected taking into account the following:
   - the variation in compositions reported by all members of the joint submission,
   - the boundary composition(s) of the Substance,
   - the impact of each constituent/ impurity on the test results for the endpoint to be assessed. For example, if a constituent/ impurity of the Substance is known to have an impact on (eco)toxicity, the selected Test Material must contain that constituent/ impurity.

2. Information on the Test Material needed in the updated dossier
   - You must report the composition of the Test Material selected for each study, under the "Test material information" section, for each respective endpoint study record in IUCLID.
   - The reported composition must include all constituents of each Test Material and their concentration values and other parameters relevant for the property to be tested.

This information is needed to assess whether the Test Material is relevant for the Substance and whether it is suitable for use by all members of the joint submission.

Technical instructions on how to report the above is available in the manual on How to prepare registration and PPORD dossiers[8].

[7] https://echa.europa.eu/practical-guides
[8] https://echa.europa.eu/manuals

Appendix E: Procedure

This decision does not prevent ECHA from initiating further compliance checks at a later stage on the registrations present.

ECHA followed the procedure detailed in Articles 50 and 51 of REACH.

The compliance check was initiated on 1 October 2020.

ECHA notified you of the draft decision and invited you to provide comments.

In your comments on the initial draft decision you commented on the deadline by indicating that meeting the schedule could be challenging. However, you did not provide any proof for an extension need.

ECHA took into account your comments and did not amend the request(s) and the deadline.

ECHA notified the draft decision to the competent authorities of the Member States for proposals for amendment.

As no amendments were proposed, ECHA adopted the decision under Article 51(3) of REACH.

Appendix F: List of references - ECHA Guidance[9] and other supporting documents

Evaluation of available information
Guidance on information requirements and chemical safety assessment, Chapter R.4 (version 1.1., December 2011), referred to as ECHA Guidance R.4 where relevant.

QSARs, read-across and grouping
Guidance on information requirements and chemical safety assessment, Chapter R.6 (version 1.0, May 2008), referred to as ECHA Guidance R.6 where relevant.

Read-across assessment framework (RAAF, March 2017)[10]

RAAF - considerations on multiconstituent substances and UVCBs (RAAF UVCB, March 2017)[11]

Physical-chemical properties
Guidance on information requirements and chemical safety assessment, Chapter R.7a (version 6.0, July 2017), referred to as ECHA Guidance R.7a in this decision.

Toxicology
Guidance on information requirements and chemical safety assessment, Chapter R.7a (version 6.0, July 2017), referred to as ECHA Guidance R.7a in this decision.

Guidance on information requirements and chemical safety assessment, Chapter R.7c (version 3.0, June 2017), referred to as ECHA Guidance R.7c in this decision.

Environmental toxicology and fate
Guidance on information requirements and chemical safety assessment, Chapter R.7a (version 6.0, July 2017), referred to as ECHA Guidance R.7a in this decision.

Guidance on information requirements and chemical safety assessment, Chapter R.7b (version 4.0, June 2017), referred to as ECHA Guidance R.7b in this decision.

Guidance on information requirements and chemical safety assessment, Chapter R.7c (version 3.0, June 2017), referred to as ECHA Guidance R.7c in this decision.

PBT assessment
Guidance on information requirements and chemical safety assessment, Chapter R.11 (version 3.0, June 2017), referred to as ECHA Guidance R.11 in this decision.

Guidance on information requirements and chemical safety assessment, Chapter R.16 (version 3.0, February 2016), referred to as ECHA Guidance R.16 in this decision.

Data sharing
Guidance on data-sharing (version 3.1, January 2017), referred to as ECHA Guidance on data sharing in this decision.

OECD Guidance documents[12]

[9] https://echa.europa.eu/guidance-documents/guidance-on-information-requirements-and-chemical-safety-assessment
[10] https://echa.europa.eu/support/registration/how-to-avoid-unnecessary-testing-on-animals/grouping-of-substances-and-read-across
[11] https://echa.europa.eu/documents/10162/13630/raaf_uvcb_report_en.pdf/3f79684d-07a5-e439-16c3-d2c8da96a316
[12] http://www.oecd.org/chemicalsafety/testing/series-testing-assessment-publications-number.htm

Guidance Document on aqueous–phase aquatic toxicity testing of difficult test chemicals – No 23, referred to as OECD GD 23.

Guidance document on transformation/dissolution of metals and metal compounds in aqueous media – No 29, referred to as OECD GD 29.

Guidance Document on Standardised Test Guidelines for Evaluating Chemicals for Endocrine Disruption – No 150, referred to as OECD GD 150.

Guidance Document supporting OECD test guideline 443 on the extended one-generation reproductive toxicity test – No 151, referred to as OECD GD 151.

Appendix G: Addressees of this decision and their corresponding information requirements

You must provide the information requested in this decision for all REACH Annexes applicable to you.

Registrant Name	Registration number	Highest REACH Annex applicable to you
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]

Where applicable, the name of a third party representative (TPR) may be displayed in the list of recipients whereas ECHA will send the decision to the actual registrant.