EUROPEAN CHEMICALS AGENCY

Decision number: CCH-D-2114343022-67-01/F Helsinki, 23 September 2016

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

For 1,1,1-trifluoroethane, CAS No 420-46-2 (EC No 206-996-5), 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 (REACH Regulation).

I. Procedure

Pursuant to Article 41(1) of the REACH Regulation ECHA has performed a compliance check of the registration for 1,1,1-trifluoroethane, CAS No 420-46-2 (EC No 206-996-5), submitted by [redacted] (Registrant).

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 March 2016, 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 compliance check decision does not prevent ECHA from initiating further compliance checks on the present registration at a later stage.

The compliance check was initiated on 12 July 2013.

On 19 November 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 19 December 2013 ECHA received comments from the Registrant on the draft decision, concerning the information requirements of Annex VIII, Section 8.4.3. and Annex X, Section 8.7.3. On 30 January 2014 the Registrant updated his registration dossier with the submission number [redacted]. The compliance check requirement to submit information of a two-generation reproductive toxicity study (EU B.35, OECD TG 416) or an extended one-generation reproductive toxicity study (EU B.56, OECD TG 443) has been removed from this draft decision due to the legislative amendments to the REACH Regulation regarding Annex X, Section 8.7.3. In light of this, ECHA Secretariat did not consider further the Registrant's comment concerning the information requirement of Annex X, Section 8.7.3. However, ECHA Secretariat did consider further the Registrant's comments and update concerning the information requirement of Annex VIII, Section 8.4.3 and Annex VII, Section 7.7. On the basis of this information and change of scope, Section II was amended. The Statement of Reasons (Section III) was changed accordingly.

On 3 March 2016 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.

Subsequently, a proposal for amendment to the draft decision were submitted.

On 8 April 2016 ECHA notified the Registrant of the proposal for amendment to the draft decision and invited him pursuant to Article 51(5) of the REACH Regulation to provide comments on the proposal for amendment within 30 days of the receipt of the notification.

The ECHA Secretariat reviewed the proposal for amendment received and amended the draft decision.

On 18 April 2016 ECHA referred the draft decision to the Member State Committee.

By 10 May 2016, in accordance to Article 51(5), the Registrant provided comments on the proposal for amendment. The Member State Committee took the comments of the Registrant on the proposal for amendment into account.

A unanimous agreement of the Member State Committee on the draft decision was reached on 23 May 2016 in a written procedure launched on 13 May 2016.

ECHA took the decision pursuant to Article 51(6) of the REACH Regulation.

II. Information required

Information in the technical dossier derived from the application of Annexes VII to XI

Pursuant to Articles 41(1), 41(3), 10(a)(vi) and/or (vii), 12(1)(e), 13 and Annexes VII, VIII, and X of the REACH Regulation the Registrant shall submit the following information using the indicated test method and the registered substance subject to the present decision:

> *In vitro* gene mutation study in mammalian cells (Annex VIII, Section 8.4.3; test method: OECD 476 [1] or OECD 490 [2]) with the registered substance.

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 **2 October 2017**.

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.

[1] Only the OECD TG is mentioned since it has recently been updated while the corresponding EU test method has not yet been updated.
[2] Only the OECD TG is mentioned since it has recently been adopted while the corresponding EU test method has not yet been published.

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 requirements.

Information in the technical dossier derived from the application of Annexes VII to XI

Pursuant to Articles 10(a)(vi) and/or (vii), 12(1)(e) of the REACH Regulation, a technical dossier for a substance manufactured or imported by the Registrant in quantities of 1000 tonnes or more per year shall contain as a minimum the information specified in Annexes VII, VIII, IX, and X of the REACH Regulation.

In vitro gene mutation study in mammalian cells (Annex VIII, 8.4.3.)

An "*In vitro* gene mutation study in mammalian cells" is an information requirement as laid down in Annex VIII, Section 8.4.3. of the REACH Regulation, "if a negative result in Annex VII, Section 8.4.1. and Annex VIII, Section 8.4.2." is obtained.

Therefore, adequate information on this endpoint needs to be present in the technical dossier for the registered substance to meet this information requirement.

ECHA notes that the original registration dossier (submission number [redacted]) contained studies indicating negative results for both information requirements:

- Annex VII, Section 8.4.1.: Three endpoint study records for bacterial reverse mutation assays (overall results: negative with and without metabolic activation);
- Annex VIII, Section 8.4.2.: One endpoint study record for in vitro mammalian chromosome aberration test (overall result: negative); furthermore, the dossier contains one endpoint study record for in vivo clastogenicity (overall result: negative).

The Registrant did neither provide any study record of an *in vitro* gene mutation study in mammalian cells in the original dossier that would have met the information requirement of Annex VIII, Section 8.4.3. nor adapted this information requirement.

In his comments according to Article 50, the Registrant explained that he would use a read across approach to be provided in an updated dossier. ECHA notes that in the updated dossier (submission number [redacted]), the Registrant proposes a one-to-one read-across (analogue approach) from the source substance 1,1,1,2-tetrafluoroethane (HFC-134a, CAS number 811-97-2) to the registered substance 1,1,1-trifluoroethane.

In this respect, ECHA notes that the registrant provided a new endpoint study record for the read-across study ([redacted]) using the source substance HFC-134a.

ECHA notes however, that this endpoint study record does not meet the requirements of a robust study summary because it does not contain sufficient information on the following:

- Test materials: Details on test material form;
- Method: Target gene, further details on test concentrations, further details on controls, evaluation criteria and statistics, any other information on materials and methods incl. tables;

- Results and discussions: Additional information on results; any other information on results incl. tables;
- Overall remarks, attachments; and
- Applicant's summary and conclusion.

According to Annex XI, 1.5, "*adequate and reliable documentation of the applied method shall be provided.*" However, and as set out above, an inadequate robust study summary of the read-across study was provided and thus ECHA considers that the requirement for adequate and reliable documentation is not met. Therefore, ECHA considers that the human health effects cannot be predicted from data for reference substance(s) within the group by interpolation to other substances in the group (read-across approach).

Furthermore, the endpoint study record contains an inconsistency with respect to the identity of the conducted study: Whereas the endpoint study record contains in the field "*Type of the study*" the text "*mammalian cell gene mutation assay*", the field "*Test guideline*" contains the text "*equivalent or similar to OECD 478*", i.e. rodent dominant lethal test. The Registrant should correct this inconsistency.

Based on the information presented by the Registrant, ECHA concludes that the target substance and the source substance are structurally similar and the small structural difference is considered not to raise significant concern with respect to the *in vitro* gene mutation endpoint; in particular, both substances display similar metabolic profiles. Therefore, the proposed read-across seems to be plausible if the provided read-across study were adequate.

However, for the reasons outlined above, ECHA concludes that the proposed read-across does not meet the requirements of Annex XI, Section 1.5. Therefore, the read across cannot be accepted.

As also acknowledged by the Registrant, there are no further *in vitro/in vivo* gene mutation studies available. In this respect, ECHA emphasises that read-across is endpoint specific and that data of Ames studies and *in vitro/in vivo* clastogenicity/chromosome aberration studies do not fulfil the standard information requirement according to Annex VIII, Section 8.4.3. As explained above, the information available on this endpoint for the registered substance in the technical dossier does not meet the information requirement. Consequently there is an information gap and it is necessary to provide information for this endpoint.

ECHA considers that the *in vitro* mammalian cell gene mutation tests using the Hprt and xprt genes (OECD 476) and the *in vitro* mammalian cell gene mutation tests using the thymidine kinase gene (OECD 490) are appropriate to address the standard information requirement of Annex VIII, Section 8.4.3.

Therefore, pursuant to Article 41(1) and (3) of the REACH Regulation, the Registrant is requested to submit the following information derived with the registered substance subject to the present decision: *In vitro* mammalian cell gene mutation test (test method: OECD 476 or OECD 490)."

1. Deadline for submitting the required information

In the draft decision communicated to the Registrant the time indicated to provide the requested information was 24 months from the date of adoption of the decision. This period of time took into account the fact that the draft decision also contained a two-generation reproductive toxicity study (EU B.35, OECD TG 416) or an extended one-generation reproductive toxicity study (EU B.56, OECD TG 443) (Annex X, Section 8.7.3.). As this study is not addressed in the present decision, ECHA Secretariat considers that a reasonable time period for providing the required information in the form of an updated IUCLID5 dossier is 12 months from the date of the adoption of the decision. The decision was therefore modified accordingly.

IV. Adequate identification of the composition of the tested material

ECHA stresses that the information submitted by 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.

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.

Authorised[3] by Ofelia Bercaru, Head of Unit, Evaluation E3.

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