EUROPEAN CHEMICALS AGENCY

Helsinki, 28 May 2019

Addressee: [redacted]

Decision number: TPE-D-2114471595-39-01/F
Substance name: Renewable hydrocarbons (diesel type fraction)
EC number: 618-882-6
CAS number: 928771-01-1
Registration number: [redacted]
Submission number: [redacted]
Submission date: 20/04/2017
Registered tonnage band: Over 1000

DECISION ON A TESTING PROPOSAL

Based on Article 40 of Regulation ((EC) No 1907/2006) (the REACH Regulation), ECHA examined your testing proposal(s) and decided as follows.

You are requested to carry out:

1. **Pre-natal developmental toxicity study (Annex IX, Section 8.7.2.; test method: OECD TG 414) in a first species (rat or rabbit), oral route using the registered substance Renewable hydrocarbons (diesel type fraction) (EC No 618-882-6).**

Your testing proposal is accepted and you are requested to carry out:

2. **Pre-natal developmental toxicity study (Annex X, Section 8.7.2.; test method: OECD TG 414) in a second species (rabbit or rat), oral route using the registered substance Renewable hydrocarbons (diesel type fraction) (EC No 618-882-6).**

You 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 to the REACH Regulation. To ensure compliance with the respective information requirement, any such adaptation will need to have a scientific justification, referring and conforming to the appropriate rules in the respective annex, and an adequate and reliable documentation.

You have to submit the requested information in an updated registration dossier by ***07 December 2020***. You also have to update the chemical safety report, where relevant. The timeline has been set to allow for sequential testing.

Appeal

This decision can be appealed to the Board of Appeal of ECHA within three months of its notification. An appeal, together with the grounds thereof, has to be submitted to ECHA in writing. An appeal has suspensive effect and is subject to a fee. Further details are described under: http://echa.europa.eu/regulations/appeals.

Authorised[1] by Ofelia Bercaru, Head of Unit, 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 1: Reasons

The decision of ECHA is based on the examination of the testing proposals submitted by you.

1. **Pre-natal developmental toxicity study (Annex IX, Section 8.7.2.) in a first species**

Pursuant to Article 40(3)(c) of the REACH Regulation, ECHA may require the Registrant to carry out one or more additional tests in case of non-compliance of the testing proposal with Annexes IX, X or XI of the REACH Regulation.

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.

You have sought to cover the information requirement for a pre-natal developmental toxicity study on the first species (rodent) by providing one GLP compliant two-generation reproductive toxicity study in rat (OECD TG 416) carried out with the registered substance. You have further provided a justification document, entitled [redacted] within the endpoint study record 7.8.2. Developmental toxicity/teratogenicity of the technical dossier.

In addition, you have provided the following justification within the CSR (Section 5.9.2. Developmental toxicitry) for waiving the pre-natal developmental study in the first species: "*In accordance with section 1 of REACH Annex XI, the study does not need to be conducted since equivalent data are available from a well-documented, GLP-compliant OECD 416 study*" and further "*In accordance with REACH Annex VIII column 2 (8.7.1) the study does not need to be conducted as equivalent data are available from a well-documented two-generation study (B.35, OECD TG 416)*".

ECHA has assessed the justification and observed that the information requirements covered by Annex VIII, section 8.7.1., column 1 refer to screening studies (OECD TG 421 or 422). Annex VIII, 8.7.1., column 2 specifies that a screening study does not need to be conducted if a PNDT study or either an EOGRTS or a 2-GEN study is available. In this context the provided justification for waiving the PNDT study in the first species is not correct.

You have further provided within the justification document a comparison of the OECD TG 414 and the OECD TG 416. You have stated that "*Although the OECD 416 study design does not include detailed foetal examination (pre-parturition), comprehensive post-natal examinations and observations of offspring (F_1) were performed until weaning*". ECHA considers that this study does not provide the information required by Annex IX, Section 8.7.2. because it does not cover key parameters of a pre-natal developmental toxicity study like examinations of foetuses for skeletal and visceral alterations. Therefore, your waivier is rejected. Consequently, there is an information gap and it is necessary to provide information for this endpoint.

According to the test method OECD TG 414, the rat is the preferred rodent species and the rabbit the preferred non-rodent. On the basis of this default consideration, ECHA considers testing should be performed with rats or rabbits as a first species.

ECHA considers that the oral route is the most appropriate route of administration for substances except gases to focus on the detection of hazardous properties on reproduction as indicated in ECHA *Guidance on information requirements and chemical safety assessment* (version 6.0, July 2017) Chapter R.7a, Section R.7.6.2.3.2. Since the substance to be tested is a liquid ECHA concludes that testing should be performed by the oral route.

In the comments to the draft decision you disagreed with conducting a study according to OECD TG 414 in the rat to meet the information requirement in the draft decision. As justification you stated that the existing two-generation reproductive toxicity study in rats covers the investigations to be conducted in a pre-natal developmental toxicity study. Furthermore, you are of the opinion, that the scientific justification for a pre-natal developmental toxicity study in a second species is unclear. You provide in your comments an appendix, in which references for publications are provided. You claim that these publications support your view that a second species is of no added value as rabbits are no more sensitive than rats in developmental studies.

As already explained above, ECHA considers that a two-generation toxicity study according to OECD TG 416 does not provide the information required by Annex IX, Section 8.7.2. because it does not investigate key parameters of a pre-natal developmental toxicity study like examinations of foetuses for skeletal and visceral alterations. Therefore ECHA does not agree to your position that "*a comprehensive evaluation of this endpoint is possible*" on the basis of the OECD 416 study results in combination with the still to be conducted OECD TG 414 study in rabbits. ECHA further points out that prenatal-developmental toxicity studies in two species are standard information requirements as provided in Annex IX in combination with Annex X, Section 8.7.2. The available information on the scientific value of testing the prenatal-developmental toxicity in two species was considered when the REACH legislation was developed.

Therefore, pursuant to Article 40(3)(c) of the REACH Regulation, you are requested to carry out with the registered substance subject to the present decision: Pre-natal developmental toxicity study in a first species (rat or rabbit), oral route (test method: OECD TG 414).

Notes for your consideration

For the selection of the appropriate species you are advised to consult ECHA *Guidance on information requirements and chemical safety assessment* (version 6.0, July 2017), Chapter R.7a, Section R.7.6.2.3.2.

2. Pre-natal developmental toxicity study (Annex X, Section 8.7.2.) in a second species

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

Pre-natal developmental toxicity studies on two species are part of the standard information requirements for substance registered for 1000 tonnes or more per year (Annex IX, Section 8.7.2., column 1, Annex X, Section 8.7.2., column 1, and sentence 2 of introductory paragraph 2 of Annex X of the REACH Regulation).

As outlined above under 1 (above), ECHA has requested a pre-natal developmental toxicity study in a first species according to OECD TG 414. ECHA notes that you registered your substance for 1000 tonnes or more per year and that your technical dossier does not contain information on a pre-natal developmental toxicity study in a second species (Annex X, Section 8.7.2.).

You have submitted a testing proposal for a pre-natal developmental toxicity study in a second species (rabbit) according to EU B.31./OECD TG 414 with the registered substance Renewable hydrocarbons (diesel type fraction) (EC No 618-882-6).

ECHA requested your considerations for alternative methods to fulfil the information requirement for Reproductive toxicity (pre-natal developmental toxicity). ECHA notes that you provided your considerations concluding that there were no alternative methods which could be used to adapt the information requirement(s) for which testing is proposed. ECHA has taken these considerations into account.

ECHA considers that the study performed with the registered substance (EC No 618-882-6) is appropriate to fulfil the information requirement of Annex X, Section 8.7.2. of the REACH Regulation.

According to the test method OECD TG 414, the rat is the preferred rodent species and the rabbit the preferred non-rodent. On the basis of this default consideration, ECHA considers testing should be performed in a second species (rabbit or rats), depending on the species tested in the first pre-natal developmental toxicity study.

You did not specify the route for testing. ECHA considers that the oral route is the most appropriate route of administration for substances except gases to focus on the detection of hazardous properties on reproduction as indicated in ECHA *Guidance on information requirements and chemical safety assessment* (version 6.0, July 2017) Chapter R.7a, Section R.7.6.2.3.2. Since the substance to be tested is a liquid, ECHA concludes that testing should be performed by the oral route.

In the comments to the draft decision you agreed to conduct the study according to OECD TG 414 in the rabbit to meet the information requirement.

Therefore, persuant to Article 40(3)(a) you are requested to submit the following information with the registered substance subject to the present decision: Pre-natal developmental toxicity study (test method: OECD TG 414) in a second species (rabbit or rat) by the oral route.

Notes for your consideration

Before performing a pre-natal developmental toxicity study in a second species you should consider the specific adaptation possibilities of Annex X, Section 8.7.2., column 2 and general adaptation possibilities of Annex XI. If the results of the test in the first species or any other new information enable such adaptation, testing in the second species should be omitted and the registration dossier should be updated containing the corresponding adaptation statement and underlying scientific justification.

For the selection of the appropriate species you are advised to consult ECHA *Guidance on information requirements and chemical safety assessment* (version 6.0, July 2017), Chapter R.7a, Section R.7.6.2.3.2.

Deadline to submit the requested Information

In the draft decision communicated to you the time indicated to provide the requested information was 18 months from the date of adoption of the decision. In your comments on the draft decision, you requested an extension of 6 months if the rat study is also requested.

ECHA has requested documentary evidence from the selected test laboratory indicating the scheduling timelines for the studies in question in order to justify why an extension to the stated deadline from 18 months to 24 months is required.

You have provided your response together with the response from two test laboratories.

From the timelines provided by the two laboratories it is visible that 18 months for both rat and rabbit studies are sufficient, if careful planning and preparation is done. However, in your response you also provided an "*estimated timeline*" of around 28 months. You explain that this timeline is the "*worst case approach*" which includes "*the prepartion of contracts and study plans, validation and development of the method, main studies, draft report drafting, analyses, dossier update and submission, and unpredictable delays*". ECHA considers that the default timeline provided in the decision for the conduct of a rat and rabbit PNDT study already reflects these steps.

The default timeline also allows to consider the results of the first study in planning and conducting the second study. Therefore, ECHA has not modified the deadline of the decision.

Appendix 2: Procedural history

ECHA received your registration containing the testing proposals for examination in accordance with Article 40(1) on 20 April 2017.

ECHA held a third party consultation for the testing proposals from 1 September 2017 until 16 October 2017. ECHA did not receive information from third parties.

This decision does not take into account any updates after **9 April 2018**, 30 calendar days after the end of the commenting period.

The decision making followed the procedure of Articles 50 and 51 of the REACH Regulation, as described below:

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

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

ECHA notified the draft decision to the competent authorities of the Member States for proposal(s) for amendment.

ECHA received proposals for amendment and did not modify the draft decision.

ECHA invited you to comment on the proposed amendments.

ECHA referred the draft decision to the Member State Committee.

Your comments on the proposed amendment(s) were taken into account by the Member State Committee.

The Member State Committee reached a unanimous agreement on the draft decision in its MSC-64 written procedure and ECHA took the decision according to Article 51(6) of the REACH Regulation.

Appendix 3: Further information, observations and technical guidance

1. This decision does not imply that the information provided in your 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.

2. Failure to comply with the requests in this decision, or to otherwise fulfil the information requirements with a valid and documented adaptation, will result in a notification to the enforcement authorities of the Member States.

3. In relation to the information required by the present decision, the sample of the substance used for the new tests must be suitable for use by all the joint registrants. Hence, the sample should have a composition that is suitable to fulfil the information requirement for the range of substance compositions manufactured or imported 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 the substance tested in the new tests 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 or imported by each registrant.

   If the registration of the substance by any registrant covers different grades, the sample used for the new tests must be suitable to assess these grades. Finally there must be adequate information on substance identity for the sample tested and the grades registered to enable the relevance of the tests to be assessed.