EUROPEAN CHEMICALS AGENCY

Decision number: TPE-D-2114291953-37-01/F Helsinki, 25 February 2015

DECISION ON TESTING PROPOSAL(S) SET OUT IN A REGISTRATION PURSUANT TO ARTICLE 40(3) OF REGULATION (EC) NO 1907/2006

For Reaction mass of 2,2',2''-nitrilotriethanol and disodium succinate and sodium acetate and sodium bromide, EC No 905-908-9, 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 Reaction mass of 2,2',2''-nitrilotriethanol and disodium succinate and sodium acetate and sodium bromide, EC No 905-908-9, submitted by [redacted] (Registrant).

- 90-day oral toxicity study (OECD 408) in rats using the registered substance; and
- Developmental toxicity / teratogenicity study (OECD 414) in rats, oral route, using the registered substance.

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 30 October 2014, 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.

On 3 July 2013, pursuant to Article 40(1) of the REACH Regulation, ECHA initiated the examination of the testing proposals set out by the Registrant in the registration dossier for the substance mentioned above.

ECHA held a third party consultation for the testing proposals from 21 March 2014 until 5 May 2014. ECHA received information from third parties (see section III below).

On 3 July 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 11 August 2014 the Registrant did not provide any comments on the draft decision to ECHA.

On 30 October 2014 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) 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; and

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 **6 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) in rats via the oral route (EU B.26/OECD 408).

ECHA considers that the proposed study is appropriate to fulfil the information requirement of Annex IX, Section 8.6.2. of the REACH Regulation.

The Registrant proposed testing by the oral route. In light of the properties of the substance (solid, paste like material of non-inhalable size; not volatile; no effects seen in acute dermal toxicity study; not classified as corrosive/ irritating to the skin; only classified as Eye irrit. 2) and the information provided on the uses and human exposure (e.g. no uses with spray application), ECHA considers that testing by the oral route is most appropriate.

The Registrant proposed testing in rats. 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) 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).

1. 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 proposed testing by the oral route in rats. 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) Consideration of the information received during third party consultation]

ECHA received third party information concerning the testing proposal during the third party consultation.

A third party has provided results from an "*OECD 414 compliant study with the read-across chemical monoethanolamine*" and "*[t]he developmental toxicity of the component sodium bromide was studied in the rat as well as in the rabbit.*" In this respect, the Third Party states that "*[a]ccording to ECHA guidance on QSARs and grouping of chemicals (R.6.2.5.3: Chemical reaction products and multi-constituent substances) risk assessment can focus on the most toxic component of a reaction mixture in a read-across approach (cf. also IEH, 2013). The constituent sodium bromide has been shown to evoke visceral malformations and maternal toxic effects in the rat. For the registration of EC No. 905-908-9 read-across to existing data for sodium bromide as the most toxic constituent is recommended. Screening data for the constituent 2,2',2''-nitrilotriethanol may be used as supporting information which suggests embryo-/ fetotoxic effects in the absence of overt maternal toxicity.*"

ECHA acknowledges that the third party has proposed a read across approach (worst-case approach) for the Registrant to consider.

ECHA notes that it is the Registrant's responsibility to consider, justify and document any adaptation of an information requirement in accordance with the relevant conditions as established in Annex XI, Section 1.5. Therefore, the Registrant should assess whether he can justify a read-across as suggested by the third party. If the adaptation can be justified, he should include the adaptation argument with all necessary documentation in the registration dossier. 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.

ECHA notes that the information provided by the third party is currently insufficient for demonstrating that the conditions of Annex XI, Section 1.5. of the REACH Regulation are met, as indicated below. In particular, the identification of the worst-case is based on the results of an OECD 414 study with the source substance monoethanolamine. No further information on this OECD 414 study was provided and, therefore, ECHA cannot conclude whether this study is adequate for selecting the worst-case constituent and the read-across. Furthermore, no information has been provided whether the structural differences between the read-across substance monoethanolamine allow prediction of toxicological properties to 2,2',2''-nitrilotriethanol. In this respect, ECHA notes that the structural dissimilarities between the two substances seem significant (one hydroxyethyl moiety in monoethanolamine compared to three hydroxyethyl moieties in 2,2',2''-nitrilotriethanol) which might result in significantly different toxicological profiles. In this respect, ECHA notes that the third party refers also to "*[s]creening data for the chemical component 2,2',2''-nitrilotriethanol*" which *"indicate[s] embryo-/fetotoxicity at the maximum administered oral dose of 1000 mg/kg bw/d [...]."* ECHA understands that this information has been submitted to support the assumption that 2,2',2''-nitrilotriethanol is not the worst-case constituent in comparison to sodium bromide. However, ECHA emphasises that a screening study for reproductive/ developmental toxicity does not provide the information of an OECD 414 study because it does not cover, for example, key parameters like examinations of foetuses for skeletal and visceral alterations. Therefore, such a screening study is insufficient to identify the worst-case constituent as it does not allow for comparison of adverse effects for the investigations which are performed in an OECD 414 study.

For all the above reasons, the information provided by the third party in itself is not sufficient to adapt the standard information requirement.

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: Pre-natal developmental toxicity study in rats or rabbits, oral route (test method: EU B.31/OECD 414).

IV. Adequate identification of the composition of the tested material

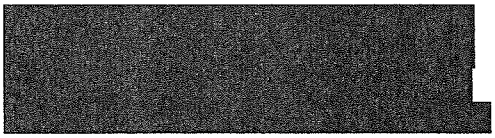
The process of examination of testing proposals set out in Article 40 of the REACH Regulation aims at ensuring that the new studies meet real information needs. Within this context, the Registrant's dossier was sufficient to confirm the identity of the substance to the extent necessary for examination of the testing proposal.

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.

Furthermore, 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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