

Decision number: TPE-D-0000002079-73-05/F

Helsinki, 25 July 2012

DECISION ON A TESTING PROPOSAL SET OUT IN A REGISTRATION PURSUANT TO ARTICLE 40(3) OF REGULATION (EC) NO 1907/2006**For 2-butyl-2-ethylpropanediol, CAS No 115-84-4 (EC No 204-111-7), 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 testing proposals set out in the registration dossier for 2-butyl-2-ethylpropanediol, CAS No 115-84-4 (EC No 204-111-7) submitted by [REDACTED] (Registrant).

In accordance with Articles 10(a)(ix) and 12(1)(e) of the REACH Regulation, the Registrant submitted the following testing proposals as part of the registration dossier to fulfil the information requirements set out in Annex X:

- Repeated dose 90-day oral toxicity in rats (OECD Guideline 408);
- Pre-natal developmental toxicity study in rats (OECD Guideline 414).

This decision is based on the registration dossier 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 after 20 January 2012, 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.

The examination of the testing proposals was initiated on 29 June 2010.

ECHA opened a third party consultation for the testing proposals including testing on vertebrate animals that was held from 14 February 2011 until 31 March 2011. ECHA received information from third parties (see section III below).

On 17 November 2011 ECHA notified the Registrant of its draft decision and invited him pursuant to Article 50(1) of the REACH Regulation to provide comments within 30 days of the receipt of the draft decision.

By 19 December 2011 the Registrant did not provide any comments on the draft decision to ECHA.

On 20 January 2012 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 to amend the draft decision within 30 days of the receipt of the notification.

Subsequently, Competent Authorities of the Member States submitted proposals for amendment to the draft decision.

On 23 February 2012 ECHA notified the Registrant of proposals for amendment to the draft decision and invited him pursuant to Article 51(5) of the REACH Regulation to provide comments on those proposals for amendment within 30 days of the receipt of the notification.

On 20 January 2012 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 to amend the draft decision within 30 days of the receipt of the notification. Subsequently, Competent Authorities of the Member States submitted proposals for amendment to the draft decision. ECHA has reviewed the proposals for amendment received and decided not to modify the draft decision. However, ECHA modified the deadline for providing the required information, in accordance with ECHA's current understanding and standard policy.

On 5 March 2012, the draft decision was referred to the Member State Committee.

The Registrant did not provide any comments on the proposals for amendment.

On 19 March 2012 the Member State Committee amended the draft decision.

A unanimous agreement of the Member State Committee on the amended draft decision was reached on 12 April 2012 in a written procedure launched on 2 April 2012.

This decision does not imply that the information provided by the Registrant in his registration dossier is in compliance with the requirements of the REACH Regulation. The decision does not prevent ECHA to initiate a compliance check on the present dossier at a later stage.

II. Testing required

Pursuant to Article 40(3)(a) of the REACH Regulation, the Registrant shall carry out the proposed tests using the indicated test method:

1. Sub-chronic toxicity study (90-day) in rats, oral route (Annex IX, 8.6.2., test method: EU B.26/OECD 408);
2. Pre-natal developmental toxicity study in rats, oral route (Annex IX, 8.7.2., test method: EU B.31/OECD 414).

Pursuant to Articles 40(4) and 22 of the REACH Regulation, the Registrant shall submit to ECHA by **25 July 2014** an update of the registration dossier containing the information required by this decision.

Data from a second pre-natal developmental toxicity study on another species is a standard information requirement according to Annex X, 8.7.2. of the REACH Regulation. The Registrant should firstly take into account the outcome of the pre-natal developmental toxicity on a first species and all other relevant available data to determine if the conditions

are met for adaptations according to Annex X, 8.7. column 2, or according to Annex XI. If the Registrant considers that testing is necessary to fulfil this information requirement, he should include in the update of his dossier a testing proposal for a pre-natal developmental toxicity study on a second species.

The Registrant shall determine the appropriate order of the studies taking into account the possible outcomes and considering the possibilities for adaptations of the standard information requirements according to column 1 or 2 provisions of the relevant Annexes of the REACH Regulation.

At any time, the Registrant shall take into account that there may be an obligation to make every effort to agree on sharing of information and costs with other registrants.

III. Statement of reasons

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

1. Sub-chronic toxicity study (90 day)

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 generate the data for this endpoint.

The Registrant proposed testing by the oral route. In the light of the physico-chemical properties of the substance and the information provided on the uses and human exposure, ECHA considers that testing by the oral route is appropriate.

Therefore, pursuant to Article 40(3)(a) of the REACH Regulation, the Registrant is required to carry out the proposed study: Sub-chronic toxicity study (90-day) in rats, oral route (test method: EU B.26/OECD 408) using the registered substance.

b) Consideration of third party information

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

The third party has proposed strategies for ECHA to consider before further tests on animals are requested. However, third parties were invited, as specified by Article 40(2) of the REACH Regulation to submit "scientifically valid information and studies that address the relevant substance and hazard end-point, addressed by the testing proposal". As the proposal for a strategy as such cannot be regarded information or studies, ECHA concludes that this is not a sufficient basis to fulfil the data/information requirement.

2. Pre-natal developmental toxicity study

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 generate the data for this endpoint.

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 as a first species to be used.

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

When considering the need for a testing proposal for a prenatal developmental toxicity study in a second species, the Registrant should take into account the outcome of the pre-natal developmental toxicity study on the first species and all available data to determine if the conditions are met for adaptations according to Annex X, 8.7. column 2, or according to Annex XI; for example if the substance meets the criteria for classification as toxic for reproduction Category 1B: May damage the unborn child (H360D), and the available data are adequate to support a robust risk assessment, or alternatively, if Weight of Evidence assessment of all relevant available data provides scientific justification that the study in a second species is not needed.

b) Consideration of third party information

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

Third party information 1:

A third party has proposed a strategy for ECHA to consider before further tests on animals are requested. However, third parties were invited, as specified by Article 40(2) of the REACH Regulation to submit "scientifically valid information and studies that address the relevant substance and hazard end-point, addressed by the testing proposal". As the proposal for a strategy as such cannot be regarded information or studies, ECHA concludes that this is not a sufficient basis to fulfil the data/information requirement.

The third party has also provided information from a QSAR model. The result from the QSAR classification model (i.e. "toxic" or "non-toxic") is not suitable for the purposes of classification and labelling and/or risk assessment for the endpoint for which testing has been proposed to meet the information requirement (Annexes IX or X, 8.7.). The documentation provided is inadequate and it has not been shown if the scientific validity of the model has been established or not. Therefore, the conditions specified in Annex XI, 1.3.

are not met and the results cannot be used instead of testing. The submitted documents also indicate that the substance might be outside of the applicability domain of the model.

Therefore, ECHA concludes that on this occasion, the information submitted does not meet the conditions for the adaptation on the basis of QSAR models set out in Annex XI, Section 1.3. Therefore, it cannot constitute an acceptable adaptation to standard information requirements.

Third party information 2:

A third party has provided information from a QSAR model. The result from the QSAR classification model (i.e. "toxic" or "non-toxic") is not suitable for the purposes of classification and labelling and/or risk assessment for the endpoint for which testing has been proposed to meet the information requirement (Annexes IX or X, 8.7.). Compliance with the Annex XI section 1.3. requirements could not be established as the required information concerning the validity, adequacy for classification & labelling and documentation of the model was not provided. In addition, the submitted information indicates/suggests that the registered substance might be outside the applicability domain of the model. The QMRF does not provide sufficient information to deduce whether the training set was constructed from studies that cover the information requirements of the OECD 414 guideline, or important study aspects, such as the species, dose selection and number of animals used.

Therefore, ECHA concludes that on this occasion, the information submitted does not meet the conditions for the adaptation on the basis of QSAR models set out in Annex XI, Section 1.3. Therefore, it cannot constitute an acceptable adaptation to standard information requirements.

3. Deadline of the decision

In the draft decision communicated to the Registrant the time indicated to provide the requested information was 18 months from the date of the adoption of the decision. As the Registrant is invited to perform the requested studies sequentially, ECHA's current understanding and standard policy is that a reasonable time period for providing the required information in the form of an updated IUCLID5 dossier is 24 months from the date of the adoption of the decision. The decision was therefore modified accordingly after the commenting period of the Registrant.

IV. General requirements for the generation of information and Good Laboratory Practice

ECHA always reminds registrants of the requirements of Article 13(4) of the REACH Regulation that ecotoxicological and toxicological tests and analyses shall be carried out in compliance with the principles of good laboratory practice (GLP). National authorities monitoring GLP maintain lists of test facilities indicating the relevant areas of expertise of each facility.

According to Article 13(3) of the REACH Regulation, tests that are required to generate information on intrinsic properties of substances shall be conducted in accordance with the test methods laid down in a Commission Regulation or in accordance with other international test methods recognised by the Commission or the European Chemicals Agency as being appropriate. Thus, the Registrant shall refer to Commission Regulation (EC) No 440/2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 as adapted to technical progress or to other international test methods recognised as being

appropriate and use the applicable test methods to generate the information on the endpoints indicated above.

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://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.



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