EUROPEAN CHEMICALS AGENCY

Decision number: TPE-D-2114292625-41-01/F Helsinki, 23 February 2015

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

For 1,3-diethyldiphenylurea, CAS No 85-98-3 (EC No 201-645-2), 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 proposal submitted as part of the registration dossier in accordance with Articles 10(a)(ix) and 12(1)(d) thereof for 1,3-diethyldiphenylurea, CAS No 85-98-3 (EC No 201-645-2, submitted by [redacted] (Registrant).

- 90-day oral toxicity study (OECD 408) in rodents

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.

ECHA received the registration dossier containing the above-mentioned testing proposal for further examination pursuant to Article 40(1) on 29 March 2013.

ECHA held a third party consultation for the testing proposal from 3 March 2014 until 17 April 2014. ECHA did not receive information from third parties.

On 24 June 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.

On 24 July 2014 ECHA received comments from the Registrant on the draft decision.

The ECHA Secretariat considered the Registrant's comments. The information is reflected in the Statement of Reasons (Section III) whereas no amendments to the Information Required (Section II) were made.

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

The Registrant shall carry out the following proposed test pursuant to Article 40(3)(a) and 13(4) of the REACH Regulation using the indicated test method and the registered substance subject to the present decision:

- Sub-chronic toxicity study (90-day) in rats, oral route (Annex IX, Section 8.6.2.; test method: EU B.26/OECD 408).

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.

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 **30 August 2016** an update of the registration dossier containing the information required by this decision, including, where relevant, an update of the Chemical Safety Report.

III. Statement of reasons

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

- Repeated dose toxicity study (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 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 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 most appropriate.

The Registrant did not specify the species to be used for testing. 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.

In his comments to the draft decision on the 24 July 2014 the Registrant indicated that they no longer consider a new study according to EU Method B.26 (Sub-Chronic Oral Toxicity Test: Repeated Dose 90-Day Oral Toxicity Study in Rodents) appropriate and suggest to use the adaptation possibility of Annex XI, 1.2. of the REACH Regulation. The Registrant refers to the current classification (Acute Tox.4, H302) and notes that "the substance is harmful following sub-chronic conditions." Further on the Registrant questions whether new information about toxicity can be obtained by conductig a new sub-chronic toxicity study.

ECHA notes that no information on the sub-chronic or chronic toxicity is available in the current registration dossier. In the 28-day sub-acute toxicity study ([redacted]) a LOEL (Lowest Observed Effect Level) value of 50 mg/kg/day for males and females was established on the basis of biometry of organ weights of liver, biochemistry parameters bilirubin, ions, AST, ALP, ALT and haematology parameters MCV, number of erythrocytes and haemoglobin content. Thus, it was not possible to establish a NOAEL (No Observed Adverse Effect Level) value on the basis of obtained results.

The Registrant attempts to adapt the standard information requirement with a weight of evidence approach (Annex XI, 1.2) and argues that the current classification for acute toxicity (Acute Tox.4, H302) and the harmfulness of the substance following sub-chronic conditions provides sufficient information on the dangerous properties of the substance. The Registrant further considers that already the current level of information leads to "strict safety measures".

In contradiction to the justification not to perform the study, the Registrant dismisses the toxicological importance of the 28-day study by stating in the conclusion of the 28-days repeated dose toxicity study that *"Observed changes were probably caused by application of the test substance but they were without toxicological importance and had only adaptation character."* The Registrant did not submit data on sub-chronic toxicity studies and did not provide sufficient evidence that the substance has or has not a particular dangerous property, i.e. toxicity after administration for 90 days. Information from acute toxicity studies cannot be considered as sufficient when estimating potential hazards arising from sub-chronic toxicity. The Registrant has not classified the substance for R48 or under CLP for STOT cat 1 or 2.

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).

IV. Adequate identification of the composition of the tested material

It is important to ensure that the particular sample of substance tested in the new study 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 study 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 study 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.

[redacted]
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