

Decision number: TPE-D-2114296713-40-01/F

Helsinki, 23 March 2015

DECISION ON TESTING PROPOSAL(S) SET OUT IN A REGISTRATION PURSUANT TO ARTICLE 40(3) OF REGULATION (EC) NO 1907/2006**For bis(3,5,5-trimethylhexanoyl) peroxide, CAS No 3851-87-4 (EC No 223-356-0), 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 bis(3,5,5-trimethylhexanoyl) peroxide, CAS No 3851-87-4 (EC No 223-356-0), submitted by [REDACTED] (Registrant).

- 90-day oral toxicity study (OECD 408)
- Developmental toxicity / teratogenicity study (OECD 414)

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 15 January 2015, 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 proposals for further examination pursuant to Article 40(1) on 28 March 2013.

ECHA held a third party consultation for the testing proposals from 15 July 2014 until 29 August 2014. ECHA did not receive information from third parties.

On 5 November 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 12 December 2014 the Registrant did not provide any comments on the draft decision to ECHA.

On 15 January 2015 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 modified test pursuant to Article 40(3)(b) and 13(4) of the REACH Regulation using the indicated test method 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; modified to include urinalysis and a full histopathological examination which is to include immunohistochemical investigation of renal pathology to determine if the pathology is mediated by alpha-2u globulin nephropathy.

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:

2. Pre-natal developmental toxicity study (Annex IX, Section 8.7.2.; test method: EU B.31/OECD 414) in rat or rabbit, 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 requests in this decision, or to fulfil otherwise the information requirements 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 **30 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.

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)(b) of the REACH Regulation, ECHA may require the Registrant to carry out the proposed test under modified conditions.

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) via the oral route (EU B.26/OECD 408).

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

The registered substance is a liquid of reported low vapour pressure. The uses described in the Chemical Safety Report include uses with spray application leading to aerosol generation of potential inhalable size. Consequently, exposure of humans via inhalation to aerosols of an inhalable size is likely. However, ECHA considers that testing via the oral route is more appropriate because the available oral study indicates a concern for kidney, liver, prostate and thymus toxicity which require further information on repeated dose toxicity via the oral route.

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 the repeated dose 28-day oral toxicity study hyaline droplets in the corticotubular renal cells of the kidneys were observed in male rats at all dose levels. The fact that these effects were only observed in male rats indicates that the registered substance may induce alpha-2u-globin-mediated nephropathy. Since humans do not excrete alpha-2u-globin, this mode of action is not relevant to humans. For this reason, ECHA decided to modify the Registrant's testing proposal by including urinalysis (which is optional in paragraph 30 of OECD 408, and the relevant part of Section 1.5.2.2. of EU Method B.26) to investigate kidney function, and a full histopathological examination (paragraph 36 of OECD 408, Section 1.5.2.4. of EU Method B.26), which is to include immunohistochemical investigation of renal pathology to determine if the pathology is indeed mediated by alpha-2u globulin.

b) Outcome

Therefore, pursuant to Article 40(3)(b) of the REACH Regulation, the Registrant is requested to carry out the following 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) modified to include urinalysis and a full histopathological examination which is to include immunohistochemical investigation of renal pathology to determine if the pathology is mediated by alpha-2u globulin nephropathy.

2. 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 did not specify the species to be used for testing. He did not specify the route for testing. 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) 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. The Registrant must note, however, that this information, or the information submitted by other registrants of the same 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 proposed tests, 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 of the same substance to agree to the tests proposed (as applicable to their tonnage level) 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 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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