

Decision number: TPE-D-2114292100-63-01/F

Helsinki, 27 January 2015

DECISION ON TESTING PROPOSALS SET OUT IN A REGISTRATION PURSUANT TO ARTICLE 40(3) OF REGULATION (EC) NO 1907/2006**For Fatty acids, tall-oil, reaction products with acrylic acid, EC No 939-424-4, 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 Fatty acids, tall-oil, reaction products with acrylic acid, EC No 939-424-4, submitted by [REDACTED] (Registrant).

- Dissociation Constants in Water (OECD 112)
- Viscosity of Liquids (OECD Test 114)
- *Daphnia magna* Reproduction Test (OECD 211)
- Fish, Early-Life Stage Toxicity Test (OECD 210)

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 proposals for further examination pursuant to Article 40(1) on 23 April 2013.

ECHA held a third party consultation for the testing proposals from 4 April 2014 until 19 May 2014. ECHA did not receive information from third parties.

ECHA received an updated registration dossier subject to the present decision ([REDACTED]) on 8 July 2014. The updated dossier does not contain additional testing proposals compared to the first submission; hence no further public consultation was initiated.

On 29 August 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 6 October 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) and 13(4) of the REACH Regulation using the indicated test methods and the registered substance subject to the present decision:

1. Dissociation constant (Annex IX, Section 7.16.; test method OECD 112);
2. Viscosity (Annex IX, Section 7.17.; test method OECD 114);
3. Long-term toxicity testing on aquatic invertebrates (Annex IX, Section 9.1.5.; test method: *Daphnia magna* reproduction test, EU C.20/OECD 211);
4. Fish, early-life stage (FELS) toxicity test (Annex IX, Section 9.1.6.; test method: Fish, early-life stage toxicity test, OECD 210).

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 **3 February 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. Dissociation constant (Annex IX, Section 7.16.)

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.

"Dissociation constant" is a standard information requirement as laid down in Annex IX, Section 7.16. of the REACH Regulation. The information on this endpoint is not available for the registered substance subject to the present decision 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 study on dissociation constants in water (OECD 112).

ECHA considers the proposed test appropriate and testing should be performed with the registered substance.

b) Outcome

Therefore, pursuant to Article 40(3)(a) of the REACH Regulation, the Registrant is requested to carry out the proposed test using the registered substance: Dissociation constants in water (test method: OECD 112).

2. Viscosity (Annex IX, Section 7.17.)

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.

"Viscosity" is a standard information requirement as laid down in Annex IX, Section 7.17. of the REACH Regulation. The information on this endpoint is not available for the registered substance subject to the present decision 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 study on viscosity of liquids (OECD Test 114).

ECHA considers the proposed test appropriate and testing should be performed with the registered substance.

b) Outcome

Therefore, pursuant to Article 40(3)(a) of the REACH Regulation, the Registrant is requested to carry out the proposed test using the registered substance : Viscosity of liquids (test method: OECD 114).

3. Long-term toxicity testing on aquatic invertebrates (Annex IX, Section 9.1.5.)

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.

"Long-term toxicity testing on aquatic invertebrates" is a standard information requirement as laid down in Annex IX, Section 9.1.5. 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 long-term toxicity testing on aquatic invertebrates (*Daphnia magna* reproduction test, EU C.20/OECD 211) with the following justifications:

"Based on the high log Kow of Diacid 1550 [i.e. the registered substance], long-term tests are expected to give more insight into the toxicity of Diacid 1550 than short-term tests. Therefore, long-term toxicity tests with Daphnia and fish (early life stage) are proposed",

and in the PBT assessment:

"the information needed to support the absence of chronic hazards can also be obtained by testing the chronic toxicity for fish and daphnia. Therefore testing proposals are presented for chronic aquatic toxicity testing (in the ecotoxicological section)".

ECHA further notes that the chemical safety assessment provided by the Registrant indicates risk characterisation ratios (RCR) that are close to 1 for the environment in several exposure scenarios. Therefore ECHA acknowledges that there may be a need to investigate further the effects on aquatic organisms.

ECHA considers that the proposed study is appropriate to fulfil the information requirement of Annex IX, Section 9.1.5 of the REACH regulation.

According to ECHA *Guidance on information requirements and chemical safety assessment* (version 1.2., November 2012), Chapter R7b (Section R.7.8.5 including Figure R.7.8-4), if based on acute aquatic toxicity data neither fish nor invertebrates are shown to be substantially more sensitive, long-term studies may be required on both. There were no indications in the dossier from the short-term toxicity studies on aquatic species that fish would be substantially more sensitive than aquatic invertebrates. In such case, according to the integrated testing strategy, the *Daphnia* study is to be conducted first. If based on the results of the long-term *Daphnia* study and the application of a relevant assessment factor, no risks are observed (PEC/PNEC<1), no long-term fish testing may need to be conducted.

b) Outcome

Therefore, pursuant to Article 40(3)(a) of the REACH Regulation, the Registrant is required to carry out the proposed study using the registered substance subject to the present decision: Long-term toxicity testing on aquatic invertebrates (Annex IX, 9.1.5.; test method: *Daphnia magna* reproduction test, EU C.20/OECD 211).

4. Long-term toxicity testing on fish (Annex IX, Section 9.1.6.)

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.

"Long-term toxicity testing on fish" is a standard information requirement as laid down in Annex IX, Section 9.1.6. 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 testing the registered substance for long-term toxicity testing on fish (Fish, early-life stage toxicity test, OECD 210) with the following justifications:

"Based on the high log Kow of Diacid 1550 [i.e. the registered substance], long-term tests are expected to give more insight into the toxicity of Diacid 1550 than short-term tests. Therefore, long-term toxicity tests with Daphnia and fish (early life stage) are proposed",

and in the PBT assessment:

"the information needed to support the absence of chronic hazards can also be obtained by testing the chronic toxicity for fish and daphnia. Therefore testing proposals are presented for chronic aquatic toxicity testing (in the ecotoxicological section)".

ECHA further notes that the chemical safety assessment provided by the Registrant indicates risk characterisation ratios (RCR) that are close to 1 for the environment in several exposure scenarios. Therefore ECHA acknowledges that there is need to investigate further the effects on aquatic organisms.

ECHA considers that the proposed study is appropriate to fulfil the information requirement of Annex IX, Section 9.1.6 of the REACH regulation.

According to ECHA *Guidance on information requirements and chemical safety assessment* (version 1.2., November 2012), Chapter R7b, (Section R.7.8.5 including Figure R.7.8-4), if based on acute aquatic toxicity data neither fish nor invertebrates are shown to be substantially more sensitive, long-term studies may be required on both. There were no indications in the dossier from the short-term toxicity studies on aquatic species that fish would be substantially more sensitive than aquatic invertebrates. In such case, according to the integrated testing strategy, the *Daphnia* study is to be conducted first. If based on the results of the long-term *Daphnia* study and the application of a relevant assessment factor, no risks are observed (PEC/PNEC<1), no long-term fish testing may need to be conducted.

b) Outcome

Therefore, pursuant to Article 40(3)(a) of the REACH Regulation, the Registrant is required to carry out the proposed study using the registered substance subject to the present decision: Fish, early-life stage (FELS) toxicity test (Annex IX, 9.1.6.1.; test method: Fish, early-life stage toxicity test, OECD 210).

c) Notes for consideration by the Registrant

Before conducting any of the tests mentioned above in points 3 and 4 the Registrant shall consult the ECHA *Guidance on information requirements and chemical safety assessment (version 1.2., November 2012)*, Chapter R7b, Section R.7.8.5 to determine the sequence in which the aquatic long-term toxicity tests are to be conducted and the necessity to conduct long-term toxicity testing on fish.

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.

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://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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