EUROPEAN CHEMICALS AGENCY

Helsinki, 13 December 2019

Addressee
Registrant of dechlorane plus listed in the last Appendix of this decision

Date of submission for the jointly submitted dossier subject of this decision
08/05/2015

Registered substance subject to this decision, hereafter 'the Substance'
Substance name: 1,6,7,8,9,14,15,16,17,17,18,18-dodecachloropentacyclo[12.2.1.16,9.02,13.05,10]octadeca-7,15-diene
EC number: 236-948-9
CAS number: 13560-89-9

Decision number: [Please refer to the REACH-IT message which delivered this communication (in format CCH-D-XXXXXXXXXX-XX-XX/D)]

DECISION ON A COMPLIANCE CHECK

Based on Article 41 of Regulation (EC) No 1907/2006 (REACH), ECHA requests that you submit the information listed below by the deadline of ***21 December 2020***.

A. Requirements applicable to all the Registrants subject to Annex VII of REACH

1. In vitro gene mutation study in bacteria (Annex VII, Section 8.4.1.; test method EU B.13/14. / OECD TG 471) using one of the following strains: *E. coli* WP2 uvrA, or *E. coli* WP2 uvrA (pKM101), or *S. typhimurium* TA102 with the Substance.

B. Requirements applicable to all the Registrants subject to Annex VIII of REACH

1. In vitro cytogenicity study in mammalian cells (Annex VIII, Section 8.4.2., test method OECD TG 473) or in vitro micronucleus study (Annex VIII, Section 8.4.2., test method OECD TG 487) with the Substance.

C. Requirements applicable to all the Registrants subject to Annex IX of REACH[1]

1. Pre-natal developmental toxicity study (Annex IX, Section 8.7.2.; test method OECD TG 414) in a first species (rat or rabbit), oral route with the Substance.

Conditions to comply with the requested information

You are bound by the requests for information corresponding to the REACH Annexes applicable to your own registered tonnage of the Substance at the time of evaluation.

Therefore you have to comply with the requirements of Annexes VII, VIII and IX of REACH.

The appendices state the reasons for the requests for information to fulfil the requirements set out respectively in Annexes VII, VIII and IX of REACH.

[1] Testing required under this Annex can only be started or performed after the decision has been adopted according to Article 51.

The test material used to perform the required studies must be selected and reported in accordance with the specifications prescribed in the Appendix entitled Observations and technical guidance.

You must submit the information requested in this decision by the deadline indicated above in an updated registration dossier and also update the chemical safety report, where relevant, including any changes to classification and labelling, based on the newly generated information. The timeline has been set to allow for sequential testing where relevant.

Appeal

This decision can be appealed to the Board of Appeal of ECHA within three months of its notification. An appeal, together with the grounds thereof, has to be submitted to ECHA in writing. An appeal has suspensive effect and is subject to a fee. Further details are described under: http://echa.europa.eu/regulations/appeals.

Approved[2] under the authority of Christel Schillinger-Musset, Director of Hazard Assessment

[2] As this is an electronic document, it is not physically signed. This communication has been approved according to ECHA's internal decision-approval process.

Appendix A: Reasons for the requests to comply with Annex VII of REACH

In accordance with Articles 10(a) and 12(1) of the REACH Regulation, a technical dossier registered at 1 to 10 tonnes or more per year must contain, as a minimum, the information specified in Annex VII to the REACH Regulation.

1. In vitro gene mutation study in bacteria (Annex VII, Section 8.4.1.)

An *In vitro* gene mutation study in bacteria is a standard information requirement in Annex VII to REACH.

You have provided a key study in your dossier, for *in vitro* gene mutation in bacteria (1980).

To fulfil the information requirement, the study has to meet the requirements of OECD TG 471 (1997), which indicates that the test should be performed with 5 strains: four strains of *S. typhimurium* (TA98; TA100; TA1535; TA1537 or TA97a or TA97) and one strain which is either *S. typhimurium* TA102 or *E. coli* WP2 uvrA or *E. coli* WP2 uvrA (pKM101).

You have provided an Ames test with the following strains, TA 98, TA 100, TA 1535, TA 1537, and TA 1538 which all gave negative results.

The study you have provided was not conducted with the appropriate 5 strains as it does not include results in the required fifth strain, *S. typhimurium* TA102 or *E. coli* WP2 uvrA or *E. coli* WP2 uvrA (pKM101).

Therefore, the information provided does not cover a key parameter required by OECD TG 471 and the information requirement is not fulfilled.

In your comments on the draft decision, you acknowledge that the information requirement is not fulfilled for this endpoint and suggest to conduct an *in vitro* gene mutation test with one additional bacteria strain to fulfil the information requirement of the OECD TG 471. Hence you agree to perform the requested study.

Appendix B: Reasons for the requests to comply with Annex VIII of REACH

In accordance with Articles 10(a) and 12(1) of the REACH Regulation, a technical dossier registered at 10 to 100 tonnes or more per year must contain, as a minimum, the information specified in Annexes VII and VIII to the REACH Regulation.

1. **In vitro cytogenicity study in mammalian cells or in vitro micronucleus study (Annex VIII, Section 8.4.2.)**

An *In vitro* cytogenicity study in mammalian cells or an *In vitro* micronucleus study is a standard information requirement in Annex VIII to REACH.

You have provided a supporting study in your dossier, DNA damage and repair in bacteria (1980).

To fulfil the information requirement, the study has to be a chromosomal aberration test or a micronucleus test, conducted in accordance with OECD TG 473 or OECD TG 487, respectively, in mammalian cells.

However, the study you have provided was performed in bacteria.

Furthermore, in your comments on the draft decision, you refer to:

- a valid study employing the L5 178Y TK+/-mouse lymphoma assay ([redacted], 1980);
- a bacterial mutagenicity study ([redacted] 1980);
- a fully acceptable 90-day study conducted with Dechlorane Plus at concentrations up to 100000 ppm.

You state that Dechlorane Plus does not show any potential for gene mutation in mammalian cells using mouse lymphoma assay. You also state that genetic events that should be detected using the tk locus would include both gene mutations and chromosomal events which are however not observed. You conclude that "*Bacterial and mammalian mutagenicity studies are included in the dataset that allow an assessment for genotoxicity*". Furthermore you note that genotoxicity is an upstream event and neither proliferation nor hyperplasia were detected in the subchronic 90-day toxicity study.

As the provided DNA damage and repair study in bacteria (1980) was not conducted in the correct test system, it is not an *in vitro* cytogenicity study in mammalian cells nor a micronucleus test. In addition, the study does not investigate the key parameters required by the OECD TG 473 or OECD TG 487. Furthermore, none of the studies referred to in your comments report on the frequency of cells with structural chromosomal aberration(s) or the micronuclei for the treated and control cultures. Therefore, the information provided does not fulfil the information requirement.

Appendix C: Reasons for the requests to comply with Annex IX of REACH

In accordance with Articles 10(a) and 12(1) of the REACH Regulation, a technical dossier registered at 100 to 1000 tonnes or more per year must contain, as a minimum, the information specified in Annexes VII-IX to the REACH Regulation.

1. Pre-natal developmental toxicity study (Annex IX, Section 8.7.2.) in a first species

A Pre-natal developmental toxicity (PNDT) study (OECD TG 414) in one species is a standard information requirement under Annex IX to REACH.

You have provided:
- a "combined repeated dose toxicity study with the reproduction/developmental toxicity screening test" (OECD TG 422) from 2008, and
- a statement: "*The developmental screening study meets most of the requirements of OECD 414. No toxic effects on embryofetal development and maternal function was observed up to 5000 mg/Kg*".

In order to be considered compliant and enable assessing if the Substance is a developmental toxicant, you need to provide a test following OECD TG 414 on a first species, as required in column 1 of Annex IX, Section 8.7.2.

You have not provided a pre-natal developmental toxicity study performed according to OECD TG 414.

Furthermore, in your comments on the draft decision you refer to:
- a subchronic toxicity study (90 days) in rats via oral route with Dechlorane Plus 25 in line with OECD TG 408 ([redacted], 1975);
- a short-term toxicity study (28 days) in rats via inhalation route conducted according to a protocol equivalent to OECD TG 412 ([redacted], 1975);
- a short-term toxicity study (28 days) in rabbits via dermal route conducted according to a protocol equivalent to OECD TG 410 ([redacted] 1975)
- several observations done in humans disclosed in 3 publications included in the dossier.

You state that the Substance did not show any adverse effects in adult animals and that there were also no adverse observations for the foetuses in the OECD TG 422 study. In addition, you state that there were no observations of repeated dose toxicity in humans. You consider that "*a chemical substance with potential to act as a developmental toxicant should indicate at least a hint within one or another study that there is a concern.*"

The OECD TG 422 study that you have provided for this endpoint and similarly the studies referred to in your comments are not equivalent to an OECD TG 414 study as they do not investigate structural malformations and variations as required in the PNDT study.

In addition, your statement does not meet any of the conditions of the adaptation opportunities set out in Annex IX, Section 8.7., column 2 or Annex XI.

Therefore, the information provided does not fulfil the information requirement.

A PNDT study according to the test method OECD TG 414 should be performed in rat or rabbit as preferred species with oral[3] administration of the Substance.

[3] ECHA Guidance R.7a, Section R.7.6.2.3.2.

Appendix D: Procedural history

For the purpose of the decision-making, this decision does not take into account any updates of registration dossiers after the date on which you were notified the draft decision according to Article 50(1) of the REACH Regulation.

The compliance check was initiated on 26 September 2018.

ECHA notified you of the draft decision and invited you to provide comments within 30 days of the notification.

ECHA took into account your comments and did not amend the requests.

ECHA notified the draft decision to the competent authorities of the Member States for proposals for amendment.

As no amendments were proposed, ECHA adopted the decision under Article 51(3) of REACH.

Appendix E: Observations and technical guidance

1. This compliance check decision does not prevent ECHA from initiating further compliance checks at a later stage on the registrations present.

2. Failure to comply with the requests in this decision, or to otherwise fulfil the information requirements with a valid and documented adaptation, will result in a notification to the enforcement authorities of the Member States.

3. Test guidelines, GLP requirements and reporting

   Under Article 13(3) of REACH, all new data generated as a result of this decision needs to be conducted according to the test methods laid down in a European Commission Regulation or according to international test methods recognised by the Commission or ECHA as being appropriate.

   Under Article 13(4) of REACH, ecotoxicological and toxicological tests and analyses shall be carried out according to the GLP principles (Directive 2004/10/EC) or other international standards recognised by the Commission or ECHA.

   Under Article 10 (a) (vi) and (vii) of REACH, all new data generated as a result of this decision must be reported as study summaries, or as robust study summaries, if required under Annex I of REACH. See ECHA Practical Guide: 'How to report robust study summaries[4]'.

4. Test material

   Selection of the test material(s)

   The registrants of the Substance are responsible for agreeing on the composition of the test material to be selected for carrying out the tests required by the present decision. The test material selected must be relevant for all the registrants of the Substance, i.e. it takes into account the variation in compositions reported by all members of the joint submission. The composition of the test material(s) must fall within the boundary composition(s) of the Substance.

   While selecting the test material you must take into account the impact of each constituent/impurity is known to have or could have on the test results for the endpoint to be assessed. For example, if a constituent/impurity of the Substance is known to have an impact on (eco)toxicity, the selected test material must contain that constituent/ impurity.

   Technical reporting of the test material

   The composition of the selected test material must be reported in the respective endpoint study record, under the Test material section. The composition must include all constituents of the test material and their concentration values. Without such detailed reporting, ECHA may not be able to confirm that the test material is relevant for the Substance and to all the registrants of the Substance.

Technical instructions are available in the manual "How to prepare registration and PPORD dossiers" on the ECHA website (https://echa.europa.eu/manuals).

[4] https://echa.europa.eu/practical-guides

5. List of references or the Guidance documents[5] referred to in this decision

Toxicology
Guidance on information requirements and chemical safety assessment, Chapter R.7a (version 6.0, July 2017), referred to as ECHA Guidance R.7a in this decision.

[5] https://echa.europa.eu/guidance-documents/guidance-on-information-requirements-and-chemical-safety-assessment

Appendix F: List of the registrants to which the decision is addressed and the corresponding information requirements applicable to them

Registrant Name	Registration number	(Highest) Data requirements to be fufilled
[redacted]	[redacted]	[redacted]