~~Confidential~~

Helsinki, 09 September 2021

Addressees
Registrant(s) of Fatty acids C14-C18 + DEA as listed in the last Appendix of this decision

Date of submission of the dossier subject to this decision
10/07/2019

Registered substance subject to this decision ("the Substance")
Substance name: Fatty acids, C14-C18 and C18 unsaturated, amides with 2,2'-iminodiethanol
EC number: 948-052-1
CAS number: NS

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

DECISION ON A COMPLIANCE CHECK

Under Article 41 of Regulation (EC) No 1907/2006 (REACH), you must submit the information listed below, by the deadline of ***16 September 2022***.

Requested information must be generated using the Substance unless otherwise specified.

A. Information required from all the Registrants subject to Annex IX of REACH

1. Sub-chronic toxicity study (90-day) (Annex IX, Section 8.6.2.; test method: OECD TG 408) by oral route, in rats

Reasons for the request(s) are explained in the following appendix:

- Appendix entitled "Reasons to request information required under Annex IX of REACH".

Information required depends on your tonnage band

You must provide the information listed above for all REACH Annexes applicable to you, and in accordance with Articles 10(a) and 12(1) of REACH:

- the information specified in Annexes VII, VIII and IX to REACH, for registration at 100-1000 tpa.

How to comply with your information requirements

To comply with your information requirements you must submit the information requested by this decision in an updated registration dossier by the deadline indicated above. You must also update the chemical safety report, where relevant, including any changes to classification and labelling, based on the newly generated information.

You must follow the general testing and reporting requirements provided under the Appendix entitled "Requirements to fulfil when conducting and reporting new tests for REACH purposes". For references used in this decision, please consult the Appendix entitled "List of references".

Appeal

This decision, when adopted under Article 51 of REACH, may be appealed to the Board of Appeal of ECHA within three months of its notification to you. Please refer to http://echa.europa.eu/regulations/appeals for further information.

Failure to comply

If you do not comply with the information required by this decision by the deadline indicated above, ECHA will notify the enforcement authorities of your Member State.

Authorised[1] under the authority of Christel Schilliger-Musset, Director of Hazard Assessment

[1] 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 to request information required under Annex IX of REACH

1. Sub-chronic toxicity study (90-day)

A Sub-chronic toxicity study (90 day) is a standard information requirement under Annex IX to REACH (Section 8.6.2).

You have provided the following information in your dossier:

(i) A combined repeated dose toxicity study with the reproduction/developmental screening study (OECD TG 422, 2018) with the Substance.

(ii) An adaptation based on a planned OECD 443 study: *"An OECD 443 Extended One-Generation Reproductive Toxicity Study is proposed for the substance and it is considered that this study can be used to provide appropriate repeated dose toxicity information on the test substance. This approach will have animal welfare benefits in terms of reducing the number of animals used in testing. Although the exposure period in the OECD 443 study for the parental generation is 70-days which is 20-days less than for a 90-day study, the reduced exposure period is not considered to significantly impact on the ability of the study to pick up an adverse repeated dose findings. In an OECD 422 screening study the No Observed Adverse Effect Level (NOAEL) for general toxicity was 100 mg/kg bw/day based on histopathological changes observed in the kidneys and lungs. The 70-day exposure period is expected to pick up any evidence that these effects become more severe with increased exposure length and allow appropriate toxicological assessment in the event of any differences from the OECD 422 observations. To ensure appropriate detection of any histopathological changes in the kidneys and lungs a requirement will be included in the study plan of the OECD 443 to take samples of these tissues at all dose levels from parental animals specifically for this assessment".*

We have assessed this information and identified the following issue(s):

First, you have not provided any legal basis for your adaptation and it is not clear how it relates to or complies with the criteria of Annex IX, Section 8.6.2, Column 2 or Annex XI. Furthermore, you have not submitted any EOGRTS study which, therefore, cannot be taken into account for assessing whether your registration complies with the information requirement. It is, however, assessed below for the sake of completeness.

Second, to be considered compliant and enable concluding whether the Substance has dangerous properties and supports the determination of the No-Observed Adverse Effect Level (NOAEL), a study has to meet the requirements of OECD TG 408. The following key parameter(s) of this test guideline include, among others:

1. Dosing of the Substance daily for a period of 90 days until the scheduled termination of the study
2. Clinical observations, ophthalmological examination, sensory reactivity to various stimuli and functional observations of the animals, recording of body weight, hematology, clinical biochemistry, pathology of sexual (male and female) organs, full detailed gross necropsy and subsequent histopathology of both types tissues
3. At least 10 female and 10 male animals should be used at each dose level (including control group).

Information (i) and (ii) do not have the required exposure duration of 90 days as required in OECD TG 408, because you indicated an exposure duration of approximately five weeks for males and up to eight weeks for females in information (i), and a planned duration of 70 days in information (ii).

You argue that "the reduced exposure period is not considered to significantly impact on the ability of the study to pick up an adverse repeated dose findings" and "the 70-day exposure period is expected to pick up any evidence that these effects become more severe with increased exposure length and allow appropriate toxicological assessment in the event of any differences from the OECD 422 observations." This is based on conjecture and has not substantiated your claim. Therefore, it cannot be accepted.

Information (ii), even with histopathological extension to lungs and kidneys, would not be performed according to the criteria of the OECD TG 408, since for example the following key parameters are missing in the OECD TG 443 protocol: ophthalmological examination of the parental animals and full histopathology of the parental animals, including pancreas, aorta, lymph nodes and skin. Furthermore, the organ weight and histopathological investigations in OECD TG 422 are only conducted using 5 animals per sex per group and not 10 per sex per group as in OECD TG 408.

Based on the above, the information you provided does not fulfil the information requirement.

Information on the design of the study to be performed

Referring to the criteria provided in Annex IX, Section 8.6.2, Column 2, the oral route is the most appropriate route of administration to investigate repeated dose toxicity, because the Substance is a viscous liquid.

Therefore the sub-chronic toxicity study must be performed according to the OECD TG 408, in rats and with oral administration of the Substance

Appendix B: Requirements to fulfil when conducting and reporting new tests for REACH purposes

A. Test methods, GLP requirements and reporting

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

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

3. 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 on How to report robust study summaries[2].

B. Test material

1. Selection of the Test material(s)

   The Test Material used to generate the new data must be selected taking into account the following:
   - the impact of each constituent/ impurity 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.

2. Information on the Test Material needed in the updated dossier
   - You must report the composition of the Test Material selected for each study, under the "Test material information" section, for each respective endpoint study record in IUCLID.
   - The reported composition must include all constituents of each Test Material and their concentration values and other parameters relevant for the property to be tested.

This information is needed to assess whether the Test Material is relevant for the Substance.

Technical instructions on how to report the above is available in the manual on How to prepare registration and PPORD dossiers[3].

[2] https://echa.europa.eu/practical-guides
[3] https://echa.europa.eu/manuals

Appendix C: Procedure

You submitted a testing proposal for an Extended one-generation reproductive toxicity study (EOGRTS; Annex IX, 8.7.3.), however this testing proposal is on hold pending the receipt of the data requested under section A.1. of this decision. This is because the results of the Sub-chronic toxicity study (90-day) are considered crucial to inform on the study design of the EOGRTS. Therefore, you are required to perform the Sub-chronic toxicity study (90-day) first, and submit the results by the deadline indicated above.

Together with providing the results for the requested Sub-chronic toxicity study (90-day), you may also consider updating your EOGRTS testing proposal. You should include a justification for the study design according to ECHA Guidance R.7a, Section R.7.6., taking into account the results of the Sub-chronic toxicity study (90-day).

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

ECHA followed the procedure detailed in Articles 50 and 51 of REACH.

The compliance check was initiated on 15 January 2021.

ECHA notified you of the draft decision and invited you to provide comments.

ECHA did not receive any comments within the commenting period.

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 D: List of references - ECHA Guidance[4] and other supporting documents

Evaluation of available information
Guidance on information requirements and chemical safety assessment, Chapter R.4 (version 1.1., December 2011), referred to as ECHA Guidance R.4 where relevant.

QSARs, read-across and grouping
Guidance on information requirements and chemical safety assessment, Chapter R.6 (version 1.0, May 2008), referred to as ECHA Guidance R.6 where relevant.

Read-across assessment framework (RAAF, March 2017)[5]

RAAF - considerations on multiconstituent substances and UVCBs (RAAF UVCB, March 2017)[6]

Physical-chemical properties
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.

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.

Guidance on information requirements and chemical safety assessment, Chapter R.7c (version 3.0, June 2017), referred to as ECHA Guidance R.7c in this decision.

Environmental toxicology and fate
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.

Guidance on information requirements and chemical safety assessment, Chapter R.7b (version 4.0, June 2017), referred to as ECHA Guidance R.7b in this decision.

Guidance on information requirements and chemical safety assessment, Chapter R.7c (version 3.0, June 2017), referred to as ECHA Guidance R.7c in this decision.

PBT assessment
Guidance on information requirements and chemical safety assessment, Chapter R.11 (version 3.0, June 2017), referred to as ECHA Guidance R.11 in this decision.

Guidance on information requirements and chemical safety assessment, Chapter R.16 (version 3.0, February 2016), referred to as ECHA Guidance R.16 in this decision.

Data sharing
Guidance on data-sharing (version 3.1, January 2017), referred to as ECHA Guidance on data sharing in this decision.

OECD Guidance documents[7]

[4] https://echa.europa.eu/guidance-documents/guidance-on-information-requirements-and-chemical-safety-assessment
[5] https://echa.europa.eu/support/registration/how-to-avoid-unnecessary-testing-on-animals/grouping-of-substances-and-read-across
[6] https://echa.europa.eu/documents/10162/13630/raaf_uvcb_report_en.pdf/3f79684d-07a5-e439-16c3-d2c8da96a316
[7] http://www.oecd.org/chemicalsafety/testing/series-testing-assessment-publications-number.htm

Guidance Document on aqueous–phase aquatic toxicity testing of difficult test chemicals – No 23, referred to as OECD GD 23.

Guidance document on transformation/dissolution of metals and metal compounds in aqueous media – No 29, referred to as OECD GD 29.

Guidance Document on Standardised Test Guidelines for Evaluating Chemicals for Endocrine Disruption – No 150, referred to as OECD GD 150.

Guidance Document supporting OECD test guideline 443 on the extended one-generation reproductive toxicity test – No 151, referred to as OECD GD 151.

Appendix E: Addressees of this decision and their corresponding information requirements

You must provide the information requested in this decision for all REACH Annexes applicable to you.

Registrant Name	Registration number	Highest REACH Annex applicable to you
[redacted]	[redacted]	[redacted]

Where applicable, the name of a third party representative (TPR) may be displayed in the list of recipients whereas ECHA will send the decision to the actual registrant.