

Decision number: TPE-D-2114313395-54-01/F

Helsinki, 11 January 2016

**DECISION ON TESTING PROPOSAL SET OUT IN A REGISTRATION PURSUANT TO ARTICLE 40(3) OF REGULATION (EC) NO 1907/2006****For 3,3,4,4,5,5,6,6,6-nonafluorohexene, EC No 243-053-7 (CAS No 19430-93-4), 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 proposal submitted as part of the registration dossier in accordance with Articles 10(a)(ix) and 12(1)(d) thereof for 3,3,4,4,5,5,6,6,6-nonafluorohexene, EC No 243-053-7 (CAS No 19430-93-4), submitted by [REDACTED] (Registrant).

- Sub-chronic toxicity study (90 days) (inhalation); OECD Guideline 413 (Subchronic Inhalation Toxicity: 90-Day), rat.

This decision is based on the registration 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 31 August 2015, i.e. 30 calendar days after the end of the commenting period.

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 21 March 2014.

ECHA held a third party consultation for the testing proposal from 14 August 2014 until 28 September 2014. ECHA did not receive information from third parties.

On 24 June 2015 ECHA sent the draft decision to the Registrant and invited him to provide comments within 30 days of the receipt of the draft decision. That draft decision was based on submission number [REDACTED].

By 31 July 2015 the Registrant did not provide any comments on the draft decision to ECHA.

On 29 October 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 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), inhalation route (Annex IX, Section 8.6.2.; test method: OECD 413) in rats.

#### 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 in this decision, or to fulfil otherwise the information requirement 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 **18 July 2017** 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.

### A. Test required pursuant to Article 40(3)

Sub-chronic toxicity study (90-day) (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 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) in rats via inhalation (OECD 413) with following justification "*Under the Annex IX Requirements a Sub-chronic 90-day study is required, and a testing proposal has been made for a study in the rat according to OECD Test Guideline 413.*"

ECHA acknowledges that the inhalation route is an appropriate route of administration for testing. The registered substance is reported to be a liquid at ambient temperature of high vapour pressure. Hence, inhalation exposure of humans to vapours is likely.

Therefore, ECHA agrees with the Registrant that the inhalation route is the most appropriate route of administration for testing to fulfil the standard information requirement for Annex IX, Section 8.6.2

The Registrant proposed testing in rats. According to the test method OECD 413 the rat is the preferred species. ECHA considers this species as being appropriate and testing should be performed with the rat.

#### 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, inhalation route (test method: OECD 413).

#### 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 study meets 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 has not been checked for compliance with the substance identity requirements set out in Section 2 of Annex VI of the REACH Regulation.

In addition, 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.

Finally, 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.

Authorised<sup>1</sup> by Ofelia Bercaru, Head of Unit, Evaluation E3.

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<sup>1</sup> As this is an electronic document, it is not physically signed. This communication has been approved according to ECHA's internal decision-approval process.