

Helsinki, 23 May 2024

**Addressees**

Registrant of JS\_EDA\_DOPO as listed in Appendix 3 of this decision

**Date of submission of the dossier subject to this decision**

15 December 2020

**Registered substance subject to this decision ("the Substance")**

Substance name:

6,6'-(Ethane-1,2-diylbis(azanediyl))bis(dibenzo[c,e][1,2]oxaphosphinine-6-oxide)

EC/List number: 815-096-7

**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 **1 September 2025**.

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

**Information required from all the Registrants subject to Annex VII of REACH**

1. Long-term toxicity testing on aquatic invertebrates (triggered by Annex VII, Section 9.1.1., Column 2; test method: EU C.20./OECD TG 211).
2. Growth inhibition study on aquatic plants (Annex VII, Section 9.1.2.; test method: EU C.3/OECD TG 201).

The reasons for the requests are explained in Appendix 1.

**Information required depends on your tonnage band**

You must provide the information listed above for all REACH Annexes applicable to you in accordance with Articles 10(a) and 12(1) of REACH. The addressees of the decision and their corresponding information requirements based on registered tonnage band are listed in Appendix 3.

You are only required to share the costs of information that you must submit to fulfil your information requirements.

**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 requirements for testing and reporting new tests under REACH, see Appendix 4.

**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<sup>1</sup> under the authority of Mike Rasenberg, Director of Hazard Assessment

Appendix 1: Reasons for the requests

Appendix 2: Procedure

Appendix 3: Addressees of the decision and their individual information requirements

Appendix 4: Conducting and reporting new tests under REACH

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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.

## **Appendix 1: Reasons for the requests**

<b>Reasons related to the information under Annex VII of REACH.....</b>	<b>4</b>
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## Reasons related to the information under Annex VII of REACH

### 1. Long-term toxicity testing on aquatic invertebrates

1 Short-term toxicity testing on aquatic invertebrates is an information requirement under Annex VII, Column 1, Section 9.1.1. However, under Column 2, long-term toxicity testing on aquatic invertebrates may be required by the Agency if the substance is poorly water soluble, i.e. solubility below 1 mg/L.

#### 1.1. Triggering of the information requirement

2 In the provided OECD TG 105 (2018), the saturation concentration of the Substance in water was determined to be <0.1 mg/L.

3 Therefore, the Substance is poorly water soluble and information on long-term toxicity on aquatic invertebrates must be provided.

#### 1.2. Information requirement not fulfilled

4 You have provided a short-term toxicity study on aquatic invertebrates but no information on long-term toxicity on aquatic invertebrates for the Substance.

5 Therefore, the information requirement is not fulfilled.

#### 1.3. Study design

6 The Substance is difficult to test due to the low water solubility (<0.1 mg/L). OECD TG 211 specifies that, for difficult to test substances, you must consider the approach described in OECD GD 23 or other approaches, if more appropriate for your substance. In all cases, the approach selected must be justified and documented. Due to the properties of Substance, it may be difficult to achieve and maintain the desired exposure concentrations. Therefore, you must monitor the test concentration(s) of the Substance throughout the exposure duration and report the results. If it is not possible to demonstrate the stability of exposure concentrations (i.e. measured concentration(s) not within 80-120% of the nominal concentration(s)), you must express the effect concentration based on measured values as described in OECD TG 211. In case a dose-response relationship cannot be established (no observed effects), you must demonstrate that the approach used to prepare test solutions was adequate to maximise the concentration of the Substance in the test solutions.

### 2. Growth inhibition study aquatic plants

7 Growth inhibition study on aquatic plants is an information requirement under Annex VII to REACH (Section 9.1.2.).

#### 2.1. Information provided

8 You have provided a Growth inhibition study on algae (2014) with the Substance.

#### 2.2. Assessment of the information provided

2.2.1. *The provided study does not meet the specifications of the test guideline*

- 9 To fulfil the information requirement, a study must comply with OECD TG 201 and the specifications of OECD GD 23 if the substance is difficult to test (Article 13(3) of REACH). The Substance is difficult to test as it has low water solubility (i.e. < 0.1 mg/L). Therefore, the following specifications must be met:

*Characterisation of exposure*

- a) analytical monitoring must be conducted. Alternatively, a justification why the analytical monitoring of exposure concentrations is not technically feasible must be provided;

- 10 Additional requirements applicable to difficult to test substances

- b) if the test material is poorly water soluble, the maximum dissolved concentration that can be achieved in the specific test solution under the test conditions is determined;
- c) if the test material is tested at the saturation concentration, evidence must be provided that all reasonable efforts have been taken to achieve a saturation concentration, which include:
- 1) an analytical method validation report demonstrating that the analytical method is appropriate, and
  - 2) information on the saturation concentrations of the test material in water and in the test solution, and
  - 3) a description of the method used to prepare the test solution, and
  - 4) the results of a preliminary experiment demonstrating that the test solution preparation method is adequate to maximize the concentration of the test material in solution;
- d) the efficacy of the separation method is assessed (e.g. by checking for the Tyndall effect or by any other appropriate means);

*Reporting of the methodology and results*

- e) the test conditions are reported (e.g., composition of the test medium, test temperature, test species, biomass density at the beginning of the test);
- f) the method for determination of biomass and evidence of correlation between the measured parameter and dry weight are reported. Algal biomass is normally determined based on dry weight per volume, or alternatively as cell counts or biovolume using microscopy or an electric particle counter. If an alternative method is used (e.g. flow cytometry, *in vitro* or *in vivo* fluorescence, or optical density), a satisfactory correlation with biomass must be demonstrated over the range of biomass occurring in the test;
- g) the results of algal biomass determined in each flask at least daily during the test period are reported in a tabular form.

- 11 In the provided study:

*Characterisation of exposure*

- a) no analytical monitoring of exposure was conducted;

- 12 Additional requirements applicable to difficult to test substances

- b) you have not determined the maximum dissolved concentration that can be achieved in the specific test solution under the test conditions;

- c) you have not provided evidence that all reasonable efforts have been taken to achieve a saturation concentration;
- d) you have not assessed the efficacy of the separation method;

*Reporting of the methodology and results*

- e) on the test conditions, you have not specified the composition of the test medium and the biomass density at the beginning nor at the end of the test;
- f) the method used to determine algal biomass is not reported;
- g) tabulated data on the algal biomass determined daily for each treatment group and control are not reported.

13 Based on the above,

- there are critical methodological deficiencies resulting in the rejection of the study results. More specifically, no analytical measurements were conducted. Hence, it is not possible to assess the exposure to the test material during the experiment.
- the Substance is difficult to test (low solubility) and there are critical methodological deficiencies resulting in the rejection of the study results. More specifically, in the absence of an estimate of the saturation concentration of the test material in the specific test medium and of the results of a preliminary solubility experiment, you have not demonstrated that all reasonable efforts have been taken to maximize the exposure to the test material. Furthermore, you have provided no experimental evidence to support that the separation technique did not cause losses of the test substance from the test medium. Therefore, you have not demonstrated that the test organisms were satisfactorily exposed to the test material.
- the reporting of the study is not sufficient to conduct an independent assessment of its reliability. More specifically, you have not provided detailed information on the algal biomass and how it was determined. These deficiencies hinder the independent assessment of the results.

14 On this basis, the specifications of OECD TG 201 are not met.

15 Therefore, the information requirement is not fulfilled.

*2.3. Study design*

16 OECD TG 201 specifies that, for difficult to test substances, OECD GD 23 must be followed. As already explained above, the Substance is difficult to test. Therefore, you must fulfil the requirements described in 'Study design' under request 1.

## References

The following documents may have been cited in the decision.

### **Guidance on information requirements and chemical safety assessment (Guidance on IRs & CSA)**

- Chapter R.4 Evaluation of available information; ECHA (2011).  
Chapter R.6 QSARs, read-across and grouping; ECHA (2008).  
Appendix to Chapter R.6 for nanoforms; ECHA (2019).  
Chapter R.7a Endpoint specific guidance, Sections R.7.1 – R.7.7; ECHA (2017).  
Appendix to Chapter R.7a for nanomaterials; ECHA (2017).  
Chapter R.7b Endpoint specific guidance, Sections R.7.8 – R.7.9; ECHA (2017).  
Appendix to Chapter R.7b for nanomaterials; ECHA (2017).  
Chapter R.7c Endpoint specific guidance, Sections R.7.10 – R.7.13; ECHA (2017).  
Appendix to Chapter R.7a for nanomaterials; ECHA (2017).  
Appendix R.7.13-2 Environmental risk assessment for metals and metal compounds; ECHA (2008).  
Chapter R.11 PBT/vPvB assessment; ECHA (2017).  
Chapter R.16 Environmental exposure assessment; ECHA (2016).

**Guidance on data-sharing**; ECHA (2017).

**Guidance for monomers and polymers**; ECHA (2023).

**Guidance on intermediates**; ECHA (2010).

All guidance documents are available online: <https://echa.europa.eu/guidance-documents/guidance-on-reach>

### **Read-across assessment framework (RAAF)**

- RAAF, 2017 Read-across assessment framework (RAAF); ECHA (2017).  
RAAF UVCB, 2017 Read-across assessment framework (RAAF) – considerations on multi- constituent substances and UVCBs; ECHA (2017).

The RAAF and related documents are available online:

<https://echa.europa.eu/support/registration/how-to-avoid-unnecessary-testing-on-animals/grouping-of-substances-and-read-across>

### **OECD Guidance documents (OECD GDs)**

- OECD GD 23 Guidance document on aquatic toxicity testing of difficult substances and mixtures; No. 23 in the OECD series on testing and assessment, OECD (2019).  
OECD GD 29 Guidance document on transformation/dissolution of metals and metal compounds in aqueous media; No. 29 in the OECD series on testing and assessment, OECD (2002).  
OECD GD 150 Revised guidance document 150 on standardised test guidelines for evaluating chemicals for endocrine disruption; No. 150 in the OECD series on testing and assessment, OECD (2018).  
OECD GD 151 Guidance document supporting OECD test guideline 443 on the extended one-generation reproductive toxicity test; No. 151 in the OECD series on testing and assessment, OECD (2013).

## **Appendix 2: Procedure**

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 05 June 2023.

The deadline of the decision is set based on standard practice for carrying out OECD TG tests. It has been exceptionally extended by 6 months from the standard deadline granted by ECHA to take into account currently longer lead times in contract research organisations.

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 3: Addressees of this decision and their corresponding information requirements**

In accordance with Articles 10(a) and 12(1) of REACH, the information requirements for individual registrations are defined as follows:

- the information specified in Annex VII to REACH, for registration at 1-10 tonnes per year (tpa), or as a transported isolated intermediate in quantity above 1000 tpa;
- the information specified in Annexes VII and VIII to REACH, for registration at 10-100 tpa;
- the information specified in Annexes VII, VIII and IX to REACH, for registration at 100-1000 tpa;
- the information specified in Annexes VII to X to REACH, for registration at more than 1000 tpa.

<b>Registrant Name</b>	<b>Registration number</b>	<b>Highest REACH Annex applicable to you</b>
████████████████████	████████████████████	████████

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.

## Appendix 4: Conducting and reporting new tests for REACH purposes

### 1. Requirements when conducting and reporting new tests for REACH purposes

#### 1.1 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 (<https://echa.europa.eu/practical-guides>).
- (4) Under the introductory part of Annexes VII/VIII/IX/X to REACH, where a test method offers flexibility in the study design, for example in relation to the choice of dose levels or concentrations, the chosen study design must ensure that the data generated are adequate for hazard identification and risk assessment.

#### 1.2 Test material

Before generating new data, you must agree within the joint submission on the chemical composition of the material to be tested (Test Material) which must be relevant for all the registrants of the Substance.

- (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 variation in compositions reported by all members of the joint submission,
  - the boundary composition(s) of the Substance,
  - 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, in this case the purity of the Substance.

With that detailed information, ECHA can confirm whether the Test Material is relevant for the Substance and whether it is suitable for use by all members of the joint submission.

Technical instructions on how to report the above is available in the manual on How to prepare registration and PPORD dossiers (<https://echa.europa.eu/manuals>).