

Helsinki, 22 May 2024

Addressee

Registrant as listed in Appendix 3 of this decision

Date of submission of the dossier subject to this decision

05 August 2013

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

Substance name: Reaction mass of N, N'-hexane-1,6-diylbis [12-hydroxyoctadecanamide] and 12-hydroxy-N-[6-[1-oxoalkyl)amino] hexyl] octadecanamide
EC/List number: 469-110-8

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 **30 November 2026**.

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

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

1. Skin sensitisation (Annex VII, Section 8.3.)
 - a) *in vitro/in chemico* skin sensitisation information on molecular interactions with skin proteins (OECD TG 442C), inflammatory response in keratinocytes (OECD TG 442D) and activation of dendritic cells (OECD TG 442E) (Annex VII, Section 8.3.1.); and
 - b) only if the *in vitro/in chemico* test methods specified under point a) above are not applicable for the Substance or the results obtained are not adequate for classification and risk assessment, *in vivo* skin sensitisation (Annex VII, Section 8.3.2.; test method: EU B.42./OECD TG 429).
2. Long-term toxicity testing on aquatic invertebrates, also requested below (triggered by Annex VII, Section 9.1.1., Column 2).

Information required from all the Registrants subject to Annex VIII of REACH

3. *In vitro* micronucleus study (Annex VIII, Section 8.4.2., test method: OECD TG 487). The aneugenic potential of the Substance must be assessed with an additional control group for aneugenicity on top of the control group for clastogenicity, if the Substance induces an increase in the frequency of micronuclei.
4. Long-term toxicity testing on fish, also requested below (triggered by Annex VIII, Section 9.1.3., Column 2).

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

5. Sub-chronic toxicity study (90-day) (Annex IX, Section 8.6.2.; test method: OECD TG 413) by inhalation route, in rats.

6. Pre-natal developmental toxicity study (Annex IX, Section 8.7.2.; test method: OECD TG 414) by oral route, in one species (rat or rabbit).
7. Long-term toxicity testing on aquatic invertebrates (Annex IX, Section 9.1.5.; test method: EU C.20./OECD TG 211).
8. Long-term toxicity testing on fish (Annex IX, Section 9.1.6.; test method: EU C.47./OECD TG 210).

The reasons for the request(s) 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 addressee of the decision and its corresponding information requirements based on registered tonnage band are listed in Appendix 3.

In the requests above, the same study has been requested under different Annexes. This is because some information requirements may be triggered at lower tonnage band(s). In such cases, only the reasons why the information requirement is triggered are provided for the lower tonnage band(s). For the highest tonnage band, the reasons why the standard information requirement is not met and the specification of the study design are provided. Only one study is to be conducted; all registrants concerned must make every effort to reach an agreement as to who is to carry out the study on behalf of the others under Article 53 of REACH.

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.

Authorised¹ under the authority of Mike Rasenberg, 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 1: Reasons for the request(s)

Appendix 2: Procedure

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

Appendix 4: Conducting and reporting new tests under REACH

Appendix 1: Reasons for the request(s)

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Reasons related to the information under Annex VII of REACH

1. Skin sensitisation

1 Skin sensitisation is an information requirement under Annex VII, Section 8.3. Under Section 8.3., Column 1, the registrants must submit information allowing (1) a conclusion whether the substance is a skin sensitizer and (2) whether it can be presumed to have the potential to produce significant sensitisation in humans (Cat. 1A).

1.1. Information provided

2 You have provided a study according to OECD 429 (2006) with the Substance.

1.2. Assessment of the information provided

1.2.1. Assessment whether the Substance causes skin sensitisation

1.2.1.1. The provided study does not meet the specifications of the test guideline(s)

3 To fulfil the information requirement, and to enable concluding whether the Substance causes skin sensitisation, a study must comply with the EU Method B.42/OECD TG 429 (Article 13(3) of REACH). Therefore, the following specifications must be met:

- a) the highest concentration is the highest technically possible concentration that maximises exposure while avoiding systemic toxicity and/or excessive local skin irritation; OECD TG 429 para 21. requires that "*The maximum dose level tested should be 100% of the test substance for liquids or the maximum possible concentration for solids or suspension*".

4 In the provided study:

- a) no dose level selection rationale was provided for selecting the highest dose (25% in in propylene glycol).

5 The information provided in the registration dossier does not cover the specification(s) required by the EU method B.42/OECD TG 429.

6 On this basis, it cannot be concluded whether the Substance causes skin sensitisation.

7 In your comments to the draft decision, you agree that the robust study summary (RSS) is lacking the above-mentioned information. You have provided additional information on the dose selection, based on preliminary irritation study, concluding that the chosen concentration in the main study "*was the maximum concentration that could technically be applied*".

8 ECHA considers that the information provided in your comments addresses the study deficiencies identified above. However, as the information is currently not available in your registration dossier, the data gap remains. You should therefore submit this information in an updated registration dossier by the deadline set in the decision.

1.2.2. No assessment of potency

9 To be considered compliant and enable a conclusion in cases where the substance is considered to cause skin sensitisation, the information provided must also allow a conclusion whether it can be presumed to have the potential to produce significant sensitisation in humans (Cat. 1A).

10 As the currently available data in the registration dossier does not allow to conclude on this basis whether the Substance causes skin sensitisation (see section 1.2.1. above), this condition cannot be assessed.

11 Based on the information provided in your comments ECHA considers that the Substance is not a skin sensitiser. As explained above, since the information is currently not available in your registration dossier, the data gap remains.

12 Therefore, the information requirement is not fulfilled.

1.3. Study design

13 To fulfil the information requirement for the Substance, information on molecular interaction with skin proteins and inflammatory response in keratinocytes and activation of dendritic cells (OECD TG 442C and OECD TG 442D and OECD TG 442E) must be provided. Furthermore an appropriate risk assessment is required if a classification of the Substance as a skin sensitiser (Cat 1A or 1B) is warranted.

14 In case no conclusion on the skin sensitisation potency can be made for the Substance based on the newly generated *in vitro/in chemico* data, *in vivo* skin sensitisation study must be performed and the murine local lymph node assay (EU Method B.42/OECD TG 429) is considered as the appropriate study for the potency estimation.

2. Long-term toxicity testing on aquatic invertebrates

15 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.

2.1. Triggering of the information requirement

16 In the provided OECD TG 105 (2006), the saturation concentration of the Substance in water was determined to be 0.0007 mg/L.

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

2.2. Information requirement not fulfilled

18 The information provided, its assessment and the specifications of the study design are addressed under request 7.

Reasons related to the information under Annex VIII of REACH**3. In vitro micronucleus study**

19 An *in vitro* cytogenicity study in mammalian cells or an *in vitro* micronucleus study is an information requirement under Annex VIII, Section 8.4.2.

3.1. Information provided

20 You have provided a study according to OECD 473 (2006) with the Substance.

*3.2. Assessment of the information provided**3.2.1. The provided study does not meet the specifications of the test guideline(s)*

21 To fulfil the information requirement, the study has to be an *in vitro* chromosomal aberration test or an *in vitro* micronucleus test conducted in mammalian cells. The study must comply with the OECD TG 473 or the OECD TG 487, respectively (Article 13(3) of REACH). Therefore, the following specifications must be met:

- a) the maximum concentration tested induces 55+5% of cytotoxicity compared to the negative control, or the precipitation of the tested substance. If no precipitate or limiting cytotoxicity is observed, the highest test concentration corresponds to 10 mM, 2 mg/mL or 2 µL/mL, whichever is the lowest;
- b) at least 3 concentrations are evaluated, in absence and in presence of metabolic activation;
- c) at least 300 well-spread metaphases are scored per concentration;
- d) data on the cytotoxicity and the frequency of cells with structural chromosomal aberration(s) for the treated and control cultures is reported;

22 In the study provided in the registration dossier:

- a) the maximum tested concentration was less than 10 mM, 2 mg/mL or 2 µL/mL and you have not reported whether it induced 55+5% of cytotoxicity compared to the negative control or the precipitation of the tested substance;
- b) only 2 concentrations (i.e., less than 3 concentrations) were evaluated in absence and in presence of metabolic activation;
- c) the number of metaphases scored per concentration is not reported;
- d) data on the cytotoxicity and/or the frequency of cells with structural chromosomal aberration(s) for the treated and control cultures are not reported.

23 The information provided in the registration dossier does not cover the specifications(s) required by the OECD TG 473.

24 In your comments to the draft decision, you agree that the robust study summary (RSS) is lacking the above-mentioned information. You have provided in your comments, additional information (in form of tabulated data) on the evaluated concentrations and explanation on the selection of the highest concentration (based on precipitation). Further, you have provided in your comments tabulated data reporting the frequency of cells with the structural chromosomal aberrations. You state that this information "will be included as an update to the robust study summary in the dossier".

25 ECHA considers that the information provided in your comments addresses the study deficiencies identified above. However, as the information is currently not available in your registration dossier, the data gap remains. You should therefore submit this information in an updated registration dossier by the deadline set in the decision.

26 Therefore, the information requirement is not fulfilled.

3.3. Study design

27 According to the Guidance on IR & CSA, Section R.7.7.6.3., either the *in vitro* mammalian chromosomal aberration ("CA") test (test method OECD TG 473) or the *in vitro* mammalian cell micronucleus ("MN") test (test method OECD TG 487) can be used to investigate chromosomal aberrations *in vitro*. However, while the MN test detects both structural chromosomal aberrations (clastogenicity) and numerical chromosomal aberrations (aneuploidy), the CA test detects only clastogenicity, as OECD TG 473 is not designed to measure aneuploidy (see OECD TG 473, paragraph 2). Therefore, you must perform the MN test (test method OECD TG 487), as it enables a more comprehensive investigation of the chromosome damaging potential *in vitro*. Moreover, in order to demonstrate the ability of the study to identify clastogens and aneugens, you must include two concurrent positive controls, one known clastogen and one known aneugen [1] (OECD TG 487, paragraphs 33 to 35).

3.3.1. Assessment of aneugenicity potential

28 If the result of the MN test is positive, i.e. your Substance induces an increase in the frequency of micronuclei, you must assess the aneugenic potential of the Substance.

29 In line with the OECD TG 487 (paragraph 4), you should use one of the centromere labelling or hybridisation procedures to determine whether the increase in the number of micronuclei is the result of clastogenic events (i.e. micronuclei contain chromosome fragment(s)) and/or aneugenic events (i.e. micronuclei contain whole chromosome(s)).

[1] According to the TG 487 (2016) "At the present time, no aneugens are known that require metabolic activation for their genotoxic activity" (paragraph 34).

4. Long-term toxicity testing on fish

30 Short-term toxicity testing on fish is an information requirement under Annex VIII, Column 1, Section 9.1.3. However, long-term toxicity testing on fish may be required by the Agency (Section 9.1.3., Column 2) if the substance is poorly water soluble, i.e. solubility below 1 mg/L.

31 In the provided OECD TG 105 (2006), the saturation concentration of the Substance in water was determined to be 0.0007 mg/L.

32 Therefore, the Substance is poorly water soluble and information on long-term toxicity to fish must be provided.

4.1. Information requirement not fulfilled

33 The information provided, its assessment and the specifications of the study design are addressed under request 8.

34 In your comments on the draft decision you agree to perform the requested study.

Reasons related to the information under Annex IX of REACH

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

35 A sub-chronic toxicity study (90 days) is an information requirement under Annex IX, Section 8.6.2.

5.1. Information provided

36 You have adapted this information requirement by using Annex IX, Section 8.6.2., Column 2. To support the adaptation, you have provided the following information:

(i) *"In accordance with column 2 of REACH Annex IX, an oral repeated dose toxicity study (required in section 8.6.2) does not seem to be necessary as the substance has a very low water solubility and a very high lipophilicity together with a high MW, resulting in an expected very low oral absorption. In addition, the acute oral toxicity study, the 28-day oral repeated dose study and the oral reproduction/developmental screening study do not show any adverse effects up to the limit dose of testing."*;

(ii) A study according to OECD 407 (2006) with the Substance.

5.2. Assessment of the information provided

5.2.1. Column 2 criteria not met

37 Under Annex IX, Section 8.6.2., Column 2, Indent 4, the study may be omitted if the following cumulative conditions are met:

(1) the substance is unreactive, insoluble and not inhalable;

(2) there is no evidence of absorption; and

(3) no evidence of toxicity in a 28-day 'limit test', particularly if such a pattern is coupled with limited human exposure.

38 You claim that the Substance is insoluble (part of condition 1) as well as that there is no evidence of absorption (condition 2). Furthermore you state that there is (condition 3) no evidence of toxicity in a 28-day 'limit test'.

39 However, with regard condition (1), ECHA notes that, in Section 7.1. of IUCLID, you report that "[b]ased on the particle size of the [Substance], particles will either settle in the nasopharyngeal region (particles with aerodynamic diameter > 1-5 µm) or in the tracheobronchial or pulmonary region (particles with aerodynamic diameter < 1-5 µm)". Furthermore, in Section 4.1 of IUCLID, you provide a study according to BS ISO 13320-1 and report a MMAD D50 < 5.9 µm. Therefore, the Substance is inhalable and condition (1) is not met.

40 With regard condition (2), you have provided no experimental data (such as toxicokinetic data) to support that exposure to the substance does not lead to systemic exposure. ECHA notes that, in Section 7.1. of IUCLID, you indicate that the "highly lipophilic character (logPow > 6.5) [of the Substance] indicates that uptake by micellular solubilisation may be of particular importance" and that "[f]or risk assessment purposes the oral absorption of AD-1000 is set at 10%". Therefore, you have not demonstrated that condition (2) is met.

41 Finally, with regard condition (3), in Section 3.5 of IUCLID, you report widespread uses by professional workers (including non-industrial spraying application; PROC 11) as well as consumer uses. These uses are not indicative of limited human exposure and therefore condition (3) is not met.

42 Based on the above, your adaptation is rejected.

5.3. Study design

43 Following the criteria provided in Annex IX, Section 8.6.2., Column 2, and considering the Guidance on IRs and CSA, Section R.7.5.6.3.2., the inhalation route is the most appropriate route of administration to investigate repeated dose toxicity of the Substance, because the information you provided in the dossier regarding the properties of the Substance (particles with D50 <5.97 µm) and its uses (spray application), indicate that human exposure to the Substance by the inhalation route is likely.

44 According to the OECD TG 413, the rat is the preferred species.

45 In your comments to the draft decision, you *“agree that a 90-day sub-chronic study could provide greater confidence in the hazard characterisation for this substance”*, however you *“believe an oral study is a better option in this case”*. You provide the following reasoning: you state that *“no more than 35% of the volume imported into the EU is imported as a powder. In the formulation step, the powder is rigorously contained by technical means and handled only by trained industrial workers such that any significant inhalation exposure is prevented.”* Further, you claim that *“The remaining 65% is imported as a component of a volatile solvent-based liquid/paste”* and that any significant inhalation exposure to the Substance during use of coating products by end users is effectively prevented. Based on this, you conclude that *“[...] 90-day study by the oral route (OECD TG 408) would provide greater confidence in the hazard characterisation for this substance and would provide valuable input to dose selection for the Pre-Natal Developmental toxicity study by the oral route as proposed by ECHA”*.

46 In your comments you did not provide any new information to substantiate your claims for *“no significant inhalation exposure”*. Therefore, the information in your comments is not sufficient for ECHA to make an assessment and to conclude on your claims.

47 As explained above, the information available on the properties and uses of the Substance, indicates that human exposure by the inhalation route is likely.

48 Furthermore, no systemic effects were observed up to the highest dose tested (1000 mg/kg/day) in the OECD TG 407 and OECD TG 421 studies. Based on this information, ECHA considers that a 90-day repeated dose toxicity study by oral route would not provide any new information on systemic toxicity of the Substance. On the other hand, a 90-day study via inhalation will provide additional information clarifying the concern for potential local effects, as well as to investigate the systemic toxicity of the Substance after inhalation exposure.

49 Therefore, the information provided in your comments does not change the outcome of the assessment.

50 The study must be performed according to the OECD TG 413, in rats and with administration of the Substance by inhalation.

6. Pre-natal developmental toxicity study in one species

51 A pre-natal developmental toxicity (PNDT) study (OECD TG 414) in one species is an information requirement under Annex IX, Section 8.7.2.

6.1. Information provided

52 You have adapted this information requirement by using Annex IX, Section 8.7., Column 2. To support the adaptation, you have provided the following information:

- (i) "In accordance with column 2 of REACH Annex IX, a developmental toxicity study (required in section 8.7.2) does not seem to be warranted as the substance is of very low toxicological activity [...] No systemic effects were found. Therefore, no systemic adverse effects are to be expected in repeated dose testing and thus a developmental toxicity test."

6.2. Assessment of the information provided

6.2.1. Criteria for the application of the adaptation for Annex IX, Section 8.7., Column 2 not met

53 Under Annex IX, Section 8.7., Column 2, the study does not need to be conducted if the following criteria are met:

(1) that it can be proven from toxicokinetic data that no systemic absorption occurs via relevant routes of exposure; and

(2) that there is no or no significant human exposure.

54 However, with regard condition (1), no toxicokinetic data was provided to show that there is no systemic absorption. ECHA notes that, in Section 7.1. of IUCLID, you indicate that the "highly lipophilic character ($\log P_{ow} > 6.5$) [of the Substance] indicates that uptake by micellar solubilisation may be of particular importance" and that "[f]or risk assessment purposes the oral absorption of AD-1000 is set at 10%". Furthermore, you did not demonstrate that no systemic absorption occurs via relevant routes of exposure (i.e., inhalation). Therefore, condition (1) is not met.

55 Furthermore, on condition (2), ECHA notes that the Substance has spray applications in industrial settings (i.e., PROC 7) as well as under widespread uses by professionals (i.e., PROC 11). You also indicate professional worker's exposure under PROC 4, 5, 8a and 10, Finally you report consumer uses in coatings and inks. Therefore, you have not demonstrated no or no significant human exposure and condition (2) is not met.

56 Based on the above, your adaptation is rejected.

57 Therefore, the information requirement is not fulfilled.

6.3. Study design

58 A PNDT study according to the test method OECD TG 414 should be performed in rats or rabbits as preferred species.

59 As the Substance is a solid, the study must be conducted with oral administration of the Substance (Annex IX, Section 8.7.2., Column 1).

60 Therefore, the study must be conducted in rats or rabbits with oral administration of the Substance.

61 In your comments on the draft decision, you agree to perform the requested study.

7. Long-term toxicity testing on aquatic invertebrates

62 Long-term toxicity testing on aquatic invertebrates is an information requirement under Annex IX to REACH (Section 9.1.5.).

7.1. Information provided

63 You have provided a long-term toxicity study on *Daphnia magna* (2009) with the Substance.

7.2. Assessment of the information provided

7.2.1. The provided study does not meet the specifications of the test guideline(s)

64 To fulfil the information requirement, a study must comply with the OECD TG 211 and the specifications of OECD GD 23 if the substance is difficult to test (Article 13(3) of REACH). Therefore, the following specifications must be met:

Additional requirements applicable to difficult to test substances

- a) 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) information on the saturation concentrations of the test material in water and in the test solution, and
 - 2) 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;
- b) a justification for, or validation of, the separation technique is provided;

65 In the provided study:

Additional requirements applicable to difficult to test substances

- a) You claim that the test was conducted at "maximum soluble concentration in medium". However:
 - 1) you have not provided information on the saturation concentrations of the test material in the specific test medium used to conduct the study,
 - 2) you have not provided 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;
- b) you have used a separation technique (filtration with pore width 0.45µm) to prepare the test solutions but a justification for, or validation of, the separation technique is not provided.

66 Based on the above, the Substance is difficult to test (low water solubility (0.0007 mg/L) and adsorptive properties (Log K_{ow} >6.5)) 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.

67 On this basis, the specifications of OECD TG 211 are not met.

68 In your comments on the draft decision you provide some additional details on the preparation of the test concentrations used in the provided long-term toxicity study on Daphnia (2009). You do not provide any additional information showing that the filtration

method used did not result in losses of the Substance from the test system nor do you provide any further evidence that the maximum saturation concentration was attained in the test. You refer to the results of the short-term daphnia study which did not use filtration in the preparation of the test concentrations and resulted in mean measured concentrations of 4 µg/L. In the long-term study on Daphnia (2009) filtration was used and clearly removed the Substance from the system as it resulted in test concentrations being less than the limit of detection (LOD) where the LOD was 0.28 µg/L. Since the test concentrations in the long-term study were below the LOD (i.e. <0.28 µg/L) there is no evidence that the daphnia were exposed to the Substance in the study. You have not provided any evidence in your in your comments that that the daphnia in the long-term study were exposed to the Substance, or that maximum soluble concentrations were attained.

69 Therefore, the information requirement is not fulfilled.

7.3. Study design

70 The Substance is difficult to test due to the low water solubility (0.0007 mg/L) and adsorptive properties (Log K_{ow} >6.5). 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 solution.

71 For multi-constituents/UVCBs, the analytical method must be adequate to monitor qualitative and quantitative changes in exposure to the dissolved fraction of the test material during the test (e.g. by comparing mass spectral full-scan GC or HPLC chromatogram peak areas or by using targeted measures of key constituents or groups of constituents).

72 If you decide to use the Water Accommodated Fraction (WAF) approach, in addition to the above, you must:

- provide a full description of the method used to prepare the WAF (including, among others, loading rates, details on the mixing procedure, method to separate any remaining non-dissolved test material including a justification for the separation technique);
- prepare WAFs separately for each dose level (i.e. loading rate) and in a consistent manner.

8. Long-term toxicity testing on fish

73 Long-term toxicity testing on fish is an information requirement under Annex IX to REACH (Section 9.1.6.).

8.1. Information provided

74 You have adapted this information requirement by using Column 2 of Annex IX, Section 9.1. To support the adaptation, you have provided the following information:

(i) *'In accordance with column 2 of REACH Annex IX, no need for long term testing on fish (as required in section 9.1.6) is considered necessary, as the hazard assessment does not indicate that further information is needed.'*

8.2. Assessment of the information provided

8.2.1. Annex IX, Section 9.1., Column 2 is not a valid basis to omit the study

75 Under Annex IX, Section 9.1., Column 2 is not a basis for omitting information on long-term toxicity to fish referred to under Column 1, Section 9.1.6.

76 Your adaptation is therefore rejected.

77 Therefore, the information requirement is not fulfilled.

8.3. Study design

78 To fulfil the information requirement for the Substance, the Fish, Early-life Stage Toxicity Test (test method OECD TG 210) is the most appropriate (Guidance on IRs and CSA, Section R.7.8.2.).

79 OECD TG 210 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 7.

80 In your comments on the draft decision you agree to perform the requested study.

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 22 February 2023.

The deadline of the decision is set based on standard practice for carrying out OECD TG tests. It has been exceptionally extended by 12 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 took your comments into consideration 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 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 summaries².
- (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

- (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 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.

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 dossiers³.

² <https://echa.europa.eu/practical-guides>

³ <https://echa.europa.eu/manuals>

2. General recommendations for conducting and reporting new tests

2.1. Environmental testing for substances containing multiple constituents

Your Substance contains multiple constituents and, as indicated in Guidance on IRs & CSA, Section R.11.4.2.2, you are advised to consider the following approaches for persistency, bioaccumulation and aquatic toxicity testing:

- the "known constituents approach" (by assessing specific constituents), or
- the "fraction/block approach, (performed on the basis of fractions/blocks of constituents), or
- the "whole substance approach", or
- various combinations of the approaches described above

Selection of the appropriate approach must take into account the possibility to characterise the Substance (i.e. knowledge of its constituents and/or fractions and any differences in their properties) and the possibility to isolate or synthesize its relevant constituents and/or fractions.

References to Guidance on REACH and other supporting documents can be found in Appendix 1.