

Decision number: TPE-D-0000002517-73-03/F

Helsinki, 19 April 2013

DECISION ON A TESTING PROPOSAL SET OUT IN A REGISTRATION PURSUANT TO ARTICLE 40(3) OF REGULATION (EC) NO 1907/2006**For 4,6-bis(octylthiomethyl)-o-cresol, CAS No 110553-27-0 (EC No 402-860-6), registration number: [REDACTED]****Addressee:** [REDACTED]
[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)(e) of the same Regulation for 4,6-bis(octylthiomethyl)-o-cresol, CAS No 110553-27-0 (EC No 402-860-6) by [REDACTED] (Registrant), latest submission number [REDACTED], for the tonnage band of 1000 tonnes or more per year:

Testing proposal: Earthworm, Acute Toxicity Tests (OECD Guideline 207).

This decision is based on the registration dossier as submitted with submission number [REDACTED], for the tonnage band of 1000 tonnes or more per year. This decision does not take into account any updates after 18 January 2013, the date upon which ECHA notified its draft decision to the Competent Authorities of the Member States pursuant to Article 51(1) of the REACH Regulation.

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 to initiate a compliance check on the present dossier at a later stage.

The examination of the testing proposal was initiated upon the date when receipt of the complete registration dossier was confirmed on 3 January 2012.

On 6 June 2012, ECHA sent the draft decision to the Registrant and invited him to provide comments within 30 days of the receipt of the draft decision.

By 6 July 2012, the Registrant did not provide any comments on the draft decision to ECHA.

On 18 January 2013, 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 to amend the draft decision within 30 days of the receipt of the notification.

Subsequently, the Competent Authorities of the Member States did not propose amendments to the draft decision and ECHA took the decision pursuant to Article 51(3) of the REACH Regulation.

II. Testing required

The Registrant shall carry out the following proposed test pursuant to Article 40(3)(a) of the REACH Regulation using the indicated test method and the registered substance subject to the present decision:

Short-term toxicity to terrestrial invertebrates (Annex IX, 9.4.1; test method: Toxicity for earthworms, EU C.8/OECD 207).

Pursuant to Articles 40(4) and 22 of the REACH Regulation, the Registrant shall submit to ECHA by **20 January 2014** an update of the registration dossier containing the information required by this decision.

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. Pursuant to Article 40(3)(a) of the REACH Regulation, ECHA may require the Registrant to carry out the proposed test.

A short-term toxicity study on terrestrial invertebrates is a standard information requirement as laid down in Annex IX, section 9.4.1, column 1 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 generate the data for this endpoint.

The Registrant proposed an earthworm acute toxicity test (OECD 207). In proposing the test, it is apparent that the Registrant considered that there is a need to perform short-term toxicity testing on terrestrial invertebrates to fulfil the abovementioned standard information requirement.

ECHA notes that the proposed test can be used to fulfil the information requirement for short-term toxicity to terrestrial invertebrates. Therefore, pursuant to Article 40(3)(a) of the REACH Regulation, the Registrant is required to carry out the proposed test.

IV. Adequate identification of the composition of the tested material

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.

Furthermore, there must be adequate information on substance identity for the sample tested and the grade registered to enable the relevance of the study/studies to be assessed.

V. General requirements for the generation of information and Good Laboratory Practice

ECHA reminds registrants of the requirements of Article 13(4) of the REACH Regulation that ecotoxicological and toxicological tests and analyses shall be carried out in compliance with the principles of good laboratory practice (GLP). National authorities monitoring GLP maintain lists of test facilities indicating the relevant areas of expertise of each facility.

According to Article 13(3) of the REACH Regulation, tests that are required to generate information on intrinsic properties of substances shall be conducted in accordance with the test methods laid down in a Commission Regulation or in accordance with other international test methods recognised by the Commission or the European Chemicals Agency as being appropriate. Thus, the Registrant shall refer to Commission Regulation (EC) No 440/2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 as adapted to technical progress or to other international test methods recognised as being appropriate and use the applicable test methods to generate the information on the endpoints indicated above.

VI. 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://echa.europa.eu/appeals/app_procedure_en.asp. The notice of appeal will be deemed to be filed only when the appeal fee has been paid.



Jukka Malm
Director of Regulatory Affairs