Helsinki, 08 September 2020

Addressees
Registrant(s) of JS_233-520-3 as listed in the last Appendix of this decision

Date of submission of the dossier subject to this decision
27 February 2019

Registered substance subject to this decision, hereafter 'the Substance'
Substance name: 2,2'-(octadecylimino)bisethanol
EC number: 233-520-3
CAS number: 10213-78-2

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

DECISION ON A COMPLIANCE CHECK

Based on Article 41 of Regulation (EC) No 1907/2006 (REACH), ECHA requests that you submit the information listed below by the deadlines provided.

A. Requirements applicable to all the Registrants subject to Annex VII of REACH

1. Growth inhibition study aquatic plants (Annex VII, Section 9.1.2.; test method EU C.3./OECD TG 201) with the Substance;

2. The same long-term toxicity testing on aquatic invertebrates as requested in C.2. (triggered by Annex VII, Section 9.1.5., column 2);

3. Ready biodegradability (Annex VII, Section 9.2.1.1.; test method OECD TG 301B/C/D/F or OECD TG 310) with the Substance;

B. Requirements applicable to all the Registrants subject to Annex VIII of REACH

1. Screening for reproductive/developmental toxicity (Annex VIII, Section 8.7.1.; test method OECD 421/422) in rats, oral route with the Substance;

C. Requirements applicable to all the Registrants subject to Annex IX of REACH

1. Pre-natal developmental toxicity study (Annex IX, Section 8.7.2.; test method OECD TG 414) in a first species (rat or rabbit), oral route with the Substance;

2. Long-term toxicity testing on aquatic invertebrates (Annex IX, Section 9.1.5.; test method EU C.20./OECD TG 211) with the Substance;

3. Long-term toxicity testing on fish (Annex IX, Section 9.1.6.1.; test method OECD TG 210) with the Substance;

Conditions to comply with the requests

Each addressee of this decision is bound by the requests for information corresponding to the REACH Annexes applicable to their own registered tonnage of the Substance at the time of evaluation of the jointly submitted dossier.

To identify your legal obligations, please refer to the following:

- you have to comply with the requirements of Annex VII of REACH, if you have registered a substance at 1-10 tonnes per annum (tpa), or as a transported isolated intermediate in quantity above 1000 tpa;
- you have to comply with the requirements of Annexes VII, VIII and IX of REACH, if you have registered a substance at 100-1000 tpa.

Registrants are only required to share the costs of information that they must submit to fulfil the information requirements for their registration.

For certain endpoints, ECHA requests the same study from registrants at different tonnages. In such cases, only the reasoning why the information is required at lower tonnages is provided in the corresponding Appendices. For the tonnage where the study is a standard information requirement, the full reasoning for the request including study design is given. Only one study is to be conducted; the registrants concerned must make every effort to reach an agreement as to who is to carry out the study on behalf of the other registrants under Article 53 of REACH.

The Appendix on general considerations addresses issues relevant for several requests while the other Appendices state the reasons for the requests for information to fulfil the requirements set out in the respective Annexes of REACH.

The Appendix entitled Observations and technical guidance addresses the generic approach for the selection and reporting of the test material used to perform the required studies and provides generic recommendations and references to ECHA guidance and other reference documents.

You must submit the information requested in point A.3 above in an updated registration dossier by ***14 June 2021,*** and the information requested in all other points above by ***14 December 2022***. You must also update the chemical safety report, where relevant, including any changes to classification and labelling, based on the newly generated information. The timeline has been set to allow for sequential testing where relevant.

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 on general considerations

(i) Assessment of the Grouping of substances and read-across approach, in light of the requirements of Annex XI, Section 1.5.

You seek to adapt the information requirements for the following standard information requirements by grouping substances in the category and/or applying a read-across approach in accordance with Annex XI, Section 1.5:

- Screening for reproductive/developmental toxicity (Annex VIII, Section 8.7.1.)
- Pre-natal developmental toxicity study (Annex IX, Section 8.7.2.)
- Growth inhibition study aquatic plants (Annex VII, Section 9.1.2.)
- Long-term toxicity testing on aquatic invertebrates (Annex IX, Section 9.1.5.)
- Ready biodegradability (Annex VII, Section 9.2.1.1.)

ECHA has considered the scientific and regulatory validity of your grouping and read-across approach in general before assessing the specific standard information requirements in the following appendices.

Grouping of substances and read-across approach

Annex XI, Section 1.5. specifies two conditions which must be fulfilled whenever a read-across approach is used. Firstly, there needs to be structural similarity between substances which results in a likelihood that the substances have similar physicochemical, toxicological and ecotoxicological properties so that the substances may be considered as a group or category (addressed under 'Scope of the grouping'). Secondly, it is required that the relevant properties of a substance within the group may be predicted from data for reference substance(s) within the group (addressed under 'Assessment of prediction(s)').

Additional information on what is necessary when justifying a read-across approach can be found in the ECHA Guidance R.6 and related documents.

A. Scope of the grouping

In your registration dossier you have formed a group (category) of 'Primary Fatty Amine Ethoxylates' (PFAEO), consisting of the members noted below. You have provided a read-across justification document in IUCLID Section 13.

For the purpose of this decision, the following abbreviations are used for the group members:
[1] Substance A (EC No. 233-520-3), PFAEO C18 (the Substance);
[2] Substance B (EC No. 246-807-3), PFAEO O;
[3] Substance C (EC No. 276-014-8), PFAEO C12-18;
[4] Substance D (EC No. 620-540-6), PFAEO C16-18, 18:1; and
[5] Substance E (EC No. 620-539-0), PFAEO C16-18.

You provide the following reasoning for the grouping of the substances: "*The Primary Fatty Amine Ethoxylates Category are substances derived from Primary Fatty amines, ethoxylated with two mole ethylene oxide to form a tertiary amine structure. The structure varies only with the length of the fatty amine alkyl chain length. The physicochemical, fate and tox-and ecotoxicology properties are expected to vary in a predictable pattern based only on the variation in chain length*".

You define the applicability domain of the category as follows: The boundaries of the category are for the low end an alkyl chain with a majority of C12 alkyl chain length and in the high

end a majority of C18 alkyl chain length. The amount of tertiary amine is [redacted] and residual primary or secondary amine is [redacted] The amount of ethylene oxide in adduct is in average [redacted] moles.

ECHA understands that this is the applicability domain of the grouping and your predictions are assessed on this basis.

B. Predictions for properties

a. Prediction for toxicological properties

You have provided the following reasoning for the prediction of toxicological properties: "read across can be done within the category, taking into account the general trend of properties when the Fatty Alkyl Chain length increases".
ECHA understands that you predict the properties of the Substance using a read-across hypothesis which assumes that different compounds have the same type of effects.

ECHA notes that with regards to prediction(s) of toxicological properties there are shortcoming(s) that are common to all information requirements under consideration and also shortcoming(s) that are specific for these information requirements individually. Altogether they result in a failure to meet the requirement of Annex XI, 1.5. The common shortcoming(s) are set out here, while the specific shortcomings are set out under the information requirement concerned in the Appendices below.

According to Annex XI, Section 1.5., two conditions shall be necessarily fulfilled. Firstly, there needs to be structural similarity between substances which results in a likelihood that the substances have similar physicochemical, toxicological and ecotoxicological properties so that the substances may be considered as a group or category. Secondly, it is required that the relevant properties of a substance within the group may be predicted from data for reference substance(s) within the group (read-across approach).

A read-across hypothesis needs to be provided, establishing why a prediction for a toxicological or ecotoxicological property is reliable. This hypothesis should be based on recognition of the structural similarities and differences between the source substance(s) and your Substance. It should explain why the differences in the chemical structures should not influence the toxicological/ ecotoxicological properties or should do so in a regular pattern.

According to the information provided in your dossier, you consider that the properties of the Substance can be predicted from information on other category members as a result of similarities in their chemical structures and in their physico-chemical properties.

While structural and physico-chemical similarity is a prerequisite for applying the grouping and read-across approach, it does not necessarily lead to predictable or similar human health properties. You have not provided a well-founded hypothesis to establish a reliable prediction for a toxicological property, based on recognition of the structural similarities and differences between the category members.

b. Prediction for ecotoxicological properties

I. Predictions within the category

You have provided the following reasoning for the prediction of ecotoxicological properties: *"read across can be done within the category, taking into account the general trend of properties when the Fatty Alkyl Chain length increases".*

Specifically for ready biodegradability, you claim that: "*All substances within the group are readily biodegradable.*"

ECHA understands that you predict the properties of the Substance using a read-across hypothesis which assumes that different compounds have the same type of effects.

ECHA notes that with regards to prediction(s) of ecotoxicological properties there are shortcoming(s) that are common to all aquatic information requirements under consideration and also shortcoming(s) that are specific for these information requirements individually. Altogether they result in a failure to meet the requirement of Annex XI, 1.5. The common shortcoming(s) are set out here, while the specific shortcomings are set out under the information requirement concerned in the Appendices below.

I.1. Read-across hypothesis

According to Annex XI, Section 1.5., two conditions shall be necessarily fulfilled. Firstly, there needs to be structural similarity between substances which results in a likelihood that the substances have similar physicochemical, toxicological and ecotoxicological properties so that the substances may be considered as a group or category. Secondly, it is required that the relevant properties of a substance within the group may be predicted from data for reference substance(s) within the group (read-across approach).

A read-across hypothesis needs to be provided, establishing why a prediction for a toxicological or ecotoxicological property is reliable. This hypothesis should be based on recognition of the structural similarities and differences between the source substance(s) and your Substance. It should explain why the differences in the chemical structures should not influence the toxicological/ ecotoxicological properties or should do so in a regular pattern.

According to the information provided in your dossier, you consider that the properties of the Substance can be predicted from information on other category members as a result of similarities in their chemical structures and in their physico-chemical properties.

While structural and physico-chemical similarity is a prerequisite for applying the grouping and read-across approach, it does not necessarily lead to predictable or similar ecotoxicological properties. You have not provided a well-founded hypothesis to establish a reliable prediction for a ecotoxicological property, based on recognition of the structural similarities and differences between the category members.

I.2. Missing information to support the hypothesis

Annex XI, Section 1.5 of the REACH Regulation states that "*physicochemical properties, human health effects and environmental effects or environmental fate may be predicted from data for reference substance(s)*". For this purpose "*it is important to provide supporting information to strengthen the rationale for the read-across*"[2]. The set of supporting information should allow to verify the crucial aspects of the read-across hypothesis and establish that the properties of the Substance can be predicted from the data on the source substance(s).

Supporting information must include for example bridging studies of comparable design and duration for the Substance and the source substances.

As indicated above, your read-across hypothesis is based on the assumption that the

[2] ECHA Guidance R.6, Section R.6.2.2.1.f

structurally similar substances cause the same type of effect(s). In this context, relevant, reliable and adequate information allowing to compare the properties of the Substance and of the source substance(s) is necessary to confirm that both substance cause the same type of effects.

In the technical dossier you have provided aquatic toxicity studies for the category members, as listed under the relevant information requirement section(s) C.2 below.

In your technical dossier you have provided ready biodegradability studies on the category members, as listed under the relevant information requirement section(s) A.3 below.

However, there are no aquatic toxicity studies nor ready biodegradability studies conducted with the Substance. With respect to the source data on the category members provided in the dossier, all these studies are considered as not adequate, for the reasons explained in section '*I.3. Adequacy and reliability of source studies*' and under the relevant information requirements below.

In your comments to the draft decision, you indicated your intention to first address the shortcomings of the existing studies and if the shortcomings cannot be fully addressed, you further proposed to perform new studies.

For aquatic toxicity, in your comments you indicated your intention to have short-term toxicity to *Daphnia* and algae growth inhibition data for all category members as supporting studies and to update the read-across approach. If these supporting studies will confirm the hypothesis of same of type of effects, you proposed to have data for other aquatic toxicity endpoints on few category members that would cover the differences in alkyl chain length and degree of unsaturation: short-term toxicity to fish studies for Substances B and C, and long-term toxicity to Daphnia studies for Substances B, C and E.

ECHA notes the following with regard to your intention of addressing shortcomings and plans for future testing:

- Currently you have not provided information that would remove the deficiencies of the existing studies as described in sections I.3. and II.3 below ('Adequacy and reliability of source studies');
- Lacking the above information or any further data generated on the target and source substances, currently there is no information that could be used to support your hypothesis. Also, the results of any future testing may or may not confirm your hypothesis. Hence, your proposed plan to test only few category members for short-term toxicity to fish and for long-term toxicity to *Daphnia* is not acceptable.

For ready biodegradability, in your comments you indicated your intention to have ready biodegrability data for all category members and to update the read-across approach by providing a more specific read-across hypothesis and a justification explaining the rationale for the prediction. ECHA notes that your intentions seem to be contradictory. Also, as explained under the relevant information requirement section A.3 below, the information provided in the comments indicates non ready biodegradability as result in some of the studies. This information will have to be considered as it contradicts your current read-across hypothesis.

Consequently, since there are no adequate and reliable studies provided for the aquatic toxicity and ready biodegradability across the category, no comparison of ecotoxicological properties can be made.

As explained above, the data set reported in the technical dossier does not include relevant, reliable and adequate information to support your read-across hypothesis.

In the absence of such information, you have not established that the Substance and the source substance(s) are likely to have similar properties.

I.3. Adequacy and reliability of source studies

According to Annex XI, Section 1.5., if the grouping concept is applied then in all cases the results to be read across must:

- be adequate for the purpose of classification and labelling and/or risk assessment;
- have adequate and reliable coverage of the key parameters addressed in the corresponding test method referred to in Article 13(3).

I.3.1. Test material identity

The Test Methods Regulation (EU) 440/2008, as amended by Regulation (EU) 2016/266, requires that "*if the test method is used for the testing of a [...] UVCB [...] sufficient information on its composition should be made available, as far as possible, e.g. by the chemical identity of its constituents, their quantitative occurrence, and relevant properties of the constituents*". Therefore, the unambiguous characterisation of the composition of the test material used to generate the source data is required to assess whether the test material is representative for the source substance as defined in the read-across justification document and thus relevant to the Substance.

Your read-across justification document contains compositional information for the members of your category in Table 4. It states that the category members are mostly UVCBs with composition varying in the alkyl chain length and in the degree of unsaturation. However, the information on the composition of the test materials of the source data provided in your dossier is limited in general to the generic name of the UVCB substance and/or numerical identifier and it does not contain the chemical identity and quantitative occurrence of its constituents. This issue concerns the following studies (studies listed under the relevant request in the Appendices below):

- study (i), used to cover the requirement for Long-term toxicity testing on aquatic invertebrates;
- studies (iv), (viii), (ix) and (xiv), used to cover the requirement for Ready biodegradability.

Due to the above deficiency, ECHA concludes that it is not possible to assess whether the test material is representative for the source substance and thus relevant to the Substance.

In your comments to the draft decision, you indicated your intention to provide data on the test material identity and composition for several studies. Since you did not provide any such data in your comments, you have not demonstrated that test material is representative for the source substance(s).

Therefore, the studies listed above cannot be considered as adequate for the purpose of classification and labelling and/or risk assessment.

I.3.2. Further deficiencies

None of the following studies were performed according to the testing specifications set out in the corresponding OECD TGs (studies listed under the relevant request in the Appendices below):

- study (i), used to cover the requirement for Long-term toxicity testing on aquatic invertebrates;

- studies (iii), (viii) and (xiv) , used to cover the requirement for for Ready biodegradability.

Therefore, the studies listed above are not adequate for the purpose of classification and labelling and/or risk assessment. The specific reasons are explained further below under the relevant information requirement sections A.3 and C.2.

For the reasons listed above, the predictions within the category fail.

II. Predictions outside of the category

ECHA notes that the following analogue substances are not referred as category members in your read-across justification document, but source studies performed with these substances are included in the technical dossier for the following ecotoxicological information requirement(s):

Algae growth inhibition (Annex VII, Section 9.1.2.):
- EC No 291-276-3/CAS No 90367-28-5

Ready biodegradability (Annex VII, Section 9.2.1.1):
- EC No 291-276-3, CAS No 90367-28-5
- EC No 263-163-9, CAS No 61791-31-9
- EC No 263-177-5, CAS No 61791-44-4
- EC No 203-868-0, CAS No 111-42-2

Concerning the predictions of ecotoxicological properties based on these substances, ECHA notes the following shortcomings.

II.1. Lack of documentation

Annex XI, Section 1.5 requires that whenever read-across is used adequate and reliable documentation of the applied method must be provided. Such documentation must provide a justification for the read-across including a hypothesis, explanation of the rationale for the prediction of properties and robust study summary(ies) of the source study(ies).[3]

You have provided studies conducted with analogue substances but not a category member in order to comply with the REACH information requirements. You have not provided documentation, containing the necessary elements as described above, as to why this information is relevant for your Substance.

In the absence of such documentation, ECHA cannot verify that the properties of your Substance can be predicted from the data on the source substance(s).

II.2. Characterisation of the analogue (source) substances

According to the ECHA Guidance, "*the purity and impurity profiles of the substance and the structural analogue need to be assessed*", and "*the extent to which differences in the purity and impurities are likely to influence the overall toxicity needs to be addressed, and where technically possible, excluded*". The purity profile and composition can influence the overall toxicity/properties of the Substance and of the source substance(s).[4] Therefore, qualitative and quantitative information on the compositions of the Substance and of the source

[3] ECHA Guidance R.6, Section R.6.2.6.1
[4] ECHA Guidance R.6, Section R.6.2.3.1

substance(s) should be provided to allow assessment whether the attempted predictions are compromised by the composition and/or impurities.

Furthermore, whenever the Substance and/or the source substance(s) are UVCB (Unknown or Variable composition, Complex reaction products or of Biological materials) substances qualitative compositional information of the individual constituents of the category members needs to be provided; as well as quantitative characterisation in the form of information on the concentration of the individual constituents of these substances; to the extent that this is measurable.[5]

You do not provide any description of the source substances. Furthermore, for all the studies provided in the technical dossier that were conducted with these substances, as listed above, no information on the composition of the test material used to generate the source data is provided (see Section *II.3.1* below).

In your comments to the draft decision, you indicated that you will update the information on the identity of the analogue substances that are not referred as category members in your current read-across justification document. You specified that the identifiers of these analogues are alternative chemical descriptions for the category members used before REACH registration. You claim that the analogue substances listed above refer to the following category members:

- EC No 263-163-9, CAS No 61791-31-9 corresponds to Substance [C]
- EC No 263-177-5, CAS No 61791-44-4 corresponds to Substance [D]
- EC No 291-276-3, CAS No 90367-28-5 corresponds to Substance [E]

However, in your comments you did not provide any data on the qualitative and quantitative description of the composition of the source substance(s) and of the test material to confirm the identity of these analogue substances.

Without this information, no qualitative or quantitative comparative assessment of the compositions of the source substances can be completed. Therefore, ECHA considers that it is not possible to assess whether the attempted predictions are compromised by the composition of the source substance.

II.3. Adequacy and reliability of source studies

According to Annex XI, Section 1.5., if the grouping concept is applied then in all cases the results to be read across must:

- be adequate for the purpose of classification and labelling and/or risk assessment;
- have adequate and reliable coverage of the key parameters addressed in the corresponding test method referred to in Article 13(3).

II.3.1. Test material identity

As explained in section I.3.1, detailed information on the composition of the test material used to generate the source data is required to to assess whether the test material is representative for the source substance and thus relevant to the Substance.
The information on the composition of the test materials of the source data provided in your dossier is limited to the generic name of the UVCB substance and/or numerical identifier and it does not contain the chemical identity and quantitative occurrence of its constituents. This issue concerns the following studies (studies listed under the relevant request in the Appendices below):

- study (i), used to cover the requirement for Growth inhibition study aquatic plants;

[5] ECHA Guidance R.6, Section R.6.2.5.5

- studies (i), (ii), (v) to (vii), (x) to (xiii), (xv), and (xvi), used to cover the requirement for Ready biodegradability.

Due to the above deficiency, ECHA concludes that it is not possible to assess whether the test material is representative for the source substance and thus relevant to the Substance.

In your comments to the draft decision, you indicated your intention to provide data on the test material identity and composition for several studies. Since you did not provide any such data in your comments, you have not demonstrated that test material is representative for the source substance(s).

Therefore, the studies listed above are not adequate for the purpose of classification and labelling and/or risk assessment.

II.3.2. Further deficiencies

None of the following studies were performed according to the testing specifications set out in the corresponding OECD TGs (studies listed under the relevant request in the Appendices below):
- study (i), used to cover the requirement for Growth inhibition study aquatic plants;
- studies (i), (ii), (v) to (vii), (x) to (xiii), (xv) and (xvi), used to cover the requirement for Ready biodegradability.

Therefore, the studies listed above are not adequate for the purpose of classification and labelling and/or risk assessment. The specific reasons are explained further below in the relevant information requirement section A.1 and A.3.

For the reasons listed above, the predictions outside the category fail.

C. Conclusions on the grouping of substances and read-across approach

As explained above, based on the information from the evaluated registration dossier and your comments, your adaptation does not comply with the general rules of adaptation as set out in Annex XI, Section 1.5. Therefore, your adaptation is rejected.

Further, specific considerations are addressed under the individual information requirements.

(ii) Referral of the decision to the Member States Competent Authorities

In your comments to the draft decision, you request ECHA to postpone the referral of this draft decision to the Member States Competent Authorities by 30 November 2020, so you can address the shortcomings identified and improve the read-across approach in the updated dossier.

As specified in the notification letter accompanying the draft decision, ECHA does not take into account any dossier updates submitted after the date on which you were notified the draft decision in the context of the adoption of the decision according to Article 51. In addition, the new data that you intend to provide and/or generate may or may not confirm your hypothesis. As a consequence, there is no reason to delay the current decision making process.

Appendix A: Reasons for the requests to comply with Annex VII of REACH

Under Articles 10(a) and 12(1) of REACH, a technical dossier registered at 1 to 10 tonnes or more per year must contain, as a minimum, the information specified in Annex VII to REACH.

1. Growth inhibition study aquatic plants (Annex VII, Section 9.1.2.)

Growth inhibition study aquatic plants is a standard information requirement at Annex VII of REACH.

You have adapted this information requirement by using a Grouping of substance and read-across approach under Annex XI, section 1.5. and you have provided in your dossier the following key study flagged as read-across:

i. [redacted] (2010b), key study, according to OECD TG 201 with the analogue substance EC No 291-276-3 (CAS No 90367-28-5)

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

A. Predictions outside of the category

You have provided a study conducted with an analogue substance but not a category member. However, as explained in the Appendix on general considerations your adaptation according to Annex XI, Section 1.5 is rejected.

B. Source study is not adequate and reliable

To be adequate for the purpose of classification and labelling of the Substance, the source study must be conducted in accordance with the applicable OECD test guidelines or other internationally recognised test methods (Article 13(3) of REACH). For the purpose of classification and labelling, as set out in the CLP Regulation, the study must provide information on intrinsic properties i.e. the basic properties of a substance or mixture as determined in standard tests or by other means designed to identify hazards. This is to be derived without consideration of exposure under realistic environmental conditions.[6]

Similarly, for the purpose of PBT assessment Annex XIII of REACH requires generation of data under 'relevant conditions', i.e. those conditions that allow for an objective assessment of the PBT/vPvB properties of a substance and not the PBT/vPvB properties of a substance in particular environmental conditions.

As a consequence of the above, studies performed with modification to standard tests procedures impacting exposure cannot be considered relevant to derive intrinsic properties.

OECD TG 201 is the preferred guideline to fulfil this information requirement and it requires that you must (among others):

- use two alternative growth media (i.e. the OECD or the AAP medium) and in case a modified test medium is used, this should be described in details and justified in a way that ensures that the objective of the study is reached;
- describe the analytical monitoring method used, including information on how the test samples were prepared for the quantification of the test substance.

[6] CLP Guidance, Section 1.1.3.

For the study listed in i. above, you specify that the test media consist of natural river water with the following characteristics: DOC 3.8 mg/L, TOC 3.7 mg/L and suspended matter 17.6 mg/L. You provide the following justification for the deviation from standard medium: "*The aquatic ecotoxicity tests with ethoxylated primary fatty amines were therefore performed in river water to allow a PECaquatic,bulk/PNECaquatic,bulkapproach and is considered to be conservative but more environmentally realistic than the standard method. [..]. This approach is based on PEC estimations representing 'total aquatic concentrations'. [..] For ecotoxicity tests performed using the bulk approach, however, adsorption to suspended matter and DOC is acceptable. The results of these bulk approach tests are therefore much easier and more realistic, and if compared to PECbulk clearly provide a more appropriate assessment of risks for the environment.*"

For the study listed in i. above, exposure concentrations were analytically determined. However, you do not provide information on preparation of test sample for analytical monitoring.

You express the results based on nominal concentrations and you indicate that the effect concentrations are defined as the sum of adsorbed as well as dissolved substance in the volume of the medium tested.

The study listed in i. was conducted with non-standard test medium (river water). The test substances are highly adsorptive cationic surfactants and are therefore expected to bind to dissolved organic matter and particulate matter. Since river water differs from standard media with regards to the content of higher organic matter and particulate matter, the use of this modified test medium impacts the exposure to the test substance. Your justification for the use of modified test media only considers the relevance of the study for the risk assessment. However, since the applied modification to standard tests procedures impacts the exposure, study listed in i. does not inform on the intrinsic properties and the modification of the test media is not acceptable.

For the study listed in i. above, in the absence of sufficient information on how test samples were prepared for the quantification of the test substance, ECHA cannot determine if the truly dissolved test substance concentrations were measured.

Hence, the study provided does not meet the conditions listed above and therefore this study is not adequate for the purpose of classification and labelling.

In your comments to the draft decision, for study i. listed above conducted with deviations from the testing specifications set out in the corresponding OECD TGs (i.e. modification of test media), you indicated that "*we have recognised that the Bulk approach test are less adequate for Classification and labelling purposes as these studies indeed do not allow the quantification of intrinsic toxicity.*" You hence agree that study i. listed above is not adequate for the purpose of classification and labelling.

C. Bias of the prediction

In order to make an accurate prediction of ecotoxicological and toxicological properties all relevant information must be considered in the prediction. If not all information is considered in the read-across approach, then bias may be introduced in predictions. Bias may be caused by incorrect/incomplete selection of source substance(s); or due to a particular selection of source study(ies). If all information on all the substances in the

category has not been considered, then this may result in an over/under estimation in the prediction[7].

You use the results of the study i. an analogue substance (72h-ErC50 = 119 µg/L and 72h-ErC10 = 34.5 µg/L) to conclude on this endpoint. However, ECHA is aware that there is also a Growth inhibition study aquatic plants study (OECD TG 201) conducted with Substance B ([redacted] 2014) and this information is disseminated on ECHA's website. This study with Substance B shows a higher concern (72h-ErC50 = 53.8 µg/L and 72h-ErC10 = 15.6 µg/L).

There is data available within the category that give raise to a greater concern than the source studies you use to conclude on this endpoint (i.e. study i.). You have not provided any justification for not including the information on the category member Substance B in your read-across approach and have not explained why the study on category members raising the highest concern has not been taken into account in predicting the properties of the Substance. Therefore, ECHA considers that your predictions are biased and underestimate the hazards of the Substance.

ECHA concludes that not all relevant information within the applicability domain of the category have been provided nor adequately considered in your predictions. Therefore, ECHA considers that there is bias in your predictions.

In your comments to the draft decision, you agree to perform the requested study with the Substance.

Therefore, the information requirement is not fulfilled.

Study design

The Substance is difficult to test due to the poorly water soluble, adsorptive, ionisable and surface active properties as explained above. OECD TG 201 specifies that for difficult to test substances, the OECD GD 23 is to be followed. To get reliable results, the substance properties need to be considered when performing the test, in particular with regard to the test design; including exposure system, test solution preparation, and sampling. OECD GD 23 (Table 1) describes testing difficulties related to a specific property of the substance. You may use the approaches described in OECD GD 23 or other approaches if more appropriate for your substance. The approach selected must be justified and documented.

Due to the substance properties it may be difficult to achieve and maintain the exposure concentrations. Therefore, you have to demonstrate that the concentration of the substance is stable throughout the test (i.e. measured concentrations remains within 80-120% of the nominal concentration). If it is not possible to demonstrate the stability, you must express the effect concentration based on measured values as described in the applicable test guideline. In case a dose-response relationship cannot be established (no observed effects), you must demonstrate that the test solution preparation method applied was sufficient to maximise the concentration of the Substance in the test solution. Furthermore, exposure concentrations must be below the critical micelle concentration (CMC). This will ensure that test organisms are exposed to the freely dissolved chemical species and not the micelle which can alter the uptake of the test chemical.

2. The same long-term toxicity testing on aquatic invertebrates as requested in

[7] RAAF, Section 4.5.1.5.

C.2. (triggered by Annex VII, Section 9.1.5., column 2)

Short-term toxicity testing on aquatic invertebrates is a standard information requirement in Annex VII to REACH. However, according to Annex VII, section 9.1.1, column 2, for poorly water soluble substances (e.g. water solubility below 1 mg/L) long-term toxicity study on aquatic invertebrates (Annex IX, Section 9.1.5) must be considered instead of an acute test. Poorly water soluble substances require longer time to reach steady-state conditions and the short-term tests may not give a true measure of toxicity for this type of substances.

The Substance is poorly water soluble (water solubility 0.6 mg/L as critical micelle concentration).

Therefore, long-term toxicity testing is needed to accurately define the hazard of the Substance.

The examination of the information provided, as well as the selection of the requested test and the test design are addressed in Appendix C, section 2. Your comments to the draft decision are also addressed in Appendix C, Section 2.

3. Ready biodegradability (Annex VII, Section 9.2.1.1.)

Ready biodegradability is a standard information requirement at Annex VII of REACH.

You have provided in your dossier the following study records claimed to be conducted with the Substance:

i. [redacted] (1990a), key study, according to OECD TG 301D with test material identified as tallowbis(2-hydroxyethy1)amine hydrogenated (CAS No 90367-28-5).
ii. [redacted] (1991), according to OECD TG 301D with EC 291-276-3 (CAS No 90367-28-5)

Furthermore, you have adapted this information requirement by using a Grouping of substance and read-across approach under Annex XI, section 1.5. and you have provided in your dossier the following study records flagged as read-across:

iii. [redacted] (1990b), key study, according to OECD TG 301D with the analogue substance EC No 246-807-3 (Substance B)
iv. [redacted] (2006), key study, according to OECD TG 301B with the analogue substance EC No 246-807-3 (Substance B), test material identified as CAS No 26635-93-8
v. [redacted] (2002a), key study, according to OECD TG 301F with the analogue substance EC No 291-276-3 (CAS No 90367-28-5)
vi. [redacted] (1997a), key study, according to OECD TG 301B with the analogue substance EC No 263-163-9 (CAS No 61791-31-9)
vii. [redacted] (1997b), key study, according to OECD TG 301B with the analogue substance EC No 263-177-5 (CAS No 61791-44-4)
viii. [redacted] (2005), key study, according to OECD TG 301F with the analogue substance EC No 246-807-3 (Substance B), test material identified as CAS No 13127-82-7
ix. [redacted] (2005), according to OECD TG 301B with the analogue substance EC No 276-014-8 (Substance C)
x. [redacted] (2002b), according to OECD TG 301F with the analogue substance EC No 263-177-5 (CAS No 61791-44-4)
xi. [redacted] (1989), according to OECD TG 301D ("*modified according to the recommendations of* [redacted] *1985*") with the analogue substance EC No 263-163-9 (CAS No 61791-31-9)

xii. [redacted] (1996), TG not reported, with the analogue substance fatty amine derivatives
xiii. [redacted] (2007), TG not reported, with the analogue substance fatty amine derivatives
xiv. [redacted] (1993), TG not reported, with Substance A (EC No 233-520-3)
xv. [redacted] (1997), TG not reported, with the analogue substance Alkanolamines
xvi. [redacted] (1982), TG not reported, with the analogue substance 2,2'-iminodiethanol (EC No 203-868-0, CAS No 111-42-2)

We have assessed this information and identified the following issues:

A. Predictions within the category

You have adapted the standard information requirement in accordance with Annex XI, section 1.5. to REACH by providing in the technical dossier the studies listed in iii., iv., viii., ix. and xiv. above conducted with PFAEO category member(s).

However, as explained in the Appendix on general considerations your adaptation according to Annex XI, Section 1.5 is rejected.

B. Predictions outside of the category

You have provided studies (listed in v., vi., vii., x., xi., xii., xiii., xv, and xvi.) that you indicate were conducted with analogue substances but not a category member.

In addition, you have provided studies listed in i. and ii. claimed to be conducted on the Substance, but the identifiers of the test material (CAS No 90367-28-5 for study i.; EC No 291-276-3/CAS No 90367-28-5 for study ii.) do not correspond to those of the Substance. You have not provided a justification why the test material used to generate the source data (qualitatively and quantitatively) is consistent with the Substance. Therefore, ECHA considers these studies as also conducted with other substances than your Substance.

However, as explained in the Appendix on general considerations your adaptation according to Annex XI, Section 1.5 is rejected.

C. To be adequate for the purpose of classification and labelling and/or risk assessment of the Substance, the source study must be conducted in accordance with the applicable OECD test guidelines or other internationally recognised test methods (Article 13(3) of REACH). OECD TG 301 and 310 are the preferred guidelines to fulfil this information requirement. The OECD TG 301 require(s) that you must (among others):

- Apply the test conditions (e.g. inoculum concentration) specified in Table 2 and provide a scientific explanation for any change of procedure.
- Fulfil the validity criteria as set up in the test guideline, among others: the difference of extremes of replicate values of the removal of the test chemical at the plateau, at the end of the test or at the end of the 10-d window, as appropriate, is less than 20%.
- For studies according to OECD TG 301D and 301F with N-containing substances, determine the increase in concentration of nitrite and nitrate over 28d and calculate the correction for the oxygen consumed by nitrification.

For the studies listed in xii. to xvi. above, you have not provided information on test

conditions and validity criteria as described above.

For the studies listed in i., ii., iii., v., viii. and x. above, you have not provided information on inoculum concentration.

For the studies listed in i., ii. and iii. above, the following change of procedure was done: ammonium chloride was omitted from the test medium to prevent nitrification.

For the studies listed in i., ii., iii., vi., vii. and xi. above, you have not provided information on results (e.g. data in tabular form and percentage removal at plateau, at end of test, and/or after 10-d window) to allow a verification that the validity criteria of the method were fulfilled.

For the studies listed in i., ii., iii., v., viii., and xi. above, conducted according to OECD TG 301D or OECD TG 301F, you have not determined the increase in concentration of nitrite and nitrate over 28d nor corrected for the oxygen consumed by nitrification.

For the studies listed in xii. to xvi., in the absence of information on test conditions and on results to verify the fulfilment of the validity criteria, it is not possible to verify that the key parameters of OECD TG 301 were met. In your comments to the draft decision, you specified that studies xii. to xvi. are from publications and cannot be used to conclude on the endpoint.

For the studies listed in i., ii., iii., v., viii. and x., in the absence of information on inoculum concentration, it is not possible to verify whether the test conditions set out in OECD TG 301 were met.

For the studies listed in i., ii. and iii., you have not explained the impact of the change of procedure on the test results. In your comments to the draft decision, you justified that the change of procedure did not impact the test results for studies i., ii. and iii.. You stated that ammonium chloride was omitted from test medium to prevent additional oxygen consumption due to nitrification of ammonium. Furthermore you state that omission of ammonium chloride from the medium does not result in nitrogen limitation as demonstrated by the biodegradation of the reference compound. ECHA considers that the information provided in your comments addresses this issue.

For the studies listed in i., ii., iii., vi., vii. and xi. above, in the absence of information on results, it is not possible to verify that the validity criteria of OECD TG 301 were fulfilled.

For the studies listed i., ii., iii., v., viii., and xi. above, since the test substances are N-containing substances and results were not corrected for the oxygen consumed by nitrification, the results are not reliable. In your comments to the draft decision, you stated that for studies listed i., ii., iii., v., viii., and xi. above, the increase in concentration of nitrite and nitrate was only measured for study viii. and no additional nitrification was observed. For these studies, you indicated that in the dossiers the results were not corrected for the oxygen consumed by nitrification. You further indicated that, when the correction is applied, only study v. and viii. fulfil the pass test criteria for ready biodegradability, while studies listed i., ii., iii. and xi are considered as not readily biodegradable. ECHA considers that the information provided in your comments addresses this issue and that the new results and interpretations of the studies must be reported in the dossier.

In addition, in your comments to the draft decision you indicated your intention to provide information on inoculum concentration (for i., ii., iii., v., viii. and x.) and results (for

studies i., ii., iii., vi., vii. and xi.). ECHA notes that you did not provide any new information, so currently there is no information that could be used to support the adequacy of these studies.

Overall, based on your comments, some of the deviations can be considered as addressed (but you need to reflect them in the dossier), while other deficiencies still remain.

Hence, none of the studies provided meet the conditions listed above and therefore these studies are not adequate for the purpose of classification and labelling and/or risk assessment.

Therefore, the information requirement is not fulfilled.

Appendix B: Reasons for the requests to comply with Annex VIII of REACH

Under Articles 10(a) and 12(1) of REACH, a technical dossier registered at 10 to 100 tonnes or more per year must contain, as a minimum, the information specified in Annexes VII and VIII to REACH.

1. **Screening for reproductive/developmental toxicity (Annex VIII, Section 8.7.1.)**

A Screening for reproductive/developmental toxicity study (test method: EU B.63/OECD TG 421 or EU B.64/OECD TG 422) is a standard information requirement under Annex VIII to REACH, if there is no evidence from analogue substances, QSAR or *in vitro* methods that the Substance may be a developmental toxicant. There is no information available in your dossier indicating that your Substance may be a developmental toxicant.

You have adapted this information requirement by using a Grouping of substance and read-across approach under Annex XI, section 1.5 and you have provided in your dossier:

With the source substance C:

- [redacted], 2010. Combined Repeated Dose Toxicity study with Reproduction/ Developmental Toxicity Screening Test in Rats.

We have assessed this information and identified the following issues.

As explained in the Appendix on general considerations your adaptation is rejected, based also on the following specific shortcoming(s) with regard to your prediction of developmental property:

Absence of information to compare the reproductive toxicity of the substances

The ECHA Guidance[8] indicates that "*it is important to provide supporting information to strengthen the rationale for the read-across*". In this context, relevant, reliable and adequate information allowing to compare the properties of the Substance and of the source substance(s) is necessary to confirm that both substances cause the same type of effects. Such information can be obtained, for example, from bridging studies of comparable design and duration for the Substance and of the source substance(s).

In your technical dossier you have reported the results from a combined repeated dose toxicity study with the reproduction/developmental toxicity screening test (OECD TG 422) conducted with the substance C. According to the robust study summary provided, "*lower litter sizes due to lower numbers of corpora lutea and implantation sites, and higher post implantation losses were evident at 125 mg/kg/day*", which is the highest dose tested in this study.

This OECD TG 422 study constitutes the only available source of information on the reproductive toxicity properties of the members of your category, including the Substance, and it raises concerns on the reproductive toxicity.

There is no bridging information addressing reproductive toxicity available within the category.

[8] ECHA Guidance R.6, Section R.6.2.2.1.f

The comparison of the reproductive toxicity properties of the Substance and of the substance C is not possible. It cannot be therefore confirmed that members of the category, including the Substance, would cause the same type of effects on reproductive toxicity. Also, it cannot be ruled out that the Substance may cause more severe effects on reproductive toxicity than Substance C. A prediction using the data to be generated on Substance C could therefore underestimate the reproductive properties of the Substance.

In the absence of additional screening for reproductive/developmental toxicity study and/or bridging information allowing a comparison of the reproductive toxicity of the Substance and of the substance C, the prediction from substance C is not possible.

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

In your comments you acknowledge that "ECHA correctly points at the lack of appropriate bridging studies" and that the available OECD TG 422 conducted with substance C "raised concerns on the reproductive toxicity at the highest dose level tested. Also, the applicants concluded that the available information was too limited for an appropriate and robust evaluation of reproduction toxicity for the members of the category and decided that at least a reproduction screening is necessary to serve as bridging study". You further indicated that the additional data, when all intended bridging OECD 422 studies are available with the category members in order to cover the whole range of chain-length distribution of the category, will support the fundament for acceptability of your read-across approach.

ECHA notes that the new data may or may not confirm your hypothesis. As you did not provide any new data on the target and source substances, currently there is no information which could be used to support your hypothesis.

Information on study design

Species/strain/route

A study according to the test method EU B.63/OECD TG 421 or EU B.64/OECD TG 422 must be performed in rats with oral administration of the Substance.

Appendix C: Appendix C: Reasons for the requests to comply with Annex IX of REACH

Under Articles 10(a) and 12(1) of REACH, a technical dossier registered at 100 to 1000 tonnes or more per year must contain, as a minimum, the information specified in Annexes VII to IX to REACH.

1. Pre-natal developmental toxicity study (Annex IX, Section 8.7.2.) in a first species

A Pre-natal developmental toxicity (PNDT) study (OECD TG 414) in one species is a standard information requirement under Annex IX to REACH.

You have adapted this information requirement by using a Grouping of substance and read-across approach under Annex XI, section 1.5. and you have provided in your dossier:

With the source substance B:

- [redacted] (2014), Pre-natal oral developmental toxicity study in the rat.

We have assessed this information and identified the following issues.
As explained in the Appendix on general considerations your adaptation is rejected, based also on the following specific shortcoming(s) with regard to your prediction of developmental property:

Differences in the toxicity profiles of category members

As indicated in the Appendix on general considerations a read-across hypothesis needs to be provided. Furthermore, the ECHA Guidance[9] indicates that "*it is important to provide supporting information to strengthen the rationale for the read-across*". The set of supporting information should allow to verify the crucial aspects of the read-across hypothesis and establish that the properties of the Substance can be predicted from the data on the category members. The observation of differences in the toxicological properties among some members of a category is a warning sign. An explanation for such a difference resulting in a contradiction between the similarities in properties claimed in the read-across hypothesis and the observation of different properties needs to be provided and supported by scientific evidence.

In your technical dossier, you have provided information from a pre-natal developmental toxicity study conducted with the category member Substance B. No effects attributed to the test substance have been detected in that study and a NOAEL of 150 mg/kg/d has been identified.

However, ECHA is aware that there is also a pre-natal developmental toxicity study (OECD TG 414) conducted with the category member C ([redacted] 2018) and this information is disseminated on ECHA's website. In that study, severe treatment-related findings linked to early development of embryos, specifically to neural tube closure and somite development have been observed.

More specifically, on Day 20 of gestation, post-implantation losses were statistically significantly higher compared to the control animals (7.5% to 15.5%) in the Pre-natal developmental toxicity study conducted with the category member Substance C.

[9] ECHA Guidance R.6, Section R.6.2.2.1.f

The fetal development at the high dose 125 mg/kg/day was severely compromised. There were 8 litters with similar major abnormalities, the majority affecting the head, eye and vertebral column (e.g. exencephaly, meningoencephalocele, acephalostomia, cleft lip, anophthalmia, microphthalmia, absent eyes, exoccipital partially fused to 1st cervical arch(es), absent/small/misshapen orbital socket(s), spina bifida, holorachischisis).

Also, at 125 mg/kg/day there was an increased incidence of medially thickened/kinked ribs, short supernumerary cervical ribs, delayed ossification of 5th/6th sternebrae and thoracic/ sacrocaudal vertebral elements and partially undescended lobe(s) of thymus.

Additionally, at 30 mg/kg/day there was an incidence of microphthalmia which although was observed in one fetus in one litter, it was also observed for two fetuses in two litters at 125 mg/kg/day. Therefore, a relationship to treatment at 30 mg/kg/day cannot be ruled out.

In contrast with the absence of effects reported in the source study with the category member B, the study on Substance C raises serious concerns on the developmental toxicity of the category member C. You have not provided any justification for not including the information on the category member Substance C in your read-across approach and have not explained why the study on category members raising the highest concern has not been taken into account in predicting the properties of the Substance. You have not demonstrated and justified that the properties of the category members are likely to be similar despite the observation of these differences. In the absence of such information, the possibility that the prediction underestimates the properties of the Substance cannot be ruled out.

ECHA concludes that the available set of data on the category members shows differences in the pre-natal developmental toxicity property. Therefore you have not demonstrated and justified that the properties of the category members are likely to be similar despite the observation of these differences. Additionally, as not all relevant information within the applicability domain of the category have been provided nor adequately considered in your predictions ECHA considers that there is bias in your predictions.

Therefore, the information you provided do not fulfil the information requirement.

In your comments to the draft decision you indicated that you intend to update the category documentation with better test substance characterisation, additional relevant publicly available data to PFAEO substances which is not included in the category as currently documented in the dossier, and bridging screening studies with the category members which will have been completed when you update the category documentation. You further indicate that this will lead to a better evaluation of the possible hazard for development for each of the members of this category.

ECHA notes that the new data may or may not confirm your hypothesis. As you have not provided in your comments any new scientific information justifying such adaptation or addressing the information requirement other than describing your intentions, the data gap remains.

Study design
A PNDT study according to the test method OECD TG 414 must be performed in rat or rabbit as preferred species with oral administration of the Substance.

2. Long-term toxicity testing on aquatic invertebrates (Annex IX, Section 9.1.5.)

Long-term toxicity testing on aquatic invertebrates is a standard information requirement at Annex IX of REACH.

You have adapted this information requirement by using a Grouping of substance and read-across approach under Annex XI, section 1.5. and you have provided in your dossier the following key study flagged as read-across:

i. [redacted] (2010b), key study, according to OECD TG 211 with the analogue substance EC No 620-539-0 (Substance E), test material identified as Bis (2-hydroxyethyl) hydrogenated tallow alkylamine

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

A. *Predictions within the category*

The study listed in i. above is claimed to be conducted with PFAEO category member(s). However, as explained in the Appendix on general considerations your adaptation according to Annex XI, Section 1.5 is rejected.

B. *Source study is not adequate and reliable*

To be adequate for the purpose of classification and labelling of the Substance, the source study must be conducted in accordance with the applicable OECD test guidelines or other internationally recognised test methods (Article 13(3) of REACH). For the purpose of classification and labelling, as set out in the CLP Regulation, the study must provide information on intrinsic properties i.e. the basic properties of a substance or mixture as determined in standard tests or by other means designed to identify hazards. This is to be derived without consideration of exposure under realistic environmental conditions.[10]

Similarly, for the purpose of PBT assessment Annex XIII of REACH requires generation of data under 'relevant conditions', i.e. those conditions that allow for an objective assessment of the PBT/vPvB properties of a substance and not the PBT/vPvB properties of a substance in particular environmental conditions.

As a consequence of the above, studies performed with modification to standard tests procedures impacting exposure cannot be considered relevant to derive intrinsic properties.

OECD TG 211 is the preferred guideline to fulfil this information requirement and it requires that you must (among others):

- use a fully defined medium with TOC below 2 mg/L;
- describe the analytical monitoring method used, including information on how the test samples were prepared for the quantification of the test substance.

For the study listed above, you specify that the test media consist of natural river water with the following characteristics: DOC 3.8 mg/L, TOC 3.7 mg/L and suspended matter 17.6 mg/L. You provide the following justification for the modification to standard tests media: "*The aquatic ecotoxicity tests with ethoxylated primary fatty amines were therefore performed in river water to allow a PECaquatic,bulk/PNECaquatic,bulkapproach and is considered to be conservative but more environmentally realistic than the standard method. [..]. This approach is based on PEC estimations representing 'total aquatic concentrations'. [..] For ecotoxicity tests performed using the bulk approach, however,*

[10] CLP Guidance, Section 1.1.3.

adsorption to suspended matter and DOC is acceptable. The results of these bulk approach tests are therefore much easier and more realistic, and if compared to PECbulk clearly provide a more appropriate assessment of risks for the environment."

For the study listed above, exposure concentrations were analytically determined. However, you do not provide information on preparation of test sample for analytical monitoring.

You express the results based on nominal concentrations and you indicate that the effect concentrations are defined as the sum of adsorbed as well as dissolved substance in the volume of the medium tested.

The study listed above was conducted with non-standard test media (river water) with TOC above 2 mg/L, hence it does not meet the specifications given in OECD TG 211. The test substances are highly adsorptive cationic surfactants and are therefore expected to bind to dissolved organic matter and particulate matter. Since river water differs from standard media with regards to the content of higher organic matter and particulate matter, the use of this modified test medium impacts the exposure to the test substance. Your justification for the use of modified test medium only considers the relevance of the study for the risk assessment. However, since the applied modification to standard tests procedures impacts the exposure, the study does not inform on the intrinsic properties and the modification of the test media is not acceptable.

For the study listed above, in the absence of sufficient information on how test samples were prepared for the quantification of the test substance, ECHA cannot determine if the truly dissolved test substance concentrations were measured.

Hence, the provided study does not meet the conditions listed above and therefore the study is not adequate for the purpose of classification and labelling.

In your comments to the draft decision, for study i. listed above conducted with deviations from the testing specifications set out in the corresponding OECD TGs (i.e. modification of test media), you indicated that *"we have recognised that the Bulk approach test are less adequate for Classification and labelling purposes as these studies indeed do not allow the quantification of intrinsic toxicity."* You hence agree that study i. listed above is not adequate for the purpose of classification and labelling.

In your comments to the draft decision, you confirmed your intention to adapt this information requirement by read-across approach and by future testing on some category members only. However, as explained in the Appendix on general considerations under section *I.2.Missing information to support the hypothesis*, your read-across hypothesis is currently not substantiated and hence the proposed testing strategy is not acceptable.

Therefore, the information requirement is not fulfilled.

Study design

The Substance is difficult to test due to the poorly water soluble, adsorptive, ionisable and surface active properties as explained above. OECD TG 211 specifies that for difficult to test substances, the OECD GD 23 is to be followed as explained above under request A.1.

3. Long-term toxicity testing on fish (Annex IX, Section 9.1.6.1.)

Long-term toxicity testing on fish is a standard information requirement at Annex IX of

REACH.

You have adapted the standard information requirement based on column 2 of Annex IX, Section 9.1. with the following: "*The safety assessment according to Annex 1 does not indicate the need to investigate further the effects on aquatic organisms. Therefore no chronic fish testing is considered to be required.*"

As specified in Annex IX, Section 9.1., Column 2, a long-term toxicity study on fish must be performed unless the Chemical Safety Assessment demonstrates that risks towards the aquatic compartment arising from the use of the Substance are controlled (as per Annex I, section 0.1). The justification must be documented in the Chemical Safety Assessment.

In particular, the Chemical Safety Assessment must take into account the following elements to support that long-term toxicity testing is not required:

- all relevant hazard information from your registration dossier.

The toxicity information must at least cover species of three trophic levels: algae/aquatic plants, invertebrates (Daphnia preferred), and fish.[11] For poorly water soluble and hydrophobic substances, risks cannot be reliably assessed based on short term toxicity tests (i.e. to derive a reliable PNEC for this substance).[12] Such substances require longer time to be significantly taken up by the test organisms and as a consequence steady state conditions are likely not reached within the duration of a short-term toxicity test. For this reason, short-term tests may not give a true measure of toxicity for this type of substances and long-term effects cannot be excluded.

Based on the information you provided, the Substance is poorly water soluble (water solubility 0.6 mg/L as critical micelle concentration).

You have provided read-across studies for algae growth inhibition and long-term toxicity on *Daphnia* information requirements. You have not provided a long-term toxicity on fish study.

As specified in requests A.1 and C.2, the data on algae growth inhibition and the data on long-term toxicity to *Daphnia* are not compliant with the REACH relevant requirements. Furthemore, as indicated above, short-term studies are, due to the properties of the Substance, insufficient to assess the risks.

In your comments to the draft decision, you confirmed your intention to provide adequate data on algae growth inhibition, short-term toxicity to *Daphnia* and to fish and long-term toxicity to *Daphnia* and update the CSA. If the CSA will indicate the need for further long-term toxicity testing on fish, you proposed to adapt this information requirement by read-across approach and by future testing on some category members only. First, ECHA notes that, as explained above, due to the Substance properties short-term studies are insufficient and long-term aquatic toxicity to fish data is required to assess adequately the risks. Second, as explained in the Appendix on general considerations under section *I.2.Missing information to support the hypothesis*, your read-across hypothesis is currently not substantiated and hence the read-across testing strategy is not acceptable. As regards your plans for selective testing of long-term toxicity to fish ECHA understands that you intend to explore ways to adapt this information requirement. However, you have not provided in your comments any new scientific information justifying such adaptation or addressing the information requirement. Therefore, the data gap remains.

[11] ECHA Guidance R.7b, Section R.7.8.5.3
[12] ECHA Guidance R.7b, Section R.7.8.4.3

Therefore, your dossier currently does not include adequate information to characterise the hazardous property of the Substance to aquatic organisms.

In conclusion, in absence of all this information, your Chemical Safety Assessment does not demonstrate that the risks of the Substance are adequately controlled. As a consequence, your adaptation is rejected as it does not meet the specific rules for adaptation of Annex IX, Section 9.1., Column 2.

Based on the above, the information requirement is not fulfilled.

Study design

The Substance is difficult to test due to the poorly water soluble, adsorptive, ionisable and surface active properties as explained above. OECD TG 210 specifies that for difficult to test substances, the OECD GD 23 is to be followed as explained above under request A.1.

Appendix D: Procedural history

For the purpose of the decision-making, this decision does not take into account any updates of registration dossiers after the date on which you were notified the draft decision according to Article 50(1) of REACH.

The compliance check was initiated on 27 June 2019.

The decision making followed the procedure of Articles 50 and 51 of the REACH Regulation, as described below:

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

ECHA took into account your comments and did not amend the request(s).

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 E: Observations and technical guidance

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

2. Failure to comply with the requests in this decision, or to otherwise fulfil the information requirements with a valid and documented adaptation, will result in a notification to the enforcement authorities of the Member States.

3. Test guidelines, GLP requirements and reporting

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

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

   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: 'How to report robust study summaries'[13].

4. Test material

   Selection of the test material(s)

   The registrants of the Substance are responsible for agreeing on the composition of the test material to be selected for carrying out the tests required by the present decision. The test material selected must be relevant for all the registrants of the Substance, i.e. it takes into account the variation in compositions reported by all members of the joint submission. The composition of the test material(s) must fall within the boundary composition(s) of the Substance.

   While selecting the test material you must take into account 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.

   Technical reporting of the test material

   The composition of the selected test material must be reported in the respective endpoint study record, under the Test material section. The composition must include all constituents of the test material and their concentration values. Without such detailed reporting, ECHA may not be able to confirm that the test material is relevant for the Substance and to all the registrants of the Substance.

   Technical instructions are available in the manual "How to prepare registration and PPORD dossiers"[14].

[13] https://echa.europa.eu/practical-guides
[14] https://echa.europa.eu/manuals

5. List of references of the ECHA Guidance and other guidance/ reference documents[15]

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 in this decision.

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 in this decision.

ECHA Read-across assessment framework (RAAF, March 2017)[16]

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.

OECD Guidance documents[17]
Guidance Document on aqueous-phase aquatic toxicity testing of difficult test chemicals – No 23, referred to as OECD GD23.
Guidance Document on Mammalian Reproductive Toxicity Testing and Assessment – No 43, referred to as OECD GD43.

[15] https://echa.europa.eu/guidance-documents/guidance-on-information-requirements-and-chemical-safety-assessment
[16] https://echa.europa.eu/support/registration/how-to-avoid-unnecessary-testing-on-animals/grouping-of-substances-and-read-across
[17] http://www.oecd.org/chemicalsafety/testing/series-testing-assessment-publications-number.htm

Appendix F: List of the registrants to which the decision is addressed and the corresponding information requirements applicable to them

Registrant Name	Registration number	(Highest) Data requirements to be fufilled
[redacted]	[redacted]	[redacted]

Note: where applicable, the name of a third party representative (TPR) may be displayed in the list of recipients whereas the decision is sent to the actual registrant.