

Helsinki, 8 August 2019

Addressee: [REDACTED]

Decision number: TPE-D-2114475944-34-01/F
Substance name: 2-(2-thienyl)ethyl toluene-p-sulphonate
EC number: 254-911-5
CAS number: 40412-06-4
Registration number: [REDACTED]
Submission number: [REDACTED]
Submission date: 22/06/2018
Registered tonnage band: 1-10

DECISION ON A TESTING PROPOSAL

Based on Article 40 of Regulation ((EC) No 1907/2006) (the REACH Regulation), ECHA examined your testing proposal(s) and decided as follows.

Your testing proposal is accepted and you are requested to carry out:

- 1. In vivo mammalian alkaline comet assay (Annex VII, Section 8.4., column 2; test method: OECD TG 489) in rats, oral route, on the following tissues: liver, glandular stomach and duodenum using the registered substance.**

You have to submit the requested information in an updated registration dossier by **17 August 2020**. You shall also update the chemical safety report, where relevant.

The reasons for this decision are set out in Appendix 1. The procedural history is described in Appendix 2 and advice and further observations are provided in Appendix 3.

Appeal

This decision can be appealed to the Board of Appeal of ECHA within three months of its notification. An appeal, together with the grounds thereof, has to be submitted to ECHA in writing. An appeal has suspensive effect and is subject to a fee. Further details are described under: <http://echa.europa.eu/regulations/appeals>.

Authorised¹ by Claudio Carlon, Head of Unit, 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

The decision of ECHA is based on the examination of the testing proposal submitted by you.

1. **In vivo mammalian alkaline comet assay (Annex VII, Section 8.4., column 2)**

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

"Mutagenicity" is an information requirement as laid down in Annex VII, Section 8.4. of the REACH Regulation. Column 2 of Annex VII, Section 8.4. provides that "Further mutagenicity studies shall be considered in case of a positive result".

The technical dossier contains an "*In vitro gene mutation study in bacteria (2018)*" with the registered substance performed according to OECD TG 471 in four *Salmonella typhimurium* strains (TA 1535, TA 1537, TA 98 and TA 100) and in one strain of *Escherichia coli* (WP2uvrA). The study shows a positive result in TA 100 and TA 1535 strains, i.e. the registered substance caused a dose-dependent increase in the number of revertant colonies in TA 100 and TA 1535 strains both in the presence and absence of metabolic activation. The positive result indicates that the substance is inducing gene mutations under the conditions of the test.

In your technical dossier, you also provided a negative *in vivo* mammalian erythrocyte micronucleus assay (2015) with the registered substance performed according to OECD TG 474 in mice. However, this study does not address the concern for gene mutations. Hence, an appropriate *in vivo* genotoxicity study to follow up the concern on gene mutations is not available for the registered substance. You considered it necessary to generate information for this endpoint.

Therefore, you have submitted a testing proposal for an *In vivo mammalian alkaline Comet Assay*.

ECHA requested your considerations for alternative methods to fulfil the information requirement for Genetic toxicity *in vivo*. ECHA notes that you provided your considerations concluding that there were no alternative methods which could be used to adapt the information requirement(s) for which testing is proposed. ECHA has taken these considerations into account.

ECHA considers that you have adequately demonstrated the need to perform the proposed test. ECHA considers that the proposed test is appropriate to investigate effects on gene mutations *in vivo* as described in the ECHA *Guidance on information requirements and chemical safety assessment* (version 6.0, July 2017), Chapter R.7a, Section R.7.7.1. and figure R.7.7-1.

You proposed testing by the oral route in rats.

According to the test method OECD TG 489, the test shall be performed in rats. Having considered the anticipated routes of human exposure and adequate exposure of the target tissue(s), performance of the test by the oral route is appropriate.

In line with the test method OECD TG 489, the test shall be performed by analysing tissues from liver as primary site of xenobiotic metabolism, glandular stomach and duodenum as sites of contact. There are several expected or possible variables between the glandular stomach and the duodenum (different tissue structure and function, different pH conditions, variable physico-chemical properties and fate of the substance, and probable different local absorption rates of the substance and its possible breakdown product(s)). In light of these expected or possible variables, it is necessary to analyse both tissues to ensure a sufficient evaluation of the potential for genotoxicity at the site of contact in the gastro-intestinal tract.

Therefore, pursuant to Article 40(3)(a) of the REACH Regulation, you are requested to carry out the proposed study with the registered substance subject to the present decision: *In vivo* mammalian alkaline comet assay (test method: OECD TG 489) in rats, oral route, on the following tissues: liver, glandular stomach and duodenum.

Notes for your consideration

You are reminded that according to Annex IX/X, Section 8.4., column 2 of the REACH Regulation, if positive results from an *in vivo* somatic cell study are available, "the potential for germ cell mutagenicity should be considered on the basis of all available data, including toxicokinetic evidence. If no clear conclusions about germ cell mutagenicity can be made, additional investigations shall be considered".

You may consider examining gonadal cells, as it would optimise the use of animals. ECHA notes that a positive result in whole gonads is not necessarily reflective of germ cell damage since gonads contain a mixture of somatic and germ cells. However, such positive result would indicate that the substance and/or its metabolite(s) have reached the gonads and caused genotoxic effects. This type of evidence may be relevant for the overall assessment of possible germ cell mutagenicity including classification and labelling according to the CLP Regulation.

Appendix 2: Procedural history

ECHA started the testing proposal evaluation in accordance with Article 40(1) on 03 July 2018.

ECHA held a third party consultation for the testing proposals from 06 September 2018 until 22 October 2018. ECHA did not receive information from third parties.

This decision does not take into account any updates after **11 February 2019**, 30 calendar days after the end of the commenting period.

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 did not receive any comments by the end of the commenting period.

ECHA notified the draft decision to the competent authorities of the Member States for proposals for amendment.

ECHA received proposals for amendment and did not modify the draft decision.

ECHA invited you to comment on the proposed amendments.

ECHA referred the draft decision to the Member State Committee.

Your comments on the proposed amendment(s) were taken into account by the Member State Committee.

The Member State Committee reached a unanimous agreement on the draft decision in its MSC-65 written procedure and ECHA took the decision according to Article 51(6) of the REACH Regulation.

Appendix 3: Further information, observations and technical guidance

1. This decision does not imply that the information provided in your registration dossier is in compliance with the REACH requirements. The decision does not prevent ECHA from initiating a compliance check on the registration at a later stage.
2. Failure to comply with the requests in this decision will result in a notification to the enforcement authorities of the Member States.
3. In relation to the information required by the present decision, the sample of the substance used for the new tests must be suitable for use by all the joint registrants. Hence, the sample should have a composition that is suitable to fulfil the information requirement for the range of substance compositions manufactured or imported by the joint registrants.

It is the responsibility of all joint registrants who manufacture or import the same substance to agree on the appropriate composition of the test material and to document the necessary information on their substance composition. In addition, it is important to ensure that the particular sample of the substance tested in the new tests 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 or imported by each registrant.

If the registration of the substance by any registrant covers different grades, the sample used for the new tests must be suitable to assess these grades. Finally there must be adequate information on substance identity for the sample tested and the grades registered to enable the relevance of the tests to be assessed.