CHEMTrust
Protecting humans and wildlife from harmful chemicals

Briefing

Review of UK REACH: *4.5 years on*

August 2025

1. Introduction

In January 2021, the UK left the EU REACH (Registration, Evaluation, Authorisation and restriction of Chemicals) Regulation – which sets the highest standards globally - and established UK REACH as an independent, standalone system for regulating chemicals.

While the EU continues to progress (albeit slowly) in banning harmful chemicals and controlling pollution at source, the UK's regulation of chemicals has failed to keep step with the volume and pace of new EU regulatory protections, focusing on a fraction of EU protections at a much slower pace. The system has also been eroded by a weakening of its chemical safety rules and processes. This may result not only in the dumping of products that no longer meet higher EU standards but on the UK market also the potential for the UK to manufacture of chemicals and products containing chemicals that the EU has restricted for being too harmful.

2. The UK continues to fall behind EU protections

While the EU continues to make progress in improving its chemicals regulatory system and banning or controlling harmful chemicals, the UK has been moving more slowly and demonstrating less ambition. This is set out in a table of the differences in protections - https://chemtrust.org/divergence-table/ - and the examples below.

2.1. Classifications for Endocrine Disrupting Chemicals

The last government said it would not adopt new EU classifications for identifying known and suspected endocrine disrupting chemicals (EDCs) unless they are adopted globally, which could take many years. Since this change, EU legislators have agreed to replace the Toy Safety Directive with a new Regulation that will automatically phase out all substances identified under these new classifications as known or suspected EDCs from toys, paving the way for better protection of children, who are particularly vulnerable to adverse impacts from EDCs. The addition of these new hazard classes to CLP also means that harmful bisphenols classified as endocrine disrupting will automatically be banned from certain food packaging and other food contact materials.

However, more positively, in January, the Northern Ireland secretary prevented the use of the 'Stormont Brake' to block the new EU classifications applying in Northern Ireland, a significant win for public health. In his ministerial statement, the Northern Ireland Secretary said the government would consult on applying a consistent regime for Classification, Labelling and Packaging across the UK. In a longer letter, he said that the EU rule change "has some merits in its aims to improve how chemical hazards are classified, provide clearer safety warnings and to improve compliance and user safety", and that this 'will be accounted for in the UK's considerations of its domestic regime'.

2.2. Harmful substances on the 'authorisation list'

The UK has so far added no new substances to its authorisation list, compared to five added to the EU's list, including Tetraethyllead in aviation fuel. Companies cannot use or manufacture any

substance on the list unless given 'authorisation' by the regulatory agency. To get this, a company must demonstrate that either the risks arising from the use(s) applied for are adequately controlled or that no alternatives are available, and the socioeconomic benefits outweigh the risks arising from the uses. Analysis suggests that applications to use substances on the list are more likely to succeed in the UK, such as for chromium trioxide, a carcinogenic chemical linked to increased risk of lung and throat cancer, on which the EU has initiated a restriction.

2.3. Restrictions on harmful substances

The UK government has so far agreed to **a single restriction - on lead in ammunition - compared to 13 new restrictions on harmful substances adopted in the EU**. Legislation taking forward the ban is expected by summer 2026. So far, it has initiated just 3 restrictions (on harmful substances in tattoo ink, lead ammunition and PFAS in firefighting foam), compared to 23 initiated by the EU. Although proposals on tattoo ink are less protective than the EU's.

2.3.1 The gap with the EU is set to become very wide over the coming years if the EU's Restrictions Roadmap is fully implemented. The roadmap accelerates EU restrictions by targeting entire groups of widely used chemicals of concern, such as PFAS, bisphenols and brominated flame retardants. If fully implemented, it would lead to an estimated 5-7,000 chemicals being banned.

2.3.2.1 In its 2023-4 work programme, the regulator, the Health & Safety Executive (HSE), deprioritised a number of **harmful substances on which the EU has either adopted or initiated a restriction**. This included the use of lead in PVC and a restriction on PAHs used in synthetic football pitches and playgrounds that are linked to increased cancer risk, both of which have been adopted by the EU. The reasons it gave for deprioritising these restrictions suggested the regulator was setting a higher bar for evidence of harm before taking action and taking a less precautionary approach than the EU. Its reasons included wanting more evidence that a substance is harmful or that the substance poses a risk specifically in Great Britain (when GB-specific data is not available), or the existence of voluntary targets or measures as an effective alternative to regulation. In deprioritising a restriction on lead in PVC, the regulator considered PVC a minor source of exposure to lead compared to other sources. This is an example of the last Government's preference for proportionate regulation, taking action on issues that represent the highest risk, which ignored a significant source of lead emissions. The restriction in the EU was expected to "prevent up to 8.4 tonnes of lead emissions per year, at the benefit of people's health, in particular for children" and to "promote recycling and save 1.5 million tonnes of CO2 emissions every year."

2.3.2.2 The most recent 'Rationale for prioritising the substances in the UK REACH work programme 2025-6', however, suggested a positive potential shift in the government's strategic approach. It indicated the government's interest in enabling "new protections to be applied more quickly.. and in a way which is more aligned with our closest trading partners". Although this would include the EU, it could also include other countries with lower regulatory standards, and NGOs are urging the government to give an explicit statement of intent to align with EU decisions on chemicals in the Environmental Improvement Plan.

2.4 Regulatory Priorities

2.4.2 **Action on substances identified as regulatory priorities in 2022-3 has been slow, but there has been some limited progress recently.** Delays to regulatory action are significant in prolonging exposure and harms to health and environment from harmful

chemicals. **Examples:** from the five substances identified as regulatory priorities for 2022-3, compared to action at EU level:

2.4.2.1 PFAS are a family of over 10,000 chemicals used particularly for their water and grease-repellent properties. These 'forever chemicals' are extremely persistent in the environment and can cause long-term damage to wildlife, people and natural resources such as drinking water. The UK has fallen behind 'EU protections from PFAS. During this period, the EU has introduced new statutory standards for PFAS in food and drinking water, banned all PFAS used in paper and cardboard food packaging from August 2026 and have published a proposal for a universal phase-out of PFAS as a group of over 10,000 chemicals. Some European countries are taking action ahead of the universal restriction with national action plans and bans on some consumer uses of PFAS, for example in Denmark (see also its national action plan) and most recently in France, which has also introduced a tax on industrial emissions of PFAS. In going ahead of the EU restriction, Denmark refers to its support for the EU restriction and sets out how its national measures will align with it: the ban in Denmark will remain in force until it is replaced by the EU Restriction. Other than bans on PFAS adopted internationally or already in force before UK exit, the UK has so far only started the process on one restriction – PFAS in firefighting foams. Over 50 world-leading scientists wrote to the government urging it to follow the EU approach and ban the use and manufacture of all PFAS, and expressed concern about the response they received to their letter. PFAS pollution places a significant burden on the UK, and continued inaction will result in growing costs to the public purse. For example, the Environment Agency commissioned research which estimated the cost for remediating high-risk PFAS contamination sites in England could range between £31 - £121bn. Some processes to remove PFAS are quite limited - decontamination from landfill might even lead to an increase in PFAS in the environment, and remediation also cannot undo health impacts that have already occurred. In August, HSE published a proposed restriction on PFAS in firefighting foams, which is encouragingly similar to the EU's.

2.4.2.2 **Intentionally added microplastics** are those that have been deliberately added to products, such as infill material used on artificial turf pitches, fertilisers and paints. They are a significant source of microplastic pollution and one of the most preventable sources. A restriction on intentionally added microplastics has been in force in the EU since October 2023, which is considerably more wide-ranging than the UK's 2018 ban on microbeads in rinse-off products. HSE commissioned an external organisation to conduct a further evidence review, that was published earlier this year. The report sets out six different regulatory options, but no indication has been given yet as to what action the government will take. The delay means they will continue to pollute and accumulate in our ecosystems and food chains.

2.4.2.3 Flame retardants are added to a range of products from mattresses to sofas and have been linked to a wide range of human health problems, from behavioural and developmental issues to increased risk of certain cancers, as well as impacts on our environment. The UK public, office workers and environment have some of the highest levels of exposure to **flame retardants** in the world. Although identified as a regulatory priority in 2022, no regulatory action in the UK has yet been taken. The 2023-4 work programme warned that "much of HSE's capacity to develop restrictions over the next five years will be devoted to PFAS", affecting its ability to regulate other harmful chemicals. So far, the Environment Agency has published a preliminary assessment of their impacts. An update to the government's review of the UK's very specific regulation on the flame retardancy of furniture, which has been linked to their extensive use in furniture in the UK, was described by the environmental charity Fidra as "too little too late". By comparison the EU is due to initiate a group restriction on certain brominated flame retardants soon. It has also added

eight flame retardants to its list of Substances of Very High Concern since the UK left the EU system, such as TBBPA, which is used mainly in electronics, while no substances of any kind have been added to the equivalent UK list.

3. Watering down of UK chemical safety rules

At the same time as falling behind EU standards, the UK has been going backwards in some areas. Some examples of rules and processes that have been weakened post-Brexit are set out below.

3.1. 'No data, no problem'

The principle of 'no data, no market' is the requirement on manufacturers, importers and users of chemicals to provide sufficient safety data for all chemicals they place on the market so that the regulator can check that the industry understands the risks of the chemicals they use, and to provide a basis for regulatory decisions and controls. In May 2024 the last Government launched a public consultation on a new model for registration data, the Alternative Transitional Registration model. The new model will reduce to a 'minimum' information on chemical hazards and environmental and health effects, so that the industry does not have to incur the cost of accessing this information registered at EU level. Without this information, it will be much harder for the regulator to conduct its own evaluation and risk assessment programme, to independently assess and evaluate risks from harmful substances, and to implement and legally defend controls on them. The way to minimise costs to the industry while upholding high safety standards is to align with EU risk management decisions, which rely on full registration data and thorough analysis of the risks. The public consultation concluded in July 2024, and we now await the new Government's response.

3.2. Substances of Very High Concern (SVHC)

In December 2021, the last Government introduced new 'interim principles' for adding substances to the SVHC list, which many of us warned would weaken rules that help to drive innovation in safer alternatives. Entry on the SVHC List carries immediate obligations on companies to provide sufficient information to their downstream customers and consumers to allow safe use and puts substances in line for further regulatory attention. Over three years after these changes, the situation has been worse than anticipated, with the UK list falling into disrepair. Over the last four years, the EU has added 41 substances to its SVHC list, while no substance has been added to the UK's list. However, in the recent 'Rationale' document indicating the government's future approach it said it would conduct a welcome review of the harmful interim principles, and depending on its outcome "would consider our approach to additions made to the EU REACH candidate list since 1 January 2021".

3.3. Classification, Labelling & Packaging (CLP) Regulation

3.3.1 Powers in the Retained EU Law Act 2023 were used to remove obligations on companies to provide information to **poison centres** (by removing Annex VIII of the Classification, Labelling and Packaging Regulation) that advise healthcare workers on the right treatment to give patients that have been accidentally poisoned by hazardous chemicals. This change made voluntary an EU obligation to provide appropriate information. Since EU exit, the EU has further improved and strengthened information requirements.

3.3.2 Last year, HSE said it received legal advice that 90 classifications adopted by the EU prior to UK exit were not retained in UK law post-Brexit, and it would not support EU classifications for two of these substances – titanium dioxide and granulated copper. The

classification of titanium dioxide as a suspected carcinogen has since been annulled by the European Court of Justice.

3.3.3. In July, the HSE launched a public consultation on a package of deregulatory proposals to chemicals legislation it leads on – to the regulation of biocides, the classification of hazardous chemicals and their export to low- and middle- income countries. The proposals provide the regulator with wide-ranging powers to selectively adopt regulatory decisions from other jurisdictions, which would create a messy and unpredictable system requiring significant regulatory resources. They weaken important safeguards for health and the environment, without providing corresponding safeguards – for example, they propose removing mandatory expiry and renewal dates for biocides – and would in our view increase divergence with EU hazard classifications. As we argue in a recent blog, a system which instead aligns with EU regulatory protections from harmful chemicals, including dynamically aligning with EU CLP (Classification, Labelling & Packaging) classifications and EU decisions to approve and not to approve biocidal active substances and products, would meet capacity constraints and provide certainty for business without risking chemical safety.

4. What are the reasons for the above?

In our view, the primary reasons for the UK falling behind EU standards are a lack of capacity in the system (of data and staff), as well as an interest in a more 'light touch' regulatory approach under the previous government. It does not seem that Whitehall has sufficient capacity to fulfil its new regulatory responsibilities post-Brexit to an equivalent scale and pace as the EU, with a Lords committee and the NAO highlighting skills shortages among regulators.

There were also pushes under the last Government against new regulations. It is unclear if this was due to the growth duty on HSE or evidence requirements to support the need new legislation, or if it's indicative of a more 'risk-based' approach, which requires more evidence of harm before taking action. However, the effect is that all the regulatory priorities burden the regulator with additional preparatory work gathering evidence and analysing risk management options. This delays action and hinders the regulator's ability to take swift action to prevent the threats to our health and environment from exposure to harmful chemicals. Instead, UK REACH could be using comprehensive EU analysis of the risks posed by chemicals, and the measures needed to ensure that they are used safely or not at all.

There is also a lack of transparency in how policy and regulatory decisions are made, compared to EU REACH, which allows greater scope for backdoor lobbying, risking what was described by a select committee as "an ever-present danger of regulatory capture by powerful interests".

An early evaluation of the implementation of UK REACH predicted that there were opportunities in the UK to make up for time lost at the start of the process with increased speed of political decision-making. It reported that "HSE said that 'the period between opinion-making by HSE and decision-making by the Secretary of State is expected, on average, to be shorter than under EU REACH'". However, this has not been the reality, with changes in ministers and lack of parliamentary time most likely delaying decision-making. For example, HSE recommended two substances for the UK authorisation list in 2021, but gave no timescales for when the last Government would make a decision on whether to add them or not.

4. Next steps

We must **strengthen UK REACH**, with a commitment in the revised 2025 Environmental Improvement Plan to catch up with and match or exceed EU chemical laws and protections, including a delivery plan for achieving this. A regulatory system which defaults to aligning with EU chemical safety laws, would provide a long-term, cost-effective and sustainable approach to regulating chemicals.

Chemicals should be included in the UK-EU reset, and in the meantime, the UK should establish a principled default policy of unilateral alignment to prevent further regulatory drift. This would ensure GB environmental and health protections are pegged to the highest standards globally. This can be achieved within tight constraints on public spending as it requires fewer resources for administering unnecessary duplicate regulatory assessments, as well as minimise public costs of clean-up from failure to regulate pollution at source. It would also provide greater regulatory certainty for businesses and investment and is necessary prerequisite for extending the UK-EU reset to areas including industrial goods, as well as for upholding Northern Ireland's place in the UK internal market.

We welcome recent signals of a change in approach to chemicals regulation towards closer harmonisation with EU chemical regulatory protections, which needs to be made more explicit in the forthcoming Environmental Improvement Plan to give a clear statement of intent in light of the deregulatory proposals put forward by HSE for public consultation.

Further information:

- UK REACH Work Programme 2024-5 and Rationale for Prioritising Substances in the UK REACH work programme 2025-6.
- CHEM Trust keeps a log of the differences between UK and EU regulatory bans or controls on harmful substances at: https://chemtrust.org/divergence-table/ and this briefing is updated on https://chemtrust.org/review-of-uk-reach/.
- The Swiss system of chemical management achieves a high degree of harmonisation with EU chemical regulations through a default policy of alignment, known as "autonomous adaptation". This policy was adopted unilaterally and is not attached to a wider set of bilateral agreements it has in place with the EU. CHEM Trust commissioned a report on this system and published its assessment of the usefulness of this model to the UK here.