

Project to improve UK REACH

What changes to UK REACH would you like to see emerge from this project?

Eight NGOs have identified changes UK REACH needs to make to achieve high levels of health and environment protection. These are outlined below and include the 12 Asks of the UK Chemical Strategy which we believe should drive the development of UK REACH as a robust chemicals management system. The [latest data](#) on planetary boundaries shows that chemical pollutants have already exceeded a safe operating space for our planet and that 1 in 6 deaths worldwide are attributable to pollution ([Lancet Commission 2022](#)). UK REACH must ensure the UK tackles the current chemicals pollution crisis and protects consumers, workers and the environment from harmful chemicals in the UK and beyond. To be world leading, UK REACH must be ambitious and use the best available science and data from around the world while taking a dynamic, and precautionary approach to the assessing, managing and the restricting of chemicals of concern.

In our [12 key asks](#) for the UK Chemicals Strategy, 30 health and environmental NGOs have identified the key reforms that should be adopted by the UK if the government is to deliver on its commitment to be a “world leader on environmental protection”. These are:

1. Apply the precautionary principle;
2. Phase out the most hazardous chemicals from consumer products, for all non-essential uses;
3. A plan to address endocrine disrupting chemicals including timelines to phase them out;
4. Phase out the use of PFAS and other very persistent chemicals;
5. Speed up regulation of harmful chemicals and avoid regrettable substitution by adopting a grouping approach;
6. Address the combined exposure to chemicals – the ‘cocktail effect’;
7. Maintain and expand on workers’ health and safety;
8. Ensure a clean circular economy with products that are safe by design;
9. Develop an effective monitoring and alert system;
10. Stop the continued accumulation of legacy chemicals in the environment;
11. Remain aligned with the world-leading chemical regulation EU REACH;
12. Ensure more transparency and use of all relevant science for assessing health risks.

What problems with UK REACH have you identified since it has been operating?

1. **The consideration** (or prioritisation) by UK REACH of **just a fraction of the chemicals that need urgent action**. [For example](#), the UK has only initiated two restrictions on hazardous substances compared to 5 that have been implemented in the EU since UK exit and a further 20 in the EU pipeline. In our view this is due to its lack of operational capacity and lack of chemical safety data, as well as the insistence that all risk management measures on hazardous chemicals should go through a separate UK analysis which largely duplicates EU REACH processes that have already happened.
2. The UK’s failure to keep pace with the scale and volume of EU risk management measures risks becoming a chasm with the introduction of the EU’s [Restrictions Roadmap](#) and reforms under the EU’s Chemicals Strategy for Sustainability, if fully or largely implemented. The emergence of **a more ‘light touch’, less protective approach to chemical safety**, e.g. the [change of approach](#) to identifying Substance of Very High Concern is a concerning development. Without action to close the divide, this will result in lowered levels of protection from hazardous chemicals for UK workers, consumers and the environment.

3. **Lack of data:** Currently, UK REACH does not have the comprehensive safety data needed for identifying, controlling and enforcing protections from known chemical risks. The deadlines for industry to provide this data is due to be extended for the second time, while the proposed model for UK registrations remains under discussion. One element which has been clarified is that companies will not have to re-submit full technical dossiers and risk assessments registered with EU-REACH, that will not provide the same level of health and environmental protection as if the UK were able to continue to access this information. Reliance on publicly available data about a substance's properties and generic uses will be insufficient for evaluating and screening many substances, particularly those with complex endpoints. It's also unclear if this model is even viable, as intellectual property laws could make it difficult to publish some of the publicly available data.

4. **The lack of institutional accountability in UK REACH to ensure transparent and open decision-making,** particularly in relation to HSE decisions to reject or de-prioritise EU controls, which makes it more open to backdoor lobbying and connections. This is a secretive process (it's unclear who officials have received input from), and no strong justification is needed for rejecting EU controls. Some of its reasons include: wanting more evidence a substance is harmful; unscrutinised claims by industry, for example that alternatives do not exist; wanting evidence of a substance's use as a regrettable substitute; the existence of substances from the same group that could be used as regrettable substitutes (but with no follow-up to look into the whole group).

5. **The slow pace of the EU REACH regulation has been transposed to UK REACH:** The UK REACH regulation is transposed from EU REACH 2007 legislation, which - while providing the highest standards globally - has nonetheless failed to meet its original objective of speeding up protections in the face of [rapidly growing](#) use of hazardous chemicals. The Defra Chemicals Strategy theme paper rightly acknowledges chemical threats are "in many cases, outstripping the current pace of regulation", and a recent EEB report [The Need for Speed](#) analyses why EU REACH 1.0 regulation is failing to keep step with chemical threats. As this report and other analysis has shown, the reasons for this slowness include:
 - 'No data, no market' doesn't really exist – it is often more a case of '**no data, no problem**': Almost all chemicals on the EU market (93%) lack critical information about their potential hazards, including carcinogenicity. Instead of regulating chemicals of high concern on the data available, they are put on hold based on data not being available. The result is that exposure to a hazardous chemical continues for many years.
 - **Industry delaying tactics:** Once on the market, it takes officials decades to gain accurate data to prove "unacceptable risk" and phase out chemicals known to be dangerous. Mainly because industry can prolong this process by resisting attempts to provide the necessary data or by challenging the process in court.
 - **Regulating substances one by one:** If a ban is finally agreed, industry often substitutes one banned chemical with another unregulated one from the same group. The substituted substance may have similar properties and function but can be just as harmful – a process known as "regrettable substitution".

What changes that the EU are proposing do you think are the most worthwhile?

The EU's capacity to assess and restrict chemicals is set to increase further as they deliver the [EU Chemicals Strategy for Sustainability](#) - Towards a toxic-free Environment. This will be achieved through grouping chemicals of concern, addressing combined exposure to chemicals, phasing out PFAS and other persistent chemicals, addressing endocrine

disruptors and phasing out the most hazardous chemicals from consumer products, for all non-essential uses. The UK must have an ambitious strategy with clear health and environmental goals that should drive the registration, evaluation and authorisation process. It is also necessary to ensure there are open and transparent processes, with accountability at each stage of development.

Policy objectives and solutions for the reform of UK REACH to safeguard the protection of consumers, workers and the environment from hazardous chemicals

1. **A safer, faster and more cost-effective model.** This would default to adopting EU risk management decisions but retain the sovereign ability to diverge after a request, subject to demonstrable reasons why the UK context is different, that was open to challenge. This would maintain high protections for our health and the environment from hazardous chemicals but minimise duplication and divergence costs on industry and the public purse – a win-win.

Benefits:

- This system would mean registrations could be relatively simple (the Swiss model), addressing the difficulties outlined in point 2 above on data. It would provide certainty and predictability to and be **low cost on industry**.
 - [Polling](#) shows strong **public support for high regulatory standards** on chemical safety. There could be potential public outcry if Great Britain starts becoming a dumping ground for substances or products that do not comply with higher EU standards.
 - **Cost-effective** - allowing the UK to focus its limited capacity to go further and faster than the EU or on areas where the UK context is demonstrably different.
 - **Minimise impact of divergence on Northern Ireland.** Greener UK have [set out](#) the importance of ensuring the continuity of standards in Northern Ireland with the EU's to protect the single biogeographic region on the island of Ireland, and to guarantee the integrity of the internal market between Northern Ireland and the Republic of Ireland; on which so many businesses are dependent, including the agri-food sector. Adoption of an EU risk management approach would therefore provide for the continued protection of these benefits and create additional safeguards for the UK's shared environmental assets and internal market.
2. **Enabling UK REACH to build on EU REACH more easily** is essential given the UK's limited capacity, but **on condition** that if the UK makes use of (and does not duplicate) EU risk evaluations it should **adopt the risk management decisions** made on the basis of them. In our view, it's unlikely the UK context is significantly different to other countries in the EU, as we have similar industrial sectors. For safety's sake, the decision not to adopt an EU protection should not be taken as easily as it is currently and should not be so open to representations from industry wishing to defend its products from regulation.
 3. **Institutional mechanisms to ensure open and transparent decision-making**, which would make the system less susceptible to backdoor lobbying and industry capture. Currently industry seems to be very closely involved in [determining](#) HSE decisions about what to regulate. A protective and transparent system would assume the applicability of EU risk management measures to the UK, with divergence based on evidence that UK use and therefore exposure is significantly different (higher, as well as lower).
 4. **The need to speed up regulatory processes:** The following measures are needed to speed up UK REACH processes, and are also mirrored in the debates at EU level which is focussed on addressing this problem in the revision of REACH:

- **Regulate groups of substances** – from candidate list through authorisation and restriction - to prevent regrettable substitution and the 'no data, no problem' situation that pervades many aspects of REACH. Targets and timeframes should be set to speed up phasing out groups of substances of most concern.
 - Instead of assessing chemicals one by one and removing them when they are found to be unsafe, **regulation should be reorientated away from reaction, towards prevention** and avoiding their production.
 - A key measure for reducing chemical pollution is to set out **a clear timetable for banning the most harmful chemicals from consumer products.**
 - The concept of “**essential use**” helps to determine the trade-off between enabling any essential roles of hazardous chemicals with reducing our overall chemical burden. This concept sets out criteria to ensure that the most harmful chemicals are only allowed if their use is necessary for health, safety or is critical for the functioning of society AND if there are no acceptable alternatives.
 - **The burden of evidence required for controls and classification must be reduced to create a more protective and responsive system.**
 - The Government seems interested in integrating New Approach Methodologies, non-animal methods and test protocols, into regulatory risk assessment. If NAMs are to be integrated while continuing to make progress on chemical safety, however, they must be accepted by industry and regulator for removing a substance from – as well as placing it on - the market, despite uncertainties. For proper protection this will require, for example, the demonstrated ability to classify substances as both category 2 and category 1 carcinogens, reproductive toxins or endocrine disruptors based on NAMS, including read-across.
 - **Clear incentives to companies to provide comprehensive and relevant data.** Industry should not be rewarded for delays or poor quality information. HSE should be given greater powers to ensure registration dossiers are compliant, such as:
 - revocation of registration numbers in cases of clear non-compliance;
 - additional fees for actions causing the regulator extra workload.
5. The current system is static, not dynamic. A **continual and automated monitoring and surveillance of the entire universe of scientific papers needs to be implemented.** So that if new studies indicate health and/or environmental problems, they can be immediately flagged for scrutiny. The UK could lead the way in this area.
6. **Strengthen the balance between generic and specific risk assessment** There is a push from some in industry for the UK to pursue an exclusively 'risk-based' approach to chemicals, and to reject generic approaches to risk-management (GRA). Specific risk assessment requires both hazard identification and exposure assessment, which requires information on the use to which it is put. An accurate specific risk assessment requires a lot of data and resources and inevitably includes uncertainties and ambiguities – and generally takes many years, during which time exposure continues (and may increase). Uncertainties may include unintended and unknown uses, the [harm caused by a substance](#) (which may not be fully identified in toxicity tests) and what is a safe exposure limit (PFOA and PFOS TDI values have decreased significantly as new evidence emerges). Knowing the use to which a chemical will be put is increasingly challenging as the UK moves towards a circular economy promoting re-purpose, and recycling of goods and materials. Even though it claims to be a more scientific approach, it can lead to time-consuming evaluations and adds to the problem of 'paralysis by analysis.' Given these uncertainties, it's also important to regulate groups of the most hazardous chemicals in a generic way on the basis of their uses (e.g. in toys or consumer products) as these uses can result in

the exposure of vulnerable people and the wider environment to these chemicals in the use phase or after disposal.

- 7. Closing gaps in chemicals regulation:** This includes identifying and minimising exposure to Endocrine Disrupting Chemicals through generic risk assessment, applying an assessment factor to consider exposure to chemical mixtures, regulating the use of very persistent and mobile chemicals, and strengthening enforcement mechanisms to ensure regulations are met.

Easy legislative mechanism: Commentators such as the [Institute for Government](#) and Nigel Haigh OBE, an honorary fellow at the Institute of European Environmental Policy, have highlighted the difficulties of easily adopting new EU standards or protections, which is much more complicated than it was as a member state. A legislative mechanism is needed that would allow the easy adoption of an EU decision that is more protective, that would override the legislation which currently requires a lengthy process to develop new controls within UK REACH.

These policy objectives and solutions for the reform of UK REACH to safeguard the protection of consumers, workers and the environment from hazardous chemicals are supported by:

CHEM Trust

Fidra

The Cancer Prevention & Education Society

Hazards Campaign

Marine Conservation Society

RSPB

Whale and Dolphin Conservation

Wildlife and Countryside Link