UK REACH, CLP and the UK Chemicals Strategy: NGO perspective

Chloe Alexander
Trade Campaigner, CHEM Trust

Chemical Watch conference “What does the future look like for UK chemicals law”, 7 October 2021
Contents

• The Challenges facing UK REACH
• Examples of how GB is falling behind EU protections
• Political and economic costs of divergence
• The UK Chemicals Strategy
• Conclusions & actions
About CHEM Trust

• A charity working mainly at EU level to protect humans & wildlife from harmful chemicals
• Working with scientists, technical processes and decision makers, in partnership with other civil society group
• See our blog & twitter for more: https://chemtrust.org @chemtrust
Challenges facing UK REACH

UK REACH:

• Facing a period of flux and uncertainty, with potential for deregulation.
• Lack of regulatory capacity to match EU action on chemicals.
• Less willing to regulate than the EU in our experience.
• Falling behind EU protections for health and the environment

Proposals for reducing chemical safety data requirements,
This would undermine principles of good chemicals regulation, including:
• ‘No data, no market’
• Responsibility for demonstrating effective risk management of chemical harms would shift from industry to regulator
• Precautionary principle, if threshold criteria introduced for requesting full chemical safety data
UK REACH falling behind EU action on hazardous chemicals

- **Restrictions**: HSE considering just 2 restrictions in its first year, out of 13 that are either in the last stages of the EU’s REACH restriction process or have been adopted since the end of the transition period.

- **SVHCs**: The UK Substances of Very High Concern Candidate List does not include 10 substances that were added to the ECHA list this year.

- **Substances recommended for authorisation**: HSE has recommended just 2 substances for authorisation of the 25 recommended by ECHA between 2019 and 2021.

- No transparency around the decision-making process for prioritising which EU controls to implement in the UK
Divergence should be minimised where it is pointless and painful

No evident benefits of diverging from EU REACH, but considerable political & economic costs, e.g.:

- Deepening the Irish Sea border
- Compromising the integrity of the UK internal market
- Potential to trigger level playing field provisions in the Trade and Co-operation Agreement
- Increased cost/complexity for businesses that export to EU
- Public support for high regulatory standards

Institute for Government & the Tony Blair Institute for Global Change:
The UK should be strategic in identifying areas for regulatory change, pursuing those where there are demonstrable benefits, minimising difference in areas where it is pointless or painful. Chemicals is given as an example of the latter.
NGO 12 Asks for UK Chemicals Strategy

1. Apply the precautionary principle;
2. Phase out the most hazardous chemicals from consumer products, for all non-essential uses;
3. Address endocrine disrupting chemicals, including timelines to phase them out;
4. Phase out the use of PFAS and other very persistent chemicals;
5. Apply group-based regulation to avoid regrettable substitution;
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.
Conclusions & actions

• The safest and most straightforward option would be an automatic assumption of alignment with EU standards, with any deviations clearly and publicly justified and open to challenge.

• We want to continue working with other stakeholders to keep the UK close to REACH: Chloe Alexander, Trade Campaigner, chloe.alexander@chemtrust.org

• For more, see: https://chemtrust.org/brexit/