

The Rt Hon George Eustice MP
Secretary of State for Environment, Food and Rural Affairs
Seacole Building
2 Marsham Street
London
SW1P 4DF

Wednesday 7th October 2020

Dear Secretary of State,

GB REACH

We are writing to express our concerns about the Government's plans for the regulation of chemicals after the end of the transition period from 1st January 2021.

The current framework for the future GB REACH regime, or 'BREACH', will fail to deliver on the Government's promise to provide a better system than the EU's REACH (Registration, Evaluation, Authorisation and restriction of Chemicals) Regulation. Indeed, without action, our environment and public health will be less protected from harmful chemicals than they are currently, that will deprive people and the environment from protections they previously had within REACH.

Recent data showing all English water bodies are polluted with chemicals above acceptable limits highlights the importance of robust regulation of chemicals that prevents their release into the environment.[1]

In our view, there are a number of key features of the future BREACH system which make it significantly weaker than the system it is replacing. These include:

- The risk of GB becoming a **dumping ground for chemicals and products that do not meet EU regulations**, without a mechanism for matching EU controls on chemicals.
- The regulator will be **incapacitated** in its ability to regulate harmful chemicals, without access to the European Chemical Agency (ECHA) chemical safety database. The BREACH system will start with an empty database that won't even contain the basic registration data on chemicals for the first seven years, and even then, will have much less information in it on chemical properties and uses than in the REACH database. BREACH could also all too easily become **inactive**, without 'pushes' in the system for the regulator to proactively propose controls. For example, a proactive aspect of the EU system is the ability of individual member states to propose restrictions, that has been used to propose restrictions on Per- and Polyfluoroalkyl substances, PFAS, as a group of >4,500 highly persistent chemicals and intentional use of microplastics.
- There are currently **inadequate mechanisms for oversight and scrutiny** and for **stakeholder engagement** and public participation. This would result in a more **closed and less transparent system** than ECHA's, that would be more susceptible to industry lobbying. By comparison, the committee structure within ECHA helps to ensure its work can be challenged and the best information is available for these discussions, helping to avoid mistakes and to ensure that decisions are made more independently and transparently.
- The system currently **lacks regulatory capacity and expertise**. ECHA has an annual budget of approximately €100million for REACH and 400 staff. There are over 22,900 substances registered within it. All these substances might be used in the UK after the end of the transition period and will have to be registered, assessed, etc. How will GB REACH be able to carry out the same function on a promised £13

million a year, considerably less than ECHA's, and without the expertise of its workforce?

It remains in all our interests – for the sake of our environment and public health, as well as industry – for the UK to negotiate with the EU to actively participate in the best chemicals regulatory system in the world, for example via associate membership of ECHA. The case has simply not been made for a viable, separate GB system.

If this is the option the Government pursues, however, it is a matter of considerable concern to us if it thereby deregulates the GB framework and weakens its ability to control harmful chemicals. The deadline by which industry must supply duplicate safety data has recently been extended enormously and there are concerns we could see further deregulation.

If the Government is serious in its commitment to deliver a regulatory system that provides the same level of protection for human health and the environment as presently enjoyed under REACH, the following improvements are urgently needed:

- **A mechanism to ensure the UK remains aligned with EU chemical controls**, to ensure we do not fall behind the EU's chemical protection standards. It is encouraging the Government has recently acknowledged that chemical dumping is a 'possibility' and it is working hard to ensure this does not happen.[2] The only way to guarantee this is by keeping pace with EU chemical controls.
- Negotiating **access to ECHA's chemical safety database** is crucial for ensuring HSE can perform its key functions as a regulator, a condition for which would include following all decisions on chemicals in REACH. The **devolved administrations, public health and environment agencies** should have a more **proactive role in proposing restrictions**, such as the ability to independently request that HSE prepares a restriction dossier for chemicals that pose risks.
- **An open and transparent structure** which provides mechanisms for **stakeholder engagement** and public participation throughout. This should include a committee structure for developing opinions and decision-making, and a clear demarcation between risk management and risk assessment. We ask that the Government engages with environmental and public health stakeholders on developing such a structure.
- **Equivalent levels of revenue as ECHA in the forthcoming spending review** to ensure it's able to carry out its functions and to hire and retain staff with the necessary experience and expertise.

We look forward to hearing from you.

Yours sincerely,

Dr Michael Warhurst, Executive Director, CHEM Trust
Helen Lynn, Facilitator, Alliance for Cancer Prevention
Thalie Martini, Chief Executive, Breast Cancer UK
Matt Shardlow, Chief Executive, Buglife
Mike Childs, Head of Science, Policy & Research, Friends of the Earth
Liz O'Neill, Director, GM Freeze
Sandy Luk, Chief Executive Officer, Marine Conservation Society
Dr Janina Gray, Head of Science & Policy, Salmon & Trout Conservation
Jamie Page, Chief Executive, The Cancer Prevention & Education Society
Emma Rose, Director, Unchecked UK

[1] <https://environment.data.gov.uk/catchment-planning/>

[2] <https://bit.ly/2ZYVYOd>