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Protecting humans and wildlife  
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# UK REACH: Challenges and Next Steps

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Chemical Watch conference “*What does the future look like for UK chemicals law*”, 26 April 2022



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# 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:  
[chemtrust.org/policy](https://chemtrust.org/policy)  
[@chemtrust](https://twitter.com/chemtrust)



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Chemical Cocktails – The neglected threat of toxic mixtures and how to fix it

March 10, 2022 By Julie Schneider





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## Challenges facing UK REACH

1. **Its lack of capacity** to replicate the functions of ECHA: the UK is considering just a fraction of protective EU controls.
2. **Its lack of chemical safety data**: the central data challenge of good chemicals regulation is still unresolved, leaving the UK without registration data for even longer
3. **The UK taking a less protective approach**: opening the door to GB consumers, workers and the environment having greater exposure to harmful chemicals than in the EU.
4. **Lack of institutional mechanisms to ensure transparent and open decision-making** makes it more open to backdoor lobbying



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## Challenge No. 1: Lack of capacity: UK REACH focussing on just a fraction of EU protections

- **Restrictions:** HSE initiated just 2 restrictions in its first year, out of 13 that were either in the last stages of the EU's REACH restriction process or had been adopted since the end of the transition period.
- **SVHCs recommended for the authorisation list:** In 2021-22, HSE recommended just 2 substances to be added to the 'authorisation list' from 25 recommended by ECHA in 2019 and 2021.
- **Rolling Action Plan:** HSE chose 2 substances for evaluation this year, compared to 27 proposed by ECHA under the community rolling action plan for 2022-24

## Challenge No.2: Lack of data

- More delays to full chemical safety data – undermining ‘no data, no market’
- Greater reliance on publicly available data
- Data on uses and exposures of chemicals in the GB context - must be properly enforced (penalties for non-compliance).

**There is another way:** explore a pragmatic, stable alignment-based model, that avoids duplication costs on industry, but provides higher/EU level of protection.

## Challenge No.3: UK asserting a less protective approach

### Case Example:

- In December 2021, the Government changed its approach to regulating Substances of Very High Concern.
- New “interim principles” were added to the process that will weaken and delay the identification and control of SVHCs.
- The UK is considering just 4 of the 10 substances added to the EU list in 2021

## Challenge No. 4: Lack of institutional mechanisms to ensure transparent and open decision-making

- Lack of transparency/ independent oversight in comparison to ECHA's decision-making structures and processes.
- The consideration by HSE of EU controls is a secretive process

NGOs have been calling for much greater transparency around UK decisions not to adopt EU controls, which should be based on clear criteria and open to challenge.



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## Conclusions & actions

**Proposals for reform:** all roads lead back to an alignment-based model:

- The safest and most straightforward option would be an automatic assumption of alignment with EU standards, with any deviations allowed after a request, subject to strong justification and open to challenge.
- We will continue working with other stakeholders to keep the UK close to REACH: Chloe Alexander, UK Campaigner,  
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