Dear Dr Warhurst,

Thank you for your letter of 14 January regarding the interim approach to including Substances of Very High Concern (SVHCs) on the UK REACH candidate list.

UK REACH came into effect in 2021, as a consequence of the European Union (Withdrawal) Act. The Welsh Government is determined that UK REACH should meet its core aim of providing a high level of protection of human health and the environment in Wales, just as EU REACH did. However, it will take time to make UK REACH fully fit for purpose in a GB context.

The Environment Act 2021 contains amending powers designed to help make a chemicals regime originally designed for the European Union function effectively at the scale of Great Britain. Efforts are already under way to optimise the requirements for UK REACH registration, and I would like to assure you the other aspects of REACH are not being ignored.

The EU REACH candidate list serves a number of different purposes. Different Member States have proposed that substances be added to the list for different reasons, with no formal mechanism for clarifying this in the listing. This has resulted in confusion for many who view every addition to the candidate list as a potential addition to the authorisations annex. The European Chemicals Agency is required to take a hazard-based approach when considering substances once they have been proposed, and this requirement is unchanged under UK REACH. Hazard classification does not, however, automatically trigger consideration for addition to the candidate list, even under EU REACH.

Authorisation is a central pillar of REACH. Therefore, substances considered good candidates for addition to the authorisations annex have been prioritised for addition to the candidate list in the first year of UK REACH’s operation.
I appreciate that the candidate list serves other purposes besides being a shortlist for the authorisations annex, such as acting as a mechanism for formally identifying environmentally hazardous substances. However, the three governments of Great Britain have yet to fully consider whether the UK REACH candidate list is the best way to achieve those other purposes following EU Exit. There may be alternative ways to arrive at the same, or better outcomes, while providing clearer messages to industry.

I trust the organisations you represent will play an active part in ongoing discussions with officials on how to best ensure UK REACH is effective in achieving its aims going forward. In some instances, this may involve applying information coming out of EU REACH in a different way for a GB context.

I am copying this letter to the Rt Hon George Eustice MP, Secretary of State for Environment, Food & Rural Affairs, Jo Churchill MP, Minister for Agri-Innovation and Climate Adaptation, and Màiri McAllan MSP, Minister for Environment and Land Reform.

Yours sincerely,

Julie James

Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change