Brexit and chemicals: options and action

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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

• Focus on identification of, and action on, endocrine disrupting chemicals

• See our blog & twitter for more: https://chemtrust.org @chemtrust
Risk to UK if outside REACH

• UK REACH: a basic copy-across of REACH, but:
  – No commitment to mirror EU outcomes on hazardous chemicals, or update regulations in line with REACH
  – ‘Empty’ database, more closed process, less capacity and expertise
  – To create this inferior system, UK Government & business needs to do a lot of work...

• Risks to human health and environment in UK
  – Less information on chemical properties & uses
    • No access to REACH database
  – Strong risk of weaker regulation vs EU
    • No commitment to follow EU decisions
    • History shows that UK tends to be less willing to regulate than EU
  – Challenges in following EU restrictions – will UK have the data, capacity and confidence to do ‘difficult’ restrictions & defend them in court against challenges from industry?

• Risk of trade deals which make things worse – e.g. US is currently pushing its ineffective regulatory approach in trade deals
Can UK REACH restrict PFAS?

- Persistent fluorinated pollutants, contaminating the world & our blood
  - E.g. affect immune response to vaccination
  - In products inc. dental floss, textiles & cardboard packaging
- Huge group of chemicals, wide range of uses
  - [https://chemtrust.org/pfasbrief/](https://chemtrust.org/pfasbrief/)
- EU now discussing a restriction on all ‘non essential’ uses; will the UK follow?
  - Will UK have capacity for a complex restriction?
  - Will UK have sufficient data to respond to any legal challenges from industry?
- Chemours already challenging SVHC determination for GenX PFAS at ECJ
Risks to EU if UK outside REACH

• Possible deregulatory pressure on EU chemicals regulation
  1. If UK doesn’t apply Authorisation requirements then production can move from EU to UK
  2. UK could become deregulated chemical production base (e.g. increasing factory emissions)

• Trans-boundary pollution
  – From emissions of chemicals from the UK

• Reduced global power of REACH
  – Particularly if UK pushed towards US, ‘inaction based’, system
Options for final outcome

• UK-EU FTA with UK distant from EU
  – UK not in REACH, UK REACH trying to regulate instead
    • NI will still be in customs union & following REACH

• UK-EU FTA similar to Norway
  – UK in REACH

• Something between 1 & 2?
  – UK in REACH/ECHA as a result of agreement between UK & EU
  – What are the possible models for co-operation?

• No trade deal
  – but can this really be an end point?
Models of co-operation

• We have identified six models for cooperation between ECHA & third countries
  – There are already cooperation agreements between ECHA and national chemical agencies, using legal mechanisms in REACH, specifically Article 106 (participation in the work of ECHA) & Article 120 (access to the database).
  – Our new briefing looks at the criteria used by the ECHA Management Board (MB), and the operating procedures of ECHA bodies, in granting requests for cooperation.
  – Examples include Croatia pre-accession (RAC & SEAC) and Switzerland (Biocides)

• Some key issues with closer relationships:
  – **Alignment**: UK needs to decide to maintain alignment in return for the benefit of a close relationship with ECHA
    • This will save the UK taxpayer & industry money and help ensure a high level of protection
  – **Dispute settlement**: Some sort of joint committee, but the ECJ will be where disputes on EU law are resolved

• See the new briefing: [https://chemtrust.org/echa-models](https://chemtrust.org/echa-models)
Conclusions & actions

• UK REACH will not be as protective to human health and the environment as EU REACH
• The COVID-19 pandemic – and the complexity of trade negotiations – means an extension of the transition is needed, otherwise there is too high a risk of a no-trade-deal exit.
• We are working to further develop and discuss the potential collaboration models
• We want to continue working with other stakeholders to keep the UK close to ECHA & REACH
  – Contact Chloe, our trade campaigner, if you are interested in working with us: chloe.alexander@chemtrust.org
• For more, see: https://chemtrust.org/brexit/