



**CHEM Trust**

Protecting humans and wildlife  
from harmful chemicals

## Evidence

### UK House of Commons Environmental Audit Committee inquiry into “*Toxic Chemicals in Everyday Life*”

Evidence from CHEM Trust, March 2019

#### Executive Summary

CHEM Trust, a charity that works at EU, UK and International level to prevent man-made chemicals from causing long term damage to wildlife or humans, welcomes the opportunity to contribute to this inquiry.

There are tens of thousands of different chemicals produced, in millions of applications, and establishing the hazards and use of even one chemical can be a challenge. This makes chemical regulation a major challenge. The EU’s main chemicals regulatory system REACH is the most advanced system in the world, but even it is not yet as effective as it needs to be. CHEM Trust’s over-riding message to the EAC at this time is that the UK should work to stay in REACH, whatever happens with Brexit.

Key points that we make in our evidence include:

- The main chemical exposures for humans and wildlife come from emissions from everyday products, from furniture to food packaging. Some of these exposures come from chemicals that are still being used, others come from furniture or other products in our homes, or from persistent pollution of the environment.
- Establishing the hazards posed by individual chemicals is a slow and imperfect process. Effects on complex systems such as the immune system and brain development tend not be measured, and the reality of our exposure to mixtures is frequently ignored. We are also exposed to large numbers of chemicals that persist in the environment, many of which accumulate in our bodies and those of wildlife.
- The regulation of chemicals needs to be speeded up by controlling the use of groups of chemicals, rather than just one chemical at a time. This will reduce the scope for regrettable substitution, which is often caused by one problem chemical being replaced by a similar one that is later found to have the same problematic properties.
- The EU regulatory system includes the use of ‘generic risk assessment’ (GRA) in some uses, for examples toys and cosmetics. This approach means that certain hazards (e.g. carcinogens) are banned in certain applications where exposure would be a concern. GRA is more rapid and protective than specific risk assessment; it should be extended to other classes of consumer products, such as food contact materials. GRA is often mis-described in the UK (and US) as a ‘hazard based’ approach.

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- In CHEM Trust’s view there needs to be faster and more comprehensive regulation of chemicals at UK, EU and at International levels in order to protect ourselves, wildlife and future generations from hazardous chemicals.

More information on the problems posed by chemicals and how to regulate them is available on our website, [www.chemtrust.org](http://www.chemtrust.org).

## Introduction

1. CHEM Trust is a UK registered charity that works at European, UK and International levels to prevent man-made chemicals from causing long term damage to wildlife or humans, by ensuring that chemicals which cause such harm are substituted with safer alternatives. Our team has attended the UK Chemicals Stakeholder Forum since it started in 2000, and we are also a registered stakeholder at the European Chemicals Agency in Helsinki. We particularly focus on endocrine disrupting chemicals (EDCs), and on the EU’s main chemicals regulation REACH. For details of our work see [www.chemtrust.org](http://www.chemtrust.org)

## Why are toxic chemicals used?

1. **Why are toxic chemicals used in consumer products? What benefit do they offer? How are levels of toxicity measured?**
2. These (and a number of the other) questions are very broad, so our responses are, of necessity, brief.
3. Chemicals are used in consumer products to provide a function such as e.g. acting as a surfactant, a fire retardant or a dye. These functions may be essential to the working of the product, or may be there for other reasons such as marketing (e.g. shiny chrome coatings on lipstick). There are often many ways of providing such a function, and innovation can result in new approaches. Older chemicals are usually cheaper and their properties within the process concerned will be better understood, so they have a big market advantage against alternatives. This is one reason why regulation is so important to provide the market push towards innovation. One major problem is the tendency for companies to move from one chemical that is being restricted to a similar chemical which isn’t, something that can be limited by regulators restricting groups rather than single chemicals (see e.g. [www.chemtrust.org/toxicsoup](http://www.chemtrust.org/toxicsoup)).
4. Since the 1930s there has been a huge increase in the global production and use of chemicals in many kinds of consumer products and for many decades chemicals could be legally placed on the market without any demand for safety data. This has gradually changed in recent years, in particular with the implementation of the EU’s REACH (Regulation, Evaluation, Authorisation of Chemicals) Regulation. Pre-REACH it was possible to use older chemicals without providing any safety data, now that the REACH phase-in period is completed all chemicals produced or imported at more than 1 tonne per annum should have some safety data. However, the evidence shows that many registration dossiers are missing safety data<sup>1</sup>, and also the information required can be limited (particularly for lower tonnage chemicals).
5. Toxicity can be established by computer modelling, in vitro tests and animal tests. Each has different levels of reliability for different endpoints, and toxicity towards complex body systems (like the immune system or the brain – e.g. see [www.chemtrust.org/brain](http://www.chemtrust.org/brain)) is much more difficult to establish, as are the impacts of an exposure on later development (e.g. an exposure in the womb affecting breast development and increasing the risk of breast cancer 45 years later). There is no such

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<sup>1</sup> <https://eeb.org/a-third-of-chemicals-break-eu-safety-laws/> and <https://echa.europa.eu/-/reach-data-compliance-needs-to-improve>

thing as complete toxicity testing, and it is routine for chemicals to appear to become more toxic over time, as more research is done. There is a ‘real’ toxicity, but we are always dealing with **Currently Estimated Toxicity (CET)**. Traditionally, a chemical for which no toxicity tests had been done would be assumed to be harmless, which was a scientifically invalid conclusion. Taking a statistical approach, the toxicity of such a chemical could be estimated as an average of all chemicals, or based on similar chemicals.

6. In addition to largely ignoring complex endpoints such as immune system effects, toxicity assessments don’t usually consider the reality that we (and the environment) are always exposed to multiple chemicals, and their toxic action can add together. For example, a Danish study looking at human exposure to multiple endocrine disrupting compounds concluded that “the overall exposure of children under 3 years to endocrine disruptors may be of concern even at average exposures”<sup>2</sup>. We are exposed to large numbers of chemicals that persist in the environment, many of which accumulate in our bodies and those of wildlife.
7. Toxicity assessments also vary in how they deal with vulnerable populations such as children or the foetus, or those that have genetic or other susceptibilities.

## **2. What new technologies and materials are being developed to reduce the use of toxic chemicals? Are they widely available and affordable for producers?**

8. In recent years many initiatives have been launched in different fora to encourage and help companies to substitute harmful chemicals. For example, the European Chemical Agency (ECHA) has a substitution strategy<sup>3</sup> with a number of initiatives to help companies. In addition, many EU countries such as Denmark, The Netherlands, Germany and Sweden have national initiatives to promote substitution. There are also non-governmental initiatives such as ChemSec marketplace, where companies can find suppliers that are producing safer alternatives<sup>4</sup>. CHEM Trust would encourage the EAC to investigate whether similar initiatives would be beneficial for companies, consumers and the environment of the UK.
9. REACH provides many important market signals for substitution, including candidate listing as Substance of Very High Concern (SHVC), Classification and Labelling (e.g. if a chemical is identified as a carcinogen, mutagenic or reprotoxic (CMR), and the initiation of a Restrictions procedure. Each of these takes a number of years, giving space for the development of safer alternative. In the context of REACH authorisation there is always a discussion on availability of alternatives (see <https://chemsec.org/publication/authorisation-process,reach/how-to-find-and-analyse-alternatives-in-the-authorisation-process/>). However, too often the applicant argues these are not available and the search for a replacement is too narrow.
10. One significant problem with some substitutions is that a harmful chemical is replaced by a closely-related chemical which has not been regulated yet but later turns out to be similarly harmful. One example of ‘regrettable substitution’, that of bisphenol A (BPA) by similar bisphenols, has been examined in a recent CHEM Trust report<sup>5</sup>, which proposes more regulation of groups of similar substances, rather than one chemical at a time.

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<sup>2</sup> <https://www2.mst.dk/Udgiv/publications/2017/04/978-87-93529-84-7.pdf>

<sup>3</sup> <https://echa.europa.eu/-/new-strategy-promotes-substitution-to-safer-chemicals-in-the-eu>

<sup>4</sup> <https://marketplace.chemsec.org/>

<sup>5</sup> “From BPA to BPZ: a toxic soup? How companies switch from a known hazardous chemical to one with similar properties, and how regulators could stop them”, 2018, <https://www.chemtrust.org/toxicsoup/>

## Health risks

### 3. Which toxic chemicals pose a significant risk to human health? How pervasive is the risk? Who is most at risk? How do producers make consumers aware of health risks identified in their products?

11. This is another very broad question. In a general sense, the biggest risk comes from chemicals with certain particularly problematic hazards, particularly when they are in widespread use or lead to exposure of vulnerable groups. These particularly problematic hazards include:
- Carcinogens, Mutagens and Reproductive Toxins, often known as CMRs. A number of EU laws forbid the use of chemicals with these properties in particular applications, for example toys or cosmetics. This is often misleadingly called a ‘hazard-based approach’, when it is actually a ‘Generic Risk Assessment’, i.e. a faster and more protective approach that determines that certain chemical hazards are not permitted in uses which could lead to concerning exposures like toys & children or cosmetics and skin absorption.
  - Chemicals that persist and bioaccumulate (and may also be currently estimated to be toxic), so that they are found in e.g. human breast milk, blood or in wildlife. There is often a debate as to how much evidence of toxicity is needed before controls are needed – the essential problem being that the persistence of these chemicals means that you can’t remove them from human or animal tissues if you do demonstrate toxicity. There is also a related debate about chemicals that are persistent and mobile, i.e. that contaminate the world, such as per and polyfluorinated chemicals (PFAS).
  - Endocrine disrupting chemicals (EDCs), also known as hormone disrupters, are chemicals that can interfere with the endocrine or hormone system – the body’s own sensitive chemical messaging system. Such chemicals can have negative impacts on development of the body, even at very low levels. CHEM Trust has produced a ‘Frequently Asked Questions’ about EDCs.<sup>6</sup>
  - As mentioned above, we are also very concerned about chemicals which interfere with other aspects of our bodies (and those of wildlife), including brain development and the immune system. For example, a major research project in the Faroe islands has found that children exposed to higher levels of two persistent perfluorinated chemicals, PFOA and PFOS, have a significantly reduced immune response to tetanus vaccination.<sup>7</sup>
12. Some of the chemicals of concern have been identified as ‘SVHC’ in REACH, others are subject to REACH Restrictions, while others are listed on ChemSec’s ‘Substitute it Now’ list.<sup>8</sup>
13. Exposure to chemicals of concern is pervasive, both from products and from the environment (e.g. dust<sup>9</sup> and food). One important research initiative is the EU’s Human Biomonitoring Initiative which is examining the chemicals which contaminate our bodies.<sup>10</sup>
14. In CHEM Trust’s view some of the most hazardous groups of chemicals in everyday products are:

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<sup>6</sup> <https://www.chemtrust.org/hormone-disrupting-chemicals-edcs-faq/>

<sup>7</sup> Grandjean, P., Heilmann, C., Weihe, P., Nielsen, F., Mogensen, U. B., & Budtz-Jørgensen, E. (2016). Serum Vaccine Antibody Concentrations in Adolescents Exposed to Perfluorinated Compounds. *Environ Health Perspect.*

<sup>8</sup> <https://chemsec.org/sin-list/>

<sup>9</sup> “Dust: Not only a nuisance, but also a source of hazardous chemicals” 2016 <https://www.chemtrust.org/dust-not-only-a-nuisance-but-also-a-source-of-hazardous-chemicals/>

<sup>10</sup> <https://www.chemtrust.org/chemicals-in-our-bodies/>

- Phthalates, e.g. in plastics and other products
  - Bisphenols in thermal paper (e.g. receipts), polycarbonate plastics and food can linings
  - Brominated flame retardants (BFRs) in furniture and electronics. Some are restricted, but still present in furniture and electronics in our homes, and in the waste stream
  - Per and poly fluorinated chemicals in waterproof and stainproof fabrics, paper and card food packaging<sup>11</sup>, cosmetics and ski wax. Also in our blood.
15. Vulnerable groups include pregnant women, workers (such as cashiers, hairdressers and nail beauticians) and also small children – as impacts on development following chemical exposure can result in serious and irreversible risks later on in life.
  16. The main risks from consumer exposure to chemicals are not caused by labelled mixtures of chemicals, but from routine consumer products where the presence of the chemicals is not labelled. REACH gives consumers the right to ask whether products contained chemicals that have been identified as SVHC, and the new ‘AskREACH’ project is creating a smartphone app to make this process easier.<sup>12</sup>
- 4. How does the Government measure the health risks of toxic chemicals? What actions does the Government take to limit consumers’ exposure to toxic chemicals? Should maximum residue limits (MRLs) be applied to toxic chemicals in consumer products? Are current trading standards sufficient to monitor toxic chemicals in consumer products (e.g. children’s toys) and food?**
17. The vast majority of the UK’s chemicals regulation is currently undertaken as part of EU regulatory systems. These regulations include mechanisms to gather data on the properties of chemicals and control their use. There are separate systems for pesticides, biocides, pharmaceuticals, veterinary products, cosmetics, food contact materials and general industrial chemicals (REACH), amongst others. Each of these systems has its own particular features and failures. For example, the rules on chemicals in food contact materials like packaging are outdated and don’t properly cover many packaging materials such as paper, card, inks and glues.<sup>13</sup>
  18. The maximum residue limit (MRL) approach is designed for the situation where a pesticide is sprayed on a crop and residues are left. This approach is not suitable for control of chemical use in products; the UK should continue to align with the REACH approach in this case.
  19. CHEM Trust recently carried out an extensive survey of local authority testing for hazardous chemicals in consumer products<sup>14</sup> which found that 35% of councils had done no testing of products in the previous five years. Where tests were done, 52% of councils found levels of chemicals in excess of legal limits. This research clearly shows that many local authorities do not have the resources to carry out the necessary testing to protect the consumer.

## Environmental concerns

### 5. What is the environmental risk from toxic chemicals? As part of its commitment in the 25 Year Environment Plan, what measures is the

<sup>11</sup> “PFCs: In our blood, in polar bears – and in packets of microwave popcorn! (updated with Danish controls)”

2015 <https://www.chemtrust.org/pfcs/>

<sup>12</sup> <https://www.askreach.eu>

<sup>13</sup> <https://www.chemtrust.org/consultation-chemicals-fcm/>

<sup>14</sup> <https://www.chemtrust.org/uk-chemical-regulation/>

## **Government taking to reduce harmful chemicals in the environment? Will these measures be effective?**

20. Hazardous chemicals enter the environment through a variety of pathways including point source i.e. wastewater and diffuse sources i.e. air pollution. Their persistence and fate are controlled by many complex interactions. But we know that organisms – including humans - are exposed to combinations of chemical mixtures and other environmental stressors throughout their lifetime and the potential impacts of this exposure on individuals, communities, ecosystems and the services they provide, remain largely unknown and difficult to predict.
21. For example, if we take the marine environment, chemicals enter it via atmospheric transport, run- off into waterways or by direct disposal into the ocean. It is estimated that 80% of marine chemical pollution originates on land. The vast majority of the global land surface is connected to the marine environment via river systems, so chemical pollution of rivers is inextricably linked with ocean pollution.
22. Ocean pollutants include persistent organic pollutants (POPs) like Polychlorinated Biphenyls (PCBs), BFRs and PFAS, EDCs such as BPA and phthalates, pesticides, pharmaceuticals and plastic wastes. We are only just becoming aware of the identity, volume and scope of many ocean pollutants. Their hazards and complex ecological interactions are often still unknown.
23. Many ocean pollutants do not have human health data or environmental fate information, and our understanding of the long-term impacts of endocrine disrupting chemicals on the reproduction and behaviour of fish and other marine organisms is still in its infancy. However, recent research has demonstrated that even 40 years after banning the production of PCBs, the contamination levels are such that they are threatening ocean animals such as Orca.<sup>15</sup>
24. Hundreds of chemicals are classified with regard to aquatic toxicity under the EU harmonized classifications - 1,045 chemicals are classified as “very toxic to aquatic life”; 933 are classified as “very toxic to aquatic life with long lasting effects”; 566 as “toxic with long lasting effects”; 406 as “harmful with long lasting effects”; and 252 as “may cause long lasting harmful effects to aquatic life”. UNEP’s Global Chemicals Outlook in 2013 stated that “*It is suggested that at least 27% of total ecosystem losses are due to pollution by chemicals*”.<sup>16</sup>
25. A recent paper also acknowledges that there are huge gaps in our knowledge of how complex mixtures of pollutants disrupt hormones, growth and reproduction in wildlife<sup>17</sup>. The UK must ensure adequate monitoring of bioaccumulation and combination effects of chemicals in order to effectively understand the impact of chemicals on the environment. Monitoring of sub-lethal impacts such as those affecting reproduction and reduced fecundity should also be taken into account whereas currently only lethal doses are considered.
26. The measures aiming to tackle chemical pollution in the 25 Year Environment Plan do not address chemical pollution and exposure from consumer products such as toys, furniture, cosmetics or leakage of plastic microparticles from textiles, tyres etc. They focus solely on POPs and merely include existing obligations under the Stockholm and other Conventions. In addition, the Government’s Persistent Organic Pollutants national implementation plan is unambitious.

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<sup>15</sup> <http://science.sciencemag.org/content/361/6409/1373>

<sup>16</sup> <https://www.unenvironment.org/explore-topics/chemicals-waste/what-we-do/policy-and-governance/global-chemicals-outlook>

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[https://www.oxfordmartin.ox.ac.uk/downloads/restatements/Oxford\\_Martin\\_Restatement6\\_Endocrine\\_Disrupting\\_Chemicals.pdf](https://www.oxfordmartin.ox.ac.uk/downloads/restatements/Oxford_Martin_Restatement6_Endocrine_Disrupting_Chemicals.pdf)

<http://www.chemtrust.org/>

27. The Government needs to set targets and strategies for the reduction into the environment from all sources of all substances of regulatory interest (e.g. all SVHC on ECHA’s candidate list, all substances in the REACH Restrictions process). They also need to address emerging chemicals of concern (persistent, mobile, endocrine disruptors etc) that are found in everyday products such as many “new” bisphenols.
- 6. How are flame retardant treated products currently disposed of and what problems have been identified with these methods of disposal? What is international best practice for disposal?**
28. Flame retardants pose a serious threat to human health and the environment whereas the fire safety benefits they bring are being challenged, for example by the International POPs Elimination Network (IPEN)<sup>18</sup>.
29. Household furniture contaminated with flame retardants is just landfilled or incinerated in the UK; we are not aware of any systems to separate this furniture within the UK. IPEN have raised concerns about toxic by-products from incineration and have produced a factsheet on innovative non-combustion technologies.<sup>19</sup>
- 7. Is current legislation on producer responsibility and management of waste sufficient for recyclers to identify toxic chemicals in products? Should materials treated with flame retardants be available for use as recycled material in consumer products?**
30. The Circular Economy will only be successful in the long term if customers – including the public – are confident in the quality of recycled material. CHEM Trust produced one of the first briefings on the issue of circular economy and chemicals in 2015, which includes a range of recommendations<sup>20</sup>. The key issue is that a clean circular economy is needed in order to create a sustainable system, but current legislation does not enable recyclers to identify toxic chemicals in products, nor does it act fast enough to ensure that chemicals of concern are not used in making products.
31. Easy access to information for the whole supply chain, including for consumers and recyclers, needs to be a requirement. The ‘polluter pays’ principle should ensure that companies selling chemicals, which are later banned, pay for the decontamination of products – e.g. PCBs in buildings or BFRs in furniture. The current situation still incentivises use of harmful chemicals, as, for example, producers of BFRs do not have to pay for the decontamination of contaminated furniture.
32. Materials contaminated with flame retardants should not be recycled into consumed products. However, testing by NGOs has confirmed that BFRs are getting into toys and food contact materials<sup>21</sup>. CHEM Trust found that toys which were copies of Rubik’s cubes, bought in London, also contained BFRs (data not published as retailer had ceased to operate by the time the results were available).

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<sup>18</sup> “A Public Interest Guide to Toxic Flame Retardant Chemicals”, IPEN, 2013, <https://ipen.org/documents/public-interest-guide-toxic-flame-retardant-chemicals>

<sup>19</sup> “Solutions for the Destruction of POPs Wastes” IPEN, 2012, <https://ipen.org/documents/solutions-destruction-pops-wastes>

<sup>20</sup> <https://www.chemtrust.org/the-circular-economy-to-get-it-right-we-must-address-hazardous-chemicals/>

<sup>21</sup> “POPs Recycling Contaminates Children’s Toys with Toxic Flame Retardants” IPEN, 2017, <https://ipen.org/documents/pops-recycling-contaminates-childrens-toys-toxic-flame-retardants>

## UK policy

### 8. Are the Furniture and Furnishings (Fire Safety) Regulations 1988 (as amended in 1989, 1993 and 2010) fit for purpose? If not, which aspects should be updated?

33. CHEM Trust responded to the UK Government’s consultation on updating furniture fire safety regulations in November 2016<sup>22</sup>. It is our analysis that the regulations do not create a strong enough impetus to change furniture design and construction to design out both flammability and the use of flame retardants.
34. BFRs, including polybrominated diphenyl ethers (PBDEs) are widespread contaminants of the environment and the human body. Although Octa and Penta BDE are now banned, and DecaBDE is also being restricted in the EU, exposure to mixtures of PBDEs is still widespread from their use as flame retardants in existing consumer products such as furniture, building materials, textiles and electronics. Researchers have concluded that “*combined exposures to polybrominated diphenyl ethers (PBDEs) may exceed acceptable levels in breastfeeding infants (0-3 mo old) and in small children (1-3 y old), even for moderate (vs. high) exposure scenarios*”.<sup>23</sup>
35. A recent Dutch review reported that PBDEs were associated with lower mental and psychomotor development and IQ in preschool children, and poorer attention in those of school age<sup>24</sup>. Studies in US children also found decreases in attention, processing speed, fine motor coordination and cognition and poor working memory in pre-adolescent children<sup>25</sup>. Earlier studies in the US had already reported that younger children, 1 to 6 years, showed lower mental and physical development<sup>26</sup>. Researchers have also found a correlation between plasma PBDE levels and prevalence of hypothyroidism in Canadian women aged 30–50 years<sup>27</sup>.
36. Research in Birmingham<sup>28</sup> has also found so-called ‘novel’ BFRs in dust, illustrative of the problem of companies moving from one chemical that is restricted to similar ones that are not (yet) restricted. We have covered this issue of “regrettable substitution” elsewhere in the consultation.
37. In summary we propose that the regulations should remove the requirement for a match (open flame) test and introduce a cigarette (smoulder) test modelled on the Californian standard, Technical Bulletin 117-2013. We believe this test maintains high levels of fire safety by addressing the largest cause of death in furniture fires, ignition by smokers’ materials. Furthermore, using a smoulder test instead of a match test not only has the potential to reduce the number of fire deaths resulting from the inhalation of toxic gases and fumes, but also prevents the unnecessary exposure of the entire UK population to proven and potentially harmful flame retardants.

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<sup>22</sup> <https://www.chemtrust.org/wp-content/uploads/chemtrust-response-beis-fr-nov16.pdf>

<sup>23</sup> <https://www.ncbi.nlm.nih.gov/pubmed/28886598>

<sup>24</sup> Berghuis SA, Bos AF, Sauer PJ, Roze E, *Developmental neurotoxicity of persistent organic pollutants: an update on childhood outcome*, Arch Toxicol 89:687-709, 2015

<sup>25</sup> Sagiv SK, Kogur K, Gaspar FW, Gunier RB, Harley KG, Parra K, Villaseñor D, Bradman A, Holland N, Eskenazi B, *Prenatal and childhood polybrominated diphenyl ether (PBDE) exposure and attention and executive function at 9-12 years of age*, Neurotoxicol Teratol 52(Pt B):151-61, 2015

<sup>26</sup> Herbstman JB, Sjodin A, Kurzton M, Lederman SA, Jones, RS, Rauh V, Needham LL, Tang K, Niedzwiecki M, Wang RY, Perera F, *Prenatal exposure to PBDE and neurodevelopment*, Environ Health Perspect 118:712-719, 2010

<sup>27</sup> Oulhote, Y, Chevrier, J, & Bouchard, MF, *Exposure to Polybrominated Diphenyl Ethers (PBDEs) and Hypothyroidism in Canadian Women*, J Clin Endocrinol Metab, 101(2), 590-598, 2016

<sup>28</sup> Al-Omran, L. S., & Harrad, S. (2016). Distribution pattern of legacy and “novel” brominated flame retardants in different particle size fractions of indoor dust in Birmingham, United Kingdom. *Chemosphere*, 157, 124-131.

38. We would also like to see the introduction of a requirement for a visible display label to provide consumers with point-of-purchase information on the presence and type of flame retardants contained in the product, similar to the EU energy label.
39. CHEM Trust joined with the European Fire Fighters Unions Alliance, the European Furniture Industries Confederation and others to support a joint policy paper on “The case for flame retardant free furniture” detailing the actions needed to be taken on flame retardants in furniture.<sup>29</sup>

## **9. Does the Government’s plan to target £9bn in savings through regulation by 2022 pose risks for chemical regulation?**

40. Yes. A statement made in UK Parliament on 20<sup>th</sup> June 2018 by Minister Andrew Griffiths confirmed that the UK’s deregulatory target of £9 billion will for the first time be applied to vast swathes of environmental and other law after the transition (‘implementation’) period. This deregulation target, which is based purely on the cost of regulation to business & ignores any benefits, has been UK Government policy for some years, and has been implicated in the unwillingness of the Government to regulate in many areas.
41. EU laws have previously been exempt from this target, except for so-called ‘Gold plating’ i.e. going beyond the legal minimum in the EU Directive or Regulation. The statement makes clear that the new UK laws created by copying across EU laws at EU exit, and any new EU laws that come in during the transition, are still exempt. Once the transition is over then the target becomes applicable to all the laws transferred from the EU, for the first time. As so much of the UK’s environmental law comes from the EU this could have huge impacts.
42. For example, post-transition, if the UK strengthens any environmental law, protects new organisms or habitats, bans a new pesticide or chemical etc it must calculate the business costs of this (benefits are irrelevant) and then the department concerned must justify how these fit within the overall reduction target. This creates a massive disincentive for Ministers, departments and civil servants to improve regulation.
43. The deregulation target also provides a blockage to the idea of the UK staying aligned with EU’s laws protecting the environment and human health - e.g. banning chemicals or pesticides when the EU does, or improving the scope and effectiveness of EU laws like those on chemicals in food contact materials.

## **10. What risks or opportunities does Britain exiting the EU pose to regulation and import of these chemical substances or products containing these substances? What is the likely status of the UK’s continued participation in the RAPEX system in the event of Britain leaving the EU?**

44. We see no opportunities in the UK leaving the EU. The UK already has the ability to go beyond EU regulation in many areas, including in restricting chemical use in food contact materials (as Denmark is doing with PFAS), or introducing regulator systems for chemicals in food contact materials that are not EU-harmonised like paper and card (as the Germans have done) or coatings (as the Dutch have done). The UK has not taken this opportunity.
45. Although the Government’s aim is to become an “associate member” of ECHA in its future relationship with the EU, this remains subject to negotiations and as we have written previously<sup>30</sup>, the UK must commit to the conditions that are likely to be set by the EU to achieve this. This includes a requirement for the UK to stay aligned with all EU chemical-related laws.

<sup>29</sup> [https://gallery.mailchimp.com/e5a0f17e3a73ada32122c3b57/files/Flame\\_retardants\\_digital.pdf](https://gallery.mailchimp.com/e5a0f17e3a73ada32122c3b57/files/Flame_retardants_digital.pdf)

<sup>30</sup> <https://www.chemtrust.org/brexit/>

46. We see many risks if the UK is not within the EU regulatory systems for chemicals. The recently tabled Statutory Instrument (SI) on REACH attempts to copy the EU’s REACH system for a no-deal scenario (or one in which the future UK-EU relationship does not include REACH). A multitude of concerns have arisen regarding the new UK Chemical Agency, which is set out to be the Health and Safety Executive (HSE) in the SI. ECHA has a management committee and numerous technical committees, and stakeholders from industry and NGOs and trade unions are permitted to participate in these meetings (with no vote). This ensures that the best information is available for these discussions and reduces the potential for bias towards one interest group. However, these committees are deemed as inoperable in the UK system, and replaced only with an obligation for HSE to obtain external advice. Thus, vital mechanisms for stakeholder engagement and public participation will not exist in the new UK system. Further concerns exist around the capacity of HSE, particularly given its deficiency in environmental and public health expertise.
47. Additionally, the REACH SI lacks any commitment to mirror future improvements in EU chemicals laws, it is clear that UK controls on chemical use could rapidly diverge from those in the EU. If the UK controls fell behind those of the EU, then the protection of human health and the environment will be jeopardised. New controls on chemicals are being adopted all the time under REACH, as more is understood about the risks posed by the > 20,000 chemicals in use. This means that if the UK doesn’t follow these controls then the UK regulations will rapidly become weaker than those at EU level.
48. Thus, a specific strategy is needed for ensuring protection of health and environment after Brexit
- 11. How should substances of very high concern (SVHC) be regulated after the UK leaves the EU? How should the Government manage risk from newly identified toxic chemicals after the UK has left the EU?**
49. In our view the UK should aim to stay in REACH after Brexit, for example including it in any Free Trade Agreement negotiated with the EU.
50. If this is not possible, the UK should remain dynamically aligned with REACH controls, and should not allow lobbying by economic interests in the UK to disrupt this.
- 12. What steps can the Foreign and Commonwealth Office take to influence other countries to reduce the manufacturing and improve control of toxic chemicals in consumer products?**
51. The FCO should support the spreading of good practice on chemicals regulation, based on the REACH approach to chemicals regulation.
52. On no account should the UK get involved with any international activities that promote the ineffective US approach to chemicals regulation.

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