

Environmental Audit Committee

Oral evidence: [Toxic chemicals](#), HC 1805

Wednesday 5 June 2019

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Members present: Mary Creagh (Chair); Geraint Davies; Caroline Lucas; Kerry McCarthy; Dr Matthew Offord.

Questions 450 - 600

Witnesses

I: Dr Thérèse Coffey MP, Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs; Kelly Tolhurst MP, Parliamentary Under-Secretary of State, Minister for Small Business, Consumers and Corporate Responsibility, Department for Business, Energy and Industrial Strategy; Professor Tim Gant, Head of Toxicology, Public Health England; Dave Bench, Director, EU Exit – Chemicals, Health and Safety Executive.

Written evidence from witnesses:

- [Department for Environment, Food and Rural Affairs](#)
- [Health and Safety Executive](#)

Examination of witnesses

Dr Thérèse Coffey MP, Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs; Kelly Tolhurst MP, Parliamentary Under-Secretary of State, Minister for Small Business, Consumers and Corporate Responsibility, Department for Business, Energy and Industrial Strategy; Professor Tim Gant, Head of Toxicology, Public Health England; Dave Bench, Director, EU Exit – Chemicals, Health and Safety Executive.

Q450 **Chair:** I would like to call the Committee to order and welcome our guests on this panel. This is our third evidence session, and our final session of our inquiry into the impact of toxic chemicals in everyday life. I welcome our ministerial guests and their colleagues. Can I ask you to introduce yourselves, starting from my left?

Professor Gant: I am Professor Tim Gant. I am head of the toxicology department at Public Health England, and Visiting Professor in Health and Environmental Sciences at King's College, London.

Dr Thérèse Coffey: Thérèse Coffey, Environment Minister.

Kelly Tolhurst: Kelly Tolhurst, Small Business, Corporate Governance and Consumers.

Dave Bench: Dave Bench, Director, Health and Safety Executive, currently working on EU exit for chemicals, but prior to that I was running the chemicals regulatory authority at the HSE.

Q451 **Chair:** Great. Thank you very much indeed. You are all very welcome. We have heard during our inquiry—if I can ask you first of all, Minister Tolhurst—about the fact that five years ago BEIS proved that the current match test is not fit for purpose. Do you agree with that? If you do not, why do you not agree with it?

Kelly Tolhurst: Thank you, first of all, for giving me the opportunity to talk about this today. Let me put it in the context of where we are with the Furniture and Furnishings (Fire Safety) Regulations. Some research was commissioned in 2009 into how the current regulations were impacting on saving lives, preventing injury and reducing fires. Obviously, it was identified that the regulations from 1988 were slightly out of date in the sense that things had moved on.

A consultation carried out by the Department in 2014 looked at how we can consider the regulations to maintain fire safety and also reduce chemicals. The result from that consultation was mixed. There was no consensus on a way forward from that consultation and further work was required. At that time, further work was facilitated by the British Standards Institution and an industry-led technical panel.

Going on from that, there was a 2016 proposal that obviously was an update from 2014. It looked at broadening the scope, the traceability, labelling and particularly the testing—that goes to your point about the



different tests that are in legislation. Again the results from that were very mixed within stakeholder groups. The consensus was that there was not a big enough evidence base to result in changing the test. The majority of the fire services that took part were very concerned about the removal or change of the test. We constituted the expert advisory panel in 2017, which obviously includes the chief scientific officers of BEIS and DEFRA.

I would like to be in a better position to say to you today exactly how we move forward, and I am planning imminently—ASAP—to produce a Government response to that 2016 consultation.

Q452 **Chair:** Can I stop you there, Minister? What you have described as a process is an identification 10 years ago in the Berman review of 2009, which disputed the fact that these flame retardants saved lives. It raised for the first time the possibility that the smoke toxicity of these flame retardants was potentially doing more harm than good. Here we are 10 years on, two consultations later, and still no publication. When you say it is imminent, is it going to be published tomorrow around the Grenfell two-year anniversary? Is that what we are waiting for?

Kelly Tolhurst: It will not be published tomorrow. Since I have been in this role, it is something that I care quite deeply about and it is something that I have taken a particular interest in. I have looked at what has gone on in the past—

Q453 **Chair:** Do you agree that the current regulations are not fit for purpose?

Kelly Tolhurst: The current regulations were first enacted in 1988. We are now in 2019. It is quite right that they have been reviewed. It is right that, when we are talking about safety and the lives of individuals, and particularly fire safety, sufficient time is taken. Where there is no consensus and where there are concerns, those must be addressed and further work should take place before changes are made.

Q454 **Chair:** It strikes me, though, that first of all the 2014 consultation results were only published as the result of an FOI, and here we are three years after the 2016 consultation and still no responses have been published. It does look like your Department is a prisoner of corporate lobbying.

Kelly Tolhurst: I would say not because in the time that I have been the Minister—10 months—I have not spoken to any corporate around this particular work, which has firmly fallen under me.

Q455 **Chair:** When you came in and it was on your desk, was this not a matter of urgency?

Kelly Tolhurst: It is a matter of urgency but, quite rightly, I have questions and I would like to think about things. When you are dealing with a piece of regulation that is so important to the safety of individuals in their homes, it is not something that I would be prepared to take lightly. It is complex. It is not straightforward. There is no consensus.



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There is a range of views. To take a decision, I have to make sure that I am confident and happy with that.

Q456 **Chair:** Will your decision, which is imminent and as soon as possible, be subject to further consultation?

Kelly Tolhurst: I am minded to develop the outcome-based approach based on essential safety requirements.

Q457 **Chair:** What does that mean?

Kelly Tolhurst: Well, it will mean that potentially there will be a range of requirements that are devised by the British Standards Institution—

Q458 **Chair:** Right. That was a response. Can I just pick you up on that?

Kelly Tolhurst: If I just finish what I was going to say, I am minded to take an approach with the publication of the Government's response, and it will be done within this month. I believe and feel confident that its objective is to make sure that there is no reduction in fire safety, but to reduce the use of chemical flame retardants and also to promote innovation, give industry choices, and make sure that those choices are capable of being enforced. For me, those are the key objectives for what the outcome of the Government response will be.

In regard to consultation, whenever we are looking to make any changes of course there will be a wide range of stakeholders, industry and public, who will be consulted on any particular individual changes.

Q459 **Chair:** The 2014 response, which had to be FOI'd out of your Department, stated that a new match test should be consulted on with the British Standards Institution. Why has that still not happened?

Kelly Tolhurst: As I have said on the match test: are we going to continue with a regulation where there are very prescriptive tests in the Bill, or should we look at the product safety as a whole? There have been different views on the match safety test. Again, I go back to what I have said. I am responsible for this piece of legislation. I will listen to what the fire chiefs say and I am looking for an outcome-based approach to look at the safety of the product. That is just one element of the whole of fire prevention.

Q460 **Chair:** At the end of the day this is very simple. There is a lot of industry comment about how complicated it is, and I don't think you can always achieve consensus when you are regulating. What this comes down to is whether the match test, which was put in the Bill in 1988, is still fit for purpose. If it isn't, what are the alternatives? Do you keep it or do you not keep it?

Five years on from the original consultation, almost every country in the world has removed the match test and moved away from flame retardants in these foam products. As far as I can see, Britain and Ireland are the only countries in the world that still put organophosphates that



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are banned in weed killer into babies' cot mattresses. Why is that?

Kelly Tolhurst: There are a number of points there. I would say that there is evidence to suggest that the regulations have prevented fires. They have saved lives—

Q461 **Chair:** The 2009 Berman review said that they did not. It raised questions over that. It could have been to do with the smoke detection installation programme. You cannot demonstrate cause and effect.

Kelly Tolhurst: One of the things that we are doing with the OPSS is conducting a piece of research into modern domestic causes of fire. We do recognise that the environment has changed in which fires may start. You are absolutely right, of course, that smoke detectors have had an impact on fires; also, the fact that people are not smoking so much. You are quite right to say that people are not smoking in the home. However, there are other particular risks or hazards that may be about. The classic one for me is around people charging their mobile phones, leaving them on furniture. Electronic devices can get very hot. There are different things that can create a risk to the piece of furniture or furnishing.

We recognise that the world has moved on. There are different threats and risks, and that is why we are carrying out this particular piece of research. As it says, if the chemicals are regulated in the UK, if chemicals are banned and they are used in a product, it means that the product is illegal, effectively.

Q462 **Chair:** That is not the question here. Ten years ago the match test was raised as an issue and as a regulatory problem. It created the issue that we could not prosecute people because the match test was not effectively fit for purpose. Why are we still using it 10 years on? You have described a process but you have not really given any reasons as to why something that was consulted on five years ago and three years ago has still not been reported on by your Department 10 months after you took office, on an issue of paramount public safety that affects every single one of us in every single home.

Kelly Tolhurst: Yes, absolutely, and that is exactly why I have not been gung-ho about it. That is exactly why, coming into this role, I looked at it, spoke to the people I needed to, thought about it, spoke to a number of people, and have needed to consider it. I am not prepared—

Q463 **Chair:** Have you seen the consultation responses?

Kelly Tolhurst: I have.

Q464 **Chair:** Were there many?

Kelly Tolhurst: There were a good number of consultation responses—a good number.

Q465 **Chair:** What has your Department done since those responses were collected three years ago?



Kelly Tolhurst: What I am getting to, and what I have tried to outline, is that I am minded to take, with the response to this consultation that will be coming, an outcome-based approach focusing on essential safety requirements, and bringing it in line with other regulations, such as those for toys. They are based on essential safety requirements.

It is true and I am not denying that we are looking at a piece of legislation that needs updating. Predominantly, for me, some of the most important parts about moving forward with this are that we need to make sure that we are protecting people in their homes and that fire safety is paramount. We do need to reduce the chemicals but we must also allow the industry to innovate.

Q466 **Chair:** What innovation does the industry need? We heard from IKEA at our last session. It sells products around the world globally that are deemed to be safe by their regulatory authority. What innovation do we need? I do not understand what an “outcome-based approach” is.

Kelly Tolhurst: Our regulations do go further than, in some cases, the European regulations.

Q467 **Chair:** Yes, our regulations require a match test. That is the difference.

Kelly Tolhurst: No one in this room would want any Minister to take a decision that potentially could reduce the fire safety of any particular product.

Q468 **Chair:** No, but when the Minister was told 10 years ago that the match test—

Kelly Tolhurst: I was not told 10 years ago.

Chair: Your Department was.

Kelly Tolhurst: I am looking at what is in front of me.

Q469 **Chair:** What is in front of you is what has been in front of every single Minister since 2010, which is that the match test is not adequate and potentially not legal in terms of prosecuting people for failing to adhere to regulations. It puts your Department in a problematic position. No one is asking you to water down fire safety standards. What we are asking is: why has it taken so long to respond to the issues with the match test?

Kelly Tolhurst: Obviously, quite rightly, you are concerned about the match test, but that is one element of what we are trying to achieve. I have outlined that we need to look at the whole product. We need to look at all risks: fire safety, health and environment. It should not be one or the other.

Q470 **Chair:** Are you minded to remove baby products from the flame retardants?



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Kelly Tolhurst: Obviously, there have been concerns expressed about doing that by some fire safety experts. That is a problem, but it is something that I would be minded to explore further.

Q471 **Chair:** Professor Gant, how do you feel about organophosphates that are banned in weed killer being in baby mattresses?

Professor Gant: I need to pick you up on the chemistry a little bit there, Chair. These are the same chemical structures in terms of their class of chemicals in that they are organophosphates, but they are very different in terms of their potency, in the way that you are thinking about them—for example in terms of acetylcholinesterase inhibition in nerve agents as they might be used in weed killers, versus those in furnishings.

Q472 **Chair:** What is the safe dose for humans of these organophosphates?

Professor Gant: For the ones in furnishings?

Q473 **Chair:** In a baby mattress. Is there a safe dose?

Professor Gant: There is a dose level set that would be regarded as safe with safety factors for human exposure. The COT, the Committee on Toxicology, has recently been looking at organophosphates in furnishings. It has not been published yet but it is on the way. It has not found evidence of toxicity from those particular organophosphates in furnishings, and it is because they have a very different mechanism of action from those you will find in weed killers. The ones in furnishings do not have the same potency in terms of acting on the peripheral nervous system. They are the same class of chemicals but with very different biological actions.

Q474 **Chair:** Are you saying they are safe, or you do not know?

Professor Gant: I would say that they have way lower toxicity—many orders of magnitude lower toxicity than those found in weed killers.

Q475 **Chair:** You are saying they are lower risk but you cannot say that they are no risk, can you?

Professor Gant: You can never say anything is not toxic. An example I would give you is the oxygen in this room. If you increase oxygen concentration fivefold it is going to cause you a great deal of harm. The safety factors that we apply to these materials, these organophosphates, are orders of magnitude greater than that.

Q476 **Chair:** That is the organophosphates dealt with. Finally, Minister, if I can just conclude my questioning to you. I understand that for whatever reason you have not been able to publish these responses. That is a shame. It is disappointing that you have not shared them with the Committee either. If there is a further consultation planned, do you see the urgency of making it very short and not getting bogged down into the next Government, the next Minister or a couple of years down the line, which is what has happened with every single consultation so far?



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Kelly Tolhurst: First of all, I cannot speak for what was going through my predecessors' minds at this point. What I can say is that this is serious stuff. We recognise that. I recognise that. It is about fire safety. It is about people's health. It is about protecting consumers. Despite some views and some positions on different elements of the regulation being very strong, what has been consulted on in the past has informed the next stages. Yes, I agree—

Q477 **Chair:** Can I just stop you there? I can tell you what your predecessors thought. Can I read you what Jo Swinson said to *The Sunday Times* in 2017? This is what your predecessor actually said: "I had multiple meetings with officials to understand the technical aspects. In February 2015 I convened a roundtable with the BSI, fire safety experts and industry". It sounds like she was doing, four years ago, what you may or may not have done in your Department now. "This resulted in agreement in March 2015 to work further with the BSI to improve the proposals and to complete work by April 2016. Getting a swift and effective resolution would have been my clear priority. Though responsibility for taking this forward passed to the new Government in May 2015, I am bitterly disappointed to see so little progress on this more than two years on."

That was in 2017, in the middle of the second round of consultation, when that match test that was going to be done with the BSI was supposed to have all been worked up, but it wasn't. What has been going on?

Kelly Tolhurst: As I have outlined, I have tried to be clear about what has happened, where there has not been consensus and there have been mixed views within stakeholder groups—

Q478 **Chair:** If you are taking a market away from industry they are not going to—

Kelly Tolhurst: I understand that you potentially have an issue with the time that it has taken and, yes, absolutely, it has taken a long time, but, as I have tried to outline, it is right that where further work has been required it has taken place.

Q479 **Chair:** Why has this match test work with the BSI that was agreed on in May 2015 not taken place in your Department?

Kelly Tolhurst: We had the 2016 consultation where we did look at those tests. That is what happened.

Q480 **Chair:** But that work was supposed to have been agreed. This is a Minister signing it off. The Minister signed off in March 2015 work with the BSI on a match test to be completed by April 2016. Are you saying that the general election meant that the Civil Service just did not do it?

Kelly Tolhurst: We consulted around that in 2016.

Q481 **Chair:** I know that. I am asking you about the ministerial decision in March 2015 to work up a new match test. Why did your officials not do



that?

Kelly Tolhurst: That is what we consulted on in 2016. There were changes to the testing and that is one of the reasons why at the time there was no consensus on the way forward. Concerns were expressed by the fire chiefs at the time that the changes may have increased the use of flame retardants. That is what I have tried to outline. I feel confident that when we issue the Government's response, although we may need further consultation on particular changes—you always have to do that when you are applying to change the law—we will be at a stage where we can move forward properly in a timely way.

Q482 **Caroline Lucas:** Sorry, I am kicking off as well with a question to Minister Tolhurst. It is about the consultations in 2014 and 2016 that you have already talked quite a lot about. Can you let us know which proposals from those consultations that the Government are still planning to adopt?

Kelly Tolhurst: As you will know, one of the things out of the 2016 consultation was consensus around amending the scope, the traceability and labelling, which we are obviously in agreement with because that is what we were consulting on. As I outlined and have tried to touch on, my objectives for the Government response—not particularly in relation to those consultations—are to ensure that there is no reduction in fire safety. I wish to focus on what I have already outlined, which is that whatever we do enables the reduction in chemical use and retardants. Going to that, hopefully, is a set of essential safety requirements that would encompass all the different risks, not just fire safety.

Q483 **Caroline Lucas:** Do you think countries that do not have the same match test as we do are fundamentally less safe? Are they putting their population at a greater risk than we are?

Kelly Tolhurst: We took an approach in 1988 as a reaction to try to improve fire prevention within homes. That was the regulation as it was then. I am not disputing the fact that production methods, innovation, what we know and research has informed our views, and it is right that we are undertaking this process. It is right that we try to bring it in line with a more modern environment. I would say that is something that we need to do around all kinds of regulations.

Q484 **Caroline Lucas:** Would you expect then that the match test will go so that we will then be brought up to date with other European countries and the US?

Kelly Tolhurst: As I say, I want to focus on the safety of the whole product. It is not fire safety versus health or environment. We need to bring forward something that still puts the onus clearly on the manufacturer or the importer—the person putting the product on the market—to take responsibility. They have to put a safe product on the market.



Q485 **Caroline Lucas:** But you are acknowledging that getting rid of the match test would not undermine safety.

Kelly Tolhurst: Despite what the Chair has said about there being no evidence that the match test does not stop or reduce fires, at the moment that is disputed and there are mixed views on it. Some people believe that. Some people don't believe that.

Q486 **Caroline Lucas:** There seems to be an overwhelming balance of evidence in favour of saying that it is not fit for purpose, and if practically every other country under the sun is not using it—

Kelly Tolhurst: Not every other country under the sun. That is the wrong characterisation as well. The regulations are different in some of these countries. The reality is that we have gone further in the UK. We have had these tests. The fire safety professionals, who are very well-respected and respected by the consumers on this, have raised concerns. There are mixed views, as I continue to outline.

We need to move forward in a way in which we are protecting people. We must not look just at one element of the safety of the product or just at fire safety; we must look at health and at the environment as well. We must encompass the whole product, not just that element. I believe that that is the right approach on the way forward.

Q487 **Caroline Lucas:** How will you address the information gap on product labels, so that consumers can be fully aware of the risks from chemicals that are being used in products when you are looking again at these regulations?

Kelly Tolhurst: With the OPSS we are carrying out some research into behavioural insights. We are doing some behavioural insights research particularly into the labelling. This is not particularly focused; it is about labelling and how consumers feel about safety when they are buying products.

Interestingly enough, the response that we have had is that when people are looking at products and they are looking at the labelling, safety is not always something that they are thinking about unless they are looking at baby products. We are carrying out this piece of research to inform how we would best be able to put forward a way in which the labels are more meaningful, give the information required and the confidence to the consumer.

Q488 **Caroline Lucas:** From that, can we infer that there will be a new label and the question is simply what information will be on it, or is the question of a new label still—

Kelly Tolhurst: As I say, it is really important that the labelling is clear, shows if there is a risk, and informs the consumer of that. I am looking forward to seeing the results—although I probably will not be here to do it—of that work because it is an element. We know that where there have



been breaches of these regulations it has in some cases been about labelling. If we can make sure that consumers understand when they are looking at those labels, and that those labels should be there—it is a whole education programme and that is one of the beauties of having the OPSS now.

Q489 **Caroline Lucas:** The trouble is that most people, when they are buying a sofa, for example, would not even think, “Am I going to be sitting on something that, as soon as I put my bum on it, is going to release toxic chemicals?” It is just not in people’s general sphere of experience to necessarily know that. Are you imagining that there might be something in these labels that might indicate a level of toxicity?

Kelly Tolhurst: I would say that it is quite right that any labelling, if there are toxic chemicals, whether they are listed or it is a line—we can talk about the detail of the labelling but of course it is around informing consumers and making sure people know when they are making their purchasing decisions.

There is a duty not only in regard to the regulation; there is a duty on manufacturers, resellers or retailers to make sure that they are communicating well with the people who they are selling their products to.

Q490 **Caroline Lucas:** Do you share my concern that there has been a lack of transparency within the industry, with some flame retardants marked as non-toxic despite their chemical safety datasheet saying that they could well be producing toxic vapours?

Kelly Tolhurst: If people are placing products on the market and misrepresenting the facts on the labelling, effectively they are misrepresenting their product, which would be something that the Advertising Standards Authority would be responsible for. That would be breaking—

Q491 **Chair:** Can I just stop you? It is not about advertising. This is labelling. This is what you regulate. It is not about advertising.

Kelly Tolhurst: Absolutely. This is what I am saying, but again it would be a label fault. It would be a mischaracterisation of the product. That is the reality. If a product is being sold as something that it is not, that is an Advertising Standards Authority—

Q492 **Chair:** It is a prosecutable offence.

Kelly Tolhurst: Absolutely.

Q493 **Chair:** It is not to do with ASA; it is people going to court and being prosecuted.

Kelly Tolhurst: That is right. You have the breaking of the regulation.

Q494 **Chair:** That is not done by the ASA. That is done by Trading Standards officials.



Kelly Tolhurst: If a retailer or a manufacturer is advertising a product and saying that a product is not what it is, it does come under that as well.

Chair: Can I take you back to the technical paper from 2014, which said on labelling, "It is possible to demonstrate in full-scale tests that the [furniture] Regulations are ineffective. Consumers are ... being led to believe the furniture they buy is match-resistant when it is not so in its final form". Isn't that the root of the problem? We are currently selling people things and they think, "The Government have tested it and it is safe. Even if I dropped a match on it, it would be safe". Your paper from five years ago said that the match test does not work.

Kelly Tolhurst: I have sat here and I have tried to say that we are imminently issuing the Government response. I have tried to explain around the match test. I have tried to inform you where I am minded to go in regard to the Government response and how we regulate, change and move forward with these regulations, but that is all I can say on it.

Q495 **Chair:** It is unfortunate. I think we announced this inquiry way back in January. The Department has known this was coming. We have been writing to your Permanent Secretary. It is very difficult. I sense your frustration, but I am sure you will sense our frustration that four or five months after we launched we are still boxing in the dark. You have something that you have seen. You are trying to be helpful and share a bit of it with us and we are still trying to grasp at where it is trying to go. It is very challenging.

Kelly Tolhurst: I absolutely agree, but what I am focused on is the future. That is why I come back and say to you, "I don't take this lightly". I am not going to apologise for holding things up, and the reason I say—

Q496 **Chair:** No, it is five years before you got there.

Kelly Tolhurst: Yes, but I am just saying that while it is with me I am not going to apologise for that, because it is of utmost importance and I will not be the Minister that agrees something that has a detrimental effect on individuals and could cause people harm. Absolutely it is a serious thing that I need to consider and I will not apologise for that part of it.

Q497 **Caroline Lucas:** I have two last things to fit in there. Will your proposals lead to an overall reduction in the use of chemical flame retardants in UK furniture, do you think?

Kelly Tolhurst: I am confident that a new way forward will contribute to a reduction in the use of chemicals.

Q498 **Caroline Lucas:** Just to be really clear, the proposals will require furniture manufacturers to move to inherent flame retardant materials and environmentally friendly alternatives to chemical flame retardants.



Kelly Tolhurst: It will be for us to set. As I have tried to outline, it will be very outcome-based and it will still be down to the manufacturer—as it is at the moment—in regard to conformity, to place a safe product on the market. It is how we bring the regulations in the future in line with how it is working in other product areas. We are focusing on essential safety requirements. You are asking me for detail that I cannot give you.

Q499 **Caroline Lucas:** If you are saying that it is outcome-focused—I am just getting my head around exactly what that means—and if one of the outcomes we want is to have fewer chemicals in our products that are toxic, presumably, in order to reach that outcome, you will need to require furniture manufacturers to move away from the more toxic chemicals. I am wondering why you are hesitant to say yes to that.

Kelly Tolhurst: There will be safety requirements set and it will be down to the manufacturer to make sure that those requirements are met. I know that has been disputed around innovation—you heard from IKEA—but when regulations change it enables manufacturers to look at different ways of doing things. It spurs companies on to look at different ways, and I think that is a positive outcome.

Chair: We will move on with a question from Kerry.

Q500 **Kerry McCarthy:** Dr Coffey, it is finally your turn. Are you aware that some items of furniture, for example, are being classed as hazardous waste when it comes to recycling or disposal?

Dr Thérèse Coffey: Yes. The Environment Agency is the responsible authority in that regard. The identification and safe removal of some of these chemicals is certainly thought to pose technical challenges. My understanding is that the Environment Agency is currently working with the industry to work out particular processes in order to deal with the waste.

Q501 **Kerry McCarthy:** Is it fair to say that, in terms of waste policy so far, the focus has been on the quantity of waste rather than the quality of what is being disposed of, and that there has not been enough understanding that, for example, chemical flame retardants in furniture would be problematic when it comes to recycling?

Dr Thérèse Coffey: There is consideration of that. We have a particular problem with BRFs and the EA is working with industry on how to best safely dispose of it. I am not pretending we have that solution yet. That is something the EA is actively working on.

Q502 **Kerry McCarthy:** In terms of the waste and toxic chemicals being a problem when it comes to disposing of products, as opposed to the concerns that we have about toxicity in the home or whatever, is there a strategy to try to reduce it for those reasons?

Dr Thérèse Coffey: Yes. The EA, as I say, is working with industry on this.



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Q503 **Kerry McCarthy:** When you say, “working with industry on it”, could you elaborate a bit more?

Dr Thérèse Coffey: I am not convinced yet that we have the ideal solution on how to deal with certain chemicals, and the roaming ones are the ones where we seem to be having particular difficulty. That is what is being worked on with the EA, or by the Environment Agency.

Q504 **Chair:** Are you concerned that this could be a source of persistent organic pollutants, either through incineration or landfill?

Dr Thérèse Coffey: I do not know the answer to that.

Q505 **Kerry McCarthy:** When you say, “working on it”, it would be useful to have some idea of the parameters of what is being discussed. You suggested that it might be difficult finding a solution. Perhaps this is something that you could follow up with us on in writing, saying what these decisions are about.

Dr Thérèse Coffey: I will because the EA is leading on this, so I will find out.

Q506 **Kerry McCarthy:** Thank you. This is the second part to it. How are you trying to ensure that circular economy design principles for chemicals will be adopted for products such as furniture and mattresses so that they can be used in a circular fashion?

Dr Thérèse Coffey: I am very pleased to say that DFS is on the Retail Sector Council, which is led by my good friend here, and very much the circular economy is one aspect of that. That element within furniture is one of the important factors they are looking into in their circular economy work.

Q507 **Kerry McCarthy:** Did the other Minister want to say something?

Kelly Tolhurst: The circular economy is one of the priorities of the Retail Sector Council. That piece of work is on its priority list. Obviously I chair the Retail Sector Council at the moment and DFS is on it but it is predominantly focused on the retail industry. It would cover food, non-food and small retailers as well. Hopefully, the outcomes of that will be good for the industry and inform across Government on how we move forward with things.

Q508 **Kerry McCarthy:** In terms of furniture and mattresses, what sort of outcomes? What do they get made into, I suppose is the—

Kelly Tolhurst: I do not have the answer to that. What I was trying to chip in on, really, was to let you know that it is very much part of it. The industry is leading this. The industry has said, “This is what we want to look at as a priority”, which is a positive thing. That is the industry saying to Government, “This is one of our priority areas and we want to look at this”, from the retail sector.

Q509 **Kerry McCarthy:** Do either of you think that mandating the use of



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environmentally friendly alternatives to flame retardants would be a good move in terms of encouraging this sort of approach, this circular economy approach?

Dr Thérèse Coffey: Yes, if it fulfils the principle of what it is there to do, which is safety and also the risk from chemicals. There are aspects—

Q510 **Kerry McCarthy:** Are they being discussed jointly? I suppose you could look at—

Dr Thérèse Coffey: They do not need to be mutually exclusive. They are not mutually exclusive.

Q511 **Kerry McCarthy:** No, but if you were trying to balance up the argument for seeking more environmentally friendly alternatives, it seems to me important that you should not just be looking at the safety aspect and the issue about recycling separately. If you are trying to do what, on the balance, is the best approach, you would look at them both together.

Dr Thérèse Coffey: As Professor Gant started saying, there are often families of chemicals with slightly different ways of interacting. There have been a series of situations where chemicals have been banned and it would be very easy for manufacturers or chemical providers to then just move to the next member of the family in order to fulfil a similar way.

At the moment, the international regulatory regime does not allow for the banning of groups of chemicals. That is something we could look at when the UK leaves the EU, but we encourage the EU today to look at it a bit more broadly, as I say. For example, when they looked at phthalates, the thing that makes plastic more flexible, we were pushing very hard to say, "Look at the entire family, not just one single product there".

There is guidance about the disposal of waste in the Basel Convention on how you can do different methods that are suitable for flame retardants. I could not tell you exactly where they are in the UK but there are some things around. Cement kiln co-incineration apparently is an effective way. My understanding is that we have a real issue and a technical challenge with one kind of retardants, which are bromine-based. That is what the EA is working on with industry to try to work out.

Q512 **Kerry McCarthy:** When you say you have a technical challenge, what do you mean?

Dr Thérèse Coffey: Although I do have a PhD in chemistry, it was a long time ago and it was not on these particular matters.

Kerry McCarthy: I was hoping you could enlighten me.

Dr Thérèse Coffey: I am sorry, I do not have—

Chair: What sort of an excuse is that?



Dr Thérèse Coffey: Some of these are historic. A lot of the brominated flame retardants are already banned. It is about trying to identify that in the waste. I do not know why in particular that one is so difficult when there are other ways that you can tackle some of the other waste, but that is what I said I would write to the Committee on, to try to help out with a bit more information.

Q513 **Kerry McCarthy:** In terms of the EPR schemes, there is an issue about harmonisation, isn't there, and the desire to harmonise them so as to reduce costs? What are you doing to try to ensure that there is more consistency across the board?

Dr Thérèse Coffey: We are scoping a bulky waste scheme but it is in early stage. We want to make sure that we do have a good alternative to the current flame retardants as we move that analysis forward. As I think you will be aware, in our strategy we said that we would have two of the new EPR schemes ready by 2022. I think you are very keen for textiles to be one of them.

Q514 **Chair:** The EU is keen on fishing gear to be the other.

Dr Thérèse Coffey: I know.

Q515 **Chair:** That is the two, isn't it?

Dr Thérèse Coffey: I think there is other stuff we can do on fishing gear as well, so we will see. You never know, we might be able to get three done by 2022.

Q516 **Chair:** When will your consultation responses be published, Minister?

Dr Thérèse Coffey: Which ones are those?

Chair: On the EPR and the waste review.

Dr Thérèse Coffey: I think our original plan—the consultation, I think, only closed—

Chair: 22 May.

Dr Thérèse Coffey: I was about to say, "last month", and normally you get three months to reply. I do not know the answer to that. If I am lucky enough, I will still be in this role and be able to answer again in the future.

Chair: Considering who your new leader is, I am sure you will be fine.

Dr Thérèse Coffey: Exactly.

Chair: Whoever it is.

Q517 **Kerry McCarthy:** When do you think the extended producer responsibility scheme for bulky waste will be operational?

Dr Thérèse Coffey: As I said, in the past we have suggested 2022 for two of the schemes. As Mary has just pointed out, they may already be



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booked. We do not necessarily have to choose that. Overall, we want to be in place by 2025.

Q518 **Kerry McCarthy:** Right. Is furniture producers paying the cost of disposal of hazardous waste being looked at as part of this?

Dr Thérèse Coffey: It will be because we want the whole “polluter pays” principle to be the generic element. You will be aware through the consultation that we are making quite a significant change in how we take that forward.

Q519 **Kerry McCarthy:** You cannot say anything more on it at the moment?

Dr Thérèse Coffey: It is just too early, I am afraid, to say any more.

Q520 **Geraint Davies:** Can I ask you, Minister Tolhurst, about local authorities? Local authorities have said to us that they are very stretched in their ability to test an enormous increase in the number of manufactured products coming forward in terms of chemical safety. Local authorities have been cut by something like two-thirds overall in their aggregate amount of money. Do you feel there is a real problem with consumers being left at risk because there isn’t sufficient people and resources to adequately test the chemicals in particular but, also, for other safety dangers in manufactured products, including children’s toys?

Kelly Tolhurst: Obviously, as you all know, at a local level and in local authorities the priorities are set locally by local Trading Standards. They will have their priorities and they will obviously be under pressure to reach a demand for their local priorities with their limited resources, whichever they are.

The key thing to highlight where the change has happened is setting up OPSS, which has a £12 million annual budget and is predominantly focused on product safety and standards. The beauty with the OPSS is that it is really about creating that technical and scientific capability to work with local Trading Standards and National Trading Standards to help to inform what the priorities are, and intelligence-sharing.

In the last year we have trained more than 250 local authorities. OPSS has trained around 800 Trading Standards individuals in regard to recall and risk assessment. Also, in the last 12 months, £600,000 extra has been available for local Trading Standards. We funded testing for that. When testing has been required, it has enabled local authorities to do that. There has been financial support as well as expert and technical advice that has come from—

Q521 **Geraint Davies:** Is there a risk of products—children’s toys, for instance—which are chemically impregnated with toxins, and it is not visibly obvious that they are, arriving in a local authority with limited resources and children buying them without them being tested at all?



Kelly Tolhurst: If they are illegal products, for example, if they have toxic chemicals and they are illegal products, that would be something that Trading Standards is working every day and night on.

Q522 **Geraint Davies:** We have seen examples here that chemically impregnated products are dangerous. In particular, somebody brought along a Chinese-made item with multiple candles that opened up and spun around. Obviously, when you lit the candles, flames were going everywhere. Apart from the chemical content, it was inherently dangerous. There are a lot of these products coming through. Do you feel the current format of having atomised local authority gateways with limited resources is adequate to protect the public?

Kelly Tolhurst: The OPSS and Trading Standards are working together in an intelligence-led, risk-based way in which risks are being identified and intelligence gathered. It is targeted enforcement. If you speak to Trading Standards officials—since I have had this role they have been some of the most passionate individuals about what they are doing and the protection of consumers. I have great respect for them and I understand that in some cases they are working under severe pressures.

This is why OPSS and its ability to work with Trading Standards, to offer that extra support when extra testing is needed. We must enable them to stay and have the access to British Standards, which enables them to help their compliance and enforcement, I would say that—

Q523 **Geraint Davies:** Therefore, if there are fewer resources for more problems the strategic answer is some centralised support, as you have said. Is that right?

Kelly Tolhurst: We do that with OPSS.

Q524 **Geraint Davies:** That is fair enough.

Kelly Tolhurst: I am unsure whether there is more of a problem. When you look at Trading Standards, it has taken something like 2 million products off the marketplace this year alone that have been non-compliant. I think Trading Standards would be quite defensive about what it does.

Q525 **Geraint Davies:** Yes, it does a great job but it has fewer resources and more products.

Would you mind if I asked Dave Bench about the Health and Safety Executive's role in protecting the public from chemicals? Should you be doing more and how are you going to cope after we leave the EU in terms of protecting the public generally from chemicals?

Dave Bench: That is a very big question in terms of the role of chemicals. We have specific responsibility for a number of the chemicals regimes, some of which are the policy responsibility of DWP, our parent Department, and two of the regimes—REACH and Plant Protection



Products—are the policy responsibility of DEFRA. We deliver the operational elements of the regime on DEFRA's behalf.

Q526 Geraint Davies: On that specifically then, it does seem to me that the public are simply not being properly protected because on the one hand we have Trading Standards, we have Public Health England, we have you and we have DEFRA; everyone has a finger in the pie. Would it not be better to have central control and responsibility from an agency, for instance Public Health England? I will turn to Public Health England in a moment, but don't you think that is the solution, rather than nobody knowing and it basically falling through the net?

Dave Bench: I would not accept your characterisation of the existing position. What you have is a number of Government Departments and agencies who have specific roles that are related to their fundamental purpose. The HSE's purpose is protection of workplace health and safety, and we expand it beyond that where it makes sense in the remit of some of the regimes. Some of the regimes have a very heavy environmental protection component, for example, and we have a very large body of environmental specialists to deal with those aspects.

What we all do is work together very closely, particularly at a strategic level, to make sure that the way in which we are operating our different parts of the pie—as you characterise it—join up and join together where they can. Inevitably, there is some separation in the way that certain types of substances are dealt with, because they fall within specific regimes and the requirements of those regimes mean that they are treated in a particular way. What the UK Government have always tried to do is to join up the approach where some of those substances are affected or controlled by a number of those different regimes.

Q527 Geraint Davies: I would like to ask your view of the future. Is it that you think the Health and Safety Executive should be working hand-in-hand with the Office for Product Safety and Standards, which we have heard about, to be the centralised regulator to ensure chemical safety, or do you think Public Health England should also have a role? I am assuming for the moment that we forget about Trading Standards because they are underfunded and cannot cope.

Dave Bench: There are different areas of our responsibility that cut across this area of product safety. HSE's remit for product safety is essentially in relation to workplace products. There is of course an overlap with the remit for OPSS. There are some products that are both general consumer products and can also be regarded as workplace tools. The example often used is a chainsaw, for example. There is an overlap. We have contacts. Our product safety team works with the OPSS team on areas of mutual interest.

I think you have particularly asked the question—and it has come up in previous sessions—around the area of testing. Mostly in HSE and in our



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research facility in Buxton we do not do the kind of consumer product testing that you have mainly been talking about in these sessions.

Q528 **Geraint Davies:** But you could, couldn't you?

Dave Bench: We could. We do have capability and capacity. Of course that is mostly focused on our statutory responsibilities in relation to workplace health and safety, but there is a facility there and we are always open to discussions and collaboration providing the funding is available to expand capability and capacity.

Q529 **Geraint Davies:** Can I ask Public Health England's Professor Gant, then, obviously you may not have the resources but you have the capability to do this testing as well. You do some other testing. Would it be the case that with the right resources, Public Health England could do all this testing?

Professor Gant: I am not sure that would be an advisable role for Public Health England. We do not have that capability. We are not a regulator. Whether we take on testing as a role is something I would have to reply on later. I do not think that would be a role for Public Health England, as an advisory body.

Q530 **Geraint Davies:** Minister, do you agree that there are so many agencies involved, each obviously with their bit of the pie, as I have called it, that there is a case—again, we have limited resources and there will be extra demand again when we leave the EU—to do a radical rethink about ensuring centralised testing, using our resources effectively to make sure that the public are safe? The way I am looking at it, different people are testing different things and there is an enormous increase in the number of products coming on the market. There may be more after Brexit, and Trading Standards are running around, unable to cope.

Chair: I am afraid we are going to have to pause the answer because there is a Division in the Commons. Could we meet back here in 15 minutes or earlier if possible, depending on speed of walking?

Sitting suspended for a Division in the House.

On resuming—

Chair: We are missing a couple of colleagues and a Minister but, in view of the time pressures on us, I would like to get restarted if I may. We are going to go straight into a question from Matthew, please.

Q531 **Dr Matthew Offord:** Parliament sometimes finds it difficult to talk about certain issues for reasons of legality, particularly sub judice, but I do want to raise the issue of the Grenfell Tower fire. While I understand that the inquests are continuing, I do not wish for anyone to make any specific comment about it. Professor Gant, I particularly want to ask you some questions about Public Health England and about the effects of the fire and the perceptions of Public Health England upon that.

We have received evidence from Professor Anna Stec, and her view is



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that blood and saliva testing gives a clear indication of the presence of fire effluents within the bodies of people who either lived in the vicinity, engaged in firefighting and other public service work, or indeed members of the public and residents in the building. Why does Public Health England take a different view from Professor Stec?

Professor Gant: Public Health England does not routinely recommend collection and analysis of biological samples following large fires. Particularly in terms of Grenfell, most of the products of combustion that may have been found in those samples would have been long since cleared from the body a long while back so, even if that was done now, those would not have been detected.

It is important to remember is that biomonitoring studies of this nature require careful design. There is often a lack of causality process between what is analysed in those samples and any later health effects, and the results cannot be meaningfully interpreted. That in many ways can cause an affected community more distress than it does in providing answers. That is one of the reasons why Public Health England would not have recommended in that place that biomonitoring be carried out, and it certainly would not be useful at this stage this long after the fire.

Q532 **Dr Matthew Offord:** Do you accept though that the absorption of toxic contaminants via the skin is probably the most likely way of those toxins entering into human bodies? How would you address the concern that people are living with these contaminants within their environment in the longer term?

Professor Gant: We know that that plume rose up and went a long way out, so it was not deposited in the immediate area. What Anna Stec turned up was some product combustion, which is commonly found in those regions that have been subject to long habitation and differential land use, as that area around the tower would have been. We also know that the absorption of those particular chemicals from the soil is in fact quite low, so their estimate is down as low as 13% if they are in fact present. The important point here is that we cannot absolutely assert that the types of chemicals that Professor Stec found in her sampling can be assigned to the Grenfell fire. They could have come from any number of sources in that particular area.

Q533 **Dr Matthew Offord:** You would say the approach of PHE would be to focus particularly on airborne contaminants, rather than those contaminants found in soil, dust and other residue?

Professor Gant: We have focused on airborne contaminants. There has been monitoring going on since the fire, and that has turned up nothing very significant.

Q534 **Dr Matthew Offord:** If you feel that airborne contaminants are the most likely source of any kind of risk to health, what is the view of PHE for the deep clean of ventilation systems in buildings nearby, which has not occurred since the fire?



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Professor Gant: A deep clean was advised on some of those properties, and the local council has assisted with that. Most of those properties do not have active ventilation systems, which is one of the assertions of Professor Stec, so we are not aware of active ventilation systems in there. The experience today shows that the kind of cleaning and the removal of the debris that was offered by the council and should be removed from the properties would have been effective in removing any contaminants that were present.

Dr Matthew Offord: I think that covers it.

Q535 **Chair:** Can I just pick you up on some of that? Professor Stec is an internationally renowned fire toxicity expert, is she not?

Professor Gant: Yes, no doubt about that.

Q536 **Chair:** She told us that some fire effluents do persist and will be in the biological system in low concentrations through dust, and that concentrations will be much higher following a fire. She said that there is NHS health screening for the upper respiratory syndrome. What has that screening discovered? Anything?

Professor Gant: I cannot really comment on that. It has gone through local GPs. I understand a toxicology clinic has been set up, so local GPs have looked at some of the screening and that is being undertaken by the NHS.

Q537 **Chair:** Why can't you comment on it? Is it because you do not know or it is a confidential thing?

Professor Gant: There would be a confidentiality aspect certainly there, but I also do not know because that particular screening of the upper respiratory tract is not being conducted by Public Health England.

Q538 **Chair:** It would be of interest to you, would it not, if there was a phenomenon called "the Grenfell cough", which is something I discovered through talking to the area's local MP? There are about 60 or 70 residents saying that they are coughing up blood, would that be of concern to you?

Professor Gant: Yes. If it could be directly assigned to smoke inhalation or other chemical contaminants in the fire that would certainly be of interest to us, and we would not dismiss that by any means.

Q539 **Chair:** That is quite an unusual thing, isn't it, coughing up blood? It is not something that you should just—

Professor Gant: Coughing up blood should be of concern, and anybody doing that should certainly report to their GPs.

Q540 **Chair:** If there were 60 or 70 residents in a very concentrated area around the Grenfell Tower who had gone to their MP and said this, would that be of concern to you?



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Professor Gant: Anybody who is coughing up blood would be of concern to us, yes. Whether that can be assigned to the fire is another matter altogether, but it is certainly something that should not be ignored.

Q541 **Chair:** It is now called “the Grenfell cough” colloquially. Sometimes people are better able to describe what is happening to them than the scientists.

Professor Gant: I have no doubt about that.

Q542 **Chair:** Can I just take you back to the 300 homes that the Leader of Kensington and Chelsea has said have had deep cleaning? My understanding from Professor Stec, when she gave evidence, is that she was going into people’s flats in neighbouring buildings and finding fire debris after that deep clean had taken place. Is that your understanding?

Professor Gant: That is only my understanding from the evidence given by Professor Stec. My understanding is that the local council offered to remove all that debris and the residents had the opportunity to get rid of that debris, so it should not still be there.

Q543 **Chair:** It should not be in people’s homes.

Professor Gant: No, it should not.

Q544 **Chair:** What about all the debris that has been stored in local garages? Where is this debris being taken to, and what are the rules for the workers who are dealing with that debris? Can I ask you about—

Professor Gant: Workers would be for the Health and Safety.

Q545 **Chair:** Yes. Do you know about the debris and what has happened to it?

Professor Gant: I do not know how it is being disposed of, no. That would not be a matter for Public Health England.

Q546 **Chair:** Mr Bench, do you know anything? What would you advise for the workers who have been in contact—

Dave Bench: There are some elements where there has been Health and Safety Executive involvement, in particular because there was a concern whether any of the rubble that was part of that debris might have asbestos-containing materials. We have looked at the way in which the company that has dealt with that clean-up has—

Q547 **Chair:** Just asbestos? What about brominated—

Dave Bench: Asbestos. There was a particular concern about asbestos-containing materials. That is a specific area where we have some quite rigorous controls. We have looked at that and we are assured that the company that has handled the rubble has done it in the right way to make sure that the risk in relation to asbestos is managed appropriately.

Q548 **Chair:** Was there asbestos in the tower?



Dave Bench: There is a concern that some of the materials in the rubble may have contained asbestos. In relation to monitoring that has been done in the surrounding area, there appears to be no evidence of any levels of asbestos fibres that are any higher than background environmental levels. In that sense it is safe.

Q549 **Chair:** It is at safe levels. What about the protective equipment for these people who are cleaning up people's homes, dealing with—

Dave Bench: As I said, with the company that has been involved in doing this clean-up of this material, we have been and looked at its processes and procedures and checked out, and we believe that it has done it in the right way.

Q550 **Chair:** Thank you.

Can I just go back to Professor Gant again? Professor Stec said that following the World Trade Centre attacks, the studies carried out on firefighters five to 10 years afterwards identified high rates of cancers and different diseases. She was saying that firefighters, given their exposure on that night, are a particularly high-risk group. Is that something that you are cognisant of or taking action on?

Professor Gant: In terms of the firefighters or the local residents?

Q551 **Chair:** In terms of the firefighters specifically, in terms of this blood and saliva sampling to see if there was any potential damage to their DNA.

Professor Gant: The firefighters are workers so they come under HSE, but I can comment on the blood and saliva sampling if you wish.

Chair: Yes.

Professor Gant: That is a particular research interest. It has come up in another particular area, and I think what Professor Stec is referring to is the ability of some of these compounds found in combustion to react with proteins in DNA in these particular materials. That is considered to be a possible long-term marker of exposure to some of these products that can be formed in fires and could have been formed in the Grenfell fire.

The problem with that work is it is quite preliminary at the present time. It is very difficult to assign those kinds of measurements to health outcomes. Doing it in a population such as this, which is already stressed, could cause greater harm and anxiety because you would not be able to relate those measurements, which also suffer from high variance, to a health outcome, so you cannot interpret the results.

Q552 **Chair:** What about the firefighters? Do you think it would be advisable, given their exposure on that night and subsequent days, as people who were literally in the building?

Professor Gant: I am honestly not certain. We are concerned for the public. The firefighters are workers in that particular scenario.



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Q553 **Chair:** They are also members of the public, though. You will be dealing with them if they come to you in the future. It will be your GPs and our NHS that will be picking up any consequences of this fire, surely.

Professor Gant: Yes, but we also have to recognise that the World Trade Centre was a very different type of fire. In this case the plume went upwards. We know there were a large number of firefighters in the World Trade Centre and eventually that particular building collapsed, producing a large dust cloud that came out. That was not the case with Grenfell. It is a different type of fire.

If you wish, I can go back and consult and provide you a written answer there in terms of the firefighters. I think it is probably outside of Public Health England's remit. I can certainly do that, but we have to recognise that we are dealing with two different types of incidents here.

Q554 **Chair:** Thank you. What about you, Mr Bench?

Dave Bench: Tim is right. The responsibility in relation to workers does sit within the Health and Safety Executive's remit or in the legislation within which we work. The responsibility for monitoring the health of employees principally sits with the employers. Quite a lot of information and legislation—not least the Control of Substances Hazardous to Health legislation—describes what employers need to do if their employees are exposed to any particular substances. That is where the principal responsibility sits under the law. The Health and Safety Executive's remit would be to get involved if we thought there was any problem with employers not undertaking their duties under the law.

Q555 **Chair:** To your knowledge, is the London Fire and Rescue Service undertaking any screening or monitoring of its firefighters as a result of those—

Dave Bench: I do not have a specific answer to that question. It would not surprise me if it was. I can find out if you would like me to. Generally speaking, we have good relationships with all of the emergency services and generally find them to be extremely compliant in the way they operate in relation to their own staff.

Q556 **Chair:** Given that that specific recommendation came out of evidence given to us, I think it would be helpful if you could find out whether or not that is—

Dave Bench: I will ask the question and find out for you.

Chair: Thank you. That is great.

Q557 **Zac Goldsmith:** Minister Coffey, we had a debate some time ago on REACH in Parliament, and you strongly implied at the time—it might even have been in response to my colleague on my right here—that after Brexit the UK might take an even more active role in restricting chemicals. In other words, it would be more bullish after Brexit than it is currently within the context of the European Union. Can I ask you how



you think the UK approach to restricting chemicals of concern should differ after we leave the European Union, and how it will differ?

Dr Thérèse Coffey: As you know, we have passed legislation that will bring into effect REACH as it is today and set about making sure that Dave over here—actually, it might be his former role—is ready alongside the Environment Agency to provide the regulatory framework alongside our scientific expertise.

In terms of taking things forward, I think now we basically have not done any work. We were about to start work on a new Chemicals Strategy. I think it is more likely to be 2020-21 when that will come through. The kinds of things that we might want to be looking at would be priority chemicals in groups—a bit like I was referring to earlier. At the moment we cannot formally do that, although we do encourage ECHA to take that approach, looking at different combination effects of different chemicals. Deca-BDE is a good example. We have been pressing since 2012 for that to get restricted, and it took more than five years. I would like to think that we might be able to act more quickly on those elements.

I think what will continue to be the basis—this is how the UK plays into ECHA today—is to make sure that, of course, the precautionary principle is there, but making sure that we have sound science with evidence and managing risks as our focus, not solely recognising, as the professor already said, pretty much that any chemical is toxic depending on the dose. It is how we manage that risk.

Q558 **Zac Goldsmith:** Thank you very much for that. Do you expect any chemicals currently used in consumer products in the UK to face additional restrictions after we leave the European Union, as a consequence of the forthcoming Chemicals Strategy? Are there any particular examples that you are aware of and that you would share with us?

Dr Thérèse Coffey: I do not have a specific substance of very high concern right here and right now to share with the Committee. I am not sure it would be appropriate for me to do that right now. It is one of those things on the horizon-scanning that I would expect our scientists to be giving us advice on. HSAC has been in existence now since 2012 as one of those external committees, and I know that the HSE also has an approach where we work in collaboration to make sure that what it is responsible for is appropriately assessed.

Q559 **Zac Goldsmith:** Thank you. I understand that France, Denmark and Sweden are all within the European Union calling for a ban effectively on endocrine-disrupting chemicals, so they have taken a much harder approach than many other members of the European Union. Can I ask you what we are likely to expect in the Chemicals Strategy on that issue, and what is our position as a country?

Dr Thérèse Coffey: Sure. Endocrine disruptors are chemicals that are thought to interfere with the body's natural hormone system. We will



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continue to work and see how this work progresses with the EU, and we will certainly include it when developing our Chemicals Strategy.

We have to get the balance right. Even things like lavender oil have chemicals in them that are endocrine disruptors, and a lot of this is about the dose of what is there, how it interacts and how we manage that risk. I will be quite open here. At times I find it frustrating that some other EU countries are not always necessarily led by scientific evidence in how they handle some of these things. They take much more, I guess, of what people call a hazard-based approach. If we took that on the basis of everything, we would hardly have any chemicals left, and they get used in so many different products and are safe to use.

Q560 **Zac Goldsmith:** I think you have already answered this, but within the Chemicals Strategy will there be measures on endocrine-disrupting chemicals in consumer products?

Dr Thérèse Coffey: I believe that we will be bringing that into our consideration, yes, absolutely. It is the combination effects of different chemicals as well.

Q561 **Chair:** Thank you. Perhaps I could ask you, Minister. The Environment Ministers are meeting in June. Is that right?

Dr Thérèse Coffey: There is one in Japan, yes, not this weekend, the next weekend.

Q562 **Chair:** Is that an EU Environment Ministers meeting?

Dr Thérèse Coffey: No, it is the G20. We have already had a G7, and then the EU Ministers meet four times a year and they tend to have two informals a year.

Q563 **Chair:** When will your next EU meeting be?

Dr Thérèse Coffey: The next formal Council of Ministers I think is on 26 June.

Q564 **Chair:** Let me ask you about that. We have the EU strategy for a non-toxic environment, which obviously is of great interest to this Committee, but it has been delayed, hasn't it? What is holding that up?

Dr Thérèse Coffey: It really depends on the presidency and the Commission what they do with each meeting and what the ongoing discussions are in the working parties in the run-up to it, so I cannot tell you right here, right now. I do not know the answer for why that has not been considered so far.

Q565 **Chair:** What about this Plastics Strategy? That is a very important part in terms of plastics being a route for many—

Dr Thérèse Coffey: The Single-Use Plastics Directive?

Chair: Yes.



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Dr Thérèse Coffey: I think we will be in a position where we will be voting on the final directive before the end of June.

Chair: That is good news.

Dr Thérèse Coffey: I do not recall the other thing being on the agenda.

Q566 **Chair:** The New Deal for Consumers and Goods Package to improve product safety requirements. Is that you or is that Minister Tolhurst?

Dr Thérèse Coffey: I do not think that is me.

Q567 **Chair:** Does that ring any bells, Minister Tolhurst?

Kelly Tolhurst: Yes. Sorry, you are asking when—

Q568 **Chair:** There is the work in terms of endocrine disruptors; there is the Plastics Strategy and the New Deal for Consumers and Goods Package, which improves the enforcement of product safety requirements and to address the illegal presence of endocrine disruptors in products.

Kelly Tolhurst: Yes, sorry. That is not immediately to hand. I can come back to you—

Q569 **Chair:** If you could just let us know what state and what our national positions on both of those are, that would be very good.

Can I come to you, Mr Bench? It has been estimated that if we leave the EU—I am still in “if” we leave the EU, rather than “when”—you will have to conduct 50 to 100 substance evaluations a year under the new UK REACH programme. How will you do this, and will you not really be reliant on evaluations that have already been conducted by ECHA?

Dave Bench: There is a more nuanced answer to that rather than just “Yes” or “No” or, “Yes, we can do it”. What you are presuming here is that we are leaving with no deal, so we are in a UK-only environment rather than in a deal environment. If we are in that environment and we were looking at having a UK REACH and a UK REACH programme of work looking at individual substances, that work programme would be developed and DEFRA Ministers would agree what that programme looked like. That would take into account what we know about the EU work programme as it is going on, and of course we have been involved in that programme to date. We would know quite a lot about the substances that are still going through that programme where the work on assessment is already underway.

As you go further into the EU programme, clearly we would know less about what is happening other than just the fact that it is going to happen. We would be able to say which of the substances we are more concerned about from a UK perspective. Would we want to bring them up the list and do that more quickly, as the Minister has just indicated? Are there any where they are not as important from a UK perspective and it makes more sense for us to wait and see what the EU assessment does, and see whether there is any UK relevance for it?



What I would not advocate, in my advice to any Minister in the future, would be to completely duplicate on a UK basis and do all over again the same things that are going to be happening in the EU. That would be a waste of effort in my view. What I would advocate is taking a mixed approach and looking to see whether we want to look earlier at particular substances of concern for UK reasons, and at where we want to engage and take note of EU assessments in other areas.

We already look at what other regulators around the world are doing. We are not just tied into the EU framework, although of course that is a large part of our work. We also engage with other regulators around the world, particularly in similar types of areas and where they have similar approaches to regulation. We look very much at what they are doing as well and take account of what they are doing. I can only imagine that that would continue and our engagement in those more global forums would ramp up a step in a no-deal exit environment.

Q570 **Chair:** What I take from your answer is that you are still looking at the UK retaining some alignment with ECHA's Candidate List of Substances of Very High Concern. Is that right?

Dave Bench: That would be ultimately for DEFRA and other Ministers to decide what the list looked like. I would imagine that in some respects the list would look very similar, and in other respects we might, if we chose, do some things earlier ourselves.

Q571 **Chair:** You would not choose to do anything later or leave out things?

Dave Bench: We would have a decision to take as to whether we wanted to do work ourselves in advance of the EU doing it, and clearly it is fairly easy to think of some criteria that we would choose to identify those types of substances. We would also want to think about whether we want to just keep a close engagement with what the EU is doing on some other substances. We should look to see what it is doing and whether we want to make any additional UK-only assessment or additional assessment on the back of what it is doing, to determine whether we would make exactly the same decision or a decision that is similar but a bit different and bespoke for UK conditions.

Q572 **Chair:** As the new UK regulator, how will you approach regulating groups of structurally similar chemicals so that we avoid this question we touched on earlier of regrettable substitutions?

Dave Bench: We will not be the new UK regulator. We are currently the regulator in the UK. We will remain the regulator. If we are in a no-deal exit scenario, that will mean we will take on some new functions that are currently undertaken by some of the EU agencies.

Q573 **Chair:** How will you approach structurally similar chemicals?

Dave Bench: Structurally similar substances—as the Minister has already said, for many years the UK, when we have been discussing EU work



programmes, has pressed the point across many of the different regimes that looking at structurally similar substances at the same time makes sense.

In lots of the regimes you have very different substances that are not structurally similar used essentially for the same or similar uses. I would argue that it is important to consider those substances together or very close together temporally, because you can end up getting into the area of what you have described as regrettable substitutions if you do not consider the substances that are used for the same thing, even if they are very different in chemical identity. It is the same point that you have been making, but absolutely those are the kinds of things that we should be thinking. We should be thinking about how efficient our assessment process can be.

Dr Thérèse Coffey: I think I am right in saying the UK formed the guidelines for OECD consideration over 10 years ago to start considering more in groups. It is something that is very much on our minds. As I said to the Committee earlier, our regulatory process today does not allow us conveniently to just do that approach.

Q574 **Chair:** Is that something you would wish to see, Minister?

Dr Thérèse Coffey: We have been saying we think this is a good approach to take. We will need to consider it carefully in the creation of the strategy.

Q575 **Chair:** Would you want to move more quickly on phasing out chemicals identified as substances of very high concern?

Dr Thérèse Coffey: With the current regulatory process there is a sunset clause put on it—a sunset date—except where industry has applied for what they call an authorisation. I do not know how often the authorisation process has been successful but, in essence, it gives companies the opportunity to demonstrate that the benefits to society of continuing their use outweigh the risks, and they are also expected to produce substitution plans to identify alternatives. Normally it is a slightly longer phase-out that they are looking for. We still need to be open to that approach to try to come up with alternatives, making sure that safety does come first because that is the fundamental part of what we are trying to achieve.

Q576 **Chair:** That slightly contradicts what you told the Committee earlier where you said you would like to move more quickly, for example, in the issue of Deca-BDE. That substance is still being used in UK factories making UK furniture, isn't it?

Dr Thérèse Coffey: We have the sunset date, when we have the laws to do it. There are some things we could move more quickly. I am just suggesting that it is still appropriate in our initial consideration with the existing REACH regime to see if the sunset date can be extended, depending on the benefit to society, and considering how the risks are



balanced against society's benefits. By and large, if we are following the evidence, then we can do to accelerate that.

Quite often we are fighting different battles. I think I have used this example in another Committee inquiry before—the Polish Government particularly want to ban a particular chemical that gets used in screen wash, and that is because people are using it as substitute alcohol. I do not think that the reason why we should be trying to get rid of that chemical and that product is because there is a problem with people using it in a different way. There are different ways you can try to approach this, and that is why the approach that is taken in that REACH regime is sensible. There may well be opportunities for us to accelerate where we have strong science and really want to push on with it.

Q577 Chair: Although, for the Poles, that would be a very important public health approach, would it not, if you have people going blind through screen wash?

Dr Thérèse Coffey: Candidly, I am under the impression you can restrict these things in your own country, a bit like we have done where you can show it will better improve the environment, better improve health, and you can take those decisions locally. What you cannot do is drop standards. You can increase the standards. I do not know why the Polish do not just get rid of that product in their own country, like we did with microbeads. That is the sort of thing we are able to progress more quickly than other countries have done.

Q578 Geraint Davies: Minister, we have heard evidence that biomonitoring and wildlife monitoring should be integral to the forthcoming Chemicals Strategy. Will they be included, and in what form?

Dr Thérèse Coffey: The Chemicals Strategy: I have tried to outline that we are still at very early stages. Some of this will depend on the scenario that we have for exit, but biomonitoring is important to follow the trends and identify problematic substances. We are very much engaged with the EU programme, and it certainly has the opportunity to be a key part of the future Chemicals Strategy. I am not ruling it in, nor am I ruling it out.

Q579 Geraint Davies: Can you tell me whether the Environment Bill will include chemicals indoors? I know we have had a discussion before about indoor air pollution inclusion, but in terms of chemicals you will be aware that people are exposed to various chemicals that they use to clean with, including candles, personal products, formaldehyde in furniture, and there is a cocktail effect that can adversely affect public health. On that basis, will you be including chemicals in the Environment Bill internally?

Dr Thérèse Coffey: I do not recall that particular element being in any of the clauses that we are drafting. There are already existing powers about air quality, and we will be enhancing those in the Environment Bill. I know this is a particular passion of yours, Geraint. You have highlighted some of the products where today they have very good purposes, used in an appropriate way and being aware of some of the risks. If you do not



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have the windows open and you are spraying stuff everywhere that is not good. It is still a sensible approach to have that risk-based approach, rather than just banning products entirely that can be safe if used correctly.

Q580 Geraint Davies: My previous passion, as you put it, was to ensure that indoor air quality was included as well as outdoor air quality, partly because there is a cocktail effect. We are talking about whether the Environment Bill will protect people in their homes from the combination of chemicals they are exposed to, whether it is in the air or by touching their sofa or any other product.

Dr Thérèse Coffey: I do not believe there are any clauses proposed in the Environment Bill that would specifically address your topic.

Q581 Geraint Davies: Do you think it is a good opportunity? We have heard a lot about the problems of—

Dr Thérèse Coffey: No, I do not think it is.

Q582 Geraint Davies: You don't think, even though we have heard these problems on this Committee of flame-retardants and so on penetrating people's skin? We have heard evidence of formaldehyde going through people's furniture, making their eyes stream. We know that people are exposed to a combination of candles, shampoos, cleaning agents, plus other outdoor toxins. Is it not incumbent on you as the Minister to ensure the Environment Bill gives the Government a duty to protect people in their own homes from dangerous chemicals? After all, they spend 85% of their time in their homes.

Dr Thérèse Coffey: We already have a regulatory regime that does that with risk management, with people managing risk, and we already have that approach. We do not need new primary legislation for that.

Q583 Chair: Minister, can I just pick up on what you said about the new Chemicals Strategy? You said you are not ruling in human biomonitoring and wildlife monitoring, but when you were—

Dr Thérèse Coffey: I am not ruling it in and I am not ruling it out. I am just saying at the moment it is pretty much a blank piece of paper.

Q584 Chair: *Hansard* shows that on 1 February 2018, presumably when you released this strategy, you said the new Chemicals Strategy is "intended to support collaborative work on human biomonitoring".

Dr Thérèse Coffey: Yes.

Q585 Chair: You are ruling it in there.

Dr Thérèse Coffey: I was not ruling it out there. I am just saying at the moment it is quite early days.

Chair: It is in there.



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Dr Thérèse Coffey: At the moment it is the principles I have already mentioned: sound science, address priority chemicals in groups, combination effects, and biomonitoring, the measurement of that and biological specimens. It is important to follow trends, but I am just flagging up that that may well be one element of it.

Q586 **Geraint Davies:** The Chief Medical Officer suggested the Chemicals Strategy include a specific requirement to monitor the human health impact of chemical mixtures. How will you seek to do this, given that you are not going to include this in the Environment Bill?

Dr Thérèse Coffey: Work started for a maximum of two weeks last year, and then there was the Department's reprioritisation of people on to Brexit. Work is now to resume on that, and it is too early for me to give you greater detail but there is certainly an element of discussion that will start again with policy across Government. Then I think the intention is to start to involve more people later this year in the development of the strategy.

Q587 **Geraint Davies:** At the moment, have you identified any particular substances that have a particular priority in terms of biomonitoring and wildlife as well?

Dr Thérèse Coffey: No.

Q588 **Geraint Davies:** You have no idea?

Dr Thérèse Coffey: I have not identified specific chemicals going to this strategy on that monitoring, no.

Q589 **Chair:** Professor Gant, you fed into this report. What chemicals have you identified?

Professor Gant: In terms of concerns we have put them into classes. The ones that are often used to put substances on the Substances of Very High Concern List—the carcinogens, mutagens, reproductive toxins. I noted in the deposition from the CHEM Trust that it had different ideas for some of the chemicals it would like to put on that list, and that perhaps indicates people with different priorities, or different perceptions of the way chemicals act. Certainly any of those within the cancer-causing or reproductive class would be ones that we would be most concerned with.

Q590 **Chair:** You called on Government to establish a national resource to monitor pollution exposures in the general population, didn't you?

Professor Gant: There is a recommendation in the CMO's report—chapter 3, recommendation 20 I think—that calls for biomonitoring. That is a call from Dame Sally Davies, not specifically from us, because she wrote those recommendations. We would certainly support the need for biomonitoring. Understanding exposure gives you that element to understand risk. We understand the risk is a combination of hazard and exposure. We often understand hazard from testing, but the exposure is



often the bit that we have most trouble understanding. Biomonitoring is useful for that.

PHE is involved in several research programmes. We are involved in the HBM4EU programme, which is an EU programme in biomonitoring. We would dearly love to have more resource to put into that particular programme in biomonitoring in general, but we are as engaged as we can be with the facility that we have. We certainly would support active biomonitoring to understand what exposures are within the population. Only with that information can you then start to calculate risk.

Q591 **Chair:** You were the lead author on that report, on the chemicals aspect of the CMO's report, were you not?

Professor Gant: I was the lead author for chapter 3 but the recommendations are from Dame Sally Davies.

Q592 **Geraint Davies:** Just to ask on this then, would you favour biomonitoring basically in the home to ensure that the cocktail of exposure people have that may be hazardous—and obviously exposure levels people have 85% of the time or whatever—do you think that is what we should be doing and that you should take responsibility for that?

Professor Gant: Biomonitoring so that you can do environmental biomonitoring, or biomonitoring of humans for human health aspects? We are interested in human health because that is what Public Health England does. Biomonitoring of humans would pick up exposures from the home as well as exposures from the wider environment. There are certain chemicals that may be found within the home that, if you found them in a biomonitoring strategy, you could then assign them and say, "They came from that particular environment". That may be indoor or outdoor, but biomonitoring in general will pick up chemicals wherever their exposure took place. The idea of biomonitoring is to work out what is in the body, so what people are actually taking in, so it takes account of absorption as well.

Dr Thérèse Coffey: We actively put chemicals into different things—in the public water supply there is fluorine—and that will vary around the country. That is done to try to protect human health. We do use chemicals in different ways.

Q593 **Chair:** We are less concerned about the amount of fluorine in people's bodies. Fluoride, sorry. I used the wrong chemical word there.

Can I ask you about this biomonitoring? Is that through blood and hair sampling?

Professor Gant: Blood, hair. You can use saliva, urine.

Q594 **Chair:** That is exactly what Professor Stec was suggesting around the Grenfell site.



Professor Gant: She was suggesting blood and saliva monitoring. There is an important time component to be recognised here. What she was advocating was the monitoring of certain materials that can be formed in combustion that would have cleared; once your exposure has ceased the levels in the body start to decrease, because the body metabolises and excretes these compounds so they start to go down.

In biomonitoring there is another subject area called toxicokinetics, where you try to work that back from what you find in the body to what the exposure was at the time. To a certain degree you can do that, but it depends on finding something there. Certainly, for some of the chemicals that Professor Stec was advocating biomonitoring, they would have long since been cleared. The metabolism of those chemicals is really quite fast.

Q595 **Geraint Davies:** Do the Government intend to seek continued participation in EU Joint Research Centre programmes focused on chemicals post-2021 in the future partnership negotiations? Is the idea that we will continue close collaboration with—

Dr Thérèse Coffey: Yes. Our collaboration is not just with EU countries. It is with other countries around the world as well. There are specific programmes at the moment that foster that. You might want to ask the Science Minister and Universities Minister whether there is some impact there. Just because we are leaving the European Union, it does not mean that we are leaving the international elements there.

We are still part of an international regulatory framework. We will continue to contribute to all the conventions of which we are already members and try to put forward our scientific expertise to help inform the progress on all these different elements.

Q596 **Geraint Davies:** Finally, can I ask Professor Gant again whether he thinks Public Health England should have a greater responsibility for a more holistic approach to public health in relation to chemicals and whether that should be included in the Environment Bill?

Professor Gant: I will probably have to provide you with an answer post the inquiry to that one, because that is certainly outside my remit in terms of working out where the whole strategy of Public Health England is. The only thing I can say is that Public Health England acts as an advisory body on human health, so we would certainly want to see that the public was protected from the exposures where that was necessary.

Q597 **Chair:** Professor Gant, given that you wrote this chapter and Professor Dame Sally Davies recommended this biomonitoring, what response have you had from Health Ministers on it, and what is your estimate of how much that would cost per year? How many people would you need to monitor for it to be a proper sample?

Professor Gant: I would definitely have to give you a cost estimate outside of here.



Q598 **Chair:** Could it be done through biobank?

Professor Gant: It depends on how much you want to monitor and what power you want in that particular study. The more people you include the more power you have. That gives you greater assurance in the answer when you are calculating exposure. Of course, the more people you include, the more expensive it gets and so there is a balance to be had there. The more analytes you include, the more expensive it gets. How much do you want to monitor? The answer to that is: it depends what you want to do.

Q599 **Chair:** Are we talking £1 million or £10 million a year?

Professor Gant: I don't know what the cost of the EU programme was. I would think £1 million a year is not going to get you very far.

Q600 **Chair:** Could you not tack it on to existing research programmes like biobank?

Professor Gant: Some work does go on in biobank. Biobank is certainly one of those resources that can be used for biomonitoring, as is the Health Survey for England, which we have tried to tag into HBM4EU.

Chair: Thank you all very much indeed. We will leave our session there.