



Rt Hon Sir Stephen Timms MP
Minister for Social Security and Disability
Department for Work and Pensions
4th Floor, Caxton House
Tothill Street
London SW1H 9NA

15 April 2026

Dear Minister,

Draft Chemicals (Health and Safety) (Amendment, Consequential and Transitional Provision) Regulations 2026

We write in relation to the above Regulations, which the Northern Ireland Scrutiny Committee considered at its meeting on 15 April 2026.

On 19 December 2024, unionist parties in the Northern Ireland Assembly wrote to the Speaker of the Assembly setting out their reasoning for pulling the Stormont Brake in relation to EU rules on the classification, labelling and packaging of hazardous substances. On 20 December, this notification was transmitted by the Speaker of the Northern Ireland Assembly to the Secretary of State for Northern Ireland.

We note that in his reply to the Speaker of the Northern Ireland Assembly on 20 January 2025, the Secretary of State for Northern Ireland stated that “the Government will take the steps necessary to avoid new barriers arising” from the EU’s Chemical, Labelling and Packaging Regulation (EU CLP) “within our classification, labelling and packaging regimes for chemicals.”

We further note that in recent submissions to the Secondary Legislation Scrutiny Committee (SLSC), several environmental organisations raised concerns that the changes in the above Regulations do not incorporate these updates and could in fact create a divergence in approach between the Classification, Labelling and Packaging Regulation in Great Britain (GB CLP) and the EU CLP which applies in Northern Ireland under the Windsor Framework.

In particular, concerns were raised that the above Regulations remove the current statutory link with the EU, which requires the HSE to respond to all substances given hazard classifications in the EU within a legal timeframe, and give HSE delegated powers to choose which substances receive classifications and to adopt classifications from other jurisdictions. Specifically, concerns were raised about delays to decisions in respect of chemicals and about the fact that the Regulations do not incorporate 6 new EU hazard classification, with only a commitment to consider incorporating them in future.



Can you provide further assurances that the proposed changes will not lead to divergence contrary to the Health and Safety Executive's stated policy intention? In particular, what is your response to concerns that the removal of the statutory requirement to respond to EU opinions in respect of substances given hazard classifications within specific timeframes will introduce delays and thereby increase divergence between Great Britain and Northern Ireland? What is the justification for not incorporating the 6 new EU hazard classifications in these Regulations? What will be the impact of this on the UK internal market?

We note from the HSE's response to these submissions that its "intention is to amend GB CLP to safeguard the UK Internal Market as it acknowledges the importance of applying a consistent regime across the United Kingdom." We further note that "HSE will be undertaking work in 2026 and 2027 to consider the replication of new EU CLP measures with the aim of making GB CLP amending legislation at least six months prior to new EU CLP labelling changes taking effect in Northern Ireland and the EU (in January 2028)" and that to "enact these changes to GB CLP, HSE will seek to use powers linked to the Windsor Framework provisions under the EU Withdrawal Act to make secondary legislation."

Is the HSE committing to replicate the new EU CLP measures or is it undertaking work only to "consider" replicating these measures? We would be grateful if you would update the Committee before the end of 2026 on the progress of this work.

Finally, when the SLSC asked how divergence would be monitored and reported, the HSE replied that its Technical Reports on chemical evaluations begin with a statement as to whether the HSE's conclusions align with the EU's classification proposal. The SLSC noted that Technical Reports would only be produced for mandatory chemical classification proposals included within the HSE workplan. How will any divergence as a result of proposals not being included within the workplan will be reported?

We request a response within our usual 10-day period.

I am copying this letter to Tonia Antoniazzi MP, Chair of the Northern Ireland Affairs Committee, Ciara Ferguson MLA, Chair of the Northern Ireland Assembly Windsor Framework Democratic Scrutiny Committee, and Colm Gildernew MLA, Chair of the Northern Ireland Assembly Committee for Communities.



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Yours sincerely,

Lord Carlile of Berriew CBE KC,

Chair, Northern Ireland Scrutiny Committee