# Submission from Wildlife and Countryside Link on the draft REACH (Amendment) (No. 2) Regulations 2026

A core principle of good chemicals regulation is known as 'no data no market' by which companies must provide safety data on substances they manufacture or import into Great Britain, so the regulator can check that the company understands the risks of the chemicals they use and to provide a basis for regulatory decisions and controls.

The REACH (Amendment) (No2) Regulations extends the deadlines for companies to provide data on substances that are already registered in EU REACH to staggered deadlines between 2029-2031 (from 2026-30), depending on the tonnage band and hazard profile of the substance. This is the third time the deadline has been extended since EU exit, with the objective of providing time for the Government to continue to develop its Alternative Transitional Registration Model (ATRm) to reduce the costs on companies of registering chemicals in GB since Brexit.

We are concerned that there is an incompatibility between the ATRm and the concurrent Chemicals (Health and Safety) (Amendment, Consequential and Transitional Provision) Regulations 2026, and failure to resolve this mismatch could compromise the future workability of the ATRm, that could result in future delays. The Secondary Legislation Scrutiny Committee recently reviewed the Chemicals (Health & Safety) Regulations and drew them to the special attention of the House.

**Impact of and reasons for the delays**

These extensions have resulted in delays to regulating harmful chemicals, prolonging exposure of people and the environment. They were due to the near impossible challenge of finding a workable model that provided the data needed to support the previous government's preference of an independent 'sovereign' regulatory system, while minimising costs to industry from re-submitting packages registered at EU level. In our submission to the consultation on this latest extension, we argued that the latest extension should only go ahead if accompanied by robust risk mitigation measures and a clear, timebound plan to deliver an EU-aligned model.

In its recent response to the 2024 consultation on the ATRm, the government said it would require "less information" on substances on the GB market to reduce costs on companies, as part of government plans "to align our regulatory decisions with EU decisions unless there are compelling reasons to diverge". It is vital for chemical safety these that registrations go ahead and we welcome consecutive efforts to catch up with EU regulatory protections, although there are unexplained gaps and the system needs to set out transparent reasons for 'compelling' deviations against clearly defined and stringent criteria, to guard against undue influence.

The registration model should be explicitly linked to EU alignment and focussed on what's needed for safe management once EU risk management decisions are accepted. For example, it's not clear if the future system will require similar data on uses and exposure assessments which Swiss companies are required to provide in a system almost entirely harmonised with the EU's. In addition, criteria for what constitutes a compelling reason for divergence are not defined. The consultation response promises that broader reforms will be integrated into "an overall package", at a later date, but the systems should be clearly joined up now for transparency, regulatory coherence and public confidence.

**Incompatibility with concurrent Chemicals (Health and Safety) (Amendment, Consequential and Transitional Provision) Regulations 2026**

The ATRm is not consistent with concurrent Chemicals (Health & Safety) Regulations that removes a statutory requirement on HSE to respond to new EU classification decisions within a legal timeframe and which do not incorporate new EU hazard classes, as well as with the very broad criteria recently given by HSE to the SLSC for 'exceptional circumstances' for diverging from the EU. To ensure chemicals policy is workable, there must be join up with different chemical regulations which cut across different government departments, regulators and arm's length bodies.

Under the proposals for the ATRm, companies will now be required to submit "hazard conclusions" –the results of studies that are made publicly available by the European Chemicals Agency - to reduce costs associated with accessing or buying the EU hazard data packages which support those conclusions which are not publicly accessible. It is difficult to see how HSE can make scientifically credible and evidence-led decisions to adopt different hazard classifications from the EU without this data. This is acknowledged by Defra in its consultation on the ATRm which said there "should not be divergence between EU and GB [hazard] conclusions". The government has said it will introduce regulatory powers to request full hazard data "if necessary", but the same difficulty would exist in terms of the costs and delays in accessing that EU registered data.

This was also highlighted by the Office for Environmental Protection in its recent assessment of government progress on meeting its environmental goals: "Consultation proposals for the ATRm for UK REACH proposed to reduce the hazard information requirements for registrants of transitional substances by replicating the EU REACH's hazard information. However, the EU has introduced several new hazard classes under EU CLP, which the UK is proposing not to introduce under proposed legislative changes to GB CLP. There is no clear understanding on how this divergence may be managed during the implementation of legislative reforms."

In its recent response to the SLSC, the HSE gave broad and wide-ranging criteria for diverging from the EU in "exceptional circumstances" (on pages 12-13). These include disagreeing with the scientific or technical methodology by which the European Chemicals Agency made its opinion, to differences in use and exposure patterns in GB, to wide-ranging industrial and economic criteria. The SLSC recommended: "the House may wish to seek further assurances in relation to the exceptional circumstances in which divergence from the EU may be considered necessary, particularly where that is on the grounds of broader economic or industrial policy considerations". We agree and are concerned such criteria could potentially allow harmful substances to remain on the GB market if they are made or used by a GB company and would create an unpredictable system that is vulnerable to backdoor lobbying. A 'pick and choose' regulation where the UK accepts some EU regulatory decisions and not others, would need a fully functioning independent system of data and staff to support it, including duplicate packages of chemical safety data registered in the EU.

**Questions**

We would be very grateful if the Committee was able to raise these issues with Defra.

How will differences between EU and GB hazard classifications be managed?

What criteria will the Department use for determining compelling reasons to diverge from the EU?

What representations have been made to the DWP about the potential impact of the Chemicals (Health and Safety) (Amendment, Consequential and Transitional Provision) Regulations 2026 on increasing divergence from EU classifications?

***9 April 2026***

## Response from the Department for Environment, Food and Rural Affairs

***Q: How will differences between EU and GB hazard classifications be managed, especially following the extension of the registration deadlines under UK REACH?***

A: GB mandatory hazard classifications are determined through a separate statutory process under assimilated Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures. This process operates independently of UK REACH registration requirements.

For the purposes of UK REACH, the Alternative Transitional Registration model will still require registrants to report classifications. Where there is no GB mandatory classification, they will need to report their own conclusions, informed by the GB Classification, Labelling and Packaging (CLP) framework, and working to reach a common understanding where there is more than one

registrant of a substance. This mirrors the duty in EU REACH. In fulfilling this duty their assessment should be informed by EU harmonised classifications or classifications submitted to the European Chemicals Agency under EU REACH.

***Q: What criteria will the Department use for determining compelling reasons to diverge from the EU?***

We are committed to alignment with the EU on REACH and will ensure that divergence only occurs where there are compelling reasons, for example to protect the resilience of essential national infrastructure. In doing so, we will retain full control of our regulatory decisions.
We are currently defining the specific circumstances under which exemptions from EU alignment may be considered for UK REACH. We intend to publicly consult on these proposals in due course.

***Q: What representations have been made to the Government about the potential impact of the Chemicals (Health and Safety) (Amendment, Consequential and Transitional Provision) Regulations 2026 on increasing divergence from EU classifications?***

A: Following the Chemicals Legislative Reform consultation, the Health and Safety Executive (HSE) published its consultation response on 12 February 2026 and laid the Chemicals (Health and Safety) (Amendment, Consequential and Transitional Provision) Regulations 2026 in draft on 24 February 2026.

HSE policy officials working on the draft Regulations met with Non-Governmental Organisations (NGOs) (where the bulk of representations have come from) on 26 February 2026 (on GB CLP) and on 11 March 2026 (on GB BPR and GB PIC) to discuss their concerns on the draft Statutory Instrument. Fidra, CHEM Trust, Wildlife and Countryside Link and Friends of the Earth subsequently expressed views on the draft Regulations and made submissions to the Secondary Legislation Scrutiny Committee (SLSC) of the House of Lords, to which HSE responded on 03 and 10 March 2026.

HSE also received a letter from Leigh Day solicitors on 12 March 2026 on behalf of Fighting Dirty and CHEM Trust, to which HSE responded on 20 March 2026.

In its responses to NGO correspondence, HSE officials made clear that amendments to the GB CLP Regulation do not target the outcomes of regulatory decision making and therefore do not prevent alignment with EU classifications. Instead, the changes to GB CLP made by the Chemicals (Health and Safety) (Amendment, Consequential and Transitional Provision) Regulations 2026 enhance regulatory processes to ensure that alignment with EU classification and labelling can be reflected to quicker timescales.

Furthermore, HSE will undertake work in 2026 and 2027 to address the impact of associated changes in classification and labelling arising from recent

revisions to EU CLP (including adoption of the new EU hazard classes). These changes will need to be implemented under separate legislation as the Retained EU Law (REUL) Act powers utilised by the Regulations cannot be used to increase regulatory burden.

***Q: The new extension of the deadlines means that full registration under UK REACH is pushed back even further – what is the risk that this prolongs the exposure of people and the environment to chemicals that cannot be regulated properly in the absence of full registration?***

A: The extension does not create a regulatory gap or reduce protections below the high standard required under Article 1 of UK REACH. As set out in the Article 1 consistency statement, the Government considers the measure to be consistent with the core objective of maintaining a high level of protection for human health and the environment. Existing legal duties remain in place, including requirements for Safety Data Sheets, labelling and compliance with Control of Substances Hazardous to Health (COSHH), ensuring that risks continue to be communicated and managed effectively throughout the supply chain. This position is supported by consultation evidence.

Most respondents to the Government's consultation on extending UK REACH submission deadlines supported the view that extending the deadlines would not significantly undermine protections, noting that the majority of substances are already registered under EU REACH and are currently in use on the GB market with established hazard information and risk management measures in place. Respondents also highlighted that additional time would support the preparation of higher-quality registration dossiers, rather than rushed or incomplete submissions, thereby strengthening the regime over the longer term.

The Government also recognises the importance of prioritising the most hazardous substances and will continue to ensure that these are addressed at the earliest stage. In addition, regulators retain the ability to act where risks are identified through existing UK REACH mechanisms, including evaluation and restriction. The Impact Assessment further demonstrates that, without an extension, industry would face significant costs in preparing data becomes unnecessary under the future model.

***Q: Under the proposed ATRm, companies will be required to submit "hazard conclusions" to reduce the costs of obtaining EU hazard data which supports those conclusions. However, without the full hazard data, how can HSE make scientifically credible and evidence-led decisions to potentially adopt different hazard classifications from the EU? The ATRm suggests that full hazard data will be requested "if necessary" - but if that happens, the same difficulty would occur in***

***terms of the costs and delays in accessing that EU registered data that the ATRm seeks to avoid?***

A: GB mandatory hazard classifications are determined through a separate statutory process under assimilated Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures. This process is based on scientific scrutiny of the intrinsic hazards of a chemical by the Health and Safety Executive (HSE), which is informed by a broad range of available evidence.

Mandatory classification operates independently of UK REACH and dossiers submitted by registrants under UK REACH, including hazard conclusions, are not used to determine mandatory hazard classifications in GB. The absence of full EU-registered hazard data in ATRm submissions would, therefore, not affect HSE's ability to take decisions on mandatory hazard classifications.

***14 April 2026***