



# Environmental Audit Committee

House of Commons, London SW1A 0AA

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Rt Hon George Eustice MP  
Secretary of State  
Department for Environment, Food and Rural Affairs  
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By email

30 April 2020

## **New Chemicals Strategy and the future of chemicals regulation**

Dear Secretary of State,

May I congratulate you on your appointment as Secretary of State. Defra's decision to pause work temporarily on the new Chemicals Strategy due to the COVID-19 pandemic is regrettable given the previous delays in its development and as clarification on the future regulatory framework for chemicals has been sought as a matter of urgency by this Committee since the 2016-17 session. Whilst the Committee appreciates the reprioritisation of staff towards responding to the pandemic, there remains much the Government can do to provide the chemicals industry with the assurances, guidance and certainty required to sustain this important UK sector through and beyond the transition period.

In the last Parliament, the Environmental Audit Committee held a follow-up session on the inquiry conducted by the Committee in 2016-17 on *The Future of Chemicals Regulation after the EU Referendum*. The Committee heard from experts and business groups about the impact of the proposed withdrawal agreement and political declaration on UK-EU relationships and explored the possible implications of future outcomes, including the transition period and post-transition settlement. The Committee examined this further during its 2019 inquiry into *The Impact of Toxic Chemicals in Everyday Life*. I am writing today to follow-up on the recommendations and issues raised during these inquiries in the light of further delays and developments in the Government's approach to the future regulatory environment for chemicals. I would be grateful if you could respond in writing by 25 May 2020.

In February during a Westminster Hall debate considering the chemicals industry, the Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs, Victoria Prentis, stated that: "[The UK] will no longer participate in the ECHA or the EU regulatory framework for chemicals," and instead the Government would create its own independent regulatory regime – UK REACH. This marks a shift away from the previously stated preferred approach to chemicals regulation through a form of associate membership of the ECHA. What is the Government planning instead? How does this move beyond the technical note issued in August 2018 on the UK's relationship with EU REACH in a no deal scenario? Such a shift in position raises a number of questions regarding regulatory divergence, arrangements for businesses, UK regulator responsibilities and access to databases.

During the debate, the Minister restated the Government's intention to produce a Chemicals Strategy with the aim of driving "sustainability, circularity and innovation...while protecting human health and the environment". Following last year's delay, the revised plan was to publish the call for evidence in April, with a commitment to undertaking public consultation on the draft strategy before final publication in 2021-22. Since then responding to the COVID-19 pandemic has overtaken other Government commitments.

We appreciate that the outbreak has put added strain on the Government, but can you explain how Defra hopes to continue with "some underpinning work" as mentioned in your statement to chemical stakeholders, and what this work will consist of? Can you also explain how you are mitigating the risk of the public consultation and strategy being delayed as a result of delaying the call for evidence? How will the Government make use of the time to assist businesses in preparing for the new regulatory framework and will the timeframe for transitional measures such as grandfathering and the two-year period for fulfilling UK REACH registrations be extended?

In evidence sessions, we heard of companies moving operations to EU member states and transferring REACH registrations even though the legal position of these registrations post-transition was unclear. This points towards a necessity for businesses to be provided reassurance over future arrangements now. Multiple witnesses stressed to us that current guidance for businesses did not provide the comprehensive detail necessary for implementation of a UK REACH. Clarity was also sought on the level of registration information required for UK REACH, highlighting that few UK companies had access to the "full data package" requested because the data is proprietary and often held, at least in part, by EU-based companies. If the full data package is necessary but impossible to gain, this could render the entire UK database unusable. What progress has been made to address issues associated with the status of REACH registrations and the necessity for clear detailed guidance? Given the Government's decision to not pursue associate membership of the ECHA, what relationship does the Government envisage would provide sufficient access to data?

Since the 2016-17 session the Committee has also heard consistent concerns over the ability of the HSE to take on the functions of the ECHA. In 2019 the Committee recommended the HSE should outline a formal role in the substance evaluation process for the Committee on Toxicity and Hazardous Substances Advisory Committee and it should also establish a forum for engagement with stakeholders and a register of specialists to assist the decision-making process for chemicals policy within BEIS and Defra. What progress has been made in responding to this recommendation?

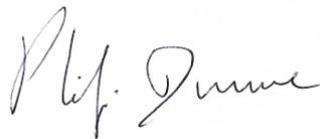
Elizabeth Shepherd, a Partner at Eversheds Sutherland, highlighted that in a situation where the UK was no longer a member of ECHA, access to the chemical agency's committee meetings, expert groups and databases would be very limited or non-existent. In such a situation, how will regulatory consistency be maintained to ensure environmental protection, and standards of chemical regulation and safety are raised rather than lowered over time? The Parliamentary Under-Secretary of State, Victoria Prentis mentioned there would be a "series of protected provisions that cannot be changed", can you give more detail over what these provisions consist of?

Overall, evidence sessions revealed that the UK was a significant contributor towards establishing REACH as the world benchmark in chemicals regulation and management. With the

UN projecting the size of the global chemical industry to double by 2030, it is crucial the UK continues to lead the way in maximising the benefits and minimising the adverse impacts that chemicals pose to human health, the environment and economies. We look forward to the UK addressing this challenge through its work on the Chemicals Strategy and providing the guidance and regulatory framework necessary to meet this challenge through and beyond its transition out of the EU. We will follow up on your progress later in the year and look forward to the setting of a new date for the Chemicals Strategy call for evidence soon.

I would be grateful for a response by 25 May 2020.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Philip Dunne', written in a cursive style.

**Rt Hon Philip Dunne MP**  
**Chairman of the Environmental Audit Committee**

CC. Victoria Prentis MP, Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs

Rebecca Pow MP, Parliamentary Under Secretary of State, Department for Environment, Food and Rural Affairs