

The Chemical Industries Association (CIA)

CIA is the trade association representing and advising chemical and pharmaceutical businesses across the UK. A significant contributor to the UK economy (£17 billion of Gross Value Added on a turnover of £55.5 billion), the chemical industry is at the heart of UK manufacturing, with chemistry and chemicals helping to ensure clean water, sufficient food, clean energy and many other essentials to everyday life.

The Chemical Industries Association (CIA) welcomes the opportunity to provide input to the UK Parliament EFRA Committee's Inquiry on Defra Common Frameworks. Of relevance to the chemicals sector are primarily both the Chemicals & Pesticides Common Framework, and the Integrated pollution prevention and control: developing and setting of Best Available Techniques (BAT) provisional Common Framework. In respect to the Inquiry questions, we request that our comments below are taken into consideration.

1. To what extent do the Common Frameworks create a suitable basis for ensuring UK-wide consistency in decision-making and for managing divergence?

In our response earlier this year to the devolved administrations on the Chemicals and Pesticides Common Framework, CIA reiterated its support for having Common Frameworks since they allow the four governments to work coherently and take a holistic approach on policy making thereby providing a consistent approach. CIA fully supports that chemicals policy and related legislative decisions apply in a GB/UK context. This holistic approach in turn helps ensure the safe use of chemicals through protection of the environment & human health whilst bringing clear benefits to the UK society from chemistry.

2. Do they strike the right balance in terms of respecting devolved competence and allowing each government of the UK to support their food and farming sector, but without creating the risk of unfair competition between the four nations?

With respect to the Chemicals & Pesticides Common Framework, and the Integrated pollution prevention and control: developing and setting of Best Available Techniques (BAT) provisional Common Framework, CIA believes they do strive to set the right balance in terms of devolved competence. Whilst the intention is there for achieving consistency across the four nations, we highlight this may not always be straightforward in practice – see our response to Question 3.

3. Are there any potential practical challenges that could arise from the operation of the Common Frameworks?

In CIA's response to the November 2020 consultation on the Chemicals and Pesticides Common Framework, we welcomed the incorporation of a dispute avoidance and resolution mechanism. We were pleased to see that had been retained in the provisional Framework recently submitted to Parliament and strongly support inclusion of such a mechanism in all Common Frameworks. CIA also commented in November 2020 that to prevent potential trade barriers, resolutions should seek to achieve as little deviation as possible between the devolved jurisdictions. This remains our view and that when future legislation needs to be drafted under the devolved procedures, a consistent way forward should first be sought through the Common Framework. In such cases we ask that as similar as possible legislation be put forward, if not the same then this should be at least with the same entry into force date. As iterated in our 2020 consultation response, this approach not only helps industry to effectively manage any new requirements and administrative costs, but also presents a coherent approach to society since small differences can lead to confusion for all.

Unfortunately, the governance in the provisional framework for Integrated Pollution Control means that transparency of decision-making in the future UK BAT process will be dramatically reduced compared with the equivalent EU 'Seville' process. This is because as part of the EU process stakeholders like environmental NGOs and trade associations are able to join senior governance groups (e.g. Article 13

Forum and Article 75 Committee) to witness first-hand the discussions, even if only as observers in some cases. CIA is concerned that the UK's proposed approach will mean that decisions will be taken largely behind closed doors and therefore the reasonings for them will often be unclear.

4. What is the impact of their operation on key stakeholders?

There will be both direct and indirect impacts on key stakeholders from decisions arising in the operational functioning of the Common Frameworks. Further to our response to Question 3, CIA also highlights the need for flexibility in operating the Common Frameworks particularly since many businesses in the UK are in the process of adapting to new domestic operating arrangements; for some these legislative requirements are new as in the case for users of chemicals under UK-REACH. CIA strongly concurs with the point made in the Chemicals and Pesticides Common Framework we noted that *"other regulatory systems within the UK or those which the UK wishes to interact"* should be considered when seeking to make policy changes. We expect this recognition to also be reflected in other Common Frameworks. This is due to the already increasing costs UK businesses are facing to maintain viable operations and meeting other jurisdiction requirements.

5. Any other notable observations relating to the content of the framework(s) that may warrant Committee scrutiny.

Transparency and communication with stakeholders should be paramount in the process with advance warning of policy changes and clarity in procedures being a key aspect of this. For example, in the Chemicals & Pesticides Common Framework three Delivery Boards are outlined in the governance structure but there are no details on their composition. As an industry trade association, CIA would expect the Delivery Boards to include government industry departments (e.g. BEIS) as well as other relevant cross-Whitehall and Devolved Administrative bodies. CIA is waiting to hear further clarification on this following a request we made in February to Defra and the other devolved bodies. In addition, we believe stakeholders should be involved early in the decision-making process so that the best possible risk-based science can be used to enable the UK economy and society to prosper; this should involve stakeholders who will be directly impacted by policy decisions.

Developments in science and evidence for informing the operational decision making under the Common Frameworks is important and fundamental to the success of an effective coherent UK regime. CIA believes it is vital that this remains the case in any future iterations of the Framework. One aspect we noted in the Chemicals and Pesticides Common Framework was that this only referred to "international science", with no mention being made to the UK's renowned recognition for its science and innovation in many fields; we believe this should be equally recognised.

In the Chemicals & Pesticides Common Framework, CIA notes the recognition given to other stakeholders, including industry, who are not party to the Common Framework but have a clear interest and role in the UK chemicals regime. In our response to Defra and the other devolved bodies we have thereby advocated that the Parties maximise early in the decision-making process the high-level of knowledge and expertise that resides within businesses, working with trade associations like ourselves and others in determining the UK chemicals regime.

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