

Chemicals policy and regulation update

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1. Broad policy issues

1.1. The Substances of Concern in Products (SCIP) database

The EU's revised Waste Framework Directive requirement to set up a database for articles containing substances of very high concern (SVHCs) does not apply to the UK. The obligation to report to the EU's SCIP database begins after the end of the transition period and does not apply to UK based suppliers of articles. However, UK companies providing articles to companies in the EU should expect to be asked to supply the information as those EU companies will be required to report to the database.

Defra is considering how best to address the identification and tracking of chemicals in products across supply chains to reduce barriers to reuse and recycling.

1.2. Consultation on new ecodesign regulations

Government will soon be issuing a consultation on new ecodesign regulations, as per the requirements that the UK voted for at EU level in 2018/19. This will include the proposed new resource-efficiency requirements for Electronic Displays.

Subject to the outcome of the consultation, we intend to bring these regulations into force in March 2021. This work is led by BEIS.

2. Update from Devolved Administrations

2.1. Scotland

Forum – The Scottish Government is seeking to set up a forum to improve its understanding of issues affecting relevant stakeholders. This group will be linked to the UKCSF. An initial gathering of interested stakeholders was intended for March 2020 however this had to be cancelled due to Coronavirus. The initial meeting took place on Friday 11 September by videoconference.

Anyone interested in participating in this forum, or with any issues which they wish to present to the Scottish Government, should contact jason.sharp@gov.scot, louise.cameron@gov.scot, or donna.turnbull@gov.scot.

Air Quality – The Scottish Government completed an independent review of Cleaner Air for Scotland during 2019 and we are currently drafting a new air quality strategy taking into account the review conclusions and recommendations, which we expect to issue in draft for public consultation later in 2020.”

2.2. Wales

The [Clean Air Plan for Wales](#) was launched on 6 August.

The [consultation on our Circular Economy Strategy](#) closed on 24 April. We aim to publish the strategy in its final form by the end of the year.

3. Update on REACH issues

3.1. EU Exit

UK REACH will come in to force on 1 January 2021. New government [guidance](#) published on 1st September, advises companies on complying with UK REACH. This includes information about an extension of the previous registration deadlines set in legislation (subject to parliamentary and devolved administration scrutiny). More detailed guidance will follow later this month. If you have any queries please contact REACH-IT@defra.gov.uk.

3.2. Consultations

Current consultations

- [Applications for authorisation](#) covering 11 uses of chromium trioxide and bis(2-methoxyethyl) ether (Diglyme) has a deadline of 7 October 2020.

Consultations since the last CSF meeting

- Call for evidence on potential restriction of [per- and polyfluoroalkyl substances \(PFAS\)](#) had a deadline of 31 July 2020.
- Commission consultation to update [concentration limit values of persistent organic pollutants in waste](#) had a deadline of 7 August 2020.
- SEAC's draft opinions on the restriction proposals on [calcium cyanamide](#) and [skin sensitising substances](#) had a deadline of 24 August 2020.
- SEAC's draft opinion on the restriction proposal on intentionally added [microplastics](#) had a deadline of 1 September 2020.
- Restriction of [undecafluorohexanoic acid \(PFHxA\), its salts and related substances](#) had a deadline of 25 September 2020.

3.3. Restriction

- Member States support the restriction of [hazardous substances in tattoo inks and permanent make-up](#).
- [PFOA](#) has been banned under POPs Regulation replacing the REACH restriction of PFOA.
- RAC and SEAC consolidated opinion supporting ECHA's proposal to restrict the use of the [cyclosiloxanes D4, D5 and D6](#) is now available.
- SEAC support the proposal to restrict the manufacture or placing on the market of [PFHxS, its salts or related substances](#) in mixtures and articles, to help prevent it being used as a substitute for PFOA.
- Diisocyanates are restricted under REACH; the restriction conditions are available in the [Commission Regulation](#).

- [Phthalates DEHP, DBP, DIBP and BBP](#) are now restricted in the EU.
- Norway has submitted an intention to restrict the manufacture, use and placing on the market of [Dechlorane Plus](#).

3.4. Evaluation

ECHA have published substance evaluation conclusions for:

- [di-tert-pentyl peroxide](#)
- [3-trimethoxysilylpropyl methacrylate](#)
- [di-tert-butyl peroxide](#)
- [biphenyl](#)
- [benzenamine, reaction products with aniline hydrochloride and nitrobenzene](#)
- [1,2-dichlorobenzene](#)
- [2-bromo-3,3,3-trifluoroprop-1-ene \(2-BTP\)](#)
- [oxydipropyl dibenzoate](#)
- [oxydiethylene dibenzoate](#)
- [Multi-walled Carbon Nanotubes \(MWCNT\), synthetic graphite in tubular shape and tangled](#)

3.5. Authorisation

RAC and SEAC have [adopted opinions on authorisation](#) applications for uses of :

- 4-(1,1,3,3-tetramethylbutyl)phenol, ethoxylated to Kedrion S.p.A;
- 4-(1,1,3,3-tetramethylbutyl)phenol, ethoxylated to Abbott Diagnostics GmbH;
- 4-(1,1,3,3-tetramethylbutyl)phenol, ethoxylated to Eli Lilly Kinsale Limited.
- 4-(1,1,3,3-tetramethylbutyl)phenol, ethoxylated to Octapharma AB, Octapharma Pharmazeutika Produktionsgesellschaft m.b.H, Octapharma S.A.S. and Octapharma Produktionsgesellschaft Deutschland mbH;
- 4-(1,1,3,3-tetramethylbutyl)phenol, ethoxylated to Vetter Pharma-Fertigung GmbH & Co. KG;
- 4-(1,1,3,3-tetramethylbutyl)phenol, ethoxylated to Novo Nordisk A/S;
- pitch, coal tar, high-temp and anthracene oil to RÜTGERS Germany GmbH;
- **4-(1,1,3,3-tetramethylbutyl)phenol, ethoxylated** to SEBIA;
- 4-nonylphenol, branched and linear, ethoxylated to SEBIA;
- **4-(1,1,3,3-tetramethylbutyl)phenol, ethoxylated** to DIAGNOSTICA STAGO;
- sodium chromate to Ariston Thermo SpA;
- chromium trioxide to Tata Steel UK Ltd;
- 4-(1,1,3,3-tetramethylbutyl)phenol, ethoxylated to Roche Diagnostics GmbH;
- 4-(1,1,3,3-tetramethylbutyl)phenol, ethoxylated to Nuova Ompi S.r.l. unipersonale;
- 4-(1,1,3,3-tetramethylbutyl)phenol, ethoxylated to Sanofi Pasteur;

- 4-(1,1,3,3-tetramethylbutyl)phenol, ethoxylated to Merck Biodevelopment SAS and FUJIFILM Diosynth Biotechnologies UK Limited;
- 4-(1,1,3,3-tetramethylbutyl)phenol, ethoxylated to Swords Laboratories;
- 4-nonylphenol, branched and linear, ethoxylated to Cytiva Sweden AB.
- **4-(1,1,3,3-tetramethylbutyl)phenol, ethoxylated and 4-nonylphenol, branched and linear, ethoxylated** to IDEXX Montpellier SAS and IDEXX Europe B.V.

3.6. SVHCs

- [Four new substances](#) were added to the Candidate List of SVHCs for authorisation: 1-vinylimidazole; 2-methylimidazole; Dibutylbis(pentane-2,4-dionato-O,O')tin and Butyl 4-hydroxybenzoate (Butylparaben).
- The MSC did not agree to identify [resorcinol](#) as a SVHC.
- Two proposals to identify new SVHCs are available for [Bis\(2-\(2-methoxyethoxy\)ethyl\)ether; \(Tetraglyme\)](#) and [Diocetyl tin dilaurate, stannane, dioctyl-, bis\(coco acyloxy\) derivs., and any other stannane, dioctyl-, bis\(fatty acyloxy\) derivs., wherein C12 is the predominant carbon number of the fatty acyloxy moiety](#). Deadline for comments is 16 October 2020.

3.7. Reports, Guidance & Updates

- REACH Annex II has been [amended](#) to align it with the latest revisions of the UN's GHS.
- A recent ECHA [report](#) shows that alternatives to animal testing continue to be widely used.
- A recent study (commissioned by ECHA and the EC) on PFAS-based fire-fighting foams presents a [report](#) with information for potential regulatory actions.
- ECHA has published [reports](#) on the results of a survey on the impacts of REACH restriction and authorisation on substitution in the EU and on the implementation of ECHA's substitution strategy.
- ECHA has published an investigation [report](#) on lead in consumer articles to help support the Commission in their consideration to re-evaluate the restriction.
- The OECD has published two guidance documents for the testing of manufactured nanomaterials; [Guidance 318](#) and [Guidance 317](#).
- An ECHA survey on the use of bisphenol A (BPA) and other developers in thermal paper confirms that paper manufacturers have continued to replace [BPA with Bisphenol S \(BPS\)](#). The EU-wide ban on BPA in thermal paper took effect in January 2020.

4. International Chemicals: Multilateral Environmental Agreements (MEAs)

The [Triple Conference of the parties](#) will take place in July 2021. This covers the Basel, Rotterdam and Stockholm conventions.

4.1. Stockholm Convention – Persistent Organic Pollutants

The UN Stockholm Convention on POPs agrees global bans of substances that fulfil the POPs criteria and requires all stockpiles and waste containing POPs to be identified and disposed of so that the POPs are destroyed or irreversibly transformed.

Changes to Stockholm Convention restrictions

Amendments to the annexes which list restricted substances and those with an acceptable use were communicated to all parties in December 2019 following agreement at the Conference of the Parties to the Convention in April 2019. They include a ban on all uses of dicofol, an organochlorine pesticide, which has similar properties to Dichlorodiphenyltrichloroethane (DDT). The Convention also agreed to eliminate perfluorooctanoic acid (PFOA), its salts and PFOA related compounds which have a wide range of uses, including the manufacture of semi-conductors, photographic coatings, textiles, medical devices and firefighting foams. There are some time-limited specific exemptions. A change from an acceptable purpose to a specific exemption for the use of PFOS, its salts and PFOSF as mist-suppressant for non-decorative hard-chromium plating in closed loop system was also agreed. These changes will come into force through retained EU law, between July and December 2020.

The Stockholm Convention's Scientific Committee (POPRC)

The Stockholm Convention's Scientific Committee (POPRC) meeting has been delayed until 11 – 15th January 2021. This is likely to be an online meeting though we are still awaiting confirmation. Intersessional working groups have prepared draft risk profiles on methoxychlor and Dechlorane Plus (DP). Reviews of decabromodiphenyl ether (decaBDE) and short chained chlorinated paraffins (SCCPs) exemptions were also conducted and will be included in the POPs Review Committee (POPRC 16) 16th meeting papers. These are now available on the [POPRC website](#). Also being discussed at POPRC16 is the consideration of a proposal for the inclusion of UV-328 (nominated by Switzerland earlier this year) in Annexes A, B and/or C to the Convention.

Defra invites experts in the CSF to engage us on our work in preparation for POPRC in Jan 2021. We are especially interested in better understanding the usage of Dechlorane Plus in the UK, and the potential impacts of it being added onto the list of POPs in Stockholm.

National Implementation Plan

The UK's [National Implementation Plan \(NIP\) 2017](#) is due to be updated to reflect restrictions on decabromodiphenyl ether (decaBDE) and short chained chlorinated paraffins (SCCPs) adopted at the 8th Conference of the Parties of the Stockholm Convention. Defra will be consulting stakeholders on the prospective updates and future commitments later this year.

Other POPs research

Research is being undertaken as part of the UK Multi Media Emissions Inventory (MMEI) to understand the historical use of two the brominated POP flame-retardants, decabromodiphenyl ether (decaBDE) and Hexabromocyclododecane (HBCDD), which are present in a range of soft furnishings passing through UK waste streams. This research will inform ongoing engagement with the waste industry

In August 2020, two research documents were published on defra.gov.uk:

- [Landfill Leachate Survey for Persistent Organic Pollutants](#)
- [Methods for the pre-treatment and destruction of persistent organic pollutants](#)

5. International Chemicals: Voluntary international initiatives

5.1. Beyond 2020 framework on chemicals and waste (Strategic Approach to International Chemicals Management (SAICM))

The Beyond 2020 framework is currently being negotiated and will follow on from the existing Strategic Approach to International Chemicals Management (SAICM). It complements the multilateral environmental agreements for chemicals and waste i.e. the Basel, Stockholm, Rotterdam and Minamata Conventions and aims to improve chemicals and waste management globally. Negotiations will conclude in July 2021, having been delayed due to COVID-19. The plan is to continue discussions virtually in the lead up to the next intersessional meeting, IP4 in March. There are opportunities for stakeholders to engage:

1. **Virtual working groups** are due to commence discussions on key issues in October. There will be four virtual working groups set up to cover:
 - I. Targets, indicators, and milestones;
 - II. Governance and mechanisms to support implementation (likely to include discussions on the Science-Policy interface);
 - III. Issues of concern; and
 - IV. Financial considerations.

These will be open to stakeholders so we would encourage participation where possible. Their focus will be to develop proposals on key issues, build on and continue the work done at the last intersessional meeting, IP3 and make proposals on gaps if these are identified. The outcomes from these working groups will be discussed at IP4 in March 2021, in Bucharest, Romania. There will also be opportunities for written input, most likely in November. We expect to see the next draft of the text in January 2021.

2. **Communities of Practice (CoPs)** are voluntary networks consisting of individuals with expertise and interest in a thematic area that come together regularly to exchange and discuss their knowledge and experiences. There are four groups: Highly hazardous pesticides, lead in paint, chemicals in products and 'chemicals and the Sustainable Development Goals'. There are a number of online discussions happening over the coming months that may be of interest to stakeholders.
3. A number of **technical briefing sessions** are also due to be held (details TBC)

We will continue engagement through the CSF sub-group and the UKCSF as discussions develop. **If you would like to join the Beyond 2020 CSF sub-group please let the secretariat know (Chemicals@defra.gov.uk).** Further info: **[Beyond 2020 framework on chemicals and waste](#)**.

6. The OECD's Environment, Health and Safety (EHS) Programme

The [EHS programme](#) deals with the safe use of chemicals, nanomaterials, pesticides, biocides, and products of modern biotechnology. It aims to protect health and the environment, while avoiding duplication of effort, ensuring that efficiencies are made and barriers to trade avoided. Recent streamlining has led to responsibility for the EHS programme to the Chemicals Committee (renamed as the “Chemicals and Biotechnology Committee”), which now reports directly to the OECD Council. Its mandate remains the same, although with work growing in the area of risk management, a new working party is being developed to cover this area.

Defra continues to have oversight of the wider EHS programme and attended the final Joint Meeting of the Chemicals Committee and the Working Party on Chemicals, Pesticides and Biotechnology in February 2020. The first meeting of the Committee on the Safety of Chemicals and Biotechnology will be held in November and back to back with a Global Forum on Environment on the challenges with setting up and implementing a cost-effective management system for industrial and consumer chemicals.

For OECD updates - Sign up to [MyOECD](#) and subscribe to Chemical Safety News.

6.1. Nanomaterials and advanced materials

Defra led the UK delegation which included, PHE, EA, HSE, FSA, BEIS and academics at the Working Party on Manufactured Nanomaterials (WPMN) in September. This meeting discussed project updates projects taking place within the OECD relating to nanomaterials. UK provided technical input on a document looking at Risk Assessment of Nanomaterials, as well as input on documents relating to understanding Adverse Outcome Pathways (AOP) as these link key biological events resulting from nanomaterial exposure. The meeting included a tour-de-table where the UK provided in depth information on activities we are involved in that relate to nanomaterials, this included; leading on 3 projects looking to adapt OECD test guidelines; work taking place within academic institutions in the area of nanoscience; work on understanding advanced materials; as well as work being conducted by BSI and ISO on nanomaterials.

A new project proposal was presented by the UK at WPMN looking to develop a scoping review for a tiered approach for bioaccumulation assessment of nanomaterials in organisms such as fish, which was met with excellent support from Germany, Netherlands, and EU and ultimately was accepted onto the WPMN programme of work. More information will be available on the status of this project as it is due to begin in October 2020.

Advanced materials are a novel set of materials with no official definition but are generally engineered to exhibit enhanced properties with superior performance compared to conventional materials. Examples of these are polymers, composites, advanced fibres and metamaterials, which are used in a range of applications such as use in the renewable energy sector, digitalization and healthcare. These materials were discussed at the Advanced Materials conference which took place on 15th September with a session of this conference focusing on the potential safer-by-design of these materials. Defra and HSE are looking to hold a national workshop on advanced materials next year looking to further explore Advanced Materials.