Chemicals policy and regulation update

Index

1. Broad policy issues 2
1.1. Chemicals Strategy 2
1.2. Per- and Polyfluoroalkyl Substances (PFAS) 2
2. Update from Devolved Administrations 3
2.1. Scotland 3
2.2. Wales 3
2.3. Northern Ireland 3
3. UK REACH 4
3.1. Communications Update 4
3.2. Industry Proposal 5
3.3. Monitoring and Evaluation 5
3.4. Transitional Applications for Authorisation 5
3.5. Restrictions and Regulatory Management Options Analysis 6
4. UK REACH – Update from the UK Agency (HSE) 7
4.1. Statement on UK REACH Independent Scientific Advice 7
4.2. Apply to become UK Agency Accredited Stakeholders 7
4.3. New UK REACH Applications for Authorisation 8
5. International Chemicals: Multilateral Environmental Agreements (MEAs) 9
5.1. Stockholm Convention – Persistent Organic Pollutants 9
5.2. Minamata Convention on Mercury 10
6. International Chemicals: Voluntary international initiatives 11
6.1. Beyond 2020 framework on chemicals and waste (Strategic Approach to International Chemicals Management (SAICM)) 11
6.2. Partnership for the Assessment of Risk from Chemicals (PARC) 13
7. The OECD's Environment, Health and Safety (EHS) Programme 14
7.1. Nanomaterials and advanced materials 14

1. Broad policy issues

1.1. Chemicals Strategy

Our goal is to protect health and the environment while enabling economic growth through managing the production, use and disposal of chemicals.

The Government's 25 Year Environment Plan commits to a new strategy to tackle chemicals of national concern. Following the end of the Transition Period and our departure from the EU, the Government is developing an ambitious Chemicals Strategy which will set out our immediate priorities, alongside any actions we will need to take to achieve safer and more environmentally sustainable management of chemicals for present and future generations.

Work on developing a Chemicals Strategy is underway. We are continuing to gather evidence and engaging with a broad range of stakeholders as an important part of its development and will continue to engage with the CSF on the Strategy. We will be carrying out a public consultation to help inform a Chemicals Strategy in due course.

1.2. Per- and Polyfluoroalkyl Substances (PFAS)

A multi-stakeholder PFAS workshop took place on 27- 28 April to act as a forum to share current and future work, as well as gain views on key PFAS issues. There were over 100 attendees on each day. The event covered several topics, including the diversity of PFAS, PFAS levels in the environment, public health risks, stakeholder perspectives, UK sources, global risk management approaches, grouping and product stewardship. The outputs from the workshop will be used to inform policy development on PFAS.

The workshop was also an opportunity to introduce the future PFAS risk management options analysis (RMOA), see section 3.5 for further detail. This is currently at a planning stage but aims to be completed next year.

2. Update from Devolved Administrations

2.1. Scotland

Forum – The Scottish Government has now held 2 meetings of the Scottish Chemical Policy Network (SCPN) with a third scheduled for 24th June.

Anyone interested in participating in the SCPN or with any issues which they wish to present to the Scottish Government, should contact chemicals@gov.scot.

Air Quality – The Scottish Government completed an independent review of Cleaner Air for Scotland during 2019 and then consulted on an update concluding on 22 January 2021. We expect to finalise and publish the update this summer.

2.2. Wales

The Welsh Government published *Beyond Recycling*, the circular economy strategy for Wales, in March. It builds on the 2010 waste strategy, *Towards Zero Waste*, and sets out actions on a pathway towards a zero waste, net zero carbon Wales, which uses its fair share of resources and grows the circular economy.

2.3. Northern Ireland

DAERA is developing the first Clean Air Strategy for Northern Ireland, a two-stage approach has been adopted. Initially a Clean Air Strategy Discussion Document, which presents an in-depth analysis of air quality in Northern Ireland and sets out current policy and evidence, was launched to a 12-week public consultation on Monday 23rd November 2020. The Discussion Document sought views on a wide variety of matters relating to air quality. It did not set out policy options or indicate a particular policy position.

Responses to the Discussion document are being reviewed. Following this, options will be considered, and range of proposals formulated. A draft of the first Clean Air Strategy for Northern Ireland will then follow. This will be a more focussed and shorter document than the Discussion Document and will contain specific proposals relating to policy and other measures which can improve air quality. This draft Clean Air Strategy will be subject to an additional public consultation and due to the cross-cutting nature of the policy area Northern Ireland Executive approval will be sought at this time.

3. UK REACH

3.1. Communications Update

Milestones for UK REACH

- Deadline for notifications of Grandfathered EU registrations closed 30 Apr 2021.
- Deadline for Downstream User Import Notification (DUIN) is 27 Oct 2021.
- Companies that have notified a Grandfathered registration or that have completed a DUIN will then have 300 days plus 2, 4, or 6 years to complete a full registration for the substance, depending on tonnage band and hazard profile.

Notifications for Grandfathered EU Registrations

- GB-based holders of existing EU REACH registrations needed to complete the 'grandfathering' process by providing basic information to the HSE by 30 April 2021.
- During this period almost 9000 notifications for grandfathered registrations were submitted to the HSE covering around 4000 unique substances.
- The information provided by 30 April is being reviewed. HSE will publish details of substances notified under grandfathered registrations in due course.

Comply with UK REACH IT Service

- UK REACH has seen a steady increase in DUINs as the 300-day deadline gets nearer.
- There are no major IT issues being reported via the Chemicals Helpline.

Defra, BEIS and HSE are continuing close engagement with businesses throughout the chemicals supply chain, together with trade associations and other stakeholder organisations to ensure that businesses will have access to the information they need, to make decisions about the actions they need to take. If you have any queries please contact: ChemicalsPolicy@defra.gov.uk.

3.2. Industry Proposal

In February, the government received the joint letter from chemical trade associations which outlines the concerns around the additional costs and administrative burdens of UK REACH and makes a proposal for how these might be addressed.

Defra wants to support a sustainable, innovative UK chemicals sector which thrives in the longer term. This must be done without undermining the capacity of the regulator to adequately ensure chemicals are traded on the GB market safely. Striking this balance is not without challenge.

Defra have been engaging with industry and other stakeholders on these proposals. A working group has been set up with industry and has been meeting weekly.

The government remains committed to hearing the views and concerns of industry and other stakeholders regarding the costs and administration of UK REACH. Any solution needs to reflect businesses interests, safeguard environmental standards, and protect consumers.

3.3. Monitoring and Evaluation

A monitoring and evaluation strategy for UK REACH is currently being finalised. In the first instance, an evaluation of the transition to UK REACH will be commissioned, with data collection anticipated towards the end of the year. This will involve stakeholder interviews and surveys, along with management information. The focus of the evaluation at this stage will be on how well UK REACH processes are functioning, the emerging costs and benefits of UK REACH to UK businesses, and how businesses are adapting to the regulatory changes.

3.4. Transitional Applications for Authorisation

Since 1 January 2021, Defra's Secretary of State has received 5 applications for authorisation in accordance with the transitional measures under UK REACH. These are applications from GB-based companies for which ECHA had adopted a final opinion, but the European Commission had not made a final decision granting or refusing the authorisation before the end of transition period. Within 6 months of being notified of an application, the Secretary of State for Defra must decide on the basis of the ECHA opinions sent to the European Commission. Consent from the Scottish and Welsh Ministers is required where the matter relates to devolved competence. Details of these applications will be available in due course on GOV.UK via the UK REACH Homepage.

3.5. Restrictions and Regulatory Management Options Analysis

Defra, along with the Scottish and Welsh Governments, have asked HSE to prepare UK REACH restriction dossiers on the use and/or sale of lead in ammunition and substances with known hazards in tattoo inks.

HSE, together with the Environment Agency, will prepare these restriction dossiers over the next year, when the restriction dossiers will be published. If the restriction dossiers recommend introducing a restriction, then a six-month public consultation on these proposals will begin.

Defra, along with the Welsh and Scottish Governments, have also asked the Environment Agency and HSE to prepare a regulatory management options analysis (RMOA) to investigate the risk posed by per- and polyfluoroalkyl substances and to recommend the most appropriate options for managing any identified risks.

4. UK REACH – Update from the UK Agency (HSE)

4.1. Statement on UK REACH Independent Scientific Advice

The UK REACH legislation requires that HSE as the Agency for UK REACH produces a statement on how HSE will gather and uses Independent Scientific Advice (ISA) advice, as well as how it will ensure a high degree of transparency when carrying out its functions under UK REACH. This statement must contain:

- How the Agency will take ISA into account when forming opinions on restriction and applications for authorisation.
- Examples of situations when it may not be relevant to take ISA into account.
- Information about the qualifications and relevant experience which are suitable to become independent experts in the UK REACH process.
- How the Agency will act in a way that ensures a high degree of transparency when exercising these functions.

The legislation also states that the Agency must consult such persons as it considers appropriate before producing this statement.

Following public consultation, HSE has published the ISA statement to make transparent to all stakeholders the Agency's approach to gathering and using ISA. This is part of ensuring on-going transparency in the process of, and trust in, regulatory decisions and processes. Following this there has also been a recruitment of RISEP experts, which is currently at the interview stage.

4.2. Apply to become UK Agency Accredited Stakeholders

The UK Agency (HSE) is inviting stakeholders to apply for Accredited Stakeholder Organisation (ASO) status for those interested in closer cooperation in the UK REACH processes, in particular Authorisation and Restriction. The UK Agency's approach to stakeholder engagement and participation in the UK processes is based around having transparent, open and trustworthy relations with stakeholders and working together through meaningful activities. Stakeholders will represent different actors such as businesses, NGO, and civil society groups, as well as the general public who have an interest in UK REACH, and with whom the Agency will wish to engage in a dialogue.

Whilst the Agency welcomes the engagement and participation of all stakeholders in UK REACH, for reasons of practicality and organisational constraints, the Agency's approach to engagement with stakeholders is, for some of the UK REACH processes, based on a cooperation model involving the concept of Accredited Stakeholder Organisations (ASOs).

There are many ways external stakeholders can get involved with UK REACH, such as via public consultations and calls for evidence. However, if you are a stakeholder representing an interest group at a UK level you will be able to apply for Accredited Stakeholder Organisation (ASO) status. ASOs will be able to participate in certain meetings and activities.

Details on this process, including the pack containing the code of practice that ASOs must abide by, and the application form, can be found on the Get involved in UK REACH page.

To ensure applications for ASO status are processed in time to allow participation at the earliest stage following UK REACH coming to force, application forms should be received by 1 June 2021. There is no closing date for the ASO process and stakeholders can apply at any time.

4.3. New UK REACH Applications for Authorisation

The first UK Authorisation Applications (one new application and one review report) have been received by the UK Agency in early January. HSE can confirm that the public consultation for an authorisation review of DEHP that has just started is for the 'review' application that formed one of the two applications. The UK Agency will begin processing these in line with the UK REACH regulation requirements. Further information on these will be made available in due course on the HSE website. Public consultations on alternatives for all applications will also be held and all such consultations would be found on the HSE consultations page.

5. International Chemicals: Multilateral Environmental Agreements (MEAs)

The Triple Conference of the Parties of the Basel, Rotterdam and Stockholm Conventions will take place in July 2021. Owing to Covid-19, this will be a virtual segment, covering only the budget, workplans and election of some officers. The virtual meeting will also aim to agree time and venue for a face-to-face segment in mid-2022.

5.1. 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.

The Stockholm Convention Review Committee (POPRC)

The Stockholm Convention Review Committee (POPRC) has recently developed draft risk profiles for Dechlorane Plus and UV-328 (2-(2H-Benzotriazol-2-yl)-4,6-bis(2-methylbutan-2-yl)phenol) and a draft risk management evaluation for methoxychlor.

Defra invites experts in the CSF to engage with us as we review these documents. A notice has been published on Gov.UK requesting comments on these three documents with a closing date of **18 June.**

The next POPRC meeting is scheduled for September 2021,

Medium Chain Chlorinated Paraffins proposal

On 18th Jan 2021 Defra published a notice proposing that Chlorinated Paraffins with carbon chain lengths in the range of C_{14} to C_{17} and at least 45% chlorination are listed in Annex A, B or C of the Stockholm Convention 2021. Seventeen direct responses were received.

The proposal was approved for submission to the Stockholm Convention and will be considered at the next POPRC in September.

UK National Implementation Plan (NIP)

The NIP is being updated to reflect the additions of decabromodiphenyl ether (decaBDE) and short chained chlorinated paraffins (SCCPs) to the Stockholm Convention in 2017. Defra ran a consultation on the NIP updates and future commitments from March to May 2021 and 18 responses were received. Defra will be publishing a summary of consultation responses in June 2021. The updated National Implementation Plan will be submitted to the Stockholm Convention in July 2021.

Other POPs research

Research has been undertaken as part of the UK Multi-Media Emissions Inventory (MMEI) to understand the historical use of two 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 is informing ongoing engagement with the waste industry and the study report is due to be published soon.

5.2. Minamata Convention on Mercury

Due to the ongoing COVID-19 pandemic situation, the Fourth Meeting of the Conference of the Parties to the Minamata Convention on Mercury (COP-4) will now be held in two segments. The first segment in November 2021 will be conducted virtually with a reduced agenda (mainly discussing budget and programme of work for 2022-2023). The secretariat is hopeful that the second segment will be a face-to-face meeting in 2022.

Revisions to Annex 1 of Minamata Convention text have been suggested by the European Union, Canada, and a group of African countries that would introduce stricter limitations on the use of Mercury added in products. The proposed restrictions seek to ban the manufacture, import and export of specific products that the proposing Parties believe can be suitably replaced by mercury free products. Between the three proposals, stricter restrictions on the manufacture import and export of the following Mercury added products have been suggested:

- Batteries (EU by 2023),
- Lighting (EU by 2023, Africa by 2024- 2025),
- Electrical and non-electric measuring devices (EU by 2023),
- Polyurethane (EU by 2023),
- Counterbalancing devices (Canada by 2025),
- Photographic film and paper (Canada by 2025),
- Rocket and satellite fuels (Canada by 2025),
- Switches and relays (Canada by 2025).

In addition to mercury added products, the EU and African proposals have put forward further restrictions on the use of dental amalgam (Annex A - Part 2 of the Convention text). The EU proposes stricter restrictions on the use and disposal of dental amalgam that would apply from 2024. The African group's proposal outlines a gradual phase-out of dental amalgam entirely by 2029 with initial actions taking effect from 2023.

Changes to Annex B - Part 1 (manufacturing processes) of the Convention text have also been proposed by the EU. The EU proposal includes a phase-out of the production of polyurethane using mercury-containing catalysts by 2023 on the basis that suitable mercury free alternatives are available.

6. International Chemicals: Voluntary international initiatives

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

Delays in international meetings due to Covid-19 have pushed back negotiations of the new framework, albeit discussions have continued virtually and helped to shape UK positioning. Through embracing these new ways of virtual working, we are keen to ensure that momentum is not lost and that we use this time productively before final agreement of the framework. This includes supporting the participation of Minister Pow at the (virtual) Berlin Forum on Chemicals and Sustainability, on 7 July; as well as further development of financial considerations in relation to global activity on chemicals and waste; and strengthening the collaborative approach between scientists and policy makers through a new science-policy platform.

Virtual working groups were mandated to progress specific work between November 2020 until February 2021 across the following areas:

I. Targets, indicators, and milestones.
II. Governance and mechanisms to support implementation (including discussions on the Science-Policy interface).
III. Issues of concern; and Financial considerations.

There was agreement on the need for a concise set of SMART targets. There were discussions alongside this group on the need for indicators and an accountability mechanism. The UK pushed for alignment with the parallel biodiversity negotiations under the convention for biological diversity (CBD) given the direct impact pollution has on biodiversity. A draft target which parallels a CBD target is included in the recommendations. New targets have been proposed including in relation to taking stronger action on Highly Hazardous Pesticides (HHPs) and further restricting the use of Lead.

We emphasised the importance of indicators for measuring progress and developing them iteratively alongside targets The UK is positioning itself as an international expert on indicator development and funded a global virtual webinar on 'lessons learned' from successful indicator frameworks on the 23 March.

Chemicals and waste do not currently have an over-arching international structure for bringing together evidence and policy specialists. All stakeholders agreed on the need for a strengthened **Science-policy Interface (SPI)**, however, there was a lack of consensus on whether such a strengthened interface should be:

i. solely established within the Beyond 2020 instrument e.g. as a subsidiary body

or

ii. an intergovernmental/independent SPI body for the chemicals and waste cluster (comparable to IPCC or IPBES), which would be agreed to at a higher political level within the UN system.

The UK is proactively engaging with the academic community and wider stakeholders to gather views and submit to Ministers on this.

The framework lists eight **issues of concern**[1] where concerted global action is required. There was general agreement on several key developments, including the need for a focus on implementation. The process for nomination of new issues was simplified with an emphasis on identifying resources and greater ownership for issues.

Referencing lessons learnt from the previous framework, the UK emphasised the need for any new and continuing issues of concern to have clear work plans with delivery dates. We also acknowledged the issue of resourcing hampering progress therefore advocated for prioritisation.

The virtual working group on **financial considerations** was tasked to make proposals to enable work on the topics to advance ahead of the fourth meeting of the intersessional process. The group explored topics including integrated approach to finance, strategic partnerships, financing the Secretariat as well as resource mobilisation. Stakeholders called for the strengthening of private sector involvement to better accomplish an integrated approach to finance and others encouraged countries to consider options such as implementing cost recovery mechanisms and measures nationally to mobilise resources.

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 CSF Secretariat know at Chemicals@defra.gov.uk. Further information: Beyond 2020 framework on chemicals and waste.**

[1] Current Issues of Concern: Lead in paint; Chemicals in products; Hazardous substance within the life cycle of electrical and electronic products; Nanotechnology and manufactured nanomaterials; Endocrine-disrupting chemicals; Environmentally persistent pharmaceutical pollutants; Perfluorinated chemicals and the transition to safer alternatives; and Highly hazardous pesticides.

6.2. Partnership for the Assessment of Risk from Chemicals (PARC)

Through the Trade and Cooperation Agreement between the EU and the UK, the UK will be associated to the Horizon Europe programme and UK entities including universities, research centres and businesses will have full rights to participate in the calls for proposals.

The draft proposal for PARC is for a research and innovation programme to support EU and national risk assessment and risk management bodies with new data, knowledge, methods, networks, and skills to address current, emerging, and novel chemical safety challenges.

Although it has been developed as a follow up programme to the HBM4EU project on human biomonitoring, which the UK participated in from 2015-2021, the PARC remit is expected to be broader than HBM4EU, cover more environmental aspects and focus on evidence gaps and risk assessment tools for public authorities. It is expected to include core human and environmental monitoring, new assessment methodologies as well as tools including on early warning systems and sustainable design.

Defra and PHE teams are coordinating UK interests in the PARC programme and would be interested to hear from any individuals, researchers and institutions with an interest in potential future participation. **Please email chemicals@defra.gov.uk using the subject: PARC.**

Further Information: Draft Proposal on the European Partnership for the Assessment of Risk from Chemicals (PARC).

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

The Office for Economic Development's (OECD) EHS programme covers 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 has been developed to cover this area. This will bring together work on PFAS, sustainable chemistry and economics.

Despite covid-19, international work at the OECD has continued effectively with meetings shifted rapidly to a virtual format resulting in few delays to their work plan. Defra continues to have oversight of the EHS programme

The first meeting of the Committee on the Safety of Chemicals and Biotechnology will be held in June 2021 and attended by Defra.

For OECD updates - Sign up to MyOECD and subscribe to Chemical Safety News.

7.1. Nanomaterials and advanced materials

As a result of the OECD Working Party on Manufactured Nanomaterials (WPMN) Advanced Materials meeting last year, Defra along with HSE, PHE, National Physics Laboratory (NPL) and International Organisation for Standardization (ISO) organised a UK Advanced Materials workshop.

The aim of this workshop was to hold an event with experts and regulators to create a UK knowledge sharing community on safe use of Advanced Materials. It is likely that future funding and priorities will be centred on Advanced Materials and not uniquely on nanomaterials. In addition to this there is a strong push for sustainable and circular economy where safety by design, recyclability and re-use will be high on the agenda.

The workshop was held on 23rd April 2021 and served as a starting point to share views on the benefits of this technology. Several highly regarded speakers from the Henry Royce Institute, KTN, BREC Solutions, University of Manchester and HSE provided different perspectives and insights on Advanced Materials. Breakout sessions addressed over-arching questions relating to barriers and benefits of commercialization of Advanced Materials, as well as how they can be incorporated into a circular economy.