# Chemicals policy and regulation update

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# 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 concern and help ensure the levels of harmful chemicals entering the environment are significantly reduced. Following the end of the Transition Period and our departure from the EU, the Government is developing a 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 will engage further with a broad range of stakeholders as an important part of its development. We will continue to engage with the CSF on the Strategy and will set out next steps in due course.

## 1.2. Tracking of Chemicals in Products

As committed to in the 25 Year Environment Plan, Defra is working to consider how we will address the tracking of chemicals in products (in this instance meaning articles/objects, rather than substances and mixtures), to reduce barriers to recycling and reuse whilst reducing risks from harmful chemicals.

As a part of this work, Defra is commissioning research into the needs of waste operators for information on substances in products, including hazardous substances and critical raw materials. The main aim of the research is to understand what information is needed and in what format it should be communicated through supply and waste chains to enable innovation, improvement and investment in the sorting, and treatment of waste. The research will likely take the form of in-depth interviews with waste operators and other actors. The research is due to be completed by April 2022.

If you would like to discuss this work or suggest possible participants for in-depth interviews, please contact Jack Brown: jack.brown@defra.gov.uk.

# 2. Update from Devolved Administrations

## 2.1. Scotland

**Forum –** The next meeting of the Scottish Chemical Policy Network is scheduled for 16th November. 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 published the Cleaner Air for Scotland 2 strategy in July 2021.

## 2.2. Northern Ireland

DAERA will be consulting shortly on Northern Ireland's first Environment Strategy. The NI Executive endorsed Strategy will form part of the multi decade Green Growth Framework, and it is proposed to publish the final Strategy in early 2022. The Strategy will be an open-ended, living document that will be supported by a series of action plans and targets and it confirms NI's environmental priorities for the coming decades.

It is envisaged that the Strategy will be adopted as Northern Ireland's first 'Environmental Improvement Plan' which, subject to the approval of the NI Assembly, will be a statutory requirement under the future UK Environment Act, setting the Strategy in a legal context and putting in place a statutory requirement to monitor environmental progress against the Strategy on an annual basis.

# 3. UK REACH

## 3.1. Communications Update

### Milestones for UK REACH

- Deadline for notifications of Grandfathered EU registrations was 30 Apr 2021. Any queries regarding late grandfathered registrations, should be sent to the HSE by email: ukreach.grandfathering@hse.gov.uk
- Deadline for Downstream User Import Notification (DUIN) is 27 Oct 2021. GB-based companies that, prior to the end of the transition period, were downstream users or distributors under EU REACH are required to notify HSE of their downstream user/distributor status by submitting a Downstream User Import Notification (DUIN).
- 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.
- On 30 September 2021 a "UK REACH: grandfathered registration notified substances list" was published on GOV.UK. The presence of a substance on this list has no impact on the DUIN notification obligation.

### 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. Monitoring and Evaluation

A monitoring and evaluation of the transition to UK REACH is in the process of being commissioned, with data collection anticipated at the beginning of next 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.

## 3.3. Transitional Applications for Authorisation

Since 1 January 2021, Defra's Secretary of State has received 9 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. The Secretary of State must decide based on 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 and the decisions made to date are available on GOV.UK via the UK REACH Homepage.

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

## 4.1. UK REACH Independent Scientific Expert Pool

The UK REACH legislation requires that HSE as the Agency for UK REACH will take Independent Scientific Advice (ISA) into account when forming opinions on restriction and applications for authorisation. HSE published a ISA statement in March 2021 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 the publication of the statement, HSE began the recruitment of experts to its REACH Independent Scientific Expert Pool (RISEP). Following a successful recruitment campaign lasting over a month and which included interviews and external validation from a senior independent scientific assessor, 36 experts were appointed to RISEP in June. An induction meeting was held for the RISEP experts in July and an announcement regarding the makeup of the 'pool', along with publication of declarations of conflict of interest is expected soon.

## 4.2. UK Agency Accredited Stakeholders

The UK Agency (HSE) opened its invitation to stakeholders to apply for Accredited Stakeholder Organisation (ASO) status in April 2021 for those interested in closer cooperation in the UK REACH processes, in particular authorisation and restriction.

So far 46 organisations have been granted Accredited stakeholder status.

There is no closing date for the ASO process and stakeholders can apply at any time. Details on how to apply, including an information pack and application form, can be found on the Get involved in UK REACH page.

An introductory meeting with ASO's is being planned and an announcement will be made soon.

## 4.3. UK REACH Applications for Authorisation

The first UK authorisation applications (one new application and one review report) are currently being evaluated by the UK Agency. Public consultations on alternatives for both applications were held over the summer and are now closed. All such consultations can be found on the HSE consultations page. The Agency are currently in the process of developing their draft opinions and a Challenge Panel meeting will be held on the first of the two applications in late 2021. Further details will be announced in due course.

## 4.4. Draft recommendation to the authorisation list

In line with HSE's role as the Agency for UK REACH, the obligation in UK REACH and in the 2021/22 Work Programme, they have produced a draft recommendation of substances for inclusion in Annex 14. Two substances have been provisionally recommended for inclusion in Annex 14 (disodium octaborate and dicyclohexyl phthalate (DCHP)). HSE are inviting interested parties to submit comments on this draft recommendation via the HSE consultations page. **The deadline for the submission of comments is the end of November.** To ensure transparency in the process, HSE has also published the approach and technical rationale used in the production of the draft recommendation.

## 4.5. Restrictions and Regulatory Management Options Analysis (RMOA)

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 and permanent make up.

HSE, together with the Environment Agency, will publish these restriction dossiers in Spring 2022. If the restriction dossiers recommend introducing a restriction, then a six-month public consultation on these proposals will begin.

To gather information and evidence to support the development of the restriction dossiers for lead in ammunition and tattoo inks/permanent makeup, HSE has asked for the submission of data to a call for evidence (CfE). Both CfEs available on the HSE consultations page. **The lead in ammunition CfE closes on 22 Oct 2021 and the tattoo inks/permanent make up on 2 Nov 2021.** HSE may contact responders to the CfE afterwards to ask further questions and to clarify the evidence submitted.

Defra, along with the Welsh and Scottish Governments, have also asked the Environment Agency and HSE to prepare a RMOA to investigate the risk posed by per- and polyfluoroalkyl substances (PFAS) and to recommend the most appropriate options for managing any identified risks. HSE has initiated a RMOA for PFAS and expects to hold a call for evidence in the coming months. HSE will cascade further details through the UK REACH e-bulletins.

# 5. International Chemicals: Multilateral Environmental Agreements (MEAs)

The first segment of the fifteenth meeting of the Triple Conference of the Parties (COP) of the Basel, Rotterdam, and Stockholm Conventions took place in July 2021. On an exceptional basis due to COVID-19, Parties only considered and approved a limited number of decisions at this virtual segment. Despite shorter negotiating hours, slow progress, and some technical difficulties, the meeting ultimately achieved its objectives and led to the following important outcomes: the adoption of interim budgets and programmes of work for 2022, the election of members of the Stockholm Convention's Effectiveness Evaluation Committee and the Rotterdam Convention Compliance Committee, and a decision to forward important reports on the Stockholm Convention's financial mechanism to the Global Environment Facility (GEF) ahead of its eighth replenishment. The COP resumes for its face-to-face second segment in June 2022 (date tbc), when all substantive agenda items are expected to be covered.

## 5.1. Stockholm Convention – Persistent Organic Pollutants (POPs)

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 received the second round of comments on the 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.

Along with the UK's proposal for chlorinated paraffins with carbon chain lengths in the range of C14 to C17 and at least 45% chlorination to be listed in Annex A, B or C of the Stockholm Convention, the EU and Canada have submitted proposals for chlorpyrifos and long-chain perfluorocarboxylic acids their salts and related compounds, respectively.

The next POPRC meeting is scheduled for January 2022 where the draft risk profiles, risk management evaluation and new nominations will be discussed. Other items on the provisional agenda of the meeting are the review of information related to specific exemptions for decabromodiphenyl ether and short-chain chlorinated paraffins, process for the evaluation of perfluorooctane sulfonic acid, its salts and perfluorooctane sulfonyl fluoride, the review of an indicative list of substances covered by the listing of perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds, and long-range environmental transport.

**UK National Implementation Plan (NIP)**

As reported previously, the UK NIP has been updated to reflect the additions of decabromodiphenyl ether (decaBDE) and short chained chlorinated paraffins (SCCPs) to the Stockholm Convention in 2017. The consultation response has been delayed but will be published later this autumn. The updated NIP will then be submitted to the secretariat of the Stockholm Convention.

**POPs in soft furnishings waste**

New research by the Environment Agency that involved analysis of nearly 1,000 samples of waste soft domestic seating (including sofas, armchairs and upholstered dining and office chairs) has confirmed that 30-40% of items contain POPs flame retardants above levels that mean the POP content needs to be destroyed. The most prevalent POP is decaBDE. The research report will be released soon. We are working with a stakeholder group (including waste industry, furniture industry, charity, local authority, and devolved administration representatives) to consider the implications of this and the Environment Agency will provide additional guidance in due course.

We are launching a survey of Local Authorities across the UK to inform guidance for waste handlers and help us understand how best to support LA to adapt operations.

**Other POPs research**

A large research project is now underway sampling leachate from a number of landfill sites across England. The samples will be analysed for POPs and PFASs. The project is due to end in March 2022. This project will meet one of the commitments made in the previous update to the UK NIP.

## 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 March 2022.

# 6. International Chemicals: Voluntary international initiatives

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

With face-to-face international meetings continuing to be postponed indefinitely, some helpful political momentum was put into the process by the (virtual) Berlin Forum on Chemicals and Sustainability on 7 July. Minister Pow's intervention, and specifically her announcement of a UK contribution to the UNEP's 'Special Programme', which supports institutional strengthening in developing countries, received positive public coverage and specific mention in the Chair's summary report.

Results of a survey of the virtual working process that was followed through Nov 2020 – Jan 2021 will be presented to the Bureau meeting in early October, and we are hopeful for a return of some form of virtual working before the end of the year.

On the Science-Policy Interface for chemicals and waste: the UK continues to be a leading advocate for a new structure and has engaged both bilaterally and multilaterally to take the work forward. We expect Switzerland to bring a Resolution to the UNEA 5 Conference in Nairobi in Feb 2022 which, if passed, would start the process of negotiating a structure for a new scientific advisory panel.

## 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.

PARC is a proposed 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 the UK Health Security Agency (formerly PHE) 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.**

# 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 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 was 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

Following the Defra, HSE, PHE, National Physics Laboratory (NPL) and International Organisation for Standardization (ISO) UK Advanced Materials workshop in April 2021, the advanced materials work is probably the most interesting development. Since the meeting, the Department for Business, Energy & Industrial Strategy (BEIS) innovation strategy now identifies advanced materials as a sector for exploitation and mentions the importance of 'safe and sustainable by design' as a concept going forward. These are areas that will be pursued in future research plans.

Several UK universities are involved in recently commenced EU funded projects on safety assessment and safe and sustainable by design strategies for advanced materials. These include SUNSHINE (Heriot Watt University) and HARMLESS (Swansea University) which started in May 2021.