Minutes of 83rd UK Chemical Stakeholder Forum meeting, 21 October 2021

1. Chair's welcome

The chair welcomed all to the meeting. See Annex A for attendance and apologies.

The chair explained that the meeting was virtual due to the current circumstances of the Coronavirus pandemic (COVID-19). The chair of the meeting was drawn from the steering group on a rotating basis and the meeting was held under Chatham House rule.

The draft minutes from the 82nd CSF June meeting (UKCSF/21/07) were approved.

1. Complying with different approaches to risk around the world

Innospec presented on complying with different approaches to risk around the world. See Annex B.

An attendee said they would be interested to hear if Innospec had experience of presenting their testing strategies to the European Chemicals Agency (ECHA) that they could share and what responses they had received. Innospec responded that this had not yet been done. They were in the process of in-vitro testing and updating their dossier with testing information, which would be reviewed. Once they had gone through this process for a couple of substances, it would be published, peer reviewed and free to view.

Another attendee highlighted the benefit of sending Innospec's testing strategies to the European Chemical Industry Council (CEFIC), as there was an argument against using in-vitro alerts instead of testing on whole organisms. Innospec responded that they sat on groups under CEFIC and although there were pros and cons to in-vitro testing, they were doing this work as part of an initiative to join the Animal-Free Safety Assessment Collaboration (AFSA) and were working some other large companies.

An attendee asked if it was a rule of law or an assumption that if exposure to a substance was safe for workers, it was also safe for consumers. Innospec responded that this was assessed on a case-by-case basis.

Another attendee asked about risk assessments in use for consumers that use cosmetic products daily. Innospec responded that this should be considered by the toxicologist who did the safety report.

2. Assessing and managing chemical risks: Where is the US headed?

Ramboll presented on assessing and managing chemical risks in the US. See Annex C.

An attendee asked how unreasonable risk could be determined in different ways and whether there was any evolving thought on what reasonable vs unreasonable exposure in different aspects of chemical regulations would be.

The presenter responded that there was no clear guidance in the law for what unreasonable risk determination meant. In case of the Toxic Substance Control Act (TSCA), where this language is used, there was guidance which governed how the agency approached the problem and made such determination.

One thing that differentiated the TSCA law from others was that, for example, uses of the chemical, its possible benefits or technical feasibility were not to be considered in that determination. This was purely based on results of the risk assessment, how confident you were in them, the number of people exposed to the risk and other similar considerations.

An attendee asked how much data companies in the US needed to provide to the regulator before their chemicals could enter the market and whether that entailed providing a full risk assessment. The presenter responded that with regards to chemicals already in commercial use, the Environmental Protection Agency (EPA) relied on published studies but, they might also do studies of their own on some chemicals.

They added that the EPA was currently working on a new strategy regarding Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) chemicals and considering whether they could require companies to test them. A new requirement which had just been announced, although of unclear regulatory status, required companies that were producing these compounds to measure PFAS content in all their products, which constituted a form of testing of how much substance was in the environment and related human exposure.

3. Risk, precaution, and innovation: Some bear traps and some practical solutions

An academic from the University of Sussex presented on risk, precaution, and innovation. See Annex D.

An attendee asked what the presenter’s one hope for chemical regulation in the UK would be. The presenter responded that they hoped the UK would recognise that the chemicals one does and does not adopt were social choices, and that these decisions should not be hidden behind science.

As a society, the UK and other countries had learnt this lesson in the past, but this knowledge came in waves where lessons were soon forgotten before a disaster re-taught society these lessons. They added that science and innovation should not be pitted against each other, and democracy was a critical tool in preventing that.

Another attendee stated that discussions often descended into simplistic emotional narratives that attempted to convince others of an existing world view. They expressed concern that confirmation bias was involved in the way people accepted and used evidence. The presenter responded that everyone was prone to confirmation bias and deliberations must be conducted publicly, not only including the numbers but, all aspects of an issue.

An attendee asked the presenter to expand on the capacity for citizen science in this arena. The presenter responded that there was huge pressure to use citizen participation to justify a particular issue. In this sense, decision-makers could frame issues in certain ways to achieve certain answers, with the aim of public consensus on the use of specific products over others.

They continued by urging attendees to openly challenge the idea of public acceptance, stating that knowledge was more robust when people dealt with each other in equal ways. Citizen engagement was about respecting the conditions of ordinary people, and their knowledge was incredibly substantive.

Another attendee asked how to ensure that the public are informed well enough to make meaningful and democratic decisions. The presenter responded to keep the message simple, but not to deny complexities. They added that those most concerned about being honest about complexity were not the public but, politicians and decision-makers because it made them more open to criticism. Science, in their view, had been reduced to such simplicity that people did not accept it but, by being humble, decision-makers could make the process more rational.

4. From a problem to a solution focus: Applying the risk assessment toolkit to drive safer chemistry through alternatives assessment

An academic from the University of Massachusetts Amherst presented on applying the risk assessment toolkit to drive safer chemistry through alternatives assessment. See Annex E.

An attendee asked if the presenter would comment on the toxicity reduction act and how this could be utilised for the UK Chemicals Strategy. The presenter responded, referencing an act in Massachusetts that had a law requiring that manufacturers, using over 10,000 pounds a year of a listed set of chemicals, did an annual materials account understanding how their chemicals were used and were converted into products or waste. Every two years they would have to do an assessment of alternatives to reduce these chemicals per unit of output. This showed that the use of the toxicity reduction act to support industry could be useful to drive solutions.

Break-out group discussions with deep-dive speakers

Attendees discussed the three previous deep-dive presentations and asked questions to the speakers in break-out groups. See Annex F for the noted discussion points.

1. NGOs 12 Key Asks for the UK Chemicals Strategy

CHEM Trust, Fidra and Breast Cancer UK presented the NGOs 12 key asks for the UK Chemicals Strategy. See Annex G.

An attendee asked about the role of new approach methodologies in identification and characterisation of endocrine disrupting chemicals (EDCs) in the future. Breast Cancer UK highlighted the complexity of the process of testing chemical safety. They stated that now the UK was responsible for its own Chemicals Strategy, stakeholders wanted to test the ambition of UK public health and would pay close attention to how the policy develops.

The attendee continued that the current estimates showed millions of animals would be used in tests for EDCs but, these animals had not been validated for this use so would not produce valid results, in addition to the animal cruelty concern. They expressed support for the precautionary principle as testing could delay action and highlighted in-vitro testing as preferable to animal testing. CHEM Trust responded that there was already a robust database of chemicals to draw from, that one-by-one testing on all chemicals would take too long and current knowledge could be used as part of the precautionary principle.

Another attendee asked if the environmental impact of phasing a chemical out under the precautionary principle could end up being higher than that of retaining its use. The academic from the University of Sussex responded that the precautionary principle could not lead to this, as alternative chemicals would be looked at with same scrutiny before using them as replacement. Another attendee noted the need to look at all chemicals and not just those that were obvious threats.

2. Policy update

The chair invited questions and comments the CSF policy update paper, shared in advance of the meeting, for which UK government officials were present to respond.

An attendee asked if there was a date set for the publication of the UK Chemicals strategy. Defra responded that they welcomed the enthusiasm in the strategy and had been working internally, with the aim of going out to stakeholders for input in the coming months. Defra acknowledged that work had been delayed to the Covid-19 pandemic and uncertainties with UK REACH. However, they were not committing to a timeline for publication and next steps will be set out in due course.

Another attendee asked why updates on EU REACH were no longer included in the policy update paper, as was previously. They added that as Northern Ireland (NI) remained a part of UK REACH, NI-based stakeholders would find this useful. The Secretariat responded that this was considered with HSE, and as all the information included was publicly available on the ECHA website, it was agreed to no longer include these updates following EU Exit.

They added that this there was no intention to exclude NI stakeholders and NI government officials were always invited to contribute to the paper and provide information as necessary.

Any other business

An attendee highlighted that the Royal Society of Chemistry (RSC) were launching a campaign for the establishment of an intergovernmental panel for chemicals and waste. This would be targeted at institutions to sign-up and the declaration statement would be shared with attendees in follow-up to the meeting.

The chair thanked Defra, all the presenters and everyone for attending. The next meeting would be held on 21 April 2022.

Annexes

- Annex A: Attendance and apologies
- Annex B: Complying with different approaches to risk around the world

  Annex C: Assessing and managing chemical risks: Where is the US

  headed?
- Annex D: Risk, precaution, and innovation: Some bear traps and some practical solutions
- Annex E: Presentation - From a problem to a solution focus: Applying the risk assessment toolkit to drive safer chemistry through alternatives assessment
- Annex F: Summary of discussions in break-out groups with deep-dive speakers

  Annex G: Presentation - NGOs 12 key asks for the UK Chemicals Strategy

For accessibility reasons, Annexes B, C, D, E, and G will not be made available on the UKCSF website. Copies can be obtained by contacting the Secretariat at Chemicals@defra.gov.uk.

Annex A: Attendance and apologies

Attendees

Clara Ritch	3M
Helen Lynn	Alliance for Cancer Prevention
John Parkes	Barkwith Associates
Elisabeth Laird	Burson Cohn & Wolfe
Rebecca Lentini	Beryllium Science and Technology Association
Ian Andrew	British Pest Control Association
Mohamed Elkhalifa	British Plastics Federation
Kit Bowerin	Breast Cancer UK
John Reid	British Association for Chemical Specialities
Ciara Dempsey	British Coatings Federation
Jamie Page	Cancer Prevention & Education Society
Julie Schneider	CHEM Trust
Anna Watson	CHEM Trust
Chloe Alexander	CHEM Trust
Chloe Topping	CHEM Trust
Michael Cooper	Chemical Business Association
Roger Pullin	Chemical Industries Association
Sylvia Segna	Chemical Industries association
Vanessa Zainzinger	Chemical Watch
Matteo Dalla Valle	Chevron
Joanna Sacks	CLEAPSS
Mike Blakeney	Cobalt Institute
Sam Saunders	Cruelty Free International
Caroline Rainsford	Cosmetic, Toiletries and Perfumery Association
Gareth Simkins	ENDS Report
Crea O'hanlon	EUK Consulting Ltd
Shiny Matthews	EPSRC-UKRI
Kerry Dinsmore	Fidra
John Hubbard	FIRA International

Zoe Avison	Green Alliance
Melissa Wang	Greenpeace
Fiona Dunne	Honeywell
Ian Callan	Innospec Limited
Ian Axford	LGC Group
David Tyrer	Logika Group
Francesca Bevan	Marine Conservation Society
Fiona Sewell	NC3Rs
Chris Hartfield	National Farmers' Union
Tony Davis	Non-Ferrous Alliance
Steve Whitehouse	Non-Ferrous Alliance
Erik Prochazka	PETA Science Consortium International
Sue Bullock	Ramboll
Steve George	REACH Law UK
David Carlander	Risk & Policy Analysts
Marlen Moreno	Rolls-Royce
Camilla Alexander-White	Royal Society of Chemistry
Oishick Banerji	Royal Society of Chemistry
David Bott	Society of Chemical Industry
Monika Bomba	Society of Motor Manufacturers and Traders
Maryam Hassan	techUK
Phillip Malpass	UK Cleaning Products Industry Association
Bud Hudspith	Unite the Union
Angeliki Balayannis	University of Exeter
David Taylor	WCA Ltd
Hannah Conway	Wildlife & Countryside Link
Kristina Flexman	Wood Plc

Government officials

Jane Sheridan	DAERA
Anne Saunders	Scottish Government
Tom Nickson	Environment Agency
Stavros Georgiou	HSE
Jill Wakefield	HSE
Ruth Michael	Defra
Ruth Coward	Defra
Jack Brown	Defra
Max Folkett	Defra
Mags Bradley	Defra
Gersh Rai	Defra
Helen Ainsworth	Defra
Toks Akinseye	Defra
Martin McVay	Welsh Government
Adriana Kiss	Welsh Government
Richard Dean	Environment Agency
Alex Park	HSE
Dave Adams	HSE
Mary Tomlinson	Defra
James Kearney	Defra
Steve Morris	Defra
Ed Latter	Defra
Anna Ostrowska	Defra
Joe Moss	Defra
Paige Robinson	Defra
Natasha Pourkarimi	Defra

Apologies

Nigel Haigh	Institute of European Environmental Policy
Peter Wragg	The Flame Retardant Textiles Network
Friederike Andres	Federation of Small Businesses

Annex F: Summary of discussions in break-out groups with deep-dive speakers

Break-out group: Ramboll

Are there other laws that denote chemical classifications in the US?

Not aware of any. The Environmental Protection Agency (EPA) have a list of carcinogens and take classifications on risks but, there isn't a comparable version of REACH chemical classifications in the US.

How do risks fall between different legislations, e.g., environmental risks of pharma chemicals?

The Food and Drug Administration (FDA) requires evaluations of environmental risks now as part of approval before new pharma goes into commerce. But if pharma reaches water, then EPA need to control levels of water pollutants.

How does federal vs state restriction conflicts interact, is there tension or a federal attempt to harmonise across states?

There is conflict, for example, in California some pharma chemicals are restricted even when approved by the FDA. Generally federal laws dominate but, states have a lot of play, for example, many states are banning Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) even though federal laws have not.

Are state level restrictions based on good science or on legislation speed?

Usually based on scientific opinions for example, the EPA have higher concentrations for safe PFAS levels than states. States can regulate at their level if they have reason to but, cannot be less restrictive than the federal level.

What is the US approach to grouping of chemicals?

The EPA is active in this area, especially for PFAS. They have shown how they are grouping and seem to be doing well but, it is an issue with many groups of chemicals.

Is shifting from hazard-based decisions (evidence based) to risk-based decisions and grouping better?

Demands on cost and time requirements are important in the risk world so, grouping may be the way to fix this issue.

Is there a risk of the risk approach being dynamic? Hazards tend to stay the same but, exposure can flex over time so, how do regulatory procedures take that into account?

Exposure assessments are now sophisticated for industrial chemicals using many different types of chemicals. As a scientific discipline, they look at what is the situation now and consider whether it will get worse. This is set up for many exposures but, not all, for example, the effect of increasing levels of human exposure to PFAS in the future is unknown.

Break-out group: University of Sussex

There have been developments in policy, for example, better regulation policy but, how should academics approach the idea of a proportionality principle, as this was unexpected?

Proportionality cannot be determined and there is a lack of confidence in the numbers. It is saying to ignore uncertainty, which isn't new but, a resurgence of forgetting what is known. It would not be the view of the scientific community the way it has been presented and scientists need to be more vocal.

No one is interested in chemicals. They are more concerned with climate change and biodiversity so, how can we get citizens involved?

It is difficult because, the dominant debate on climate and the environment side urges for science in ways that are unhelpful. The debates are amazing, and people are not stupid, they just have interests. There needs to be open conversation about power and how it works around science, which is measured, reasonable, and evidence based.

Following EU-Exit, it is not clear who is making the decisions. It is opaque in terms of the translation of EU laws and there may be some pressures around to bring science into risk management but, we need distinct boundaries in scientific advice. Who is the decision maker?

This has also come out in the COVID-19 pandemic debate with scientific advisors giving differing advice to ministers.

There is concern of what innovation will look like in the UK Chemicals Strategy and what long-term impact this will have down the line, including an economic perspective. Where is this conversation is going, as there is a lack of political will to stifle creativity and how can modest innovation be encouraged?

NGOs, environmentalist community, and scientific community is to have a common standing. Where numbers cannot be defined, it is a scientific point that proportionality cannot be judged.

There is no discipline that studies innovation, it is an evolutionary process. being pro-innovation alone and simply supporting the proportionality principle is not useful.

Innovation needs to be backed up. Innovation: managing risk, not avoiding it - GOV.UK.

The NGO community needs to know how to use the correct language. Do NGOs go into too much detail?

NGOs who adopt sound science can also produce rhetoric at inconvenient moments. The process undermines the more important point that is efficient but, not sufficient. NGOs are prone to the same syndromes as businesses and need to be more reflective.

Break-out group: University of Massachusetts Amherst

EU REACH was designed 20 years ago. The data sets required for different tonnage band was defined at that early stage and all that data is available. Has science has moved on and is that data now irrelevant?

For some of the assessments, there is a lot of weakness in the data and there is a lot of data missing from the data sets. The volume of chemicals is so large that it is unsurprising the date is not up to date.

How can alternative assessments be helpful for tackling PFAS?

Doing an alternative assessment is unique chemistry and the hydraulic fluids alternative assessments can help.

Rather than trying to do risk assessments on 6,000+ PFAS chemicals, are there safer alternatives?

There are only approximately 150 functions of these chemicals so, it is about considering what alternatives can meet that functionality, for example, the EPA did a report looking at all solvents and did a comparative assessment to see which ones were too toxic and which were less toxic. This is complicated but better than assessing individual chemicals.

Dualling science is stifling and leads to inaction. What can be done to move towards practical and economic alternatives?

The money in prevention vs risk is tiny compared to EPA's budget. Significant investment in supporting solutions is required.