DRAFT Minutes of 85th UK Chemical Stakeholder Forum meeting, 21 July 2022, Virtual Conference

1. Chair's welcome

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

The Chair explained that the virtual meeting was to be shorter than usual, due to the high level of engagement taking place between government and chemicals stakeholders over the summer. 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 84th CSF April meeting (UKCSF/21/04) were approved.

2. Update on the Chemicals Strategy Workshops

Defra presented an update on the Chemicals Strategy workshops taking place over the summer. See Annex B.

An attendee noted comments made in the presentation and asked if the UK wanted to maintain a risk-based approach, as they did not agree that there was complete consensus on this and there was a scope for hazard-based approaches. Defra responded that there many different views at the workshops and going forward they would be clearer in explaining this when giving overviews from the workshops.

Another attendee noted that regulatory and financial barriers were not mentioned, and in the last 20 years the UK had underperformed on investment in innovation, research, and development, compared with member countries of the Organisation for Economic Co-operation and Development (OECD) and the EU. They added that other views on the control and enforcement of internet sales, trade without borders, and the large number of votes for alignment with the EU were not reflected. The Chair responded that the presentation time was limited and there would be more detail provided in the written outputs of the workshops.

An attendee highlighted that although they agreed that the life-cycle approach was important, a workshop they recently attended on this elsewhere did not have a balanced discussion and was focussed on the end-of-life life cycle without considering upstream matters. They suggested that the CSF should encourage more stakeholders to attend the upcoming Chemicals Strategy workshop on this topic so that the UK position could be more balanced. They added that the workshop notes could be shared with interested parties that can't attend on the day to share their views also.

3. Looking to the future – what should the CSF's role be?

The Chair explained that at the last CSF meeting in April, they raised a question about what the CSF's role would be as the new Chemicals Strategy was developed and whether the CSF would be involved in its implementation of the Strategy and if so, how. Defra and the CSF Steering Group agreed this was something to be explored with both CSF members and the CSF's wider interest group.

Defra presented questions for attendees to discuss in breakout groups using EasyRetro. See Annex C for the questions and noted discussion points. Following the breakout groups, the Chair invited each group to present their key points in plenary. See Annex D for a summary of the discussion.

4. The life-cycle approach to managing chemicals

An honorary fellow at the Institute of European Environmental Policy presented on 'The life-cycle approach to managing chemicals.' See Annex E.

An attendee agreed with comments made in the presentation regarding REACH legislative tools being only pre-marketing regulation and added that this could be the first step in a life-cycle approach to managing chemicals, with permits in the middle stage, followed by monitoring and direct toxicity assessments for example.

The attendee disagreed with the comments made in presentation that data held by the European Chemicals Agency (ECHA) was available to the UK, stating that this was not the case and although 70% of the data may come under the 12-year rule, this was only available to EU member states. They added that UK businesses were required to purchase the full data package to submit to the HSE, which were unable to access this, and the costs associated with this have been disproportionally high. The presenter was under the impression that the data was available however, they acknowledged that it may not be as simple as presented and added that this would make a good case for the UK to stay aligned with EU REACH.

An attendee noted comments made in the presentation on furniture and the chemicals that are in them. They shared concerns about the impacts of chemicals used in buildings, such as foams, and the lack of publicly available information on what chemicals are being used in these products. Another attendee shared similar concerns about new builds on brownfield sites. The presenter agreed and said that more regulation was needed in this space.

5. The life-cycle assessment (LCA) approach: an overview

The Royal Society of Chemistry (RSC) and University College London (UCL) presented jointly on 'The life-cycle assessment (LCA) approach: an overview'. See Annex F.

An attendee asked what data was used for health and how this was incorporated into the LCA. The response was that human health was considered in the human toxicity impact category, as well as particulate matter and low-level ozone impact categories. It was noted that some data was missing on the chemical impact on health.

Another attendee asked whether commercial and environmental lifecycle principles were compatible with the LCA approach. They also asked whether the LCA approach was primarily aimed at manufacturers trying to optimise their product. The response was that the LCA and the commercial or environmental lifecycle approaches were not mutually exclusive. It was noted that the LCA was primarily used on the commercial assessment side but, the outcomes of the assessment were then also considered on the environmental impact side. The tool was aimed at encouraging consideration of the whole lifecycle, with manufacturers, retailers, waste management and regulators as intended users.

An attendee asked whether the LCA approach had indicated any need for regulation to support consistency in its use, whilst also allowing flexibility. The response was that the LCA approach had not drawn-out specific regulation recommendations but, access to the LCA in a structured data-based format was important, with industry-led supported benchmarking to facilitate best practise of the LCA and improve comparability. It was noted that the LCA approach could be expensive, so smaller industries might be outpriced, making benchmarking an important lever. It was also noted that having government and regulators promoting the LCA approach was important, and this was being done in the EU.

Another attendee asked if the LCA approach could provide guidance on what sort of chemicals might be problematic in the circular economy. The response was that more data was required but, it was an interesting step which would be supported. Chemicals that are problematic to the circular economy was identified in RSC's work on plastics recycling, and they would be recommending more eco-design principles to ensure that any new products were designed with easy and safe re-use, and recycling in mind.

6. Policy update

Defra gave a verbal update on the Beyond 2020 Framework and explained that they were preparing for the UN meeting on the Strategic Approach for the International Management of Chemicals (SAICM) in August. Virtual work had taken place, with progress made on areas of the framework text, and the aim was to of decide on a single document to take forward to the next stage of negotiations where it could be finalised and agreed. Defra were also working on the vision and scope of the text, looking at the different framework targets relating to governance and financing, etc., and held workshops with the CSF Beyond 2020 Framework subgroup and colleagues across Whitehall. There was positive engagement which meant Defra was in a strong position to represent the needs of UK stakeholders.

Defra also gave a verbal update on the International Science Policy Panel and explained that UK would be attending working groups on this for the next 2.5 years.

The first working group, focussed on governance, was planned for October and the next in January would focus on the scope of the panel and which countries would be allowed to nominate areas of assessment. The panel would begin in 2025 and Defra invited attendees from all sectors both in the UK and internationally to put forward any priority issues that could need assessment by the panel.

Defra gave another verbal update on the UK REACH Work Programme and explained that they recently held workshops on how the process for restrictions priorities could be improved. The outcome of the process taken last year was largely positive, regarding engagement and communication, so the process for this year would remain the same. However, Defra emphasised that they welcomed any feedback, and one change they were implementing was to identify multiannual priorities, looking forward to the next 2-3 years, to help with planning and provide a forward look on the types of areas that needed to be addressed, predominantly on UK REACH restrictions.

Defra gave a final verbal update on the Persistent Organic Pollutants (POPs) exemption review, which was running until 12 August. The review aimed to understand the use of any current exemptions for any specified uses of 4 POPs. Defra were committed to carrying out the review, as stated in the recent update to the UK's National Implementation Plan for POPs. Defra invited attendees to consider the review and submit any relevant information. They added that there would not be an immediate regulatory change as a result but, this could feed into future regulation changes.

a. Q&A

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

An attendee asked if Defra was involved in a cross-Whitehall group, led by the Food Standards Agency, on New Approach Methodologies (NAMs). Defra responded that they were involved in this and shared the relevant contact information with attendees.

Another attendee asked for more clarity on the UK REACH restriction prioritisation process and expressed concerns around the criteria and process. They added that this was fundamental for considering which chemicals would be considered for urgent action and they were concerned about divergence from the EU. They asked how many chemicals the UK was able to look at in the future and what was the rationale to decide which were looked at first. Defra responded that the rationale was published alongside the priorities and that was in part determined from stakeholder focus groups. The aim was to publish the rationale as a rolling document going forward but, discussions on the exact criteria to determine the priorities were still ongoing, hence why Defra held the recent workshops on this, as mentioned in the earlier verbal update. Part of the issue was that the different reasons for prioritising various proposals were complex and depended on many factors. Defra were considering whether a fixed criteria was indeed the best way forward. The attendee suggested that if the criteria was not fixed, then there should be a set of core principles.

7. AOB

An attendee explained that they were doing a PhD, working with the Universities of Lancaster and York, with two strands. The first strand looked at what regulatory drivers unintentionally or exacerbated regrettable substitutions and why these decisions were made. The second strand looked at the transition to safer chemicals and what practical steps needed to be routed in policy. They asked CSF attendees to share with them any useful background reading or key thoughts that could be taken on board, covering REACH, pesticides, biocides, and waste.

The Chair thanked Defra, all the presenters and everyone for attending. The next meeting would be held on Tuesday 11 October 2022, at a location to be confirmed and would be the first hybrid meeting.

Annexes

Annex A: Attendance and apologies

Annex B: Chemicals Strategy workshops update

Annex C: EasyRetro board: Looking to the future – what should the CSF's role be?

Annex D: Summary of discussion on what should the CSF's future role be?

Annex E: The life-cycle approach to managing chemicals

Annex F: The life-cycle assessment (LCA) approach: an overview

For accessibility reasons, Annexes B, C, and F 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

Alistair Thompson	Innospec
Amy Jackson	Reach Law
Andrew Brooks	UL
Anna Watson	CHEM Trust
Caroline Rainsford	Cosmetic Toiletries and Perfumery Association
Catherine Gunby	Fidra
Ciara Dempsey	British Coatings Federation
Daniel Korbel	Royal Society of Chemistry
David Bott	Society of Chemical Industry
David Gurden-Williams	3M
Guillermo Pérez Molina	EUK Consulting
Hannah Conway	Wildlife and Countryside Link
Helen Lynn	Women's Environmental Network
Helen Middleton	Rolls-Royce
Ian Axford	LGC Group
Isabella C von Holstein	Imperial College London
James Clark	University of York
Jamie Page	Cancer Prevention and Education Society
Janet Newsham	Greater Manchester Hazards Centre Ltd
Joanna Sacks	CLEAPSS
Joe Reed	CHEM Trust
John Reid	British Chemicals Association
Jonathan Rickwood	Wood Plc
Julie Schneider	CHEM Trust
Katherine Page	University College London
Kirsty Eley	Chemical Industries Association
Kristina Flexman	Wood Plc
Lara Steinhobel	British Plastics Federation

Laura Feasey	Reach Law
Lisa Hipgrave	International Fragrance Association UK
Lowenna Jones	University of Sheffield
Mandy Veillette	PETA Science Consortium International
Margaret Wexler	Breast Cancer UK
Marlen Moreno	Rolls-Royce
Matteo Dalla Valle	Chevron
Matthew Farthing	WSP
Mengjiao Wang	University of Exeter
Michelle Bloor	University of Glasgow
Mike Squire	Chemical Industries Association
Mohamed Elkhalifa	British Plastics Federation
Nicola Kaye	Reach Law
Nigel Haigh	Institute of European Environmental Policy
Nik Robinson	Nikam Ltd
Peter Clark	Knowledge Transfer Network UK
Peter Fisk	Green Chemical Design
Philip Malpass	UK Cleaning Products Industry Association
Pietro di Tondo	Reach Law
Ray Parmenter	Chartered Institution of Wastes Management
Richard Roy	Risk & Policy Analysts Ltd
Rob Whiting	Wood Plc
Roger Pullin	Chemical Industries Association
Sam Saunders	Cruelty Free International
Samreen Simplay	British Coatings Federation
Sandra Carey	International Molybdenum Association
Sean Kelly	Nanotechnology Industries Association Ltd
Shiny Mathew	UKRI - Engineering & Physical Sciences Research Council
Simon Hall	BAE Systems
Tony Bingham	AGB Chemical Compliance

Government Officials

Abi Williams	HSE	Jill Wakefield	HSE
Lucy Kershaw	HSE	Anne Saunders	Scottish Gov
Dan Merckel	Scottish Gov	Phil Leeks	Scottish Gov
Thomaz Cordeiro-Andrade	Welsh Gov	Janet Sheridan	DAERA
Jo Wyrbrow	EA	Laura Thain	EA
Tom Nickson	EA	Ovnair Sepai	UKHSA
Catriona McCallion	DEFRA	Edward Latter	DEFRA
Hanna Svenhag	DEFRA	Hannah Littler	DEFRA
Helen Ainsworth	DEFRA	Jack Brown	DEFRA
James Kearney	DEFRA	James Walton	DEFRA
Jane Morrill	DEFRA	Katie Hobson	DEFRA
Kiran Morrell	DEFRA	Lewis Manuel	DEFRA
Gintare Masiulyte	DEFRA	Mags Bradley	DEFRA
Mary Tomlinson	DEFRA	Matt Readett	DEFRA
Max Folkett	DEFRA	Megan Thomsett	DEFRA
Melanie Foster	DEFRA	Paige Robinson	DEFRA
Phillip Douglas	DEFRA	Rosin Kennedy	DEFRA
Ruth Michael	DEFRA	Sally Read	DEFRA
Simon Johnson	DEFRA	Wassim Choudhury	DEFRA

Apologies

Bud Hudspith	Unite the Union
Camilla Alexander-White	Royal Society of Chemistry
David Wright	UK Lubricants Association

Annex D: Summary of discussion on what should the CSF's future role be?

There were reoccurring topics that had been discussed across multiple groups, including: stakeholders and representation; continuity in government and its impact on change; the opportunity to influence policy making; learning and information sharing.

The number of new people in the forum was highlighted, with a comment about how the changing membership must not result in losing important aspects of the forum, such as an opportunity for industry to provide a realistic view on change.

The forum having wide representation was recognised, and it was highlighted that stakeholders along the entire lifecycle must be represented, including those working with chemicals on a day-to-day basis.

The CSF's role as providing a platform for dialogue was emphasized and stakeholders were keen to influence government and policy, particularly following EU Exit.

The forum should not be a 'talking shop' but, provide a genuine opportunity to engage with policy making and other government departments related to the chemical strategy should look to attend the forum more often.

A question about the value of the CSF to government was raised and how to retain its usefulness. Defra responded that the CSF was highly valuable because of its diversity, bringing a wide range of stakeholders and helping to join up different areas of government. Defra wanted to maintain the link with CSF to the Chemicals Strategy and to continue using the CSF as a tool to understand growing stakeholder concerns and whether there were the right policy instruments in place or to identify any policy gaps.

Concerns about the lack of continuity in government and political changes were highlighted, and how this might impact the forum's ability to influence policy. Equally, the CSF should provide a space for knowledge sharing and guidance, as previously done.

The introduction of meeting themes was welcomed but, the importance of keeping general discussion was expressed, to avoid alienating stakeholders who felt the theme was not relevant to them. Having environmental issues, including climate change, as a central piece of the CSF, was noted.

A question about the CSF having a more outward facing role was raised, including both for stakeholders to actively promote the forum to ensure other potential stakeholders were aware of its existence, but also for the forum to host or be represented at events. Defra responded that this could be considered and would require support from CSF members.

Annex E: The life-cycle approach to managing chemicals

Managing chemicals throughout their commercial and environmental lifecycles

Nigel Haigh Hon. Fellow Institute for European Environmental Policy UK[1]

1. The UK Chemicals Strategy – an opportunity for an ambitious approach

In a submission to DEFRA a year ago I proposed that the strategy should take a broad approach to pollution by chemicals to cover their commercial and environmental lifecycles.

ENDS Report wrote it up and I summarized it in a Guest column published by *ChemicalWatch* and an article in *UKELA's elaw*. It has so far received no official response, so I am glad to be invited by DEFRA to present my ideas to this expert audience. I am adding further ideas on life cycles.

This is not a new idea. President Nixon's message to the US Congress used it when he proposed the creation of the Environmental Protection Agency (EPA) in 1970, and the phrase 'commercial and environmental life-cycles 'appears in the OECD Council Resolution on 'Integrated Pollution Prevention and Control' of 1990[2].

2. A limited role for REACH

We know that REACH is the most powerful tool for controlling chemicals, but we must be clear about what it can and cannot do.

REACH is unique among EU environmental legislation in creating an agency (ECHA) that does two things:

- It maintains a database of information provided by manufacturers when they register chemicals (including that supplied by downstream users) about uses and effects on all the environmental media.
- With the help of the EU Member States it bans and restricts sale and use of some chemicals.

Neither REACH nor ECHA:

- controls chemicals that are not banned or restricted,
- controls chemicals released before restrictions were in place,
- conducts monitoring campaigns,
- polices the sale of banned or restricted chemicals.

Those are tasks for the authorities in individual countries who control and monitor pollution. ECHA can never do that in the EU, and neither can HSE when replicating ECHA's role in the UK.

[1] I am speaking in a personal capacity

[2] Both quoted in the Chapter on 'Integrating Pollution Control' in my book EU Environmental Policy – its journey to centre stage (Routledge 2016).

I will not talk about UK REACH other than to say that HSE's database on uses and effects will always be emptier than ECHA's and so of less use. But 70% of ECHA's database is publicly available.

3. The commercial and environmental lifecycles

Chemicals become pollutants when they are released and cause harm to receptors in the environment (air, water, land, or in food).

Releases occur at many stages during the **commercial life cycle** of a chemical (mining, transport, manufacture, formulation by downstream users, incorporation into consumer products, use, disposal, recycling). Some of these stages are authorized by public authorities. Some are not.

The **environmental life- cycle** starts whenever a chemical is released into the environment at any point along its commercial life cycle. The chemical then enters an environmental medium and travels along pathways through these media, and between them, and along the food chain to reach a vulnerable receptor often at long distances. Along the pathway the chemical can degrade to become harmless or may be concentrated as it moves up the food chain or may be transformed into a more harmful state.

4. The UK authorities that regulate releases

Releases from industrial plants have long been controlled because acute and local problems became obvious. In recent years the focus has shifted to releases from products that can cause long term and long-range problems.

Below is a probably incomplete list or relevant authorities:

The **Environment Agency (EA)** authorizes major industrial plants (discharges to air, water, and the generation of waste) to minimize effects on the environment. It authorizes all discharges to rivers, and it licenses waste management sites. It has rarely used powers to control the input of chemicals to major industrial processes as well as outputs so it can stimulate substitution by less harmful chemicals. It can therefore promote clean technology.

Local authorities authorize some smaller industrial plants and use their powers over nuisances to control other processes (dry cleaners for example). Their trading standards officers can check the safety of products on sale though this is a low priority.

HSE, as well as managing UK REACH, can control concentrations of chemicals in the workplace to protect the workforce using the COSHH Regulations.

The **Office for Product Safety and Standards (OPSS)** answerable to BEIS is new. I know nothing about its work. BEIS can control products under the Consumer Safety Act as can DEFRA under the Environment Protection Act 1990.

Some potentially dangerous processes are probably not regulated. I doubt that anyone oversees a pizza carton manufacturer who applies PFAS to grease proof the product to ensure that only the minimum is used.

5. The UK authorities that monitor chemicals

When the House of Lords reported on the EU White Paper that preceded REACH in 2002 it recommended that the Government should develop a policy on post-marketing surveillance

for industrial chemicals. They were surprised at the uncoordinated state of monitoring at that time, and it is not clear how much has changed in the last 20 years.

The EA has powers to monitor the quality of air, water, and land. Although it has powers to conduct -biomonitoring of wildlife such as birds and mammals this is normally done in cooperation with others: Natural England leads on birds and terrestrial mammals; Centre for Environment, Fisheries and Aquaculture Science (Cefas) leads on marine mammals. EA bio-monitor in freshwater wildlife.

EA has no powers to bio-monitor humans although it may need that information when authoring industrial plant that may affect humans such as incinerators. The responsibility to bio-monitor humans now rests with the newly formed UK Health Security Agency (UKHSA) which has a team of toxicologists that advises Government about the health effects in drinking water, waste management, contaminated soil, and consumer products.

An official from UKHSA spoke at the recent launch of the report of the Europe-wide project called HBM4EU (which I think stands for 'human biomonitoring for Europe'). This is a growing subject and perhaps UKCSF could ask UKHSA to explain what they do and how they gather data from abroad.

6. Reservoirs - a legacy issue

During its lifecycle between manufacture and ultimate disappearance a chemical may sit for years in what we can call a reservoir.

When it became known that CFCs were destroying the ozone layer a global ban was placed on CFC production. There was nothing that could be done about the CFCs already released from aerosol cans, but there remained a huge reservoir of CFCs in domestic fridges. A response was for local authorities to collect old fridges so the CFCs could be destroyed. There had been an earlier scheme to destroy PCBs stored in electrical transformers.

Today we have a huge reservoir of persistent hormone disrupting fire retardants in domestic furniture. Is it realistic to require such furniture to be collected? I do not know.

There are old landfill sites around our coastline which over time will be submerged as sea levels rise. I remember visiting the UK's largest co-disposal landfill site in the 80s at Pitsea in Essex and watching hazardous liquid waste being pumped on a 'mattresses of domestic waste and being assured that it would degrade and become harmless. I was skeptical then and remain so now. EU legislation banned that practice. Should we allow such sites to slowly wash into the sea? I do not know the answer, but I am not aware of any authority who sees it as their task to ask such questions, commission the research and put in place a plan. Again, this could be the task of a new Chemicals Agency.

7. A new Chemicals Agency

At present the UK has no institution charged with taking an overview of all the effects of chemicals, capable of assessing achievements and pointing to problems ahead. That is why I have proposed a new Chemicals Agency which would not replicate the work of existing bodies but could coordinate and stimulate them. I doubt that an Agency with the necessary powers can be created without new legislation.