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 committed to a new strategy to tackle chemicals of concern and help ensure the levels of harmful chemicals entering the environment are significantly reduced.

We ran a series of external partner workshops across late Spring – Summer 2022 to help develop policy thinking across a range of chemicals issues. Workshops explored a range of policy themes, including actions to address priority chemicals issues, international, managing chemicals throughout their life cycle, effective regulation, and driving innovation and sustainable chemistry. A wash-up of some of the outputs was presented by the Chemicals Strategy Team at July's CSF. We will look to share written summaries of the workshops in the coming weeks. Workshops were well attended with many valuable contributions, and we are currently assimilating the outputs. We will set out next steps in due course.

1.2. Unintentional mixtures

An unintentional mixture typically includes chemicals from a variety of sources. Their compositions are usually more or less unknown, may vary over time and in space, and include degradation and transformation products of chemicals released into the environment. Due to the very large number of possible combinations of chemicals, the risk assessment and management of unintentional mixtures represents a particular scientific and regulatory challenge.

The Environment Agency and the UK Health Security Agency have produced a joint technical report, which provides an initial review of the scientific evidence and considers options to address the issue under UK REACH. Overall, the report recommends a mixture assessment factor (MAF) of 5 for the aquatic environment but suggests that there is currently not enough evidence to justify the use of a specific MAF value for human health risk assessment.

Defra and the Environment Agency will continue to engage with stakeholders and other regulators on possible approaches to assess the potential risks from unintentional chemical mixtures. A presentation on the report and a workshop on unintentional mixtures is planned for later this year. CSF members will be invited and if your organisation is not a CSF member but you are interested in attending, please contact jack.brown@defra.gov.uk.

2. Update from Devolved Administrations

2.1. Scotland

Forum – The seventh meeting of the Scottish Chemical Policy Network (SCPN) was scheduled to take place on 14 September but was delayed due to recent events. A survey is open to SCPN members and participants on their experiences and suggestions for improvements - anyone interested in participating in the SCPN, with any issues they wish to present to the Scottish Government or wishing to complete the survey should contact chemicals@gov.scot.

Single use plastics ban – the single use plastics ban came into force in Scotland on 1 June 2022. This means it is an offence for businesses in Scotland to provide items in scope, including plastic cutlery, plates, and stirrers (Single use plastics ban – www.gov.scot).

The consultation on Scotland's proposed Circular Economy Bill closed on 22 August 2022.

2.2. Northern Ireland

DAERA continues to develop Northern Ireland's first Clean Air Strategy. A synopsis of consultation responses to the Clean Air Strategy Discussion Document was published in June 2022 and a cross Departmental stakeholder group, the Clean Air Strategy Inter Departmental Steering Group, has been established to further develop the scope of the strategy and specific actions. **A public consultation on the draft Northern Ireland Clean Air Strategy is planned for the end of December 2022.** This will require approval from the NI Executive to proceed.

2.3. Wales

The Environmental Protection (Single-use Plastic Products) (Wales) Bill was laid in the Welsh Parliament on 20 September. The Bill makes it an offence for a person to supply or offer to supply (including for free), a range of commonly littered and unnecessary single-use plastic products to consumers in Wales and provides local authorities with enforcement powers.

3. UK REACH – Update from DEFRA

3.1. Transitional registrations

Last year Defra committed to consulting on extending submission deadlines, to allow time to develop an alternative model for transitional registration, and if the decision is made to proceed, to develop and pass the necessary legislation. It is also necessary to allow industry time to comply with any new arrangements.

Defra launched a public consultation on extending the current deadlines for transitional registrations, seeking views on:

- two options to extend the current deadlines for transitional registration
- extending the dates for the Agency (HSE) to carry out compliance checks on 20% of registration dossiers.

The consultation closed on 1 September 2022. We are analysing the responses received and will publish the outcome of the consultation on gov.uk, no later than 12 weeks following the end of the consultation.

3.2. Monitoring and Evaluation

Stage 1 of the evaluation of the transition to UK REACH is underway. The focus of the evaluation at this stage is 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.

As part of the research, we have interviewed several businesses, trade associations and NGOs, as well as undertaken a survey which was completed by just short of 600 businesses. The data has been analysed and the report is currently being written.

3.3. Project to improve UK REACH

Defra and the Devolved Administrations have begun a project to consider the best ways to improve the way UK REACH works and enable it to deliver UK priorities effectively.

We recently held two stakeholder workshops to support the development of the scope of this project. For more information please contact: ImproveUKREACH@defra.gov.uk.

3.4. Additions to the Authorisation List

The UK Agency (HSE) provided its final recommendation of priority substances to be included in the Authorisation List (Annex 14 – the list of substances subject to authorisation). Defra, Scottish Government and Welsh Government held two joint Calls for Evidence on the proposed two substances (Dicyclohexyl phthalate and Disodium octaborate), which closed on 12 August 2022. We are considering the responses we received and will publish a response to comments shortly.

3.5. Decision-making on Applications for Authorisation

Defra has received two final UK authorisation application opinions from the UK Agency. Defra's Secretary of State will make decisions on whether to grant these applications. Consent from the Scottish ministers and Welsh ministers is required for decisions where the matter relates to areas of devolved competence.

Defra's ministers have made decisions, with consent from the Scottish and Welsh ministers, on 8 transitional applications for authorisation. These applications were from GB-based companies for which ECHA had adopted a final opinion, but the European Commission had not made a final decision before the end of transition period. Details of these applications and the decisions made are available on GOV.UK.

3.6. UK REACH Work Programme

Defra are planning to schedule a workshop with external partners in the autumn to discuss our priorities for 2023-2024. Like last year, this will provide an opportunity for external partners to share their views on what we should focus on in the next annual Work Programme and beyond to inform our multi-annual plan of activities. We will be sharing a list of proposals for which we are seeking views, which includes the proposals not prioritised for action in the previous year. We will continue to accept views, proposals, or information from external partners via REACHworkprogramme@defra.gov.uk.

Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) RMOA

As part of the UK REACH Work Programme for 2021-22, Defra asked the EA and HSE to examine the risks posed by PFAS and develop a 'Regulatory Management Options Analysis' (RMOA). The PFAS RMOA call for evidence closed in January 2022, and HSE have been working with the Environment Agency to finalise this RMOA. The RMOA will be published in due course. Defra and the Devolved Administrations (DAs) will carefully consider its recommendations to inform future PFAS policy.

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

4.1. UK Agency Accredited Stakeholders

Since April 2021, stakeholders have been invited to apply for Accredited Stakeholder Organisation (ASO) status. So far 52 organisations have been granted ASO status and have participated in challenge panels and consultation meetings on restrictions and authorisations.

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

4.2. UK REACH Restriction Proposals

The consultations on two UK REACH restriction proposals will close on 6 November 2022.

In July, HSE released YouTube webinars to support the public consultations on the restriction proposals for lead in ammunition and tattoo inks and permanent make-up.

The first two Challenge Panel meetings for the restriction proposals were also held in July. RISEP was used and ASOs with relevant interests were invited to attend these meetings remotely.

In November, meeting notes from the first Challenge Panel meetings will be published and the second Challenge Panel meetings will be held in January / February 2023. The final risk assessment and draft socio-economic assessment (SEA) opinions for both restriction proposals will be produced in February 2023. This will open a 60-day consultation on the socio-economic assessment (SEA) opinion.

The final Challenge Panels for both restriction proposals will take place in May 2023, with the final SEA opinion also published in May 2023. The appropriate authorities will then have three months to decide on whether to restrict lead in ammunition and hazardous substance in tattoo ink and permanent make-up.

4.3. New applications for authorisation

HSE received three applications for authorisation in October-November 2021. Consultations on alternatives were held earlier this year.

A RISEP Challenge panel was held on 13 September for two of the substances (AFA005 & AFA007) and a further RISEP Challenge Panel will be held for the final substance on 1 November (AFA006).

HSE is currently working through the further 13 applications received in May-June 2022. HSE started consulting on alternatives for these substances over the summer period, with 8 consultations currently live on the HSE website.

5. International Chemicals: Multilateral Environmental Agreements (MEAs)

5.1. Rotterdam Convention – Prior Informed Consent (PIC)

The Rotterdam Convention creates legally binding obligations for the exchange of information between Parties when certain hazardous chemicals and pesticides are traded internationally. This is known as the PIC procedure.

The UK attended the 18th meeting of the Chemical Review Committee (CRC 18), which took place in Rome from 19-23 September. The CRC is the Rotterdam Convention's scientific body, which considers whether technical criteria has been met for the listing of certain substances.

The main outcomes of CRC-18 were the approval of two draft decision guidance documents for terbufos and iprodione, which will be forwarded to the next Conference of the Parties (COP) with a recommendation to list these substances in Annex III to the Convention and subject them to the PIC procedure.

The CRC also reviewed notifications of final regulatory action on 10 chemical substances, including: amitrole, carbaryl, carbon tetrachloride, chlorfenvinphos, methidathion, methyl bromide, methyl parathion, mirex, paraquat and thiodicarb. It was concluded that methyl bromide and paraquat met the criteria for listing under the Convention, with further discussion required on chlorfenvinphos, methidathion, thiodicarb, and carbaryl at the next meeting.

The next meeting, COP11, will take place in Geneva in May 2023.

5.2. 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.

UK National Report submitted to the Stockholm Convention

In August, the UK submitted its most recent National Report to the Stockholm Convention. This is required every four years and provides the Convention with details on a range of themes including finance, research, reporting, monitoring, legislation, and international aid. The UK's submission will help inform international discourse around effective restriction and elimination of POPs.

Persistent Organic Pollutants Review Committee (POPRC) 18

The POPRC met in Rome on 26-30 September, where the UK delegation represented UK priorities for all agenda items. The POPRC is the science-facing arm of the Stockholm Convention process and considers technical criteria for whether substances meet the criteria for listing as POP.

This year, there were two substances being considered at the draft risk management evaluation stage (UV-328 and dechlorane plus) and three substances at the risk profile stage (including the UK-led nomination – MCCPs, as well as long-chain perfluorocarboxylic acids and chlorpyrifos). There were no new nominations this year, but other agenda items included technical work relating to exemptions (decaBDE, SCCPs, PFOS) and long-range environmental transport guidance.

Now concluded, the committee will make recommendations for consideration at the COP11 in May 2023. These recommendations will include the potential listing of dechlorane plus and UV-328 new POPs, the continued need for specific exemptions for decaBDE and SCCPs, and acceptable purposes and specific exemptions for PFOS/F. **It is expected that there will be calls for information following the POPRC meeting, for which input from the CSF would be welcomed.** Once confirmed, further details and deadlines will be published on gov.uk, and shared with the CSF.

POPs in Soft Furnishings

The report of the research by the Environment Agency (EA) that involved analysis of nearly 1,000 samples of waste soft domestic seating was released to stakeholders in October 2021. Defra continue to work with a stakeholder group (including representatives from the waste industry, furniture industry, charity sector, local authorities, and devolved administrations) to consider the implications of the report findings.

The EA have developed guidance that provides advice on how to comply with the legal requirements in managing soft furnishings waste containing POPs. This was issued in an enforcement letter sent to local authorities, Household Waste Recycling Centres, landfill operators, and incinerator operators. The EA have set up a resolver group which is the appropriate forum for members to address concerns with the practical implementation of the guidance. Defra and the EA are listening to stakeholder feedback on the guidance and the EA will soon send a second letter to provide further clarity.

We have also appointed a consultant to develop a deeper understanding of how organisations will achieve compliance and the socioeconomic impacts of that. This will build on our 2021 survey through engagement with local authority waste managers across the UK to inform their research in the coming weeks.

POPs Exemption Review

Defra has now completed its review of the extent to which POPs are still being used for specific exempted purposes within the UK. Thanks to all who engaged with this process.

The POPs under review were: Decabromodiphenyl ether (decaBDE); Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds; Perfluorooctane sulfonic acid (PFOS), its salts, and its derivatives; and short chain chlorinated paraffins (SCCPs). And some of the exempted uses under review included – among others – spare parts for aircraft and motor vehicles (decaBDE), and oil/water-repellent textiles and fire-fighting foam (both PFOA).

The results of this review, which have been shared with the Convention, will help Defra and the Stockholm Convention better understand potential continued need for exemptions, and will inform how POPs regulations might be changed in future. For example, details regarding DecaBDE and SCCPs have directly fed into the POPRC18 meeting in Rome (26-30 Sept), where two reports are being drafted by the committee on the specific exemptions for these two substances; these reports will be reviewed further by the COP in May 2023.

No immediate changes will be made to the UK POPs regulations, nor the UK's registrations for exemptions in the Stockholm Convention, but the information received will help inform future consultations and discussions on the continued need of these specific exemptions.

6. International Chemicals: Voluntary international initiatives

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

SAICM is a multi-sectoral, multi-stakeholder UN framework which promotes chemical safety around the world, established with the original objective of achieving the sound management of chemicals throughout their life cycle by 2020. It is now being re-negotiated to reflect the period beyond 2020 through what is known as an intersessional process. The new framework, when adopted, will have a suite of politically binding targets.

The first part of the Fourth Meeting of the Intersessional Process (IP4.1) for the beyond 2020 framework under SAICM took place in Bucharest, Romania from 29 August-2 September. The UK's Dr Kay Williams was officially appointed as the co-chair of the Intersessional Process.

The list of around 130 targets was whittled down to 28, and new ideas for a vision were proposed. The UK's draft text proposal on the relationship between the new framework and the Science Policy Panel, with cooperation and input from the EU, served as a basis for discussion and insertion of new text into the document. Progress on financial considerations and capacity building were more limited, but the meeting allowed for helpful exchange and the opening of discussions for exploring more innovative ways for funding global chemicals management.

It was decided to adjourn the meeting, with IP4.2 due to take place at the end of February 2023, and the fifth meeting of the International Conference on Chemicals Management (ICCM5), where the new framework will be adopted, taking place in Autumn 2023 in Bonn, Germany.

6.2. Science-Policy Panel (SPP)

In March 2022, a resolution at the United Nations Environment Assembly (UNEA) 5.2 was passed to establish an independent, intergovernmental science-policy panel (SPP) to further contribute towards the sound management of chemicals and waste, and to prevent pollution. The intention is that the panel will be of similar stature to the Intergovernmental Panel on Climate Change (IPCC) and the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) increasing the public and policy profile of chemicals and pollution.

The first stage in the negotiations of the new Panel will be the first of several ad hoc Open Ended Working Groups (OEWG), taking place over two stages in October (procedural issues only) and the first quarter of 2023 (substantives issues). The OEWGs are tasked with creating proposals in relation to the following aspects of the Panel, amongst others:

- Institutional design, secretariat support and governance
- Name and scope of the panel
- Principal functions of the panel
- Relationships with relevant key stakeholders, including governmental and non-governmental organizations, and civil society
- Processes for determining and executing the work programme of the panel
- Arrangements for identifying and engaging with experts, and procedures for review and adoption of work
- Options for voluntary financing of the work of the panel and an indicative budget

To gather information ahead of negotiations in 2023, Defra and the Royal Society of Chemistry are hosting an interactive, hybrid webinar session on 12 December. The aim of the discussion is to provide background and perspectives from the broad scientific community on how to incorporate international knowledge from all regions and the current issues of international importance that could be prioritised by the panel.

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

PARC is a research and innovation programme under Horizon Europe 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.

Following a delay in the formal association process, the UK is participating in PARC as a non-associated country. Successful UK applicants to Horizon Europe can access replacement funding through the UKRI's Horizon Europe funding guarantee. Details regarding the scope of the funding guarantee are available on the UKRI website. Work on PARC started in May and we have UK teams (from government and academia) who are active in all the work packages.

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

The Organisation for Economic Co-operation and 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. Defra continues to have oversight of the EHS programme, co-ordinating collective input from across UK government and external stakeholders.

Work on New Approach Methodologies (NAMs) – innovative non-animal chemical testing methods – is accelerating within the EHS programme, with the aim of providing methods with enhanced speed, efficiency, rTobustness and, human- and species- specific, relevance for chemical assessment that will best protect human and environmental health, meet increasing assessment demands, and reduce reliance on animal testing. The UK is an active participant within these programmes of work, including on the Test Guidelines Programme, where the UK continues to lead and contribute to development of test methods.

The Working Party on Manufactured Nanomaterials (WPMN) met in June, and the UK attended with a large cross-Whitehall delegation led by Defra. The meeting included highlights and progress reports from the projects taking place under the programme of work. The UK is leading and participating within several projects. Recently, the WPMN put forward working descriptions for "advanced materials" and "sustainability" to the Chemicals and Biotechnology Committee (CBC) for endorsement, which was approved.

The Working Party on Risk Management (WPRM) met in September, which Defra attended. The meeting included highlights and progress reports from the projects taking place under the programme of work, which cover risk management tools and approaches, sustainable chemistry, risk management work on specific chemicals and socioeconomic analysis related tools. The WPRM was preceded by a workshop on substitution and alternatives assessments.

The next meeting of the CBC, which oversees the EHS Programme, will be held in November and will be represented by Defra. As well as participating as an OECD member country, the UK now chairs the CBC through Dr Kay Williams of Defra.

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