Minutes of 86th UK Chemical Stakeholder Forum meeting, 11 October 2022, Hybrid Conference, Society of Chemical Industry, London

Chair's welcome

The chair welcomed all to the first hybrid Chemical Stakeholder Forum (CSF) meeting and a return to in-person attendance for the first time since the COVID-19 pandemic. See Annex A for attendance and apologies.

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 85th CSF July meeting (UKCSF/22/08) were approved.

1. Opening statement

The Joint Deputy Director for Chemicals, Pesticides, and Hazardous Waste at Defra gave an opening statement verbally to set the scene for the CSF meeting.

Context was provided on the current policy landscape and highlighted the uncertainties around new ministerial steers. They provided reassurances on continuing work to improve the overall management of chemicals, both domestic and global, by working closely with a variety of stakeholders and using an evidence-based approach, to find workable solutions and maintain a high level of protection for human health and the environment.

There was a question on which regulations were intended to be kept, amended under the Retained EU law (REUL) bill. Defra responded that at this stage, decisions have not been made on specific pieces of legislation and they were in the process of reviewing all Defra's REUL stock as part of a department-wide programme and determining what should be preserved as part of domestic law, as well as REUL that should be repealed, or amended.

There was a question on the responsibilities of the newly appointed Defra Ministers. Defra responded that the portfolios were now divided differently with the environmental portfolio separated from some cross-cutting issues, such as trade.

There was a question on the timeline and milestones towards publication of the Chemicals Strategy. Defra responded that there was no current timeline in place and that they would not have certainty until ministerial steers were determined.

2. Environmental Improvement Plan

Defra presented on the revision of the Environment Improvement Plan (EIP), including the goal on 'managing exposure to chemicals and pesticides'. See Annex B.

An attendee asked for clarity on the target on eliminating the use of Polychlorinated biphenyls (PCBs) by 2025. Defra agreed to follow up on this question after the meeting.

Another attendee asked how the import of plant protection products banned in the UK might be prevented. Defra agreed to follow up on this question after the meeting.

An attendee asked how Defra engaged with HSE to develop and embed the EIP. Defra responded that HSE had been directly involved in the drafting of the chemicals goal chapter.

Another attendee asked when the membership of the UK REACH Independent Scientific Expert Pool (RISEP) would be published. Defra responded that the names of members would be published in due course.

An attendee asked whether all Devolved Administrations (DAs) had signed up to the EIP. Defra responded that under the framework in the Environment Act, the EIP was for England only. However, in practice the work of the EIP would be UK-wide and there were some joint responsibilities for chemicals and pesticides. Defra had worked closely with DAs on the draft chemicals goal chapter and the EIP would set out their joint vision.

Another attendee asked whether there would be alignment between UK REACH and EU REACH in the future. Defra responded that UK REACH was a separate regulation to EU REACH however, as part of the Project to Improve UK REACH, Defra would consider how best to learn from EU REACH. The attendee commented that Northern Ireland was still under EU REACH therefore, EU REACH was still a part of the UK regulatory framework.

An attendee asked whether there were any changes in the content of the EIP's chemicals goal chapter, considering recent Ministerial changes and priorities for economic growth.

Defra acknowledged that there were opportunities for the chemicals sector to continue adding to the growth of the economy. However, Defra's aim remained focussing on maintaining high levels of protection for the environment and human health.

3. The future of creating circularity at the largest scale: an industry perspective

The Senior Sustainability Manager at BASF presented on 'The future of creating circularity at the largest scale: an industry perspective'. See Annex C.

An attendee raised a concern around plastic packaging tariffs and that chemical recycling had not been accepted as a solution. The presenter acknowledged that this had reduced the drive toward the use of waste plastic as recycled content and added that mass balance was accepted as a more pragmatic approach globally.

Another attendee asked whether heavy aromatics could be used for renewable feedstocks, as more sustainable sources were generally focussed on the lighter oils end. The presenter noted that they were not a specialist however, they acknowledged that heavy aromatics were more difficult and more expensive to use as they contained more than just carbon and hydrogen. They added that the consistency, quality and variability from biomass produced from heavier versus lighter oils would need consideration.

An attendee asked whether BASF's net zero work related to the pollution agenda. The presenter responded yes, BASF had a system of categorizing their products in terms of their sustainability or sustainability solutions steering. This was a portfolio management tool, which sat within the World Business Council for Sustainable Development (WBCSD) framework, and ranked products from best to worst, for action to be taken accordingly.

The attendee also asked whether BASF was expecting a doubling of chemicals production as predicted globally by the UN. The presenter responded that they could not comment on BASF's business strategy.

Another attendee asked whether any trade-offs had to be made and how these were assessed. The presenter responded that this would depend on having the right technology and the right feedstocks. They added that trade-offs with regards to biomass would be a larger question around what crops are produced for, such as, to feed people or for feedstocks.

An attendee asked what advice should be given to government regarding a supportive regulatory framework. The presenter responded that consistency, transparency and predictability would be required for large companies to want to invest in the UK. Another attendee highlighted the importance of supporting companies with sustainable agendas and creating an environment that enables new technologies and the switch to green solutions.

An attendee asked what would need to happen with certification to improve the role of feedstocks coming through upstream. The presenter responded that certification was for the process to ensure it was robust and transparent. They added that for upstream certification, this could be target at traceability of raw materials but, in an ideal world waste residues would be used for feedstocks. Another attendee commented that there was a lack of trust in biobased and recycled feedstocks. They added that including certification and clarity to give a trusted system was essential to making change happen across the industry.

Another attendee asked how BASF were managing the increasing particulates from the biomass use. The presenter responded that they were not aware of an issue with particulates but, would assume if any that this was being captured and dealt with as the operation was held to the highest standards.

An attendee commented that the main issue was that industry had been developed based on petrochemical feedstocks for over 150 years and this was now trying to be changed in 20 to 30 years. They added that this was why collaboration and unique supportive regulation was important. Another attendee asked if BASF was looking into alternatives to speed this step. The presenter responded that they would follow up on this after the meeting.

Another attendee asked whether clean-up of legacy chemicals, such as Persistent Organic Pollutants (POPs), had been part of any BASF's sustainability discussions. The presenter responded that they were not aware of any such discussions.

An attendee raised concerns around waste discharged into the water from BASF's plants and asked for comment on their policies to minimise discharges. The presenter responded that water was used in many of their processes, and the quality of the water discharged back to the source it was obtained, was purer than that which was used to begin with.

4. Looking to the future – Part 2

The chair explained that at the last CSF meeting in July, attendees had discussed questions about the CSF's future role, how it could be improved and continue to add value to the development and delivery of chemicals policy. There were interesting suggestions and ideas, and the next step was to narrow these down and agree on actions to take forward.

Defra and the CSF Steering group also wanted to gauge views from attendees on the key policy areas that the CSF and government should focus on together in the coming years.

Defra presented the top voted EasyRetro comments from discussions held in the CSF July meeting, alongside questions for attendees to discuss in breakout groups both in-person and using EasyRetro virtually.

The discussion points from in-person discussions were added to the EasyRetro board. See Annex D for the questions and noted discussion points. Following discussions, the chair invited each group to present their key points in plenary.

5. New Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) CSF working group

Defra gave a verbal presentation on the launch a new CSF working group to focus on Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) policy. They spoke to a proposal paper shared in advance of the meeting, which had been agreed by the CSF Steering Group.

An attendee asked whether there was a process for representatives from large companies to the join the group. Defra responded that their proposal paper set out their initial thoughts on membership organisations and putting names to these or nominating yourself would both be considered. The working group would report back to the wider CSF at its meetings.

Another attendee noted that there were similar initiatives in trade groups and asked if there was any consideration to liaise with these, for example, the Construction Industry Research and Information Association (CIRIA) setup a similar PFAS group. Defra responded that they would investigate this and consider opportunities to learn from others.

An attendee highlighted that the proposal paper raises a need for an evidence base and added that it would also be useful to know about monitoring campaigns and their extent more specifically, such as, which types of PFAS had been found and where they were located. Another attendee responded that there was a need to look across the lifecycle to understand where pre-treatment was need and how it could be implemented.

An attendee noted that as PFAS gets into food and water, there would be other organics with a PFAS problem outside of wastewater. They added that PFAS was a distraction, and the real issue was large quantities of unknown materials were allowed into organic materials.

Another attendee raised a point on how much influence the working group would have on

government policy and how this could be measured or demonstrated, adding that it could be beneficial to include ministers to demonstrate the working groups significance.

An attendee asked whether there was a good sense of what PFAS were and what they did. Defra responded that this would be covered in its PFAS Regulatory Management Option Analysis (RMOA) and was fundamental to how they would regulate. Defra added that they were keen to engage in wider conversations with a variety of stakeholders around the complexity of PFAS and differing hazard profiles and develop sensible policy from these discussions.

6. CSF membership and steering group refresh

The chair explained that the CSF Steering Group had now been serving faithfully for the last 3 years and it was time to change its membership. They continued that this would be a new process as there was no previous steering group before the current membership. The CSF Steering Group were looking to each nominate a successor from the CSF membership but, realised that there was not in each case a like-for-like replacement.

Therefore, the steering group had agreed to first review the membership of the CSF, to ensure that it was up to date and that there was future capacity for continuation of representation of all views in the CSF and its steering group.

The secretariat explained that a call for expressions of interest to become a CSF member would be launched in the coming months. They clarified that this would not be a total overhaul of the current CSF membership but, an opportunity to fill any gaps where organisations had changed or closed and refresh with new voices where required.

7. Risk-Based Chemicals Regulation workshop feedback

The lead policy advisor at the Royal Society of Chemistry (RSC) presented the feedback and report from the workshop they hosted in June 2022, alongside the Chemical Industries Association (CIA), Fidra, Defra, and the Health and Safety Executive (HSE), on risk-based chemicals regulation. See Annex F.

An attendee highlighted that there was opportunity to engage the Society for Radiological Protection in conversations around stochastic risk. They also asked if there was discussion at the workshop on addressing the increasing public polarisation around risk articulation. The presenter responded that this was raised and there was potential to learn from social scientists and other bodies that have experience in presenting risk to the public, such as the Foods Standards Agency.

Another attendee asked about how to deal with ‘evidence stacking’, which was not seen in the UK but, elsewhere in the world such as the US. They raised concerns that foreign economic actors could be willing to encourage this to work around UK regulation. The presenter responded that this could be addressed by agreeing rules on publishing and openness, with detail on who owns the data and where this data would sit so that everyone around the world is able to access the same data package.

An attendee asked where alcohol would sit under the Essential Use criteria, considering the sections on public risk. The presenter acknowledged that the criteria could allow for socially

accepted products to be viewed differently. They continued that, creative approaches which could encourage innovation beyond a REACH model could lead to divergence from the EU.

The attendee then raised an issue on the waste sector dealing with 60 European Waste Catalogue (EWC) codes which were classed as hazardous wastes but, for which there was no known method of conducting a hazard assessment. They continued that the learnings from the workshop could cut across to support this issue, with the opportunity of retained EU law under review.

8. Policy update

Defra gave a verbal update on the Science Policy Panel (SPP). The first one-day Open Ended Working Group (OWEG) meeting took place the previous week, to organise the admin side of the work and prepare for the upcoming weeklong meeting scheduled for 30 January. There may be opportunity for stakeholders to feed in views on the scope of the panel, definitions of chemicals, waste and pollution, and what the panel should produce.

Principal functions such as horizon-scanning and knowledge sharing needed to be assigned correctly, as well as governance polices and defining the role and involvement of stakeholders. Defra invited attendees to join a hybrid webinar on 12 December, hosted in collaboration with the RSC, which was aimed at receiving views on the SPP directly from stakeholders.

Defra also gave a verbal update on the project to improve UK REACH. UK REACH had been in operation since 1 January 2021 and any changes made under the EU Withdrawal Act were technical and targeted at correcting deficiencies. Defra had identified areas for improvement and stakeholder feedback had reinforced this view. Therefore, they had setup a project to look at how to improve UK REACH and make it more efficient in the future. This would run alongside the Chemicals Strategy and the ongoing work on an Alternative Transitional Registration model.

The project was in its early stages and had recently held workshops to kick-start the work and these had a good level of engagement. Defra would share a summary of the workshops in follow-up to the meeting.

Defra gave a final update on UK REACH restriction prioritisation. Last year Defra held workshops to determine priorities for the 2022 to 2023 UK REACH Work Programme. They engaged stakeholders in looking at the general principle of UK REACH and considered both human health and environmental proposals. Defra’s intention was to review priorities for 2023 to 2024 and beyond.

Defra committed to reviewing the proposals that were not brought forward last year again for this year and would consider the latest proposals going through EU REACH and other regimes. A high-level sift was conducted to select proposals that Defra were interested to seek stakeholder views on.

They invited attendees to a workshop on 14 or 15 November to discuss these proposals and would ask participants to place the proposals in three tranches in advance to help guide and focus discussions, and this would then be used to inform prioritisation actions. Views were also being sought from other government departments and Defra would work closely with DAs to consider how these priorities would fit into a broader multi-annual plan.

9. Question and answer

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 about timelines for discussions with new ministers on the Chemicals Strategy and when the feedback from the Summer 2022 workshops held by Defra on this would be shared. Defra responded that new Secretary of State would have a deep-dive discussion with chemicals policy directors the following week and the aim was to share the Chemicals Strategy workshop papers in the coming weeks.

Another attendee raised concerns about POPs in soft furnishings waste and the issued caused for Local Authorities (LAs) around the burden and financial impact of this policy. Defra responded that they were aware of these concerns and that the EA had setup a resolver group to work through the technical details. Defra had also setup a stakeholder working group which met the previous week and included representatives from LAs, DAs and waste companies to discuss these issues.

The Environment Agency were working on regulatory position statements to address some of the short-term pressures and the established groups would continue meeting to support a smooth and swift transition to compliant position.

An attendee asked how the UK REACH improvement project would align with the work around the REUL Bill. Defra responded that there were already reforms being considered and improvements which could be made regardless of the REUL Bill, however, there could be potential synergies identified.

They added that not all changes to UK REACH needed to be legislative and there could be improvements in its operation with mechanisms and powers already existing to allow UK REACH to be amended as necessary.

Another attendee raised concerns about the REUL Bill and highlighted that more guidance was needed over what changes could potentially be put forward. Defra responded that the REUL Bill was led by the Brexit Opportunities Unit within BEIS and agreed to feedback the comments raised.

Another attendee raised concerns over compliance issues with increased workload and processing delays at HSE. They gave an example of a biocidal product which was authorised before EU Exit and transitioned over into UK Biocidal Products Regulation (BPR), saying that there was potential for companies to put products on the market for an extended period with only having submitted an incomplete or rough dossier to gain access. Another attendee responded that these issues originated at EU level, and that whilst the registration phase for EU REACH was completed in 2018, the EU BPR regulation was completely different.

They continued that the programme for the evaluation and approval of biocidal active substances was not scheduled under EU BPR to be completed until 2024, meaning there were no dossier submission requirements at present for some biocides. They added that at the end of the transition period, about 50% of the active substances on both EU and Great Britain markets had not yet been approved, and the HSE were picking up approvals for Great Britain but were yet to publish their schedule for approvals.

They reiterated that the EU and the HSE would be experiencing similar issues around processing authorisations and that the HSE were not unique in that. Defra agreed to

feedback the comments raised to HSE.

10. Any other business

No additional business was raised.

The chair thanked Defra, all the presenters and everyone for attending. The next meeting would be held on Thursday 9 February 2023, with the format and location to be confirmed.

Annexes

- Annex A: Attendance and apologies
- Annex B: Environmental Improvement Plan
- Annex C: The future of creating circularity at the largest scale: an industry perspective Annex D: EasyRetro board: Looking to the future – Part 2
- Annex E: Risk-Based Chemicals Regulation workshop feedback
- For accessibility reasons, Annexes B, C, D and E will not be made available on the UKCSF page on GOV.UK. Copies can be obtained by emailing the secretariat at Chemicals@defra.gov.uk

Annex A: Attendance and apologies

Attendees

- Adrian Hanrahan - Robinson Brothers Ltd
- Andrew Brooks - UL
- Anna Watson - CHEM Trust
- Blanca Suarez - Nanotechnology Industries Association
- Camilla Alexander-White - Royal Society of Chemistry
- Caroline Rainsford - Cosmetic, Toiletry and Perfumery Association
- Catherine Gunby - Fidra
- Chloe Topping - CHEM Trust
- Chloe Alexander - CHEM Trust
- Clare Cavers - Fidra
- Clelia Oziel - Chemical Watch
- Craig Melson - Tech UK
- Danny Ditroia - Ricardo Energy & Environment
- Daphne Vlastari - BASF
- David Park - British Coatings Federation
- David Gurden-Williams - 3M
- David Carlander - RPA Ltd
- David Taylor - WCA ltd
- David Wright - UK Lubricants Association
- Dawn Allan - Anthesis Group
- Elaine McGavin - Chemical Business Association
- Elisabeth Laird - Burson Cohn & Wolfe
- Francesca Bevan - Marine Conservation Society
- Guillermo Perez Molina - EUK Consulting
- Hannah Conway - Wildlife & Countryside Link
- Haydn Jones - Airbus Operations Limited
- Heather McFarlane - Fidra
- Ian Callan - Innospec Limited
- Ian Axford - Office of the Government Chemist
- Jed Coiley - Marine Conservation Society
- Joanna Sparks - Aston University

- John Reid - British Chemicals Association
- Joldert Faber - AkzoNobel
- Jonathan Rickwood - WSP
- Kirsty Eley - Chemical Industries Association
- Lara Dickens - Chemservice UK Ltd
- Liz Nicol - Logika Group
- Lowenna Jones -The University of Sheffield
- Mandy Veillette - PETA Science Consortium International e.V.
- Marlen Moreno - Rolls-Royce
- Mel Biring - Lubrizol
- Melissa Wang - Greenpeace
- Michelle Bloor - University of Glasgow
- Mick Goodwin - WSP
- Mohamed Elkhalifa - British Plastics Federation
- Neil Hollis - BASF
- Nigel Haigh - Institute for European Environmental Policy (UK)
- Nik Robinson - European Oilfield Speciality Chemicals Association (UK)
- Peter Silverans - Venator Belgium
- Rachna Nayyar - Anthesis Group
- Ray Parmenter - Chartered Institution of Wastes Management
- Rebecca Johansen - Ricardo Energy & Environment
- Roger Pullin - Chemical Industries Association
- Sam Saunders - Cruelty Free International
- Sheena Hindocha - Knowledge Transfer Network
- Shiny Mathew - UKRI Engineering and Physical Sciences Research Council
- Shosha Adie - ENDS Report
- Simon Hall - BAE Systems
- Stephanie Metzger - Royal Society of Chemistry
- Steve George - REACHLaw UK Ltd
- Steve Hollins - Tronox
- Steven Brennan - Compliance and Sustainability Ltd
- Steven Davis - BAE Systems
- Sue Bullock - TSG Consulting
- Sukky Choongh - Society of Motor Manufacturers and Traders
- Tim Burrows - Charles River
- Tom Persich - Environmental Resources Management
- Tony Heslop - BASF
- Tony Bingham - AGB Chemical Compliance
- Verner Viisainen - Green Alliance
- Zoe Avison - Green Alliance

Government officials

- Alistair Moseley - Defra
- Anna Ostrowska - Defra
- Cecile Brich - Defra
- Charlotte Reynolds - Defra
- Dominique Alexander - Defra
- Emily Winters - Defra
- Francis Wragg – Defra
- Heather Lusardi - Defra
- Helen Ainsworth - Defra
- Ivy Manning - Defra
- Jack Blandy - Defra
- Jack Brown - Defra
- Jane Morrill - Defra
- Jeremy Benson - Defra
- Jonathan Biggs - Defra
- Kayleigh Hancox - Defra
- Lewis Manuel - Defra
- Lillian Koma - Defra
- Lucy Cheeseman - Defra
- Mags Bradley - Defra
- Mary Tomlinson - Defra
- Max Folkett - Defra
- Megan Thomsett - Defra
- Michael-Anne Lockhart - Defra
- Paige Robinson - Defra
- Philip Douglas - Defra
- Rachel Irving - Defra
- Ruth Hailay-Michael - Defra
- Simon Johnson - Defra
- Wassim Choudhury - Defra
- Will Stinson - Defra
- Vanessa Sanderson - Defra
- Phil Leeks - Scottish Government
- Anne Saunders - Scottish Government
- Dan Merckel - Scottish Government
- Martin McVay - Welsh Government

- Janet Sheridan - DAERA
- Ethan Houston - DAERA
- Tom Nickson - Environment Agency
- Abi Williams - HSE
- Miriam Jacobs - UKHSA

Apologies

- Bud Hudspith - Unite the Union
- Philip Malpass - UK Cleaning Products Industry Association
- Peter Clark - Knowledge Transfer Network
- Joanna Sacks - CLEAPSS
- Friederike Andres - Federation of Small Businesses