

Chemicals policy and regulation update

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1. Broad policy issues

1.1. Chemicals Strategy

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. The commitment to publish a Chemicals Strategy was reiterated in the [Environmental Improvement Plan](#), where the Government committed to publishing a Chemicals Strategy in 2023.

'Friends of the Strategy' (FotS) CSF Working Group

Earlier this year, we established the 'Friends of the Strategy' (FotS) CSF Working Group to act as an advisory group on the developing Chemicals Strategy. Through this group, we are testing emerging thinking and seeking feedback on the Strategy content. Our first meeting, held in March, focused on a draft outline structure for the Strategy.

Discussions at the second meeting, in September, included taking a more in-depth look at priority chemicals issues: Endocrine Disrupting Chemicals and the tracking of chemicals in products. We also discussed a set of draft regulatory principles which will help guide regulatory decision making. We have circulated a summary of our second meeting to the CSF alongside this Policy Update Paper.

The Strategy team can be contacted at: Chemicals.Strategy@defra.gov.uk.

1.2. Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS)

PFAS CSF Working Group

To inform our policy development on PFAS, Defra have convened the PFAS CSF Working Group. The group gives NGOs, figures within industry that are involved with the use of PFAS and others, such as experts on innovation, an opportunity to share their knowledge and experiences of transitioning away from the use of PFAS. The working group currently has a life span of 12 months, which will be reviewed to see how useful the group continues to be as we near the end of 2023. The aim by the end of the 12 months is to have a set of policy options that we can take forward for further consideration and analysis.

The group have developed short policy papers that articulate:

- The common barriers and challenges of moving away from PFAS e.g., demonstration that alternative PFAS products provide the required performance level and meet standards,
- The policy options available to government to accelerate leadership by industry users in moving away from PFAS and to address the most critical risks of specific PFAS; and,
- How government can support innovation for cost-effective alternatives to PFAS.

The policy papers have been collated to produce a single document that is representative of the combined views of the group's membership. The paper was reviewed at the meeting in July 2023. Feedback has been received and the final iteration of the document will be reviewed at the final meeting of the group in late 2023. The final product will contribute to the development of PFAS policy in the future. The meeting will also provide an opportunity to discuss the future format that stakeholder engagement will take, as the next meeting will be the final meeting of the agreed format. For any further information regarding the PFAS CSF working group, please contact: Fredric.Barratt@defra.gov.uk.

2. Update from Devolved Governments

2.1. Scotland

The Scottish Government has updated its [Biodiversity Strategy](#) following a consultation in 2022.

Scottish Chemical Policy Network (SCPN)

Officials held the latest SCPN meeting as a hybrid meeting at Scottish Government offices in Leith, Edinburgh on 1st September.

The meeting was well attended, and participants enjoyed an excellent presentation from Scottish eNGO Fidra, on their work on flame retardants in mattresses, and their work related to the current UKG consultation on the future of regulation of domestic upholstered furniture fire safety regulations.

Scottish Government officials then hosted a short workshop on network members' views on topics and deliverables that are important for the Chemicals Strategy, following on from the workshops that Defra held last summer. The next meeting will be held towards the end of the year, again in hybrid format.

Anyone interested in participating in the SCPN, with any issues they wish to present to the Scottish Government should contact chemicals@gov.scot.

2.2. Wales

The [Environment \(Air Quality and Soundscapes\) \(Wales\) Bill](#) was introduced to the Welsh Parliament on 20 March. The Bill proposes:

- to provide a framework for setting national air quality targets,
- to amend existing legislation relating to the national air quality strategy, local air quality management, smoke control, clean air zones/low emission zones and vehicle idling,
- to place a duty on Welsh Ministers to promote awareness of air pollution; and,
- to place a duty on Welsh Ministers to publish a national soundscapes strategy.

A debate took place in the Welsh Parliament on 12 September. The motion to agree the general principles of the Bill was agreed. The Bill now proceeds to Stage 2, which involves committee consideration of proposed amendments.

3. UK REACH – Update from DEFRA

3.1. Transitional registrations

Following a public consultation last year, the government has [legislated to extend the submission deadlines for transitional registrations](#) 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. The deadlines have been extended to 2026, 2028 and 2030 depending on tonnage and hazard profile. We aim to consult on detailed proposals on the alternative transitional registration model in the coming months.

3.2. Decision-making on Applications for Authorisation

Defra has received **twelve** final UK authorisation application opinions from the UK Agency. Defra's Secretary of State has made decisions to grant authorisation on four of these applications and will make a decision on whether to grant the remaining applications in 2023-24. Consent from Scottish and Welsh ministers is required for decisions where the matter relates to areas of devolved competence.

Defra ministers have made decisions, with consent from the Scottish and Welsh ministers, on ten 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.

3.3. UK REACH Work Programme

Since UK REACH came into force, the Work Programme has prioritised the issues that are most effectively addressed through UK REACH, and where action would have the greatest impact for human health and the environment.

The UK REACH Work Programme 2023-24 will be published in due course, accompanied by an updated rationale, setting out how we identified priorities for this financial year.

We have received HSE's final opinions on the proposed restriction on tattoo inks and permanent make-up. We are assessing the proposal, and a decision will follow in due course.

Defra, Welsh, and Scottish governments are beginning to work with the HSE, Environment Agency, and other stakeholders to identify priorities for the UK REACH Work Programme in 2024-25. Further to the recommendations of the Regulatory Management Option Analysis

(RMOA) on PFAS published in April this year, we propose to prioritise the development of restriction proposals on PFAS.

We also welcome representations from stakeholders on additional substances which might be considered as priorities for UK REACH restriction over the coming years and invite the CSF to submit supporting evidence to: REACHworkprogramme@defra.gov.uk by 15 November. We will then review submissions and consider next steps for engagement.

3.4. Intentionally added microplastics

Under the 2022-23 UK REACH Work Programme, Defra initiated a research proposal called the 'Emissions of intentionally added microplastics' which investigates the risks of intentionally added microplastics.

This evidence project will review microplastic emissions, and the risks they pose both to human health and the environment, as well as undertaking a socio-economic assessment. It will advise on the most effective measures to address any risks in the short to medium term and help identify wider evidence gaps that need to be addressed in the longer term to support a more strategic approach to managing intentionally added microplastics.

As is standard, this is an evidence gathering project to inform policy development domestically as part of our commitment to tackle plastic pollution. This does not necessarily mean that any of the risk management options analysed will become government policy. The tender period is now closed, and we will be contacting the winning bid shortly.

4. UK REACH – Update from the UK Agency: Health and Safety Executive (HSE)

4.1. UK REACH Independent Scientific Expert Pool (RISEP)

HSE published the [RISEP list](#) on 12 October 2022. HSE have recruited 36 experts who advise on the safety of chemicals and support the Agency's scientific opinions.

In May 2023, HSE opened their Independent Scientific Expert Pool (RISEP) to new experts, this was communicated via an e-Bulletin on 25 May 2023.

We have had a good response to the recruitment advert and are currently interviewing candidates. HSE will be making the appointments in due course.

4.2. UK Agency Accredited Stakeholders

Since April 2021, stakeholders have been invited to apply for Accredited Stakeholder Organisation (ASO) status.

HSE has recruited **58 ASOs** from industry and NGOs. The accredited stakeholders have been able to attend all formal meetings of RISEP and any relevant challenge panels to date.

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](#).

4.3. UK REACH Authorisation Applications

HSE is currently working on a number of active applications for authorisation. RISEP Challenge Panels are scheduled or have been held. Applicants and Accredited Stakeholders will be invited to observe Challenge Panel meetings.

All draft Agency opinions were sent for comment and final Agency opinions were sent to the appropriate authorities on schedule.

Further information on the applications can be found on the [HSE website](#).

4.4. HSE Public Consultations

Recommendation for inclusion of substances in Annex 14 of UK REACH

HSE currently has an open consultation on the draft recommendation (2023) for inclusion of substances in Annex 14 of UK REACH - Diisohexyl phthalate (DIHxP).

The [consultation](#) will be open until **18 December 2023**.

Lead in Ammunition

With support from the Environment Agency, the Agency has assessed the risks to human health and the environment from lead in ammunition and published its [final risk assessment opinion](#).

This follows a six-month [public consultation last year](#) and a six-month extension to consider the high volume of responses submitted, including many detailed and technical submissions.

HSE has also opened a 60-day public consultation on the draft socio-economic opinion for any comments that will help HSE and the Environment Agency with this draft opinion.

The opinions have been reviewed by a RISEP Challenge Panel, and the Agency also met stakeholders to listen to their concerns, gather evidence and discuss the proposals.

After the responses to the 60-day consultation on the draft socio-economic opinion are considered, the Agency will send its final consolidated opinion to the Appropriate Authorities i.e., the Defra Secretary of State and the Welsh and Scottish Governments. The final decision for any restriction will then be made by the Defra Secretary of State, with the consent of the Scottish and Welsh Ministers.

The [consultation](#) will be open until **10 December 2023**.

Further information on the restriction proposal can be found in [the HSE statement](#).

5. International Chemicals: Multilateral Environmental Agreements

The Triple Conference of the Parties (COP) to the Basel, Rotterdam, and Stockholm (BRS) Conventions took place, in Geneva, from 1-12 May 2023. Parties considered standard joint agenda items related to programmes of work and budgets and elections of officers, in addition to substantive agenda items related to the implementation of each individual convention.

5.1. Basel Convention – Control of Transboundary Movements of Hazardous Wastes and their Disposal

The overarching objective of the Basel Convention is to protect human health and the environment against the adverse effects of hazardous wastes. The Convention aims to control movements of hazardous waste between nations, preventing the transfer of hazardous and other problematic wastes from developed to less developed countries and protecting human health and the environment from adverse effects from these wastes.

OECD Task Team on e-waste amendments

At the Basel Convention COP in 2022, it was agreed that **all** waste electrical and electronic equipment (WEEE) moved transboundary would be subject to the Prior Informed Consent (PIC) procedure and can only be exported if the destination country gives consent, starting from 1 January 2025. Any decisions adopted under Basel are automatically incorporated into the OECD Council Decision on the Control of Transboundary Movements of Waste Destined for Recovery Operations unless an OECD Member objects within an agreed timeframe.

In August 2022, Japan objected to the automatic incorporation, and this started a round of negotiations. Japan's objection centred on that OECD countries have well-developed environmental controls, and applying the Basel amendments in full would slow down the intra-OECD circular economy with regard to certain types of WEEE, particularly printed circuit boards (PCBs). Japan wants to see waste PCBs and some other types of WEEE continue to move as 'green list' within the OECD, so with no controls applied. Most OECD members consider PCBs hazardous waste.

The agreed position of the UK, alongside the majority of other OECD members, is that all hazardous WEEE, at a minimum, should be subject to PIC; there is no conflict between applying the PIC procedure and promoting the circular economy; the consistency of approach is beneficial to all stakeholders; improved controls are good for transparency and building a comprehensive picture of WEEE flows; and the OECD should be an exemplar of environmentally sound waste management.

Despite numerous rounds of negotiations, amended proposals from Japan and attempts by all to find a compromise 'landing zone', no consensus has been reached. Negotiations will be

concluded in November, but no consensus is the probable outcome. This will likely mean that OECD members will implement the Basel amendments as they see fit for intra-OECD movements of WEEE. The UK will implement the Basel WEEE amendments in full in our regulations, and it is expected the EU and most other OECD countries will do the same.

Plastic Waste Exports

The UK Government is committed to ensuring that plastic waste is managed appropriately and recognises that some importing countries have difficulty in dealing with plastic waste. The Government is therefore committed to consulting on options to ban the export of plastic waste to countries which are not members of the Organisation for Economic Cooperation and Development (non-OECD countries) this year.

Defra plans to organise a virtual webinar shortly after the consultation is launched, to provide additional stakeholder engagement opportunities.

Please send any enquiries on plastic waste exports to: WasteMovements@defra.gov.uk.

5.2. 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. Any chemicals listed in Annex III of the Convention become subject to the Convention's Prior Informed Consent (PIC) procedure.

The Chemical Review Committee (CRC) 19

The nineteenth meeting of the Chemical Review Committee (CRC-19) of the Rotterdam Convention will take place from 3-6 October 2023 in Rome, Italy. The CRC is the Rotterdam Convention's scientific body, which considers whether technical criteria set out in Annex II to the Convention has been met for the listing of certain substances.

The Committee will finalise draft decision guidance documents for Methyl Bromide and Paraquat, which were recommended for listing under Annex III of the Convention at CRC-18 last year.

Additionally, CRC 19 will review notifications of final regulatory actions for 9 substances: Bromacil, Carbaryl, Chlorfenvinphos, Chlorpyrifos, Diarsenic Pentaoxide, Ethion, Mercury, Methidathion, and Thiodicarb.

5.3. 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.

Persistent Organic Pollutants Review Committee (POPRC) 19

The POPRC is the science-facing arm of the Stockholm Convention process and considers whether substances meet the technical criteria for listing as POP. The 19th POPRC meeting will be held in Rome in 13-19 October 2023.

The three substances that were considered at the risk profile stage at POPRC-18 in September 2022 – long-chain perfluorocarboxylic acids (LC-PFCAs), chlorpyrifos, and the UK-led nomination ‘medium chain chlorinated paraffins’ (MCCPs) – will also be considered by POPRC at the meeting in October 2023, following recent evidence-gathering. MCCPs and LC-PFCAs will be considered at the risk management evaluation stage (socioeconomic considerations), but chlorpyrifos will again be considered at the risk profile stage (scientific criteria).

Final draft versions of the required evaluation documents for these substances were submitted to POPRC in June for translation ahead of the meeting in October. UK led the drafting for UK-nominated substance MCCPs. This follows several rounds of information gathering and commenting, and their consideration by POPRC will be a culmination of many years work. Earlier drafts of these documents were made available for comment on GOV.UK and the Stockholm Convention website. If the draft Risk Management Evaluations (RMEs) are approved by POPRC, those substances will then be recommended to the next COP of the Stockholm Convention, to be held in 2025, for adoption as a new POP for global prohibition.

Other POPRC-19 topics include, updated compilations of indicative lists of substances covered by the listing of PFOA and by the listing of PFHxS, an introductory item on ‘identifying POPs in stockpiles, products, and articles in use and in wastes, and issues related to the production, import and export of products and articles containing POPs’, for which follow-up intersessional work is expected to be requested ahead of POPRC-20 (in 2024) and COP-12 (in 2025).

Amendment of POPs Regulation

Defra are shortly due to add perfluorohexane sulfonic acid (PFHxS), its salts and PFHxS-related compounds to the list of substances the manufacturing, placing on the market, and use of which are prohibited under the retained POPs Regulation. This prohibition, without specific exemptions for continued use, is due to apply in Great Britain, and follows the listing of this substance as a new POP, for global elimination, at a recent COP to the Stockholm Convention.

Further amendments to the POPs Regulation are under consideration for future legislative updates, including in response to changes to the Stockholm Convention following the COP in May 2023, such as the listing of UV328, Dechlorane Plus, and Methoxychlor, and the 2023

Defra-led consultation on potential amendments. We will provide further updates on progress in due course.

5.4. Minamata Convention – Mercury

The Minamata Convention is an international treaty designed to protect human health and the environment from anthropogenic emissions and releases of mercury and mercury compounds. The fifth meeting of the Conference of the Parties (COP-5) will take place on 30 October-3 November.

The priority issues and currently proposed negotiating positions for the UK are:

- **Proposed amendments to Parts I and II of Annex A on dental amalgam, fluorescent lighting, and cosmetics:** we will support amendments to the Convention on phasing out certain types of fluorescent lighting and cosmetics containing mercury, ensuring alignment with UK legislation, policy, and practice, and demonstrating UK leadership internationally. We will push back on proposals to phase out dental amalgam as, given the demographics of the UK, it is vital that amalgam remains accessible. Amalgam continues to be the most practical and cost-effective restorative option for some patients. Department of Health and Social Care are the government policy leads on dental amalgam.
- **Mercury waste thresholds:** we will support a new threshold value for waste contaminated with mercury or mercury compounds. This value has been proposed by the technical expert group and aligns to existing UK waste management practices.
- **Effectiveness evaluation:** we will support the work of the open-ended scientific group in producing the first effectiveness evaluation for the Minamata Convention and the proposed indicators. The UK supports 3 members per UN region in establishing the Effectiveness Evaluation Committee, alongside many like-minded countries, including the EU and US, and in line with other similar international treaty committees.
- **Programme of work and budget:** we will support a 5% budget scenario. While we would typically seek to support zero nominal growth in the Secretariat's budget, in this case this would entail cuts to work that is important to the UK, such as the first effectiveness evaluation and national reporting, or make them subject to voluntary funding with no guarantee that they would take place.

These proposed positions will be finalised and agreed with ministers ahead of COP-5.

6. International Chemicals: Voluntary initiatives

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

Negotiators met from 23-29 September in Bonn, Germany, for the final part of the Fourth Meeting of the Intersessional Process (IP4.2), for the Beyond 2020 (B2020) framework, a continuation of [SAICM](#).

The UK delegation met with stakeholders including governments, industry, and NGOs, to agree text enabling the adoption of the new B2020 framework. The meeting culminated in a High-Level Segment, attended by ministers and CEOs from chemical companies.

Defra was heavily engaged with other government departments and stakeholders, including through the B2020 CSF sub-group, to develop UK positions ahead of negotiations, that supported the B2020 framework's ambitious goals, while also showcasing the innovation coming out of the UK. The resulting agreed text and its new name, the global framework for chemicals, will be formally released by the Secretariat in due course. Defra will update the CSF and engage stakeholders, as appropriate, upon its release.

6.2. Science-Policy Panel

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, waste and pollution.

At the first open-ended working group to establish this panel, in January-February, progress was made on the scope of the panel's remit, its functions, overarching objective, and elements of its Operating Principles.

The next meeting will take place in December, with an agenda that includes further consideration of Operating Principles, institutional arrangements, rules of procedure and the involvement of stakeholders in assessment reports. Defra will continue engaging with stakeholders, including through the B2020 CSF sub-group, and will report back on progress from the open-ended working group in the new year.

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.

Work on PARC started in May 2022, and we have UK teams (from government and academia) who are active in all the work packages.

At the July CSF meeting, there were several presentations from UK-PARC partners who explained about some of the work they are involved in such as wastewater-based epidemiology and chemicals in plastics.

Additionally, since June 2023, UKHSA are the validation methodology lead for PARC, running trainings and are currently developing a report on how PARC can contribute to high priority needs in the development of New Approach Methodologies (NAMs) for the OECD Test Guideline Programme.

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, with UKHSA leading on human health, co-ordinating collective input from across UK government and external stakeholders.

The Working group of National Coordinators to the OECD Test Guideline programme (WNT) have conducted a survey and are planning a stakeholder workshop on operational and financial aspects of validation on 14-15 December 2023. This will inform the Test Guideline Programme going forward, including updating the guidance on Validation, in Guidance Document 34.

The UK led, OECD expert group on developing a testing strategy for non-genotoxic carcinogenicity, have published several critical NAMs reviews with recommendations for future specific validation activities to ensure a robust and globally acceptable approach.

The UK is co-leading a number of nanomaterials projects at the OECD, including toxicokinetics, and test method validation needs for nanomaterials in genotoxicity testing. The latter is currently in development.

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