

UK Confirms It Will Not Align with EU Chemicals Agency

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The UK Government has said that it will not align with EU chemicals policy, instead bringing in its own controversial system.

The Department for Environment, Food and Rural Affairs (Defra) has confirmed that the UK will implement its own version of the EU chemical regulatory system, REACH, at the end of the Brexit transition period on 31 December. The UK is still operating under EU REACH until then, but has no say on the regulations. Despite calls from industry to align with the European regulatory system, the UK Government will implement a UK REACH run by Defra and the Health and Safety Executive (HSE), replacing the European Chemicals Agency (ECHA). The plans for UK REACH have previously been called “[vague and insufficient](#)”.

Philip Dunne, Chairman of the Environmental Audit Committee, [wrote](#) to George Eustice, Secretary of State for Defra on 30 April to ask for clarification on the future of chemicals regulation. In a [reply](#) to Dunne on 22 May, Rebecca Pow, Parliamentary Under-Secretary of State of Defra said that the UK would not align with EU Reach.

Responding to Pow’s letter, Dunne said:

“It is imperative that the UK’s future chemicals strategy after Brexit maintains high environmental and safety standards. This is an issue the Committee will closely monitor over the coming months and as the new UK REACH system begins at the start of next year.

“The Secretary of State for Defra confirmed during the Committee’s evidence hearing that the UK REACH will mirror EU REACH, and we learnt from Minister Pow’s letter to the Committee that high standards of environmental and safety measures will continue. The Committee still requires information on how UK REACH will work in practice, and how Defra plans to address the concerns of those in the chemicals industry around the costs of access and challenges in supplying registration data.”

Both the Chemical Industries Association (CIA) and the Chemical Business Association (CBA) urged the Government to be transparent on how it estimates the cost to business with the new system. Commenting on Pow’s claim that “having control of our own laws outweighs the costs”, the CBA highlighted that the Government’s decision appears to be motivated by its desire to escape the jurisdiction of the European Courts of Justice (ECJ). However, in the ten years of EU REACH only one case involving a member state has been heard.

The CIA also raised the concern that attempts to make a parallel database with UK REACH

will weaken competitiveness and reduce the number of chemicals on the UK market.

“In raising these concerns, we believe businesses have already complied and respected the ‘no data, no market’ principle of REACH once and therefore should not be forced to re-submit costly data. In the absence of an agreed shared database mechanism between the UK and EU, we urge that UK REACH acknowledges the level of work and expense already made with respect to EU-REACH by allowing those companies who deal in REACH-registered supply-chains to continue to do so without submitting a registration in the UK. Instead, UK manufacturers and importers of EU-REACH registered substances could notify the UK authority with key information.”

In response to the Defra letter, Michael Warhurst, Executive Director of CHEM Trust, said:

“We are deeply concerned about a number of features of a future UK REACH regime that will be weaker than the current protective framework of EU REACH and will result in divergence from the EU. Our analysis is that without action, the environment and human health will be left less protected from problem chemicals post-Brexit”.

Warhurst raised the point that the UK system will have limited information on chemicals due to lack of access to the ECHA database. He also expressed concern that Pow’s statement that the Government “will be looking at approaches taken by other chemicals regimes across the world” could mean that the Government may be planning to move to a weaker US-style system which would allow chemicals banned by the EU to be used in the UK.

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