

# Chemicals policy and regulation update

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## 1. Broad policy issues

### 1.1. Chemicals Framework

Defra is developing a strategy for delivering an ambitious Chemicals Framework. The Framework will set the context for the safe use and management of chemicals through delivery of effective regulation and policy, built around a robust UK regulatory regime and a clear suite of policies for managing emerging issues, including what actions are needed to help further improve the safe use and management of chemicals.

The next key milestone is a Call for Evidence which we are aiming to publish before the end of March. This is a key step in the process and will help inform the Chemicals Framework, including what actions are needed to help further improve the safe use and management of chemicals. We would welcome contributions from CSF attendees and would also appreciate your help in helping us disseminate the Call for Evidence widely. Alongside this we are conducting a horizon scan to identify issues that could have a positive or negative impact on chemical pollution in the future. This will use a method similar to that used in the [Global Conservation Horizon Scan](#) that harnesses expert judgement of a multi-disciplinary, multisectoral panel to identify and shortlist issues. This will help provide us with a forward look to support the development of a Chemicals Framework through increased understanding of new opportunities and threats.

### 1.2. UK REACH

UK REACH came into force on 1 January 2021 with the following key components going live on that day:

- a. The UK REACH IT system 'Comply with UK REACH', ready to support the transition process and new registrations.
- b. A 9am-5pm Helpline service.
- c. [New and more detailed guidance for industry](#) published on the HSE website.

The UK:EU Trade and Co-operation Agreement includes a Chemicals Annex, but it was not possible to agree a proposed arrangement to share REACH registration data. The Chemicals Annex includes a range of mechanisms which will support regulatory co-operation and information exchange. This will help avoid the introduction of unnecessary barriers in the future while maintaining high environmental standards.

Defra, BEIS and HSE are continuing close engagement with businesses throughout the chemicals supply chain, together with trade associations and other stakeholder organisations to ensure that businesses will have access to the information they need, to make decisions about the actions they need to take. If you have any queries please contact [ChemicalsPolicy@defra.gov.uk](mailto:ChemicalsPolicy@defra.gov.uk).

## 2. Update from Devolved Administrations

### 2.1. Scotland

**Forum** – The Scottish Government has now held 2 meetings of the Scottish Chemical Policy Network (SCPN). SCPN is still in the development stage but membership is expanding gradually, and it is envisaged to provide a useful forum for information exchange and networking.

Anyone interested in participating in the SCPN or with any issues which they wish to present to the Scottish Government, should contact [chemicals@gov.scot](mailto:chemicals@gov.scot).

**Air Quality** – The Scottish Government completed an independent review of Cleaner Air for Scotland during 2019 and we are currently consulting on a draft new air quality strategy taking into account the review conclusions and recommendations. The consultation finishes on 22 January 2021, after which the strategy will be finalised and published later in the year.

### 2.2. Wales

The Welsh Government has published a [White Paper for public consultation](#) to inform a Clean Air Act for Wales. Proposals include new targets for fine particulate matter and controls on domestic burning. The consultation closes on **7 April**.

The first part of Wales' second statutory [State of Natural Resources Report \(SoNaRR\)](#) is now available on Natural Resources Wales' website. Further chapters will be published during the coming months.

### 2.3. Northern Ireland

DAERA is developing the first Clean Air Strategy for Northern Ireland, a two-stage approach has been adopted. Initially a Clean Air Strategy Discussion Document, which presents an in-depth analysis of air quality in Northern Ireland and sets out current policy and evidence, was launched to a 12-week public consultation on Monday 23rd November 2020. The [Discussion Document](#) seeks views on a wide variety of matters relating to air quality. It does not set out policy options or indicate a particular policy position.

Following the period of public discussion, responses received will be reviewed, options considered, and range of proposals formulated. A draft of the first Clean Air Strategy for Northern Ireland will then follow. This will be a more focussed and shorter document than the Discussion Document and will contain specific proposals relating to policy and other measures which can improve air quality. This draft Clean Air Strategy will be subject to an additional public consultation and due to the cross-cutting nature of the policy area.

### 3. REACH Update from UK Agency (HSE)

#### 3.1. UK Agency Statement on REACH Independent Scientific Advice – Public Consultation

The UK REACH legislation requires that HSE as the Agency for UK REACH produces a statement on Independent Scientific Advice (ISA), this is required to be published 3 months after the end of the implementation period (end of March 2021). This statement must contain:

- How the Agency will take ISA into account when forming opinions on restriction and applications for authorisation.
- Examples of situations when it may not be relevant to take ISA into account.
- Information about the qualifications and relevant experience which are suitable to become independent experts in the UK REACH process.
- How the Agency will act in a way that ensures a high degree of transparency when exercising these functions.

The legislation also states that the Agency must consult such persons as it considers appropriate before producing this statement. In the interests of transparency, HSE are consulting publicly on the statement – however, as there is a strict timescale to adhere to in order to receive the necessary official clearance on publication of the Statement, this will be a short consultation and will be located on the [HSE consultations page](#). Stakeholders are kindly invited to look at this and respond by the date indicated.

#### 3.2. UK REACH – Apply to become UK Agency Accredited Stakeholders

The UK Agency (HSE) is inviting stakeholders to apply for Accredited Stakeholder (AS) status for those interested in closer cooperation in the UK REACH processes, in particular Authorisation and Restriction. The UK Agency's approach to stakeholder engagement and participation in the UK processes is based around having transparent, open and trustworthy relations with stakeholders and working together through meaningful activities. Stakeholders will represent different actors such as businesses, NGO and civil society groups, as well as the general public who have an interest in UK REACH, and with whom the Agency will wish to engage in a dialogue.

Whilst the Agency welcomes the engagement and participation of all stakeholders in UK REACH, for reasons of practicality and organisational constraints, the Agency's approach to engagement with stakeholders is, for some of the UK REACH processes, based on a cooperation model involving the concept of Accredited Stakeholders (ASs). Having Accredited Stakeholders offers the Agency the opportunity to interact and work with a manageable number of relevant stakeholders representing a large proportion of relevant interest groups in

the UK. As such, only Accredited Stakeholders will be able to participate in certain meetings and activities (for example, related to Authorisation Applications) as a matter of routine. Nevertheless, the Agency will always seek to extend the opportunities for engagement and participation as wide as possible, for example through wide participation in public consultations and calls for evidence, as well as bringing in specialist stakeholder groups when the issues demand it.

If your organisation represents your field of competence at UK level and is interested in closer cooperation with the UK Agency, you are welcome to apply for Accredited Stakeholder Status

Further information and how to apply will be notified to members imminently.

### **3.3. UK Agency – UK REACH Authorisation Applications**

The first UK Authorisation Applications (one new application and one review report) have been received by the UK Agency in early January. The UK Agency will begin processing these in line with the UK REACH regulation requirements. Further information on these will be made available in due course on the HSE website. Public consultations on alternatives for all applications will also be held and all such consultations will be able to be found on the [HSE consultations page](#).

## 4. International Chemicals: Multilateral Environmental Agreements (MEAs)

The [Triple Conference of the Parties](#) was take to place in July 2021. This covers the Basel, Rotterdam and Stockholm Conventions. Owing to Covid-19, the meeting will not be face to face but, a decision is yet to be made on hybrid virtual options.

### 4.1. Stockholm Convention – Persistent Organic Pollutants

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.

#### Changes to Stockholm Convention restrictions

Amendments to the annexes which list restricted substances and those with an acceptable use that were agreed at the 9th Conference of the Parties to the Convention in April 2019 came into force through in 2020 and are therefore included in in retained EU law. These amendments include:

- a ban on all uses of the organochlorine pesticide dicofol, which hasn't been used in the UK for many years,
- the ban on the use of perfluorooctanoic acid (PFOA), its salts and PFOA related compounds, except for use in time limited exemptions; and
- a change from an acceptable purpose to a specific exemption for the use of PFOS, its salts and PFOSF.

All POPs listed in the annexes of the EU POPs legislation have now been retained in UK EU Exit POPs legislation.

#### The Stockholm Convention Review Committee (POPRC)

The 16th Stockholm Convention Review Committee (POPRC) meeting was held online 11 – 15th January 2021. Draft risk profiles on Methoxychlor and Dechlorane Plus (DP) and reviews of decabromodiphenyl ether (decaBDE) and short chain chlorinated paraffins (SCCPs) exemptions were reviewed. The consideration of a proposal for the inclusion of UV-328, nominated by Switzerland in Annexes A, B and/or C to the Convention was also discussed. The following decisions were made:

- Agreed the Risk Profile (Annex E) for Methoxychlor and for the chemical to progress to the Risk Evaluation (Annex F) stage.
- To further review the Risk Profile (Annex E) for Dechlorane Plus and return to this at POPRC-17 in September 2021.
- The specific exemptions report for DecaBDE and SCCPs were agreed and finalised and will be presented to the next Conference of Parties in July 2021. Parties will review the

need for specific exemptions and information and the reports will be reviewed at the Conference of Parties in 2023.

- The criteria for UV-328 Annex D were met and that it should be considered for the next stage involving the drafting of a Risk Profile.
- For the PFOA Indicative list, many new chemical names were added to the list, but there was insufficient time to thoroughly examine the additions. Therefore, the former list was agreed, and additional time was granted for parties and observers to review the list.

**Defra invites experts in the CSF to engage with us on our work in preparation for the next POPRC in Sept 2021.** We are especially interested in a better understanding of the usage of Dechlorane Plus in the UK, and the potential impacts of it being added onto the list of POPs in the Stockholm Convention.

### Medium Chain Chlorinated Paraffins proposal

On 18th Jan 2021 Defra published a notice proposing that Chlorinated Paraffins with carbon chain lengths in the range of C<sub>14</sub> to C<sub>17</sub> and at least 45% chlorination are listed in Annex A, B or C of the Stockholm Convention 2021. If you have any comments or information you wish to share on the draft proposal attached to the notice, please respond to [POPs@defra.gov.uk](mailto:POPs@defra.gov.uk) as directed in the notice by **15<sup>th</sup> March 2021**.

### **National Implementation Plan**

The [UK's National Implementation Plan \(NIP\) 2017](#) is being updated to reflect the additions of decabromodiphenyl ether (decaBDE) and short chained chlorinated paraffins (SCCPs) to the Stockholm Convention in 2017. Defra will be consulting stakeholders on the updates and future commitments to support the removal of these substances from the environment.

### **Other POPs research**

Research has been undertaken as part of the UK Multi-Media Emissions Inventory (MMEI) to understand the historical use of two the brominated POP flame-retardants, decabromodiphenyl ether (decaBDE) and Hexabromocyclododecane (HBCDD), which are present in a range of soft furnishings passing through UK waste streams. This research is informing ongoing engagement with the waste industry and the study report is due to be published in Feb 2021.

## 4.2. Rotterdam Convention – Prior Informed Consent

The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade is a multilateral treaty to promote shared responsibilities in relation to importation of hazardous chemicals.

The **16th meeting of the Chemical Review Committee (CRC)**, the scientific body to the Rotterdam Convention was held online on the 8 to 11 September 2020.

Owing to limitations of conducting the meeting online, substantial discussions were postponed until the next meeting. CRC members were tasked to review a notification of final regulatory action for perfluorooctanoic acid (PFOA), its salt and PFOA-related compounds and consider the draft decision guidance document for decabromodiphenyl ether.

The CRC finalised and adopted the guidance and decision documents for the two chemicals which will be recommended to the 10th COP for listing in Annex III to the Convention.

## 5. International Chemicals: Voluntary international initiatives

### 5.1. Beyond 2020 framework on chemicals and waste (Strategic Approach to International Chemicals Management (SAICM))

The Beyond 2020 framework is being negotiated and will follow on from the existing Strategic Approach to International Chemicals Management (SAICM). It complements the multilateral environmental agreements for chemicals and waste i.e. the Basel, Stockholm, Rotterdam and Minamata Conventions and aims to improve chemicals and waste management globally.

Negotiations were due to conclude in July 2021, but they have now been indefinitely postponed due to COVID-19. A series of virtual working groups aimed at making progress and providing recommendations for the way forward have been taking place. These groups are not intended to replace face-to-face negotiations.

[Virtual working groups](#) are nearing conclusion and have focused on the following areas:

- I. Targets, indicators, and milestones;
- II. Governance and mechanisms to support implementation (including discussions on the Science-Policy interface);
- III. Issues of concern; and
- IV. Financial considerations.

These groups have provided a useful basis to continue discussions and highlight areas of general agreement and potential disagreement. A renewed set of proposed targets have been produced as well as recommendations for processes such as adopting issues of concern. Participation was open to all SAICM stakeholders with an approximate 50:50 split between governmental and non-governmental stakeholders (including NGOs, IGOs, private sector and others) registered for the groups. As well as all the individual written feedback and recordings from the groups, technical briefings are proposed on the outcomes and recommendations formed from this work will be presented ahead of the negotiations meeting in March.

The UK is continuing to support work on indicators for the Beyond 2020 framework. This work looks to build upon the recommendations of experts at a 3-day conference held in Cambridge in September 2019, which highlighted the importance of indicators and of developing indicators concurrently with targets. The UK is working with the Inter-organisation programme for the Sound Management of Chemicals (IOMC) and the World Conservation Monitoring Centre (WCMC) to provide technical support, given their expertise and WCMC's experience working on indicators for Biodiversity. This will include a technical webinar to summarise the state of play with indicators to date.

The virtual working group on financial considerations was tasked to make proposals to enable work on the topics to advance ahead of the fourth meeting of the intersessional process. The group explored topics including [integrated approach to finance](#), strategic partnerships,

financing the Secretariat as well as resource mobilisation. Stakeholders called for the strengthening of private sector involvement to better accomplish an integrated approach to finance and others encouraged countries to consider options such as implementing [cost recovery mechanisms](#) and measures nationally to mobilise resources. The following virtual working group is provisionally scheduled to take place on **10<sup>th</sup> February 2021**.

We will continue engagement through the CSF sub-group and the UKCSF as discussions develop. **If you would like to join the Beyond 2020 CSF sub-group please let the CSF Secretariat know at [Chemicals@defra.gov.uk](mailto:Chemicals@defra.gov.uk). Further information: [Beyond 2020 framework on chemicals and waste](#).**

## 6. The OECD's Environment, Health and Safety (EHS) Programme

The [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. Recent streamlining has led to responsibility for the EHS programme to the Chemicals Committee (renamed as the “Chemicals and Biotechnology Committee”), which now reports directly to the OECD Council. Its mandate remains the same, although with work growing in the area of Risk Management, a new working party is being developed to cover this area. This will bring together work on PFAS, sustainable chemistry and economics.

Despite covid-19, international work at the OECD has continued effectively with meetings shifted rapidly to a virtual format resulting in few delays to their work plan. Defra continues to have oversight of the EHS programme and attended the final Joint Meeting of the Chemicals Committee and the Working Party on Chemicals, Pesticides and Biotechnology in November 2020. This was held back to back with a Global Forum on Environment on the challenges with setting up and implementing a cost-effective management system for industrial and consumer chemicals.

The [Global Forum](#) was attended by industry, governments, NGOs and other members of civil society. It highlighted the important role that the OECD takes in facilitating coordinated action and collaboration internationally as chemicals do not respect borders. The impacts of pollution on our ability to meet sustainable development goals was presented by Pure Earth. Risk Management approaches to PFAS, the Safe by Design concept, different country perspectives on setting up chemical inventories and further opportunities for collaboration (including through the Beyond 2020 Framework on Chemicals and Waste) were also discussed.

A new version of the [IOMC toolbox](#) for decision making in chemicals management was released late last year to support countries in setting up chemicals management systems. This provides easier, more direct access to eight management schemes, five toolkits, and more than 500 IOMC tools, guidance documents, and training materials. It can be accessed on all devices, including tablets and mobile phones, with an offline version coming soon.

The first meeting of the Committee on the Safety of Chemicals and Biotechnology will be held in June 2021 and attended by Defra.

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## 6.1. Nanomaterials and advanced materials

As a result of the OECD Working Party on Manufactured Nanomaterials (WPMN) Advanced Materials last year, Defra along with HSE, PHE, National Physics Laboratory (NPL) and International Organization for Standardization (ISO) have started to develop a UK Advanced Materials workshop. The aim of this workshop is to hold an event with experts and regulators to create a UK knowledge sharing community on safe use of Advanced Materials. It is likely that future funding and priorities will be centred on Advanced Materials and not uniquely on nanomaterials. In addition to this there is a strong push for sustainable and circular economy where safety by design, recyclability and re-use will be high on the agenda. The workshop will be held on 23<sup>rd</sup> April 2021 and serve as a starting point to share views on the benefits of this technology. There will be several speakers with different perspectives and breakout sessions addressing over-arching questions relating to barriers and benefits of commercialization of Advanced Materials, as well as how they can be incorporated into a circular economy.