

# DRAFT Minutes of 80th UK Chemical Stakeholder Forum meeting, 1<sup>st</sup> October 2020, Virtual Conference

## 1. Chair's welcome

The Chair welcomed everyone to the meeting (see Annex A for attendance & apologies).

The Chair explained that, the meeting was virtual due to the current circumstances of the Coronavirus pandemic (Covid-19). The Chair of the meeting was drawn from the Steering group on a rotating basis and that the meeting was held under Chatham House rule.

The draft minutes of the 79<sup>th</sup> CSF June meeting (UKCSF/20/07) were approved.

## 2. From historical insights to policy foresight: some 'late lessons from early warnings' about chemical hazards

A Visiting Fellow at the Institute of Environment, Health and Societies, of Brunel University, presented on 'From historical insights to policy foresight: some *late lessons from early warnings* about chemical hazards.' See Annex B.

The Chair asked what priorities Defra should encompass in their new strategic UK approach to chemicals policy development in the context of EU exit. The presenter recommended following the examples of other countries and using precautionary actions such as, not regulating one substance at a time, nor one use at a time, nor using one policy tool at a time. But, adopting a holistic approach i.e., regulating complex mixtures and by capturing emerging hazards with an upstream approach, via a toxics tax on hazardous base stocks and using the revenue to fund research into less harmful innovations, including non-chemical innovations. For example, the steadily increasing taxes on CFC materials in the United States had helped fund substitutes. They added that there is a tension between scientists who prefer to avoid false positives and policy makers who want to avoid false negatives i.e., irreversible damages to people or the planet.

An attendee asked how to know when it is worth acting on or banning substances based on just weak signals of harm from the evidence. The presenter responded that there is not just strength of evidence to be used as it should be case specific, depending on the plausible costs of being wrong in acting, or not acting, in time to reduce harm. There are twelve criteria about the hazardous potential of hazardous agents that may justify precautionary action which can help with what decision is best to take.

Another attendee disagreed that all parameters could be applied across every single case of CFC. They continued that risk management needed improvement, as historically lessons had been learnt the hard way, and the rules or framework used to make decisions should be upgraded. The presenter responded that this cannot be simply based on the beyond reasonable doubt strength of evidence, such as "convincing evidence", as this would lead to more environmental harm. They continued that a range of tools were in place to use and manage the situation better and society needed to move towards agreeing on what is an essential use and what is a trivial use of a substance.

A question was asked on whether any chemicals had been banned that had now been found to be safe or had all banned chemicals been found to be harmful. The presenter responded that out of 88 false positives studied by the EEA, 4 were found to be false positives: mass immunisation against swine flu in the USA 1976: food radiation; corn blight in the USA, 1970s; and saccharine, wrongly labelled a carcinogen in USA, 1980s.

### 3. New CSF working groups

#### 3.1. Context Setting

Defra officials presented on the context surrounding the proposals for the new CSF working groups. See Annex C. These groups were looking to build up the engagement of the Forum as we develop a new Chemicals Framework, helping to build collaborative relationships throughout the lifecycle and hopefully providing learning opportunities for everyone. All were welcome to get involved and attendees were invited to contact the relevant group lead.

An attendee asked when the Call for Evidence will be published. A Defra official responded that unexpected events this year had caused delays but, if all goes to plan, the Call for Evidence would be published at the end of March 2020.

A point was raised that the UK had been commissioned by the Organisation for Economic Co-operation and Development (OECD) to produce a report on [international regulatory cooperation](#). A question was asked on how this would tie into the CSF's future work. A Defra official responded that they had contributed to this from the chemicals side and Defra was working within OECD on cooperation with other countries. The official asked the attendee to follow up in writing to further discuss linkages between the CSF and OECD.

#### 3.2. Global Chemicals Strategies

Representatives of the Royal Society of Chemistry (RSC), presented their proposal for a CSF working group on 'Global Chemicals Strategies'. See Annex D.

The group would aim to maintain awareness, keep informed and increase understanding of the developments in chemical strategies and chemicals policy in other parts of the world. This would include looking at the EU Chemicals Strategy for Sustainability, as well as other geographies of interest.

Attendees discussed three questions around this proposed working group in plenary. See Annex E for a summary of the discussion.

#### 3.3. Green Feedstocks

A representative of the Society of Chemical Industry (SCI), presented their proposal for a CSF working group on 'Changing where chemicals come from'. See Annex F.

The group would aim to produce a roadmap to green feedstocks, that would be agreed between academics, industrialists, and regulators and taking account of the concerns of health and environmental groups. The working group would drive activities for a wider

advisory group including, academics working in the area, chemical producers, NGOs, British Standards Institution (BSI) and Defra regulators. The group would engage a provider to manage a consultation process to build an agreed roadmap and use this to guide decisions made on university funding, industrial development and the regulatory framework.

Attendees discussed three questions around this proposed working group in break-out groups. See Annex G for the FunRetro board with noted group discussion points.

### **3.4. Essential Use**

A representative of CHEM Trust, presented their proposal for a CSF working group on 'Essential Use'. See Annex H.

The group would aim to investigate and discuss how the concept of "Essential Use" has been used and is being proposed to be used to regulate hazardous chemicals and ensure a clean circular economy. This would include identifying areas of common ground, regarding the concept across stakeholders and to propose areas that need to be explored in more depth.

Attendees discussed three questions around this proposed working group in break-out groups. See Annex I for the FunRetro board with noted group discussion points.

## **4. CIA's Vision for a UK Chemicals Strategy**

A representative of the Chemical Industries Association (CIA), presented on 'CIA's Vision for a UK Chemicals Strategy'. See Annex J.

An attendee queried the concept of sustainable growth and said that nature doesn't have this in both a human and environmental sense e.g., trees and humans grow to a certain size and then stop. They continued that a steady economy is a good place to be, that although leisure and art might expand, the physical dimensions of an economy are steady. The presenter responded that use of sustainable growth refers to the UK being a world leader by doing things in a sustainable way.

A question was asked about the vision's pillars on education and citizen assemblies and noted that this allowed for participation in policy making. The presenter agreed that the use of citizen assemblies in had worked well in previous examples.

The attendee then raised the issue of striking a balance between making informed choices and regulation. They asked for thoughts on the proposal to set up a UK Chemical Agency to help regulate chemicals in the UK like that of the Food Standards Agency. Another attendee responded that the industry gained from being part of ECHA and once access was lost the UK should set up a Chemical Agency.

A question was asked about the application of the precautionary principle. They noted the previous speaker discussed this as a driver for innovation by replacing harmful chemicals with safer products. The presenter responded that the innovation principle goes beyond

the precautionary principle, by bringing everything together, e.g., health, environment, well-being, economy; being a holistic picture rather than just using only the environment.

An attendee queried how the UK could become a global leader after EU-Exit, particularly in reaching consensus on how to manage chemicals. The presenter agreed and discussed the use of existing links between government and other officials, and the UK's active role in international arenas, interacting with various global stakeholders. The attendee raised concern around the UK's depth of expertise in comparison to ECHA and referenced the 'RSC's Global Chemicals Strategy' to facilitate interaction and the development of ideas.

An attendee asked Defra about the difference between an England-only proposed strategy released in December 2018 and the UK Framework. A Defra official asked the attendee to follow-up in writing for a response. The presenter responded that the initial proposal was England-only but, the strategy should be wider as being considered by the UK framework.

An attendee queried the vision's lack of reference to women and asked whether the vision met UN Sustainable Development Goals on equality, as women and children were classed as vulnerable in suffering the effects of harmful chemicals. The presenter responded that the vision was a high-level document that didn't have all the answers and there were areas that needed work which should be undertaken in partnership. They continued that their position is for the UK Chemicals Strategy and UK Framework to be developed together.

## 5. Policy Update

There were no questions or comments raised on the Policy Update Paper (UKCSF/20/10).

A Defra official provided a verbal update on EU Exit policy and preparations for the end of the transition period.

New guidance was published on 1<sup>st</sup> September, which laid out the planned policy change of the extension to the timelines for providing data to the regulator. Defra planned to publish a more detailed set of guidance in October. This would provide more detail that answered common queries, as well as providing businesses with practical information on processes they needed to be familiar with.

The official explained that there would be a further REACH Statutory Instrument and this would include provisions relating to the Northern Ireland Protocol and the extensions to the data submission deadlines. Defra alongside HSE and BEIS colleagues would be carrying out extensive stakeholder engagement and communications, leading up to the end of the transition period. They would therefore be happy to speak with members directly or be involved in webinars, as part of this campaign to continue getting the key messages across to stakeholders.

The official also mentioned workshops which some CSF members attended, on the non-registration processes of REACH, in early September. There would be more workshops to come on this, particularly from January onwards.

An attendee commented that although the extension to timeframes for the submission of data was appreciated, this was a temporary fix. They continued that Defra had not stated that it would not request animal testing data which already exists in the REACH

database. They added that they found the consultation process concerning the mechanics of UK REACH to be opaque and there was no formal way of putting concerns forward, e.g., there were concerns around loss of transparency in REACH processes with the loss of the member state committee and what the HSE would do to duplicate other areas of effort. The official responded that Defra had been clear that animal testing would be a last resort, based on the 'last resort principle' enshrined in the Environment bill. Unless there is extremely good reason, there would be no duplication of animal testing. They added that Defra were always open to meet with stakeholders and listen. Defra were keen to keep stakeholders involved in discussions around the non-registration processes of REACH, through contact groups and future workshops.

## 6. AOB and wrap-up

No AOBs were raised.

The Chair thanked the Defra team who supported the meeting, all the presenters and everyone for attending. The next meeting would be held virtually on 10 February 2021.

## Annexes

Annex A: Attendance and apologies

Annex B: Presentation – From historical insights to policy foresight: some 'late lessons from early warnings' about chemical hazards

Annex C: Presentation – Defra context setting

Annex D: Presentation – Global Chemicals Strategies

Annex E: Summary of discussion on Global Chemicals Strategies

Annex F: Presentation - Changing where chemicals come from

Annex G: FunRetro board with noted group discussion points – Green Feedstocks

Annex H: Presentation - Essential Use

Annex I: FunRetro board with noted group discussion points – Essential Use

Annex J: Presentation – CIA's Vision for a UK Chemicals Strategy

For accessibility reasons, Annexes B, C, D, F, G, H, I and J will not be made available on the UKCSF website. Copies can be obtained by contacting the Secretariat at [Chemicals@defra.gov.uk](mailto:Chemicals@defra.gov.uk).

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## Annex A: Attendance and apologies

### Attendees

Simon Field	3M
Ashti Freebody	3M
Clara Ritch	3M
Natasha Gerard	ADS
Tony Bingham	AGB Chemical Compliance
Helen Lynn	Alliance for Cancer Prevention
Helen Kean	Anthesis (UK) Limited
Elisabeth Laird	Beryllium Science & Technology Association
Joshua Kelly	Biffa Waste Services
Kit Bowerin	Breast Cancer UK
John Reid	British Association for Chemical Specialities
Ciara Dempsey	British Coatings Federation
David Gee	Brunel University
Jamie Page	Cancer Prevention & Education Society
Tim Burrows	Charles River
Pat Jennings	Chartered Institution of Wastes Management
Christine Heemskerck	Chartered Trading Standards Institute
Anna Watson	CHEM Trust
Michael Cooper	Chemical Business Association
Abisola Elegba	Chemical Industries Association
Roger Pullin	Chemical Industries Association
Luke Buxton	Chemical Watch
Mamta Patel	Chemical Watch
Geraint Roberts	Chemical Watch
Lara Dickens	Chemservice UK
Matteo Dalla Valle	Chevron
Joanna Sacks	CLEAPSS
Khurram Jowiya	Cruelty Free International

Katy Taylor	Cruelty Free International
Caroline Rainsford	Cosmetics Toiletries and Perfumery Association
Richard Ayton	Dow
Gene Wilson	Environmental Services Association / Augean plc
Crea O'Hanlon	EUK Consulting
Steve Hollins	Exponent International Ltd
Peter Wragg	Flame Retardant Textiles Network Ltd
Tom Booker	Green Alliance
Libby Peake	Green Alliance
Mike Holland	Independent
Nigel Haigh	Institute for European Environmental Policy
Rachel Stonehouse	Institute of Materials, Minerals & Mining
Tracey Donaldson	Institution of Chemical Engineers
Lisa Hipgrave	International Fragrance Association UK
David Tyrer	Logika Group
Francesca Bevan	Marine Conservation Society
Ian Gibson	Mineral Products Association
Sean Kelly	Nanotechnology Industries Association
Wieslaw Piatkiewicz	Non-Ferrous Alliance
Samantha Saunders	People for the Ethical Treatment of Animals (PETA) UK
Philip Humphries	PTJH Consulting Ltd
Sue Bullock	Ramboll UK Ltd
Phil Rowley	Retired
Rebecca Johansen	Ricardo Energy & Environment
David Carlander	Risk & Policy Analysts Ltd
David Lever	Risk & Policy Analysts Ltd
Meg Postle	Risk & Policy Analysts Ltd
Camilla Alexander-White	Royal Society of Chemistry
Hannah Macdonald	Royal Society of Chemistry
Barnaby Slater	Royal Society of Chemistry
David Bott	Society of Chemical Industry

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Steve George	SG Advisory Services Ltd
Gregor Margetson	Sky Ltd
Susanne Baker	techUK
Gareth Simkins	The ENDS Report
Andrew Roberts	UK Petroleum Industry Association
Philip Malpass	UK Cleaning Products Industry Association
Bud Hudspith	Unite the Union
David Wright	UK Lubricants Association Ltd
Nick Bennett	University of Nottingham
Alice Mah	University of Warwick
David Taylor	WCA Ltd
Hannah Conway	Wildlife & Countryside Link
Liz Nicol	Wood UK

### Apologies

Sean McPike	Eli Lilly
Brigitte Amoruso	Make UK
Angeliki Balayannis	University of Exeter

### Government officials

Lee Vousden	BEIS	Janet Sheridan	DAERA
Helen Ainsworth	Defra	Jack Brown	Defra
Ruth Coward	Defra	Katie Dick	Defra
Claire Dixon	Defra	Max Folkett	Defra
Chris Green	Defra	Georgia Heritage	Defra
Hannah Jay	Defra	Simon Johnson	Defra
Robbie Jones	Defra	Chloe Meacher	Defra
Ruth Michael	Defra	Steve Morris	Defra
Dominic O'Neill	Defra	Suzane Qassim	Defra
Gershinder Rai	Defra	Sally Read	Defra
Sam Ross	Defra	Vanessa Sanderson	Defra

Hasmitta Stewart	Defra	Elen Strale	Defra
John Wiggins	Defra	Alun Williams	Defra
Clenses Witele	Defra	Patrick Vasey	Defra
Richard Hawkins	EA	Lorraine Hutt	EA
Tom Nickson	EA	Ian Axford	Government Chemist
Stavros Georgiou	HSE	Miriam Jacobs	PHE
Lorraine Stewart	PHE	Jason Sharp	Scottish Government
Martin McVay	Welsh Government	Eloise Procter	Welsh Government

## Annex E: Summary of discussion on Global Chemicals Strategies

1. Which geographies do you think this group should be exploring and why?
2. What is your current understanding of the EU chemicals strategy – is there anything you would like to know more about or discuss in this context?
3. What do you think are the most important areas of regulatory cooperation for chemicals?

A concern was raised that more chemicals regulation is being driven by transnational bodies like OECD and the UN, with their Sustainable Development Goals and Globally Harmonized System (GHS) of Classification and Labelling of Chemicals (CLP). Looking at chemicals regulation from a country perspective misses the point that what Japan was doing tomorrow on REACH was driven by what the UN and OECD was doing today.

An attendee responded that part of what the EU was considering, for example, in relation to endocrine disruptors, is to adopt classification requirements in CLP that would result in a lack of harmonisation with GHS. Similarly, the recent work on polymers, suggested registration requirements not in line with other national requirements. These were examples of action at the EU level, there were other examples internationally.

Another attendee raised that the ENDS report was covering industry lobbying of the EU Chemicals Strategy, with a story published on lobbying of DG GROW and DG SANTE at the EU Commission. They raised the concern that industry lobbying would weaken the objectives of the EU Chemicals Strategy, and consequently the UK Chemicals Strategy.

The Chair asked whether geographical areas of focus should be aligned with countries where the UK was seeking potential trade deals. The working group lead responded that the RSC sees similarities and differences at the scientific level, where there are real differences in approach, which do not always align with the same geography as a trade deal. They agreed that the RSC could usefully feed into discussions around trade deals.

An attendee asked if focus should be on China and Australia as priority countries. Another suggestion was Eurasia as an area to consider, including that it could be problematic for industry. The working group lead responded that they are focused on data sharing and the importance of this across different parts of the world. The RSC were currently looking at mechanisms to facilitate this. The Chair added that on the principle of data sharing, the more it happened, the less chance there was of inappropriate decision-making.

A point was raised about differences of opinion on data and differences across countries, with some countries being very protective of health and environment, and in such countries, the chemicals industry tended not to contribute much to the GDP. Therefore, it was important to consider that opinions on data are impacted by the strength of the campaign or voices within economies.

An attendee shared an assessment that found a study looking at 28 different risk assessments and the extent to which answers varied when looking at the same data. The assessments varied from not carcinogenic to very carcinogenic using the same data. They pointed out that it was the issue of being from separate disciplines, for example, toxicology vs medicine.