

## **Unite the Union response to Environmental Audit Committee Call for Evidence on Progress in implementing UK REACH**

This response is made by Unite, one of Britain and Ireland's largest unions with well over 1 million and a quarter members across all sectors of the economy. This includes manufacturing, financial services, transport, food and agriculture, construction, energy and utilities, information technology, service industries, health, local government and the not for profit sector. Unite also organises in the community, enabling those who are not in employment to be part of our union.

### **There is not the resources or the funding**

Key government regulators including the Health and Safety Executive (HSE) do not have the necessary staff and skills to protect workers and the public from chemical and other risks. HSE has been tasked with operating an independent post-Brexit regulatory chemical safety regime, replacing a sophisticated EU system for setting exposure standards, regulations and regulatory systems. However the Commons public accounts committee said that regulators are "struggling to recruit and retain the skills they need to regulate effectively" amid growing demand following Britain's exit from the EU.

The report notes: "HSE no longer has access to the chemical safety data underpinning the EU's Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) regulations. Industry has estimated it will cost £800 million to replicate this data in the UK REACH system. The regulators are taking action to mitigate these issues, but in some instances the alternatives are more time consuming and are likely to increase costs over time.

A report by the National Audit Office, the parliamentary spending watchdog, in May warned it could take "a further four years" for the HSE to recruit enough staff to ensure it can fully deliver its post-Brexit regulatory functions.

See also House of Commons Public Accounts Committee [news release](#), [report](#) and [Inquiry: Regulation after EU exit](#). [Morning Star](#).

### **What changes to UK REACH are needed?**

Eight NGOs have identified changes UK REACH needs to make to achieve high levels of health and environment protection. UK REACH must ensure the UK tackles the current chemicals pollution crisis and protects consumers, workers and the environment from harmful chemicals in the UK and beyond. To be world leading, UK REACH must be ambitious and use the best available science and data from around the world while taking a dynamic, and precautionary approach to the assessing, managing and the restricting of chemicals of concern.

### **Key asks for the UK Chemicals Strategy**

Following discussion with industry partners we have become aware that thirty health and environmental NGOs have identified key reforms that should be adopted by the UK if the government is to deliver on its commitment to be a "world leader on environmental protection:

- Apply the precautionary principle;
- Phase out the most hazardous chemicals from consumer products, for all nonessential uses;
- A plan to address endocrine disrupting chemicals including timelines to phase them out;
- Phase out the use of PFAS and other very persistent chemicals;
- Speed up regulation of harmful chemicals and avoid regrettable substitution by adopting a grouping approach;
- Address the combined exposure to chemicals – the ‘cocktail effect’;
- Maintain and expand on workers’ health and safety;
- Ensure a clean circular economy with products that are safe by design;
- Develop an effective monitoring and alert system;
- Stop the continued accumulation of legacy chemicals in the environment;
- Remain aligned with the world-leading chemical regulation EU REACH;
- Ensure more transparency and use of all relevant science for assessing health risks.

### **Problems with UK REACH**

The UK has only initiated two restrictions on hazardous substances compared to 5 that have been implemented in the EU since UK exit and a further 20 in the EU pipeline. This is due to its lack of operational capacity, lack of chemical safety data. Combined with the fact that all risk management measures on hazardous chemicals should go through a separate UK analysis which largely duplicates EU REACH processes that have already happened. The following points noted:

1. The UK has failed to keep pace with the scale and volume of EU risk management measures
2. Lack of data: Currently, UK REACH does not have the comprehensive safety data needed for identifying, controlling and enforcing protections from known chemical risks.
3. According to HSE the deadlines for industry to provide this data is due to be extended for the second time, while the proposed model for UK registrations remains under discussion.
4. UK REACH lacks institutional accountability to ensure transparent and open decision-making, particularly in relation to HSE decisions to reject or deprioritise EU controls. Tripartite committees are absent in decision making, with the UK falling way behind the EU regards structured consultation.
5. Almost all chemicals on the EU market (93%) lack critical information about their potential hazards, including carcinogenicity. Instead of regulating chemicals of high concern on the data available, they are put on hold based on data not being available. The result is that exposure to a hazardous chemical continues for many years.

### **EU Proposals**

The EU’s capacity to assess and restrict chemicals is set to increase further as they deliver the EU Chemicals Strategy for Sustainability - Towards a toxic-free Environment. This will be achieved through grouping chemicals of concern, addressing combined exposure to chemicals, phasing out

PFAS and other persistent chemicals, addressing endocrine disruptors and phasing out the most hazardous chemicals from consumer products, for all non-essential uses. The UK must have an ambitious strategy with clear health and environmental goals that should drive the registration, evaluation and authorisation process. It is also necessary to ensure there are open and transparent processes, with accountability at each stage of development.

### **Objectives for the reform of UK REACH to safeguard the protection of workers from hazardous chemicals**

- A safer, faster and more cost-effective model. This would default to adopting EU risk management decisions but retain the sovereign ability to diverge after a request, subject to demonstrable reasons why the UK context is different, that was open to challenge.
- This system would mean registrations could be relatively simple (the Swiss model), addressing the difficulties outlined in point 2 above on data. It would provide certainty and predictability to and be low cost on industry.
- Polling shows strong public support for high regulatory standards on chemical safety. There could be potential public outcry if Great Britain starts becoming a dumping ground for substances or products that do not comply with higher EU standards.
- Cost-effective - allowing the UK to focus its limited capacity to go further and faster than the EU or on areas where the UK context is demonstrably different.
- Mechanisms to ensure open and transparent decision-making.

### **The need to speed up regulatory processes**

The following measures are needed to speed up UK REACH processes, and are also mirrored in the debates at EU level which is focussed on addressing this problem in the revision of REACH:

- Regulate groups of substances – from candidate list through authorisation and restriction - to prevent regrettable substitution and the ‘no data, no problem’ situation that pervades many aspects of REACH. Targets and timeframes should be set to speed up phasing out groups of substances of most concern.
- Instead of assessing chemicals one by one and removing them when they are found to be unsafe, regulation should be re-orientated away from reaction, towards prevention and avoiding their production.
- A key measure for reducing chemical pollution is to set out a clear timetable for banning the most harmful chemicals from consumer products.
- The concept of “essential use” helps to determine the trade-off between enabling any essential roles of hazardous chemicals with reducing our overall chemical burden. This concept sets out criteria to ensure that the most harmful chemicals are only allowed if their use is necessary for health, safety or is critical for the functioning of society and if there are no acceptable alternatives.

## **Strengthen the balance between generic and specific risk assessment**

There is a push from some in industry for the UK to pursue an exclusively 'risk-based' approach to chemicals, and to reject generic approaches to risk-management (GRA). Specific risk assessment requires both hazard identification and exposure assessment, which requires information on the use to which it is put. An accurate specific risk assessment requires a lot of data and resources and inevitably includes uncertainties and ambiguities – and generally takes many years, during which time exposure continues (and may increase).

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