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To: House of Lords EU Energy & Environment Sub- Committee 1st October 2018

Re: The Future of Chemical Management and Regulation Post EU Exit – supplementary points

I wrote to the committee clerk previously on 17 August 2018, to share ideas and perspectives from the Royal Society of Chemistry on the government's intentions for future chemicals regulation post EU exit.

We would like to add some further points around critical unanswered questions, after consideration of the National Audit Office report on Defra's 'Progress in Implementing EU exit' (12 September 2018) and the technical note on 'Regulating chemicals (REACH) if there's no Brexit deal' (released by Defra on 24 September 2018).

The NAO state that the value of the UK's exports of chemicals and chemical products to the EU in 2017 was £17 billion . This figure highlights the significance of implementing an effective chemicals regulation system in the UK from March 2019 onwards. There remain some important gaps in the information provided to date on chemicals regulation and what will happen if the UK does not achieve a new legal agreement to fully participate with the European Chemicals Agency (ECHA), in particular to continue to share data and expertise, post EU exit.

1) How will UK decision -making be informed and Who will make the decisions?

It is clear from the 'no deal' technical note that "The Health and Safety Executive (HSE) would act as the lead UK regulatory authority, from the day the UK leaves the EU, building on its existing capacity and capability". We presume that the required legal instruments will be in place in UK law by 30 March 2019, to enable the HSE to act as the 'decision-making' body for all relevant chemicals regulation including:

- Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (Regulation (EC) No 1907/2006)
- Classification, Labelling & Packaging (CLP) Regulations (Regulation (EC) No 1272/2008).
- Prior Informed Consent (PIC) (Regulation (EU) 649/2012)
- Plant Protection Products (PPPR)
- Biocidal Products Regulation (BPR)

to replace the decision-making functions that are currently performed by the EU and its agencies for these regulations.

This statement, however, does not explain
- how will decisions be made and by whom?
- what decision-making frameworks will be used?
- how evidence and scientific review of the data for chemicals will feed into decision-making?

2) Will there be a new and appropriate 'scientific adv ice mechanism ' for the UK ?

Decision-making for chemicals in the EU currently draws upon the process of chemical hazard and risk assessment. Chemicals risk assessment is complex and involves thorough evaluation of scientific data and evidence by experts in disciplines such as human and environmental exposure to chemicals, analysis and monitoring of chemicals, chemical toxicology, statistics, uncertainty assessment, risk assessment

approaches etc. Currently there are EU scientific committees, working groups and a Scientific Advice Mechanism (https://ec.europa.eu/research/sam/index.cfm), where science is discussed to support critical decision-making, for example on issues such as microplastics pollution, use of glyphosate in weed-killers, authorisation of plant protection products, endocrine disruptors and effects on human health etc.

It is vital that there are structures in place to ensure chemicals regulation is informed by excellent and relevant science, including discussion of the scientific evidence. Where will such discussions take place for UK decision-making? Will the HSE be calling upon academics and other researchers to provide independent and impartial expertise, from the UK or globally? Will consultants' expertise be bought in? Will the government recruit in-