



CHEMTrust

Protecting humans and wildlife
from harmful chemicals

Brexit Briefing

Benefits to the EU27 of the UK remaining part of the EU's world-leading chemicals law REACH

Introduction

The EU has spent the last 15 years developing and implementing its chemicals law REACH. REACH is not perfect, but in CHEM Trust's view it is the best system in the world. We have been, and remain, committed to helping to ensure that it is as effective as possible in protecting human health and the environment, while also encouraging an innovative industry.

REACH is administered by the European Chemicals Agency ECHA, who hold the database of chemicals safety information and manage a range of processes in which EU Member State representatives and EEA observers establish what labelling and controls are required for chemicals.

During the transition arrangement proposed in the draft Withdrawal Agreement, the UK would remain in REACH, though they will no longer have a vote in ECHA and the right to participate in ECHA committees may be reduced.

If the UK ends up outside REACH then it will no longer be bound by decisions made within REACH, nor will it have access the full REACH chemical safety database. In our view this situation would be negative for both the EU27 and the UK, and there are strong reasons why the EU27 should provide a route for the UK to stay in ECHA and REACH, subject to reasonable conditions.

Benefits to the EU27 of the UK remaining part of REACH post Brexit

CHEM Trust believes that continued membership of ECHA is in the interests of both the UK and the EU27, for the following reasons:

1) Preventing the UK undercutting EU protection by ignoring REACH Authorisation

The Authorisation process in REACH is a new EU approach for encouraging innovation away from substances of very high concern based on their intrinsic properties and putting the burden of proof of demonstrating safe use and / or finding safer alternatives on industry.

However, Authorisation in REACH only controls the **use** of substances within the EU/EEA – it does not control the presence of substances in imported articles, nor does it control manufacturing processes outside the EU.

Trustees

Oliver Smith (Chairman)
Nigel Haigh OBE
Leslie Jones OBE
Colin Church
Debbie Tripley
Sarah Oppenheimer

CHEM Trust
34b York Way
London
N1 9AB, UK
media@chemtrust.org
Twitter: @CHEMTrust

UK Registered Charity No. 1118182
Company number: 5933897
EU Transparency register ID: 27053044762-72

If the UK is outside REACH, then it will be able to use chemicals that are subject to authorisations in the EU in manufacturing processes. This means that a company in, say, Germany, could decide not to apply for Authorisation to use a substance and instead could just move production to the UK.

The UK has a substantial chemical industry, and a considerable manufacturing capacity. A logical adjustment of this industry to a post-Brexit world would be for it to provide services that bypass EU laws, for example providing contract manufacturing using chemicals that are subject to EU authorisation.

This has clear competitive implications as manufacturing processes could move to the UK, and UK companies would have reduced costs (the protection of human health and the environment in the UK would also be reduced of course).

2) Preventing the UK polluting the EU with chemicals controlled under REACH

If the UK does not comply with REACH restrictions for manufacture and use of persistent chemicals this is likely to lead to transboundary pollution to the EU.

REACH includes an increasing number of controls on substances that are persistent, mobile and/or bioaccumulate. Some of these substances are also controlled as POPs (persistent organic pollutants) in the global Stockholm Convention, but many aren't.

If the UK is free to create its own chemicals policy, it could allow the manufacture, use and export of such substances, as long as they were not being sold to the EU. This could lead to continued pollution of the EU by these substances, through emissions from UK manufacture and use or from final products.

3) Maintaining the global power of REACH

REACH is not the only regulatory system for chemicals in the world, though many people consider it is the best, and many other regions are developing systems which are inspired by REACH. However, REACH has never been popular with the US chemical industry and the US Government. If the UK leaves the REACH system, this could assist those who want weaker regulatory systems around the world.

Conclusions

The UK Government has stated in its White Paper that it wishes to have 'associate membership' of ECHA and accepts that the UK will have to follow EU REACH decisions without a vote on them. CHEM Trust's analysis (based on information on EU negotiations with Switzerland), is that the UK will also need to commit to remain fully aligned with the EU's other chemical-related laws, for example on industrial pollution and worker safety. Securing this UK commitment is a priority for CHEM Trust's work in the UK.

In our view if the UK does commit to be fully aligned with EU chemicals laws then it is in the EU27's interest to permit UK (non-voting) participation in REACH.

Given the benefits of this approach to the EU27, ECHA membership should be dealt with independently from other Brexit-related discussions on 'cherry picking' and the four freedoms of the single market.

Dr Michael Warhurst, Executive Director, CHEM Trust, September 2018
michael.warhurst@chemtrust.org

- For more information on our work on Brexit, see <http://www.chemtrust.org/brexit>