



CHEMTrust
Protecting humans and wildlife
from harmful chemicals

Parliamentary Response

CHEM Trust response to the UK Environmental Audit Committee Inquiry

“Assessment of EU/UK environmental policy”¹

November 2015

Introduction

CHEM Trust welcomes the opportunity to comment on this important issue.

CHEM Trust is a charity that works at UK, European and International level in order to prevent man-made chemicals from causing long term damage to wildlife and humans, by ensuring that harmful chemicals are substituted with safer alternatives.

In our view the EU is an essential contributor to global progress on chemicals policy, and frequently takes a global leadership position both in terms of gathering safety data on chemicals, and in regulating their use. The UK population and environment benefits from this work, and UK industry is encouraged to move to safer products.

Note that CHEM Trust also responded to the “*Call for Evidence from DEFRA & DECC re Review of the Balance of Competences Between the UK & the EU re the Environment & Climate Change*” in 2013.²

Objective 1: To understand the objectives of EU environmental policies, and the extent to which they have helped to address the most important environmental issues to the UK.

What advantages and/or disadvantages does environmental policy making at the EU level offer for the UK?

Environmental policymaking on chemicals at EU level offers substantial advantages for the UK, including:

- The ability to pool expertise and capacity with other Member States and EU agencies such as the European Chemicals Agency (ECHA).

¹ <http://www.parliament.uk/business/committees/committees-a-z/commons-select/environmental-audit-committee/news-parliament-2015/launch-assessment-of-eu-uk-environmental-policy-15-16/>

² <http://www.chemtrust.org.uk/wp-content/uploads/Review-of-the-Balance-of-CompetencesFINAL.pdf>

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- Avoiding duplication by having a single EU database of registered chemicals in REACH (or in other parallel legislation such as cosmetics), rather than having to maintain a separate UK list.
- A 'one stop' shop for UK companies producing and using chemicals, rather than a need to work with a separate UK & EU regulatory system.
- Sharing resources at EU level, combined with different approaches of different Member States – including differing vested interests – increases the chance of problem chemicals being addressed and safer alternatives being developed.
- The scale of the EU economy means that EU regulations on chemicals have a substantial global influence, which would not be the case for the UK acting by itself.
- Action at EU rather than UK level creates a level playing fields for business.

Has the right balance between the objective of setting a flexible common EU framework for tackling cross-border environmental problems, and allowing for distinct national approaches to be taken into account been achieved?

- We would agree that the approach has been generally successful.
- One area of weakness is the area of goods imported into the EU, where national-level enforcement of rules on acceptable constituents (e.g. restricted chemicals) tends to be very variable. A more prescriptive framework could be more effective in ensuring compliance is verified.

How successful has the implementation of EU environmental policy and the role of the EU as an international negotiator on environmental issues been for the UK? In areas where this has fallen short, where could improvements be made?

- The UK has in general implemented EU environmental policy effectively, with a few gaps (e.g. in enforcement, as mentioned below). In our view the UK would have been unlikely to take the wide range of measures that have been taken without EU collaboration. Therefore, implementing EU environmental policy has ensured the UK has provided its citizens and environment with a higher level of protection.
- In general the collaboration between Member States and the EU in international negotiations has been positive, though we are aware that the Lisbon treaty created some confusion in this area.

Objective 2: To understand the implications of EU environmental policies on UK environmental protection.

Have EU environmental policies taken into account the specific character of environmental issues in the UK?

- In our view there are no notable problems in this areas.
- Most aspects of chemicals policy offer little flexibility across the EU, though there is some flexibility in pesticide authorisation. There is more flexibility in legislation relating to polluting emissions, water quality etc.

How effective have EU environmental policies been in addressing environmental issues in the UK? What work still needs to be done?

- We are concerned the the UK does not put sufficient resources into monitoring and enforcement of many EU policies. For example, protection of the consumer from

banned or restricted chemicals in products (e.g. phthalates in toys³) is dependant on local authority trading standards officers.

- EU environmental policy is not perfect, and there are also holes that need to be filled, for example:
 - The EU as a whole is not acting fast enough to address the problems of endocrine disrupting chemicals, with industry lobbying leading to many delays.⁴
 - There is no EU harmonisation of regulations on chemicals in many food contact materials, including paper, board, coatings, inks and glues. This means that public health and the environment are not properly protected.⁵

What impact has EU environmental policy had on the UK's businesses which are affected by the policies?

- UK Business have the advantage of a harmonised approach to chemicals across the EU.
- UK companies also lobby the UK government to represent their interests in EU level discussions on regulation of chemicals. If the UK was outside the EU, these rules would still be being made at EU level, but the UK government would not be represented.

Conclusions

Action on chemical use and chemical pollution requires international action.

The EU has managed to create a good balance between bringing together a large number of governments while creating real, substantive, regulations. This makes EU chemicals policy very influential around the world.

For more information on CHEM Trust's work:

- <http://www.chemtrust.org.uk/>
- [@CHEMTrust](https://twitter.com/CHEMTrust) on twitter

³ “Loom band” phthalates case shows chemical regulation isn’t working”, CHEM Trust, <http://www.chemtrust.org.uk/loom-band-phthalates-case-shows-chemical-regulation-isnt-working/>

⁴ “Leading health professionals agree that toxic chemicals threaten healthy reproduction and development”, CHEM Trust, <http://www.chemtrust.org.uk/leading-health-professionals-agree-that-toxic-chemicals-threaten-healthy-reproduction-and-development/>

⁵ “EU Parliament starts inquiry into regulation of chemicals in food packaging as concerns mount”, CHEM Trust, <http://www.chemtrust.org.uk/eu-parliament-starts-inquiry-into-regulation-of-chemicals-in-food-packaging-as-concerns-mount/>