Impacts of Brexit on Chemicals and Environmental Policy

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About CHEM Trust

• UK registered charity working at EU, UK & Global levels to protect humans & wildlife from harmful chemicals
• Working with scientists, technical processes and decision makers, in partnership with other civil society groups
• Focus on identification of, and action on, hormone disrupting chemicals
• See our blog & twitter for more: www.chemtrust.org @chemtrust
How CHEM Trust works

• **At the interface between science and policy**
  • Making sure science influences policy, and scientists are aware of the needs of policymakers

• **Leading discussions**
  • Looking for solutions

• **Working with others**
  • Scientists, policymakers, NGOs, positive industry
Why are chemicals important?

- **Industrial chemicals are in almost everything**
  - Furniture, inks, till receipts, clothes, plastic packaging…
  - Across the whole economy

- **The chemical industry is a significant part of the UK economy**

- **Chemical regulations affect all the downstream uses of chemicals**
  - From furniture to cleaning products to textiles

- **Thousands of chemicals, millions of uses….**
Why do chemicals need regulation?

• The challenge is working out which chemicals are safe & which aren’t
  • Most are probably safe, but a lot aren’t
    • E.g. cancer causing, accumulate in our bodies, disrupt hormones
  • Regulators have been trying to solve this problem for >50y

• EU’s REACH chemicals regulation system is the best in the world – though it isn’t perfect
  • After 10 years over 20,000 substances have been registered by industry
PCBs harming Killer Whales

- PCBs
  - Banned long ago, but still present in building sealants
- Zoological Society of London research:
  - “killer whale remains the most highly PCB-contaminated species on Earth”
  - PCBs are negatively affecting breeding [1]
The Brexit challenge on chemicals

• UK laws on chemicals almost entirely based on EU law
• EU REACH chemicals system – the most advanced in the world – is very centralised:
  • One database of chemical safety in ECHA in Helsinki
    • Not accessible to countries not involved in REACH (e.g. Switzerland)
  • Harmonised decision making
    • EEA countries in the room, can’t vote
  • Complex rules on sharing safety data and costs between companies
• UK can’t copy the REACH system
  • Database not available once outside REACH; will be huge cost for Government & Industry to copy it
• REACH vital for trade in chemicals and goods
  • Companies and trade associations concerned about losing it
Agreement from industry

Industry, NGOs call for UK to stay in EU’s chemicals regime after Brexit
By GINGER HERVEY | 10/16/18, 10:00 AM CET

Products & Chemicals
Brexit plans for REACH unworkable, unsustainable and damaging, says industry
By Gareth Simkins, 2 November 2018 12:44 GMT

Regulators
Chemicals companies shift to EU regulation in no-deal survival plan
In or out of REACH?

• A country is either in or out of REACH
  • **IN**: EU member states, EEA
  • **OUT**: Everyone else
  • If you are in, you participate in decisions and access the full database, if you aren’t, you don’t

• If not in:
  • UK companies must move registrations into EU countries – and register chemicals in a separate UK system
  • UK system is completely separate, and will not be able to access safety data from the EU = i.e. a largely empty database
  • Even if copy EU decisions, will be time delays & legal issues
Brexit scenarios?

1) No Deal/cliff-edge Brexit
   • Exit with nothing resolved, nothing agreed – a mess

2) A normal Free Trade Agreement (FTA) like CETA
   • Some text on not undercutting EU environmental policy

3) Extensive FTA with REACH and some/all other environmental policies
   • Something similar to EEA, but not the same

4) EEA-type arrangement with REACH and some/all other environmental policies

5) No Brexit
The REACH box – and beyond

**What the UK needs to do to stay in REACH:**

- Accept a court – ECJ, EFTA or something similar
- Accept EU decisions in REACH – UK likely to be in the room, but without a vote (like Norway)
- Retain EU chemical-related laws, following EU decisions and amendments (Health and Safety, industrial pollution etc)
  
  + *Wider balance of negotiations…*

**UK must clarify what it wants**

- Non-regression vs dynamic alignment in environmental standards
Why might EU27 want UK in REACH?

• EU27 has two possible approaches:
  1. To view the UK staying in REACH as a benefit to the EU27 and the public good
  2. To view REACH as part of the single market and say that the UK can only be in REACH if it accepts the four freedoms

• Arguments for the EU27 to allow the UK to ‘cherry pick’ REACH:
  • Avoids transboundary pollution from deregulated UK
  • Avoids UK competing on a lower level of protection
  • Public and environmental benefits
  • Not weakening the global power of REACH
What does the UK Government want?

- Theresa May’s Mansion House speech, 2\textsuperscript{nd} March 2017:
  - “We will also want to explore with the EU, the terms on which the UK could remain part of EU agencies such as those that are critical for the chemicals, medicines and aerospace industries: the European Medicines Agency, the European Chemicals Agency, and the European Aviation Safety Agency.”
UK Government Position

• **White Paper, July 2018**
  - Expressed interest in ‘associate membership’ of European Chemicals Agency

• **Withdrawal Agreement and Political Declaration, November 2018**
  - Featured commitment to ‘explore possibility of co-operation with ECHA’ and potential alignment [2]
No-deal plans for chemical regulation

1. No commitment to mirror EU outcomes on hazardous chemicals
2. Greatly reduced stakeholder participation and oversight
3. No commitment to update regulations in line with REACH [3]
Verdict

• The UK could achieve associate membership of ECHA
  • during transition, without a vote (if WA/PD ratified)
  • after transition if UK accepts conditions & EU27 decides to offer it;
  • or if there isn’t a Brexit.

• All chemical pollution laws and safety laws must remain aligned
  • The UK may be able to ‘cherry pick’ at a higher level, if the EU27 is convinced that it benefits them.

• CHEM Trust is campaigning for the UK to stay within REACH, as the best option for UK wildlife and human health
  • We are talking to the EU27 too, and to a wide range of stakeholders
  • See our Chemicals & Brexit page: http://www.chemtrust.org/brexit/
Thank you

http://www.chemtrust.org/brexit/
References


There are more details on the issues raised in this talk on our website, including in longer talks we have given in the past: [http://www.chemtrust.org/talks/](http://www.chemtrust.org/talks/)