Rt Hon Michael Gove MP
Secretary of State for the Environment, Food and Rural Affairs
Nobel House
17 Smith Square
London
SW1P 3JR

24 October 2017

Dear Secretary of State,

The undersigned organisations are very concerned that leaving the EU's chemicals regulation REACH will risk the health of UK residents, resulting in damage to our natural environment, and incurring costs and competitive risks to companies operating in the UK.

The European Union (Withdrawal) Bill aims to transfer EU laws into UK laws, but the way in which REACH works, with the EU-level Agency ECHA, means that there is no simple way of transferring it into UK law. The UK would therefore need to create a new system, either 'copying out' REACH decisions, or attempting to build similar ones. However, there are several problematic issues related to the creation of a new regulatory system:

- The UK will no longer have access to safety information about chemicals in the main REACH database, which is the most comprehensive database of its kind in the world covering every single substance placed and used in the European Union in quantities over 1 tonne. It has taken ten years to populate and continues to evolve. The EU does not allow access to the REACH database to countries outside the REACH system (including e.g. Switzerland and Turkey). This is not just about commercial confidentiality or regional politics but an issue in respect to the ownership of test data, which often lies with specific companies or consortia rather than the Commission or ECHA. Not having access to this data would make it harder for the UK to keep pace with global action on noxious chemicals.

- The UK would have to create its own system for gathering data on chemicals, assessing this data and controlling the use of chemicals. This would require considerable time and resources to implement (including a major new IT system), and would mean that companies would have to register chemicals in both the UK and the EU systems, adding cost and administrative burden. Under REACH, unless a substance is registered, it cannot be used or imported into the bloc. UK companies would therefore still have to register their chemicals within REACH if they wished to export them to the EU. Furthermore, if the costs of registering a substance in the UK exceeded the market value of that substance, which is a particular risk for niche substances and formulations, companies may decide not to register them at all, placing UK operators at a significant commercial disadvantage. Any UK-only registration system also risk increasing animal testing of chemicals.

- If a new UK system doesn't move at least as fast at controlling the use of chemicals as the EU system, then the UK would be likely to become a 'dumping ground' for products that had been restricted by REACH or for substances whose use is controlled through REACH's Authorisation procedure.

It will be difficult and costly for the UK to match the comprehensiveness of REACH, and this will create complexity and duplication of effort, without providing an equivalent level of protection to the public and environment.

The signatories of this letter believe that it is vital for the UK to stay as close as possible to REACH upon exiting the EU for the reasons explained below:

- REACH is the leading regulatory system in the world, assembling the best database of chemical properties and uses. It has made more progress on problematic chemicals than any other regulatory system. For example, the EU is the first region in the world that has just agreed to ban the use of the chemical Bisphenol A (BPA) in thermal paper till receipts using REACH, due to evidence that it could impact the developing foetus of pregnant shop workers.

- REACH has also played a leading role in protecting ecosystems and wildlife from many problematic chemicals, for example restricting the presence of hormone-disrupting nonylphenol ethoxylates (NPE), in imported textiles.

- If the UK is part of REACH, then our experts can still participate in discussions at the European Chemical Agency in Helsinki (as do experts from Norway). If the UK is not part of REACH, its experts will be excluded from these processes, and will not have access to the non-public parts of the REACH database.

- Chemicals are a fundamental part of the UK economy, from aerospace to cars to paints. Being part of REACH, and having access to the full inventory of chemicals that our competitors on the continent have access to, benefits the UK manufacturers who wish to export to the EU and beyond.

Keeping the UK protected from harmful chemicals should be a priority for post-Brexit Britain, and we believe the best way to do this is if the UK remains as close as possible to REACH; for example, by including it in any future free trade agreement between the UK and the EU.

Thank you for taking the time to read this letter and we remain at your disposal for any further questions.

Yours sincerely,

CHEM Trust
Unite
Greenpeace
The Alliance for Cancer Prevention
The Women's Institute
Friends of the Earth
The Wildfowl & Wetlands Trust
Sum Of Us
Breast Cancer UK
Women's Environmental Network
MSC-Aware
Weleda
From Pink to Prevention
Foods Matter
ElectroSensitivity UK
Marine Conservation Society
Tipping Point North South
Global Justice Now
The Rivers Trust