



Department
for Environment
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Edward Mountain MSP, Convener
Net Zero, Energy and Transport Committee
c/o Clerk to the Committee
Room T3.40, The Scottish Parliament
Edinburgh, EH99 1SP
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Our ref: PO2023/05708/BG

27 March 2023

Dear Edward,

Thank you for your letter of 21 March about the draft REACH (Amendment) Regulations 2023, which are being made under the powers to amend UK REACH contained in the Environment Act 2021. You have also written in similar terms to the Health and Safety Executive (HSE).

You asked several questions concerning the assessment of the effects of the proposed legislation as well as the broader context of the operation and future direction of UK REACH.

I attended a hearing of the Environmental Audit Committee (EAC) in November 2022 into the progress of implementing UK REACH. Following that hearing the HSE submitted statistics to the EAC which set out the numbers of substances registered or notified to HSE in the period up to 30 November 2022. The total number of approximately 22,000 substances is close to what we would expect when compared to the numbers registered with the European Chemicals Agency (ECA). Companies will proceed to provide full registration datasets only if they complete the full registration process by their relevant transitional registration deadline.

The Government believes that an extension to the submission deadlines is clearly required to allow the Alternative Transitional Registration model to be developed. 'Doing nothing' is not considered a viable option as it could create a situation where industry submit information that may not be required, should an alternative model be found.

The powers in the Environment Act require a [consultation](#) before proceeding to make any amendments to UK REACH. Those amendments must also be consistent with Article 1 of REACH, that is its aims and principles. We must also publish a [statement](#) to explain how the amendments are consistent with Article 1. A [summary](#) of responses and Government response to the consultation is available online as well. The Article 1 statement in particular addresses the operational implications and possible risks of extending the deadlines, while the consultation response (responses to questions 8-12 and question 15) explains the reasons for changing the proposed deadlines following the consultation.

To summarise, the Government favoured the shorter timescale going into the consultation because it allowed for quicker receipt of the data, allowing HSE access to UK specific data sooner. We also believed it would provide certainty for industry and ensure HSE can take necessary regulatory actions in the quickest time possible. However, the Government carefully considered all consultation responses and balanced the impact of extending the submission deadlines on human health and environmental protections against the potential impacts that the changes could have on businesses, especially the potential cost/burdens on downstream users and small and medium-sized enterprises.

While we would like to see the data submitted in the shorter deadline, we believe that allowing the extra time could lessen potential burdens on businesses without significantly impacting on human health and environmental protections. We also recognise the potential for better quality data and maximising chances of compliance under the longer timescales.

Overall, the consultation responses also supported the Government's assessment that moving the submission deadlines under either option would not amount to a discernible reduction in human health and environmental protections. We believe that there are sufficient controls within UK REACH to provide the necessary safeguards within the extended period. In relation to this, I should also confirm that both options would be consistent with Article 1 of REACH.

The reason for extending the transitional deadlines is to allow time to develop and then implement an alternative transitional registration model for UK REACH which aims to reduce costs to industry while improving information on the use and exposure of chemicals in GB. Defra provides regular updates on this work for officials in the Scottish and Welsh Governments. Developing the model involves a considerable amount of detailed work with industry and non-Governmental organisation (NGO) stakeholders, and Devolved Administration officials are also members of the Technical Working Group which is taking this work forward.

We are conscious of the question of divergence and that both industry and NGO stakeholders wish to keep unnecessary divergence to a minimum. Although we expect that the alternative model will result in some different information on chemical hazard being provided to the HSE compared to what has previously been submitted to the ECA, the scope of REACH registration and the industry's duties to ensure safe use would remain the same. The EU is also looking to improve the quality of information on use and exposure under EU REACH, so our work on the alternative model should serve to reduce the scope for new divergence in that regard going forward. We would also need to use the powers in the Environment Act to consult on any fully developed proposals and ensure that any amendments to UK REACH are consistent with Article 1 of the Regulation.

Thank you once again for taking the time to contact me about this important issue.

REBECCA POW MP

Enc: Supplementary written evidence HSE

Supplementary written evidence from Dr Richard Daniels, Director, Chemicals Regulation Division, Health and Safety Executive

Dear Mr Dunne,

FURTHER INFORMATION from the Health and Safety Executive (HSE) following the non-inquiry session, Wednesday 30 November 2022: Progress in Implementing UK REACH.

Thank you for the opportunity to give evidence to your Committee. During the session I committed to write to you on the following point:

- **To provide a dashboard showing how many substances are registered under different categories under UK REACH (Q15)**

Please accept my apologies for the delay in providing the requested information. A tabulated summary is attached as an Annex. This details the number of substances registered under the main categories under UK REACH from January 1st 2021 up to and including 30 November 2022, the date of the session. It also shows if these were available in Great Britain before EU Exit and therefore in scope of the alternative transitional registration model being developed.

I trust this is self-explanatory, but please do contact me if you require further information.

HSE looks forward to working with the Committee in the future.

Yours sincerely

Dr Richard Daniels
Director, Chemicals Regulation Division, Health and Safety Executive

February 2023

UK Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Registrations Dashboard (figures from 1 Jan 2021 to 30 Nov 2022)

Substance categories	Explanatory Notes	Number of unique substances in category	Available in GB before EU Exit & in scope of Alternative Transitional Registration Model?
'Grandfathered' Registration	Registrations that were held by GB-based entities in the years preceding EU Exit automatically carried over from the EU as part of the Transitional Arrangements for the implementation of UK REACH. Some data supporting the EU registration is publicly available on the European Chemical Agency's (ECHA) website.	4,115¹	Yes
New Registration of Existing Substance	Registrations submitted by GB-based entities to UK REACH for the first time after EU Exit for substances that were already registered in EU REACH before EU Exit. These come from new suppliers of substances, for example those unable to use 'grandfathered' or Downstream User Import Notifications.	713	Yes
Novel Substance Registration	New Registrations by GB-based entities of substances entering the GB market for the first time since EU Exit. These substances would be new in EU REACH and the novel substance registration requirements for UK and EU REACH are exactly the same.	59	No
Downstream User Import Notification (DUIN)	Notifications from GB-based entities that were formerly 'downstream users' of a substance which was previously registered by a different entity under EU REACH. These GB-based entities became importers under GB REACH after EU Exit. Full registrations for these substances existed before EU Exit and some data is publicly available on ECHA's website.	Up to Approx 22,000	Yes

¹ This is slightly higher than the figure (4041) [published by Defra in September 2021](#) due to a few late grandfathered registrations.