

Protecting people and the environment from hazardous chemicals and partial regulatory impact assessment on the review of the UK Chemicals Stakeholder Forum and options for national action on chemicals of concern

29 April 2004

The Royal Society of Chemistry welcomes the opportunity to make the following submission to Department for Environment, Food and Rural Affairs, the Scottish Executive, the Welsh Assembly and the Northern Ireland Department of the Environment. This submission has been prepared under the aegis of the Environment, Health and Safety Committee [EHSC] of the Royal Society of Chemistry. Members of the EHSC serve the RSC as individual experts and not as representatives of their employer.

The RSC's Royal Charter obliges it to serve the public interest by acting in an independent advisory capacity and we are happy for this submission to be put into the public domain.

Options for improving the effectiveness of Government action

The Royal Society of Chemistry (RSC) considers that the UK Chemicals Stakeholder Forum (CSF) has played an important role in stimulating the production of information from industry on the risks to the environment and human health from synthetic chemicals and in encouraging industry to take action where unacceptable risks have been identified. It has, however, been less effective at identifying and subsequently balancing the diverse views of all stakeholders on these issues, particularly where environmental costs and societal benefits are potentially in conflict. With the REACH proposals now before the EU Council and Parliament the time has come to re-orientate the work of CSF towards ensuring that there is full 'Stakeholder' participation in the discussions on REACH that must now take place, including discussions on operational aspects that have not yet been addressed.

With regard to the future, none of the four options set out in the consultation document represents the view of the RSC. However, two of the options presented, namely A and C, have features that RSC would support, subject to some amendments. The RSC would like to see the current UK Chemicals Stakeholder Forum continue with its primary role as an advisory body, on REACH.

The membership of CSF should be more broad-based and comprised of organisations that produce, supply, import or use synthetic chemicals, researchers, managers, learned

societies and trade associations, environmental and health and safety professionals, non-governmental organisations, consumers and members of the public, with an interest in the benefits and risks of chemicals to humans and the environment. The CSF should be concerned with integrating the societal aspects of risk evaluation and management into the principles of risk assessment and management, rather than providing expert scientific input on risk assessment.

Its fundamental purpose should be advising Government after the sharing of views in order to gain an understanding of the issues, ideally having reached consensus, but at least with the intention of identifying the range and strength of stakeholder opinions. The process by which that advice is derived should be transparent. However, the RSC recognises the need for confidential discussions in order to explore options for making progress in some cases.

The CSF should also be encouraged to explore issues that involve both societal and technical matters that are of relevance to chemicals management, in advance of these being formulated into legislation or guidance at EU level. There are many such issues that will have to be considered when regulators are considering the authorisation of chemicals and/or restricting them to particular uses. One major area will be the question of substitutes. In this field discussion of and decisions on matters such as how to deal with the trade offs between risks arising from different types of toxicity in different exposure circumstances will be crucial to the viability of industry and the well-being of people generally.

With regard to the specific questions posed the Society wishes to comment only on those which apply to its preferred position.

Question 1. What form should the Forum's strategic and/or practical advice on REACH to Government and industry take?

The Forum should be accountable to and report directly to the Government. It should provide information in response to structured Government requests and make recommendations that reflect the views and concerns of a broad range of UK stakeholders on the broader implications of REACH.

Question 2. Do you agree that the chemicals on the Forum's list should be examined in less detail than at present, but with a clear role for industry to provide missing data that the Forum requests?

The RSC would welcome a move away from detailed examination of individual substances of concern. The Forum's remit should include discussions about groups of chemicals based on use rather than chemical properties. The CSF should evaluate the substances in these groups according to patterns of actual use and likely exposure in

the UK. Consideration of groups of chemicals with common uses should be the basis for prioritizing CSF discussions with UK industry. These discussions should involve the widest possible range of stakeholders and be aimed at developing a better understanding of the issues and at soliciting targeted risk assessment information from industry on chemicals of high concern and their possible substitutes.

Question 3. Have you other ideas on how the process of arriving at voluntary action on substances can be made to work efficiently? What should be the roles and responsibilities of industry and the Forum's Secretariat in this regard?

The CSF Secretariat should commission the Advisory Committee on Hazardous Substances (ACHS) to gather and process technical information on substances of particular concern to the UK. This information should then be presented to the CSF for consideration. ACHS should work with industry to determine risk and use patterns. The Forum in turn should report to Government who should be responsible for developing action guidelines for industry. It should be the responsibility of Government, rather than the CSF, to encourage more rapid industry action on chemical substances of concern.

Question 4. The Government has an open mind on how to group chemicals for examination by the Forum under this proposal. How would you like to see chemicals from the Forum's list grouped for discussion?

The RSC would like to see chemicals substances grouped on the basis of similar uses rather than on the basis of similar chemical properties because this would facilitate discussion on alternatives and comparisons of risk and need.

Question 6. Were a Government list to be developed, do you have any thoughts on the appropriate screening criteria to be adopted for such a list?

The Government should not develop its own list of chemicals of concern. The groups of chemicals, based on use, should be derived from the European Chemicals Bureau list, as provided for in the proposed REACH Regulation. Chemical substances within each group should be prioritised according to patterns of use and exposure within the UK.

Question 11. What solutions do you foresee to the mismatch between the resource intensive nature of much of the Forum's work and what it has been able to achieve to date?

In order for the CSF to achieve its objectives the Government will need to provide additional resource to strengthen the technical competence of the CSF Secretariat and the ACHS in order to gather, process and assess technical input from industry. If this is not done the work of the Forum as set out above will need to be scaled down.

Notes:

The Royal Society of Chemistry is the UK Professional Body for chemical scientists and an international Learned Society for the chemical sciences with 46,000 members world-wide. It is a major international publisher of chemical information, supports the teaching of the chemical sciences at all levels and is a leader in bringing science to the public.