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To: House of Lords EU Energy & Environment Sub-Committee

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Re: The Future of Chemical Management and Regulation Post EU Exit

I am writing to share our ideas and perspectives on the government's intention to seek 'associate membership' of the European Chemicals Agency (ECHA) and as highlighted in the EU exit white paper, to seek a 'common rulebook' for goods, including chemicals.

With over 52,000 members around the world – 39,000 in the UK - and a knowledge business that spans the globe, the Royal Society of Chemistry is the UK's professional body for chemical scientists, supporting and representing our members and bringing together chemical scientists from all over the world.

A not-for-profit organisation with over 175 years of history, we invest in educating future generations of scientists, we raise and maintain standards and work with industry and academia to promote collaboration and innovation. We advise decision-makers on policy issues and we promote the talent, information and ideas that lead to great advances in science.

We have a professional member community who are actively engaged in science that underpins chemicals regulation. This includes the generation of chemical sciences data, reviewing and interpreting data and providing expert input into scientific committees in order to give the best possible advice on the impacts of chemicals on health and the environment. In this way, our community supports an effective means of enabling global innovation and trade, whilst providing appropriate and consistent safeguards for human health and the environment.

Scientists and good science are at the heart of chemicals regulation, and play a key role in the context of informing decision making on the safety of chemicals. As the UK exits the EU, our community believes it is essential that there is a smooth and seamless transition in ensuring effective chemicals regulation. As part of the deep and special partnership the UK government is seeking with the EU, we are keen to see the UK Government ensure a suitable partnership is in place on chemicals regulation that ensures a seamless transition from 30th March 2019.

We understand from the government's white paper dated July 2018, on 'The future relationship between the United Kingdom and the European Union' that the government are seeking to negotiate new institutional arrangements. This could take the form of an 'association agreement' with EU agencies, such as the European Chemicals Agency (ECHA). This is to ensure effective regulatory cooperation and the development of a 'common rulebook' for goods, which will include chemicals. To achieve an effective agreement on chemicals in a new partnership, it is our view that some key and fundamental heads of terms, relevant to 'associate membership' of ECHA, must be negotiated and agreed with the EU by 29 March 2019, as part of the agreement on EU withdrawal and future partnership. If these are not agreed, there is the risk of interrupted collaboration and the rulebook will start to diverge immediately.

Our community is very concerned there could be an unnecessary hiatus in collaboration, data sharing and scientific engagement from 30 March 2019, as EU law dictates (as stated on the ECHA website) that the UK as a 'third country' will no longer be able to participate in data sharing functions or on ECHA's committees

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and working groups. The concern is that regulatory divergences could occur in an unintentional way as a result of interrupted collaboration between scientific experts and that such divergences could have negative consequences on the ability to have frictionless trade of goods between UK and the EU during the implementation period and beyond. Importantly, scientific discussions underpinning regulatory decisions could quickly diverge on key chemicals important to both UK and EU research, innovation and trade. This would be a result of not being able to access and review the same data in substance and product safety dossiers. In some scenarios, a process of chemical 'grandfathering' would need to take place, if the UK authorities cannot see the same body of industry-owned data.

In particular, our community would like to see:

- **Uninterrupted and continued full participation of UK nominated scientific experts in the work of all ECHA's scientific and technical committees** and in the important scientific work of the European Commission's Joint Research Centre (JRC), which underpins chemicals regulation.
- **Effective and continued data sharing:** to ensure harmonised decision-making and clear advice on safety, the UK must seek access to exactly the same detailed comprehensive dossiers of industry-derived data as ECHA are using to inform regulatory decisions for chemicals under regulations such as REACH. The UK must also be able to continue sharing our data on chemicals with ECHA.
- **A future partnership in which the EU and UK work together to raise global standards for chemicals regulation.**

Discussions between respected professional scientists are critical to achieving harmonised and proportionate decision-making on chemicals safety informed by the best science and evidence. For example, recent controversies have arisen around differential decisions on the interpretation of safety data on the widely used glyphosate biocide, leading to different global perspectives on restricted use and the nature of its hazard profile. A significant factor in creating divergence, is the use of different dossiers of data, and differing interpretations of the data available, by international regulatory bodies and scientific committees.

It may be useful to consider using glyphosate as an example substance in a what-if scenario session. For example: What if, post EU exit, the EU decide to ban glyphosate in domestic weedkillers? How would the UK make a decision on whether to ban, restrict or authorise the use of glyphosate as a consumer product in the UK? Who would review the complex science? What data would the UK use to make its decision? Which authority would make the final decision? The answers to these types of questions remain unclear.

In all scenarios, the UK will be taking decisions on chemical safety in UK laws. From documents, such as Defra's 'Environmental Principles and Governance after EU exit' consultation, it would appear that the Secretary of State for the Environment would have powers to make decisions that would now be taken by the European Commission for environmental pollutants. The Health & Safety Executive may be the body who would make decisions for chemical safety in a goods/products context? How science would feed into the decision-making processes for chemicals regulation is at present unknown for the UK.

These three areas of i) data, ii) scientific expert review of the data and iii) how science feeds into decision-making, is where the devil is in the detail for post EU exit agreements, and we recommend these areas need exploring further in order that a full understanding of the technicalities of EU exit and chemicals are understood by all as negotiations proceed.

Yours sincerely,

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