



The Scottish Parliament
Pàrlamaid na h-Alba

Philip White
Director of Regulation
Health and Safety Executive

By email only

**Net Zero, Energy and Transport
Committee**

c/o Clerk to the Committee
Room T3.40

The Scottish Parliament
Edinburgh
EH99 1SP

netzero.committee@parliament.scot

21 March 2023

Dear Philip,

**THE REACH (AMENDMENT) REGULATIONS 2023
EU EXIT LEGISLATION – PROTOCOL WITH SCOTTISH PARLIAMENT**

At its meeting this morning, the Net Zero, Energy and Transport Committee of the Scottish Parliament considered a Scottish Government type 1 notification of its intention to consent to UK secondary legislation affecting devolved areas arising from EU Exit. The public paper for this item including the formal notification itself is available here:

[Clerk's note - The REACH \(Amendment\) Regulations 2023 \(Scottish Parliament\)](#)

As you may know, the Committee's role in relation to such notifications is, in essence, to express a view on whether it agrees to consent being given.

The Committee's discussion is available at the following clip on scottishparliament.tv. An Official Report of the meeting will also become available by the end of the week.

- [Net Zero, Energy and Transport Committee | Scottish Parliament TV](#)
- [Official Report - Scottish Parliament](#)

The REACH (Amendment) Regulations 2023 extend the deadlines (by 3 years for each category of chemical) by which manufacturers or suppliers of chemical substances must register these with the UK scheme replacing the EU REACH (regulations relating to the Registration, Evaluation, Authorisation and Restriction of Chemicals). The deadlines for compliance checks by HSE are also proposed to be extended by 3 years.

The Committee has various questions about the implications of these regulations which it agreed today to ask the Minister for Environment and Land Reform at our meeting on 28 March.

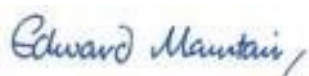
In advance of that evidence session, the Committee would welcome your views on these regulations and the implications of the extensions of the deadlines for Scotland. In particular, the Committee seeks views and information on—

- Can you provide an overview of current levels of registration and how your complete the process of replicating the EU REACH database is?
- What are the operational implications of the extension of the registration and compliance check deadlines?
- How has the environmental risk associated with the delayed deadlines in the proposed Regulations been assessed, and what are the risks associated with UK regulators not having access to data for a further 3 years?
- Defra originally consulted on shorter extensions to the current deadlines in its 2022 consultation (in its 'preferred option') – why were those shorter extensions deemed to be insufficient, and is any additional environmental or public health risk associated with this change?
- How will Defra and HSE work with the Scottish Government and SEPA to develop the alternative registration process and identify the environmental or public health implications of a new process?
- Is it expected that this alternative process will represent a significant divergence from EU REACH?

A very compressed timetable applies in relation to this notification process. In order for any response to help inform our evidence session with the Minister, it must reach us by the **morning of Monday 27 March**. I do apologise for the inconvenience.

Please be aware the Committee has also written to Environmental Standards Scotland, the Department for Environment, Food and Rural Affairs, and the Scottish Environment Protection Agency regarding the statutory instrument proposals.

Yours sincerely,



Edward Mountain MSP
Convener
Net Zero, Energy and Transport Committee