



Department
for Environment
Food & Rural Affairs

Rebecca Pow MP
Minister for Environmental Quality and Resilience

2 Marsham Street
London
SW1P 4DF

T: +44 (0) 3459 335577
E: correspondence.section@defra.gov.uk
W: gov.uk/defra

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
netzero.committee@Parliament.Scot

Our ref: PO2023/06535/JM

11 May 2023

Dear Edward,

Thank you for your letter of 30 March, following my response of 27 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.

I am grateful to the Net Zero, Energy and Transport Committee for indicating its consent to the draft legislation. We have made good progress on developing options for an alternative transitional registration model. Our aim is to consult on a fully formed policy towards the end of 2023, and to legislate in 2024.

The options we are currently considering would reduce the need for companies to access existing EU REACH hazard data packages and place a greater emphasis on improving our understanding of the uses and exposures of chemicals in the GB context. The aims are to reduce overall costs, especially cost of renegotiating access to data, but also to be better able to identify and respond to risks within GB.

This would mean that each UK REACH registrant will be required to provide better information on uses and exposures within GB to enable a better assessment of risk. This is the biggest opportunity of the alternative transitional registration model, as we believe getting better use and exposure information would vastly improve our understanding of how chemicals are used in GB.

We use a number of forums to get key stakeholder input, including a technical working group, which is comprised of industry experts, and a senior oversight group, which includes Trade Association and industry leaders, as well as non-Governmental organisation stakeholders. Scottish and Welsh Government officials are also involved in the technical policy discussions.

With regard to divergence, I do not consider that there is a black and white division by which divergence is either 'unnecessary' or 'necessary'. There may, however, be occasions when divergence is desirable, not because it is divergence but because it is an appropriate response to conditions in GB. For example, in my previous letter I indicated that the EU is also looking to improve the information on use and exposure which is received through REACH registration, but even if that were not the case it would be desirable to pursue that aim in GB even if it results in some divergence.

In due course, we can also expect that better and more focussed information on use and exposure will lead us to taking different decisions on regulatory controls of chemicals because they are the appropriate response to the evidence about the risks here. For example, GB evidence and assessment may indicate the need to implement tighter controls than the EU, to better protect uniquely sensitive GB habitats. This may result in divergence from the EU which could be considered necessary.

Parties to the Chemicals and Pesticides Provisional Common Framework (The Common Framework) have worked collaboratively to design a governance model to ensure effective operation of the chemicals and pesticides regimes and systems. The Biocides Delivery Board, Chemicals Delivery Board and relevant policy and technical working groups report to the UK Chemicals Governance Group and work to develop the UK view on the prioritisation of the UK chemicals work programme. These co-ordination arrangements can be used to seek consistency of decision-making, where this is desirable, and the governance model has been working well since it was implemented.

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

REBECCA POW MP