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HEALTH AND SAFETY COMMISSION

UPDATE ON THE EUROPEAN COMMISSION'S 'STRATEGY FOR A FUTURE CHEMICALS POLICY'

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Issue

1. The European Commission's (EC) strategy for a future chemicals policy – Publication of a UK Public Consultation Paper 'New EU Chemicals Strategy – REACH'.

Timing

2. Routine.

Recommendation

3. You are invited to note the publication of a UK Consultation Paper.

Background

4. The EC adopted its proposal for a new scheme called REACH (Registration, Evaluation and Authorisation of Chemicals) to manage the manufacture, importation and supply of chemicals in Europe on 29 October 2003. The main aims were to establish a new approach to environment and public health protection from chemicals. The proposal has now been forwarded to the European Parliament and the EU's Council of Ministers for adoption under the co-decision procedure. MISC papers 03/31 and 03/22 provide the history of the proposal.

5. The UK Government's objectives for negotiation of the REACH proposal were set out in the position statement in December 2002. The statement was subject to extensive consultation in Whitehall, and you supported the position it set out (HSC MISC/03/04).

ARGUMENT

6. In line with the European Council's conclusions in October 2003 Member State representatives established an Ad-hoc working party on chemicals following the adoption of the proposal. Under the Irish Presidency, the working party has met six times and completed a "high level" reading of the main "building blocks" of the proposal.

7. In depth negotiations of the dossier will now commence in the Council. In order to inform the UK negotiating lines the Government is seeking views of stakeholders through a 12 week consultation, which was launched on the 30 March 2004 (Annex 1). The Consultation Paper outlines the Commission's proposals and provides details of some initial views of the UK Government and Devolved Administrations. In some areas the Paper outlines a preferred UK approach – such as for one substance one registration. In other areas, such as for authorisation and substitution the Paper presents a more general analysis of issues for comment.

8. HSE officials will continue to work with the Department for Environment, Food and Rural Affairs (DEFRA) and other Government Departments during negotiations. We will continue to update you as REACH progresses through Council negotiations.

Consultation

9. Members of the Advisory Committee on Toxic Substances (ACTS) and its sub committee the Standing Committee on Hazard Information and Packaging (SCHIP) were informed of the Consultative Paper text following its publication.

10. To help inform the consultation process DEFRA chaired a Stakeholder conference on 27 April 2004. Members of ACTS and its subgroups were invited to attend.

Presentation

11. REACH is essentially a proposal for dealing with environmental and public health concerns. It may benefit occupational health and safety but this is not its central objective. HSE officials have sought to ensure the Consultation Paper reflects this view and distinguishes the proposal from occupational health and safety legislation.

Costs and Benefits

12. The Consultation Paper contains a partial regulatory impact assessment. It concludes the estimated direct cost to UK industry to be £515m over 11 years with benefits expected to accrue mainly for the environment and public health. However, DEFRA have found that quantification of these benefits in monetary terms insurmountably difficult at this stage. Instead as an illustration, the partial RIA uses a breakeven approach based on the number of occupational cancer deaths that REACH would need to prevent, to balance implementation costs. It suggests that 18 occupational cancer deaths must be prevented per year for 11 years for REACH to breakeven. However, both the cost and benefits assessments are subject to significant uncertainties and a range of assumptions. The estimates must be considered in this context and do not make the case for REACH as an occupational health and safety measure.

Financial/Resource Implications for HSE

13. The financial/resource implications for the UK remain highly uncertain, much will depend on the practical arrangements for the delivery of REACH. This is not seen as a function for HSE.

Environmental Implications

14. DEFRA have the policy lead on REACH, which covers environment and human health issues.

Action

15. You are invited to note the publication of a UK Consultation Paper 'New EU Chemicals Strategy – REACH'.

