



House of Commons  
Environmental Audit Committee

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**Toxic Chemicals  
in Everyday Life:  
Government Response  
to the Committee's  
Twentieth Report of  
Session 2017–19**

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**Second Special Report of Session 2019**

*Ordered by the House of Commons  
to be printed 29 October 2019*

## Environmental Audit Committee

The Environmental Audit Committee is appointed by the House of Commons to consider to what extent the policies and programmes of government departments and non-departmental public bodies contribute to environmental protection and sustainable development; to audit their performance against such targets as may be set for them by Her Majesty's Ministers; and to report thereon to the House.

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### Committee staff

The current staff of the Committee are Ruth Cahir (Committee Specialist), Katie Gibbs (Committee Assistant), Laura Grant (Committee Specialist), Leoni Kurt (Second Clerk), Lloyd Owen (Clerk), Anne Peacock (Media Officer), Laura Scott (Committee Specialist), and Jonathan Wright (Senior Committee Assistant).

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# Second Special Report

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The Environmental Audit Committee published its Twentieth Report of Session 2017–19, *Toxic Chemicals in Everyday Life* (HC 1805) on 16 July 2019. The Government's response was received on 16 September 2019 and is appended to this report

## Appendix: Government Response

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1. The Government thanks the Environmental Audit Committee for the report on its inquiry into toxic chemicals in everyday life. The inquiry focused on how chemicals are used in everyday products such as furniture, food and toys and how these are currently regulated. The inquiry heard evidence about the environmental and human health issues associated with them, particularly in the wake of incidents such as the fire at Grenfell Tower. The Government has considered the Committee's findings and recommendations and our responses are set out in this document.

2. The safety of individuals, families and communities is a top priority for Government. We need to ensure that consumers have confidence that the products that they buy and use are safe and that the legal and regulatory framework operates effectively, ensuring that goods are safely produced, distributed and sold. We must also support industry to thrive and innovate, in line with regulators' responsibilities under the Growth Duty and Regulators' Code. The Government is committed to achieving these aims and maintaining strong levels of environmental protection to meet the targets set out in its ambitious 25 Year Environment Plan.

3. As the production and scope of chemicals manufacture has developed, so too has recognition of the need for a global system of regulation and management for chemicals in order to mitigate the potential risks they pose. International agreements and frameworks have led to tighter controls on production, transport, exposure and disposal of chemicals and products, with UN sustainable development goals encouraging further action to make chemical use safer for all. The UK has been at the forefront of this process over previous decades, playing key roles in the development and operation of a number of international treaties. The UK is an active Party to the Stockholm Convention on Persistent Organic Pollutants, the Basel Convention on the Control of Transboundary Movements on Hazardous Wastes and their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; and the Minamata Convention on Mercury.

4. This approach to chemicals management extends to domestic policy where the UK has one of the most rigorous regulatory systems in the world. The UK has a strong regulatory framework for managing chemicals; the Government is committed to this continuing when we leave the EU. We have a history of acting on chemicals displaying hazardous characteristics, sometimes before the EU. This will not change. At a domestic level, England and the devolved administrations aim to continue to promote risk-based and evidence-led approaches to regulation and compliance and will enforce the regulations where needed to consistently manage chemicals and the waste materials they generate to protect consumers and the environment.

5. The challenge of enforcing chemicals regulations has evolved as purchasing habits have changed and product innovation has accelerated. In a global economy, with more consumers purchasing products online and from international retailers, cross-boundary and nationally co-ordinated enforcement is required to support local delivery. The Office for Product Safety and Standards has been established to address these issues and provides national capacity to identify, manage and respond to product safety risks. We have also relaunched the Market Surveillance Network to bring together relevant organisations to co-ordinate approaches to testing and data sharing. We have developed a new Product Safety database to enable local and national regulators to share and collate information on unsafe and non-compliant products, to identify new threats and take rapid responses across the UK.

6. The UK refines and develops its approach to regulation through experience and a strong evidence base. The Government will adhere to these principles when evaluating the need for changes to current regulation and during the development of any amendments or replacements in the future.

7. This use of evidence-based approaches to regulation will apply when we leave the EU. We have already made extensive plans to ensure that during and after our exit, the high levels of protection for human health and the environment that exist today will continue. Additionally, we continue to engage with industry and civil society to ensure that the Government is in possession of the information required to maintain these standards while facilitating growth and innovation in the sector.

8. These principles of high levels of protection for human health and the environment will be at the forefront of the ambitious new Chemicals Strategy currently under development. The Strategy is being developed with a strong evidence-based approach and in consultation with stakeholders. A discussion document will be published in March 2020, which will also incorporate a call for evidence. The final Chemicals Strategy is expected to be published in 2021/2.

9. The Government takes a joined-up approach to the effective management of chemicals in order to protect public health and the environment. This is reflected in the aftermath of the tragedy at Grenfell Tower. The additional, ongoing environmental checks being carried out in and around the Grenfell Tower site are designed to reassure the bereaved, survivors and the wider community that any environmental risks to public health will be fully assessed and that appropriate action will be taken. This is supported by an additional £50 million to fund long-term treatment for those affected by the fire to ensure that they continue to get timely reviews and any subsequent treatment they may need. A Multi-Agency Partnership has been established to provide the relevant expertise to oversee the design and delivery of the additional environmental checks, and to assess risks to public health and advise health partners on any additional health monitoring and treatment options for residents, should these be required. The Government Chief Scientific Adviser has established an independent Science Advisory Group to quality-check the scientific methodology, testing process and analysis of results at each stage of the environmental testing programme.

10. This response has been produced jointly by the Department for Business, Energy and Industrial Strategy (BEIS), the Department for Environment, Food and Rural Affairs (Defra), the Ministry of Housing, Communities and Local Government (MHCLG), the

Food Standards Agency (FSA), the Health and Safety Executive (HSE), Public Health England (PHE), the Environment Agency (EA) and the Royal Borough of Kensington and Chelsea (RBKC) in response to the specific recommendations below.

## 1. Environment and human health impact of chemicals

### 11. Recommendation 1

*We call on the Government to set ambitious targets for the reduction of chemicals in the environment. The forthcoming Chemicals Strategy should form the basis for the UK to develop a non-toxic environment by setting out a clear, ambitious vision for the type of chemical environment we hope to live in. It should lay out a plan for remediation of regulated substances in the environment with binding targets.*

### 12. Recommendation 22

*The forthcoming Chemicals Strategy should form the basis for the UK to develop a non-toxic environment by setting out a clear, ambitious vision for the type of chemical environment we hope to live in. It should lay out a plan for remediation of harmful regulated substances in the environment with binding targets and a ring-fenced budget. We endorse the Chief Medical Officer's recommendation that the Strategy take full account of the human health impacts of chemicals, including chemical mixtures. We recommend the Strategy set out how chemical mixtures will be considered in the regulatory process and how new technology will be developed to enhance our understanding of exposure. This should be closely linked to a new, UK-wide biomonitoring programme. As set out in Chapter Two, the Strategy should include objectives and priority monitoring areas for human and wildlife monitoring. The UK's public health bodies should be given responsibility for monitoring, researching the impact of chemicals on public health, and recommending restrictions and other controls on groups of problematic chemicals. They should be given adequate funding and staffing for research and policy development.*

### 13. Recommendation 23

*Building on the work of the European Commission, it should set targets for the elimination of endocrine disrupting chemicals from consumer products with children's products prioritised. The Strategy should commit the UK to reducing regrettable substitutions by using a grouping approach to chemical testing. Should the UK no longer retain membership of ECHA after EU-exit, a grouping approach to substance evaluations which considers both structurally similar substances and substances used for similar purposes should be devised. The Government should support industry innovation to develop green chemistry approaches and safer chemicals in the future. This should particularly encourage the development of chemicals which biodegrade in the environment safely. The Committee received evidence from multiple stakeholders regarding the exposure of consumers to toxic chemicals in indoor environments. This includes, but is not limited to, formaldehyde emissions from bedroom furniture, flame retardant leaching from sofas and electrical equipment, bisphenols in food packaging and phthalates in various plastics and other products. We recommend that the Chemicals Strategy addresses the concerns about the use of these chemicals in furniture and other household goods.*

## **Government Response** (grouped response to recommendations 1, 22 and 23)

14. In the 25 Year Environment Plan (25YEP) the Government made clear its ambition to leave the natural environment in a better state than we inherited it and the steps needed to achieve this. One of the key commitments made is the publication of a Chemicals Strategy, which will set out our ambitious approach to the improvement of the quality of our water, air, and soil, the biodiversity in our marine and land environments, and public health. It will set our priorities for action in these areas, and detail how we will achieve our goals and measure success.

15. The Strategy will be a vehicle for exploring options to develop an early warning system for identifying emerging chemical issues, considering how to address the tracking of chemicals in products, and working internationally on the standardisation of methods that assess chemical safety. It will be developed to ensure a holistic approach to the safe management of chemicals, building on existing government strategies, such as the Resources and Waste and Clean Air Strategies, both of which have been successfully delivered in line with 25YEP commitments.

16. We expect a Chemicals Strategy to play a key part in enabling the transition towards a circular economy approach, building on existing commitments in our Resources and Waste Strategy.

17. We will undertake a comprehensive programme of stakeholder engagement that will inform its future direction. All recommendations received during this period will be carefully considered, including those related to human and wildlife biomonitoring.

18. The Chemicals Strategy will set out our approach to the safe and sound management of chemicals. It will take account of the Chief Medical Officer's recommendations to consider the impact of chemicals and chemical mixtures on human health. It will incorporate the Government's priorities for our domestic regulation and reflect our future relationship with the EU. We are committed to maintaining the UK's existing high standards in the safe and effective regulation of chemicals after we leave the EU.

19. The Strategy will also address concerns related to endocrine disruptors (EDCs) and the use of potentially toxic substances in furniture and household goods.

20. We acknowledge that stability and predictability of regulation is important for industry. We also recognise the importance of understanding the effects of chemical exposure, including from chemical mixtures, on human health and the environment. We will continue to evaluate different means to facilitate the innovation of new technologies that can further our understanding of these effects.

21. Regarding green chemistry, the Government is scoping the means to best support industry in developing new approaches in the field. This is taking place as part of the development of the Chemicals Strategy and its programme of stakeholder engagement.

## **22. Recommendation 2**

*We recommend that the Government works with the EU environment plan and REACH to mandate the phase out of chemicals harmful to the environment. This should include a ban on the use of substances of very high concern, including those under the threshold level, 'regrettable substitutes' and groups of chemicals whose properties mean they do not easily*

*breakdown in the environment. The Government should introduce an EPR to enable the furniture industry to invest in technology to ensure the safe disposal of hazardous wastes containing harmful chemicals such as brominated flame retardants.*

### **Government Response**

23. Through the Registration, Evaluation, Authorisation and Restriction of Chemicals Regulation (REACH) the UK already has a robust regulatory framework to control substances of very high concern (SVHCs). The preparations that have been made for our exit from the EU ensure that equivalent levels of protection will be replicated under an independent UK chemicals regime, UK REACH.

24. Once identified as an SVHC, substances can be restricted or phased out. Through nominating a substance as an SVHC and adding it to the candidate list, the Government is able to signal that these substances will eventually be phased out of the market. This in turn encourages companies to look for safer alternatives, ahead of any regulatory measures being imposed.

25. UK regulators have taken a proactive role in developing a grouping approach to chemical regulation, for example in drafting OECD guidance and working with other Member States on groups of substances such as perfluorinated chemicals. The Government believes grouping approaches are an important way to ensure regulation is effective and avoids regrettable substitution.

26. In the Government's Resources and Waste Strategy for England, published in December 2018, we have committed to reviewing and consulting on an Extended Producer Responsibility strategy (EPR) for five new waste streams by 2025. One of these five waste streams is bulky waste, which includes furniture as well as mattresses and carpets. We are currently gathering evidence on this waste stream with a view to taking our commitment forward.

### **27. Recommendation 3**

*We restate the recommendation in our Fixing Fashion report and call on the Government to ban the landfill and incineration of unused and unsold consumer goods.*

### **Government Response**

28. The Government believes that positive approaches are more effective than imposing landfill and incineration bans. For example, encouraging more sustainable design through regulatory standards to support durable, repairable, and recyclable products will aid the removal of harmful chemicals from products altogether, protecting the environment and human health.

29. Legislation is in place to support the use of the waste hierarchy and we are continuing to develop further policy measures to support reuse and closed-loop recycling, as set out in the Resources and Waste Strategy. Unsold stock should be managed according to the waste hierarchy in order to minimise the impacts on the environment and human health as fully as possible. This requires that priority is given to preventing, reusing, and recycling waste, before considering energy recovery or disposal to landfill.

30. We will continue to explore policy options, as set out in the Resources and Waste Strategy, to eliminate biodegradable waste, which includes many textiles, from landfill by 2030. Additionally, if wider policies do not deliver our waste ambitions in the future, such as higher recycling rates, we will consider the introduction of a tax on the incineration of waste, operating in conjunction with Landfill Tax.

#### 31. Recommendation 4

*We recommend that the Government establish a UK-wide human and wildlife biomonitoring programme. The objectives and priority monitoring areas for the programme should be set out in the Government's forthcoming Chemicals Strategy. Such a programme will require careful design. We call on the Government to form an inter-disciplinary body of scientists and stakeholders to establish the best approach and use best practice from established programmes internationally. We support the Chief Medical Officer's 2017 suggestion that the data collected by the Health Survey for England should be considered as a starting point for this programme. In recognition of the timeframe required to produce exposure information, the programme should be provided with long-term, ringfenced funding. The programme should be accompanied by a public information campaign so that people are aware of their chemical burden and how they can lower it.*

#### Government Response

32. Public Health England (PHE) lead on the UK's participation in the European Human Biomonitoring Project (HBM4EU) in collaboration with Defra. The initiative includes a project to harmonise procedures, generate exposure data and develop methodologies to improve chemical risk assessment.

33. Through this project, a cross-government steering group has been formed. This group, chaired by Defra, includes PHE, the Environment Agency (EA), the Food Standards Agency (FSA) and the Health and Safety Executive (HSE) and seeks to deliver science in support of chemical management policy.

34. A number of these departments are carrying out work in this field, for instance, the Environment Agency's Exposure Metrics Programme which includes wildlife monitoring for substances, such as Persistent Organic Pollutants (POPs). Project work is under way and a range of options are being considered in developing the programme. This includes addressing emerging substances of concern, identifying how indicators could be integrated across freshwater, terrestrial and marine environments and exploring links to human biomonitoring.

35. The Government recognises the importance of the issue and will continue to explore the best approach and practice in the field of human biomonitoring. This will be achieved, in line with 25 YEP commitments, through the Chemicals Strategy, which will continue to support collaborative work on human biomonitoring and explore options for further biomonitoring programmes.

36. Furthermore, the Government recognises the importance of equipping the public with the information they need about chemicals to make informed choices about the products they use. The Chemicals Strategy will explore how information regarding

chemicals can be better communicated to foster greater transparency and, in doing so, empower workers, consumers and citizens to make choices to protect themselves and the environment.

### 37. Recommendation 5

*There are a huge number of chemicals used in plastic and food packaging, some of which have been identified as harmful to human health and the environment. We call on manufacturers to be more transparent about the chemicals used in their packaging to enable consumers make informed decisions. We support CHEM Trust's call for REACH-defined substances of very high concern to be automatically banned in food contact materials as soon as possible. We recommend the Government implements a UK-wide ban on the use of these chemicals in food contact materials available on the UK market to lower the public's exposure. We also call on the Government to advocate this position as part of the EU's review of food contact materials. In addition, the Government should use the introduction of an EPR scheme for plastic packaging to phase out the use of chemicals in plastics which have been found to be toxic to human and environmental health.*

### Government Response

38. Ensuring the safety of food contact materials (FCMs) in England, Wales and Northern Ireland is the responsibility of the Food Standards Agency. In Scotland, the responsibility lies with Food Standards Scotland. Any item that is expected to come into contact with food will have to be compliant with Regulation (EC) 1935/2004, which sets out the general requirements that all materials and articles expected or likely to be in contact with food shall be manufactured in compliance with good manufacturing practice. This means that any FCM marketed in the UK shall not transfer any chemicals into food that could endanger health. It also aims to protect the quality of the food.

39. Under the requirements of EU law, in approving any FCM where an application is required, including for authorisation of substances of very high concern (SVHC) within a plastic FCM, a human health risk assessment is carried out. This calculates the risk that a specific chemical may have on humans over the course of a lifetime if they are exposed to it at certain levels. This risk is currently evaluated under the requirements of EU law on FCMs and ultimately protects the public from harmful exposure. The FSA continually reviews any new evidence concerning the safety of FCMs.

40. The requirements under Regulation (EC) 1935/2004 and other directly applicable FCM EU Regulations will be included in UK legislation following our exit from the European Union and we will continue to undertake human health risk assessments in order to maintain the same level of high standards of consumer protection.

41. Whilst reducing the use of SVHCs is certainly desirable, it is perhaps overly simplistic to pursue a blanket ban as these substances provide essential functions, such as preventing certain materials from corroding or reacting with the food it is in contact with. Should there be a ban or restrictions on SVHCs which currently provide such positive functions in some FCMs, any proposed alternatives would need to be evaluated for safety. The balance of risk will be an important factor in any decision.

**42. Recommendation 6**

*We call on the Government to publish its strategy on per-fluorinated chemicals as soon as possible. This should include clear guidance on routes of exposure to chemicals such as PFOS and PFOA and how these will be reduced amongst the public.*

**Government Response**

43. The UK is a signatory to the Stockholm Convention, which bans and/or restricts the production, use and emissions of substances listed as Persistent Organic Pollutants (POPs). It also requires all stockpiles and waste containing these substances to be identified and disposed of so that the POPs are destroyed or irreversibly transformed.

44. Perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctane sulfonyl fluoride (PFOSF) are listed as persistent organic pollutants (POPs) under the Stockholm Convention. Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds will also soon be listed.

45. PFOS is also a priority hazardous substance under the Water Framework Directive and so considered when establishing good chemical status. The Environment Agency monitors PFOS in water and fish and will be publishing its results over the next year as it consults on how best to achieve water quality improvements to inform the 2021 update of River Basin Management Plans.

46. The UK is working closely with EU and international partners on how to address the wider group of PFASs (poly and per-fluorinated alkyl substances). In June 2019, the EU Environment Council adopted conclusions which call for an EU action plan in this area. UK government scientists are working in UK, European and international contexts to contribute to a response that takes into account the size and complexity of this group of chemicals and leads to the most effective regulatory actions.

47. The Environment Agency, which is responsible for the enforcement of POPs chemical legislation and is the regulatory authority for all waste management activities in England, has recently completed an evidence report on PFAS sources and monitoring in the UK. This report will help inform the UK Government's approach to this large and complex group of chemicals, including identifying evidence gaps and making recommendations for further work. The report will be published later this year.

48. As regards exposure to perfluorinated compounds in food, the Food Standards Agency has provided written evidence in a letter to the EAC on 6 June 2019, submitted in response to a request made during the oral hearings. There is nothing further to add at this stage.

**2. Furniture and Furnishings (Fire Safety) Regulations 1988****49. Recommendation 7**

*The Government should bring the UK into line with the rest of the EU and develop a new flammability test standard based on the EU's smoulder test and California's standard Technical Bulletin 117–2013. This should be delivered with a clear legislative timetable for the*

*adoption of revised regulations. In the meantime, industry must acknowledge this practice is no longer sustainable and begin the process of innovating and adopting alternatives to chemical flame retardants.*

#### **50. Recommendation 8**

*As proposed in the 2016 consultation, we call on the Government to remove children's products from scope of the 1988 Regulations without further delay. The Government should also introduce a new permanent label for all upholstered furniture products containing flame retardants. This should clearly state if the product has been treated with chemical flame retardants and list all chemicals used, including those below the substance of very high concern threshold. The label should also direct consumers to an online platform where they can view independent scientific advice on the relative toxicity of the chemicals listed.*

#### **51. Recommendation 11**

*We recommend that the Minister makes a decision and publishes the consultation responses before the change of government that will take place on 24 July. Failure to do so will add to the view that officials are deliberately delaying the process and waiting for a new minister so the process can start again.*

#### **Government Response** (grouped response to recommendations 7, 8 and 11)

52. The Government published its response to the consultation on 'Updating the Furniture and Furnishings (Fire)(Safety) Regulations 1988' on the 18 July 2019. The response sets out how the Government will develop a new approach to furniture safety regulation that will address the risks posed by fire and chemicals and enable business to bring innovative new products to market. It will focus on safety outcomes such as reduced risk of ignition and reduced risk of fire-spread, and will be underpinned by a set of essential safety requirements that upholstered furniture placed on the market will have to meet. The intention is to develop revised regulations to replace the 1988 Regulations by autumn 2021.

53. This new approach will continue to ensure that manufacturers and importers place only safe products on the UK market. It will allow for innovation and technological advances. The new legislation will be supported by relevant technical standards that we have asked the British Standards Institution to develop in partnership with a wide range of stakeholders, including industry, fire-safety experts and consumer representatives. These standards will provide guidance for businesses in how to demonstrate compliance with the essential safety requirements that will be established by the new regulations. This approach is consistent with that taken for other consumer products. The Government will consult on the detail of the new regulations in due course.

54. The 2016 consultation on updating the 1988 regulations proposed that certain childcare articles such as pushchairs, prams, carry cots and stands be excluded from the scope of the regulations. There was general support for the proposals particularly from businesses. Some stakeholders, particularly from fire and rescue services did raise concerns. In developing the new approach, the Government will review the status of baby and children's products within the scope of the current regulations including consideration of evidence put forward during the EAC inquiry.

55. The 2016 consultation also set out proposals for labelling. There was strong support for both a single permanent label and that the label should contain information on chemical flame retardants, if used. There were a range of views on how best to convey this information to consumers.

56. The Office for Product Safety and Standards has commissioned research to examine different styles of labelling and consumer views on their effectiveness. The Government will consider the most suitable options to address the issue of labelling for chemical flame retardants. This will also include how labelling may be able to assist with the disposal of articles that contain chemical flame retardants.

#### 57. **Recommendation 9**

*The presence of harmful chemicals in furniture, and their classification as hazardous waste at disposal, have been highlighted as particular problems. In addition to the measures proposed to reduce the use of chemical flame retardants, the Government should take measures to restrict regrettable substitutions through banning the use of groups of chemicals with similar properties. In addition, the use of substances of very high concern, at any threshold, should be banned in line with the precautionary principle. The Health and Safety Executive has been aware of the heightened occupational risk to sinonasal cancer from furniture making since 2012. It needs to assess the dangers posed to furniture workers from the handling and use of foams and flame retardants including when using personal protective equipment.*

#### **Government Response**

58. As explained under Recommendation 2 above, the existing EU REACH regime provides a regulatory framework to control substances of very high concern (SVHC) and will be brought into UK law when we leave the EU. The REACH Regulation also applies to substances supplied for use as flame retardants, requiring manufacturers and importers to submit registration dossiers. These dossiers include information on hazardous properties and, if relevant, a Chemical Safety Assessment. Relevant data from a registration is communicated to users via the Safety Data Sheet. If significant risks are identified that are associated with a substance exhibiting a particular hazardous property, REACH includes a number of risk management options to address these risks.

59. Decabromodiphenyl ether (Deca-BDE), a brominated flame retardant once commonly used in furniture, became an SVHC in 2012 and the furniture industry began phasing it out immediately after its classification. It has now been banned altogether.

60. Items containing potentially harmful chemicals such as this need to be handled and disposed of appropriately. Defra is working with the Environment Agency (EA) to examine the issue of furniture containing now restricted chemicals, including how best to ensure that all POPs in such waste are identified and destroyed in accordance with regulations and our obligations under the Stockholm Convention for POPs.

61. It is no longer legal to use a family of brominated fire retardants identified as POPs and the textiles and soft furnishings industry has advised that companies tend to stop using substances when they are identified as a candidate SVHC. We would not propose removing thresholds when restricting substances under REACH and other regulatory regimes because it is necessary to ensure they are enforceable as well as proportionate.

62. Much of the Government's approach to this issue was set out in Recommendation 2. However, it should be noted that regulators can and do ban groups of chemicals to avoid regrettable substitutions and over the years we have influenced the EU to do more of this. For instance, a number of phthalates found in consumer articles were restricted once it could be shown that they contribute to a human health risk due to their common mode of action.

63. In terms of current approaches to enforcement, the Health and Safety Executive (HSE) has no plans to undertake further research to assess the dangers posed to furniture workers from the handling and use of foams and flame retardants as it considers the current regulatory framework adequate.

64. HSE is responsible for regulating health and safety risks arising from work activities. All employers have a general duty under the Health and Safety at Work etc Act 1974 to ensure, so far as is reasonably practicable, the health, safety and welfare of their employees at work. This includes arrangements for ensuring safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances.

65. The existing legal framework – primarily The Control of Substances Hazardous to Health Regulations 2002 (also known as COSHH) - outline specific adequate legal duties on employers to protect workers from harmful substances, such as foams and flame retardants.

66. COSHH requires employers to ensure that harmful substances are identified, and the risks associated with their use are assessed. COSHH also requires that the control measures needed to prevent or adequately control the exposure of their employees to substances hazardous to health arising from the work are put in place, so far as is reasonably practicable, in line with a hierarchy of control:

- a) Elimination
- b) Substitution
- c) Engineering controls
- d) Administrative Controls
- e) Personal protective equipment (PPE)

67. Employers are also required to provide information, instruction and training for all workers who may be exposed to hazardous substances in the workplace.

68. Some hazardous substances have been assigned a workplace exposure limit (WEL). Substances that have been assigned a WEL are subject to the requirements of COSHH.

69. The absence of a substance from the list of WELs does not indicate that it is safe. For these substances, exposure should be controlled to a level to which nearly all the working population could be exposed, day after day at work, without any adverse effects on health.

70. More generally, if substances have an uncertain or not clearly defined toxicology; and where sound evidence is not available on the hazards, HSE expects duty-holders to adopt a strict risk-based approach to comply with their legal obligations.

**71. Recommendation 10**

*We recommend the Cabinet Office strengthen its guidance on consultations. This should apply formal time limits to departmental responses to consultations with penalties for departments who do not comply. The expected response date should be published on the consultation webpage. If it is not possible to publish a full response, there should be a binding requirement to publish an update on the consultation webpage listing the reason for the delay, outlining what work is ongoing and giving a revised publication date. Stakeholder responses to consultations should be published as standard with sensitive or personal information redacted. The departmental Permanent Secretary and the Secretary of State should personally review any consultations which suffer a delay of more than six months in response and provide an account to parliament of the action they propose.*

**Government Response**

72. The Cabinet Office publishes the Government's Consultation Principles, which provide guidance to government departments on conducting their consultations. This guidance is non-statutory and government consultations are still subject to any statutory and other legal requirements that may apply.

73. Each individual department, and its Ministers, are responsible for taking decisions as to when and how they engage with stakeholders and the public as part of their policy development.

74. The Consultation Principles state that departments should aim to publish responses within 12 weeks of the consultation or provide an explanation why this is not possible, and where consultation concerns a statutory instrument, publish responses before or at the same time as the instrument is laid, except in very exceptional circumstances (and even then publish responses as soon as possible). They also state that departments should allow appropriate time between closing the consultation and implementing policy or legislation.

**3. Environmental contamination around the Grenfell Tower****75. Recommendation 12**

*We support calls from experts and residents for full health biomonitoring. We understand Public Health England's concerns but believe it is possible to design a comprehensive biomonitoring programme for local residents, including specific monitoring for the effects of exposure to fire effluents. This should be led by Public Health England with input from fire toxicity experts. It should be funded through the central government's Bellwin scheme and implemented as soon as possible so that the community can be offered reassurance about their ongoing exposure levels. We also recommend that any local residents who have concerns about dusts or residues within their homes be offered the opportunity to have them tested for environmental contamination. Where contamination is identified, a further deep-clean of the home and surrounding residences should be carried out by Kensington and Chelsea Council.*

**Government Response**

76. Public Health England (PHE) does not routinely recommend collection and analysis of biological samples (biomonitoring) following large fires because it is not usually

possible to determine whether contaminants detected can be directly associated with the fire. Results from this type of analysis could be significantly influenced by a multitude of elements such as lifestyle and broader environmental factors not related to the fire. This would make any evaluation of the results found extremely difficult, if not impossible, to interpret or attribute solely to the fire. PHE feels that this could cause unnecessary concern to an already distressed community and would not provide reassurance since there is no baseline (pre-fire) analysis for comparison.

77. The local National Health Service (NHS) is offering enhanced health checks and has run health drop-in events for all North Kensington residents. Residents have influenced what is included in this service after conversations with the NHS. The enhanced health checks are carried out through local GP surgeries and in the community. They include a comprehensive assessment of overall physical health, including the testing of breathing, and mental health, focusing on providing health advice and treating people's individual needs. The NHS will continue to work in partnership with the local community to design and deliver services that are appropriate and best able to meet local needs. The link to the NHS' enhanced health checks webpage can be found here: <https://www.grenfell.nhs.uk/physical-health/enhanced-health-check>

78. The local authority generally has the remit and jurisdiction to advise on the need for environmental/dust analyses and decontamination, seeking specialist advice from PHE and/or technical experts where necessary for both indoor and outdoor areas. For the Grenfell Tower fire, the local authority is receiving and acting on advice from a cross-Government Multi-Agency Partnership and an independent Science Advisory Group about the additional environmental checks being conducted, both to meet legal environmental protection requirements and to provide appropriate advice to the public. (Further details on the additional environmental checks can be found here <https://www.gov.uk/government/news/further-environmental-checks-for-grenfell-site>). Where contamination is identified, the Council will manage decontamination of the affected area.

79. Following the Grenfell Tower fire, PHE has assisted by providing advice on all monitoring strategies, commissioning air quality monitoring on behalf of the local authority, interpreting data and publishing a weekly environmental monitoring report (see <https://www.gov.uk/government/publications/environmental-monitoring-following-the-grenfell-tower-fire>). PHE has also provided support and advice to the additional environmental checks.

#### 80. Recommendation 13

*Environmental contamination testing should be carried out routinely in the immediate aftermath of major disasters. This should include soil and water testing and be in addition to air quality monitoring. The results of this monitoring should be made public and it should continue until the public are assured there is no long-term contamination risk.*

#### Government Response

81. During, and in the immediate aftermath of a major disaster (such as the Buncefield Oil Depot fire or the Grenfell Tower fire), Public Health England (PHE) works with its multi-agency partners to establish and agree the most appropriate monitoring and sampling regimes in order to support any environmental public health risk assessment that may

be required. The UK recovery handbooks (<https://www.gov.uk/government/collections/recovery-remediation-and-environmental-decontamination>) provide a framework for choosing an effective recovery strategy following a chemical, radiation or biological incident, including guiding principles for environmental monitoring.

82. PHE also routinely assists with the interpretation of data for incidents where environmental monitoring has been carried out to formulate public health risk assessments and inform subsequent public health advice.

### 83. Recommendation 14

*We recommend that any update to fire test standards for building materials include a toxicity standard, therefore eliminating the use of the most toxic substances. We are aware that the unique circumstances of each fire contributes to its overall toxicity; however, by reducing the toxicity of individual substances, it should be possible to reduce the toxicity of fires as a whole.*

#### Government Response

84. Building fire safety strategies are designed to ensure that people avoid contact with smoke. A recent study commissioned by the European Commission showed that the UK approach is similar to most other EU member states.

85. Whilst some standard tests for building materials do measure smoke obscuration (visibility), the current reaction to fire test standards (European and national) do not currently provide a direct means of classifying the smoke toxicity. As has been acknowledged, smoke toxicity in a fire is dependent on factors which go beyond the material composition, such as ventilation conditions in a room.

86. The Government has welcomed evidence and views on this subject as part of the Technical Review of Approved Document B of the Building Regulations in England. The findings from the call for evidence were published on 5 September 2019 and we are currently reviewing the evidence on the subject.

### 87. Recommendation 15

*The Government should update the Social Security Regulations so that the cancers most commonly suffered by firefighters are presumed to be industrial injuries. This should be mirrored in the UK's Industrial Injuries Disablement Benefits Scheme. We also recommend that the Health and Safety Executive monitors the progress of the Fire Brigades Union research and provides assistance in implementing recommendations which seek to improve the work environments of UK firefighters. This should include measures to minimise contamination from clothing and equipment and reduce the overall exposure of firefighters, their families and the public.*

#### Government Response

88. Industrial Injuries Disablement Benefit ("IIDB") can be paid where an employee suffers disablement as a result of either an accident or a prescribed disease, caused during their work. So, firefighters can already be compensated through IIDB for some industrial injuries and diseases.

89. Certain cancers caused by employment are already prescribed for IIDB. When deciding whether to add new prescribed diseases, Ministers are guided by the recommendations of the Industrial Injuries Advisory Council (“IIAC”).

90. IIAC are independent of government, and the normal test required for them to recommend prescription of a disease is that epidemiological evidence that working in a prescribed job, or with a prescribed occupational exposure, at least doubles the risk of developing the relevant disease.

91. We will refer the Select Committee’s recommendation to IIAC for further consideration.

92. Fire and Rescue Services have duties to prevent and control risks (so far as reasonably practicable) to the health of their employees due to exposure to hazardous substances, and the Health and Safety Executive expects Fire and Rescue Services to ensure that measures are in place to control exposure and minimise contamination, as this may lead to health risks. Such measures would include the provision and maintenance of suitable personal protective equipment, facilities for storing and cleaning such equipment and providing information, training and appropriate supervision to their employees on potential risks.

93. The Health and Safety Executive is monitoring the progress of all current research which seeks to improve the working environment for firefighters, and will ensure that Fire and Rescue Services continue to identify and control risks to their employees.

#### 4. Product safety

##### 94. Recommendation 16

*We recommend the Government increase the resources available for product safety compliance by 10 percent a year in the upcoming spending review. This should include a specific commitment to test products for hazardous chemicals. This will be an essential requirement to fulfil the ban on endocrine disrupting chemicals in consumer products in the forthcoming Chemicals Strategy. Chemicals testing is expensive and we believe there is scope for savings through enhanced cooperation between government agencies. We recommend a centralised testing authority be established within the Health and Safety Executive to test workplace and consumer products for chemical safety. This resource should be made available to Local and National Trading Standards offices via the OPSS. Testing results should be widely shared amongst relevant bodies and inform Trading Standards’ enforcement approach, Defra and BEIS’s regulatory approach and the work of the Committee on Toxicity.*

##### Government Response

95. The Government regards product safety as a priority. It set up the Office for Product Safety and Standards (OPSS) in January 2018 within the Department for Business, Energy and Industrial Strategy. Its purpose is to provide leadership and co-ordination of the product regulatory system and to strengthen the UK’s approach to product safety. It works closely with local authority Trading Standards to identify and take action where unsafe goods are found. An additional £12 million has been made available for this work.

96. It is the responsibility of producers and distributors to make sure they place only safe products on the market. Therefore, the majority of product testing is carried out by

businesses as part of their regulatory obligations. It is the role of market surveillance authorities such as OPSS and local authorities for relevant consumer goods and HSE for industrial and workplace goods to conduct checks on compliance. On some occasions it may be necessary for market surveillance authorities to sample and test products, such as part of a risk-based and targeted project, or as part of an investigation into non-compliance. The HSE operate technical and research facilities in Buxton and OPSS has a scientific and technical base in Teddington. These government operated facilities form part of the UK's scientific, engineering and technical research capability, much of which is operated by the private sector. It is important that product regulators have access to the latest scientific and technical facilities and expertise, from both their own facilities and those operated in the broader market.

97. Co-ordination and co-operation on market surveillance is carried out through the UK Market Surveillance Network. This was relaunched in April 2019 and is chaired by OPSS. This network brings together the relevant organisations including OPSS and HSE to co-ordinate and share best practice on aspects of the market surveillance system, including product safety testing and data sharing. The Committee's recommendations for closer collaboration on chemical testing will be explored by the Network.

98. Since OPSS was established, there has been a significant increase in product safety compliance work. In 2018/19, an additional £500k was made available to local authority Trading Standards to fund testing of products at accredited laboratories. £600k has been committed for 2019–20. OPSS has established dedicated scientific and technical capability to assess and understand complex product designs and risks including those posed by hazardous chemicals. It has established a team to collate and analyse incident and intelligence data, including data from HMRC about imports. In addition, specialist product testing capability is being established at the Teddington scientific hub that will increase testing capacity and capability for product testing, as well as facilitating the analytical screening of consumer goods at ports and borders.

99. HSE responsibilities extend to enforcing product supply law for industrial and workplace products. Consequently, HSE does not routinely test or examine products as the requirement for such testing and examination is placed on the manufacturer and supplier as part of their legal responsibilities to ensure only safe and compliant products are placed on the market. HSE is an active member of the Market Surveillance Network.

100. The three sister committees on Toxicity, Carcinogenicity and Mutagenicity of Chemicals in Food, Consumer Products and the Environment (COT, COC and COM) provide independent advice to government departments and agencies on the potential toxicity, carcinogenicity and mutagenicity of chemicals from natural products to new synthetic chemicals used in food, pesticides, pharmaceuticals and found in the environment. The committees also advise on important general hazards or risks and give recommendations for toxicity testing, though this is not the same as product safety compliance testing.

#### 101. **Recommendation 17**

*We echo the House of Lords European Union Committee's concern about the capacity of National and Local Trading Standards to fulfil all their statutory duties due to resource reductions. These duties will increase if the UK leaves the EU, especially if we lose access to*

*the rapid alert system, RAPEX. We call on the Government to complete a full review of the legislation Trading Standards enforces, the resources allocated by councils, capabilities and likely additional functions should the UK leave the EU. The Government should develop a plan to end the postcode lottery in chemical safety testing which currently leaves large areas of the country with no regulatory enforcement.*

### **Government Response**

102. After we leave the EU, the UK's risk-based approach to compliance and enforcement will continue to work to limit the number of unsafe and non-compliant goods available to UK consumers and businesses. The Government has established OPSS to lead and coordinate the UK product regulation system and works extensively with local authority Trading Standards teams.

103. In preparation for the UK's departure from the European Union, OPSS has developed a new Product Safety database for the UK which will be available to all enforcement authorities, including all local authority Trading Standards teams in England, Wales and Scotland and local authority Environmental Health teams in Northern Ireland. The new service will give the UK national capability to share and collate information on unsafe and non-compliant products enabling us to identify new threats and to undertake coordinated and rapid responses across the UK.

104. RAPEX alerts are publicly available to all, including UK enforcement authorities and consumers, via the online portal. This publicly available information will remain available on EU exit.

105. In the Consumer Green Paper published by Government in April 2018, it was recognised that our system of public enforcement is under pressure, and that local authority Trading Standards have reduced capacity to take national cases.

106. The Green Paper asked what changes are needed to ensure local and national enforcers work together within an effective framework for protecting consumers. The Government expects to publish a White Paper setting out its thinking.

107. Funding for Local Trading Standards is made available to local authorities through the Local Government Finance Settlement. Funding allocated through the Settlement is largely un-ringfenced, enabling local authorities to target spending according to local needs. The upcoming Spending Review will be our opportunity to look at funding for local authorities in the round and work is well underway to secure the resources and flexibilities councils need to deliver services for communities across the country.

108. As the national regulator for product safety, OPSS supports local authority Trading Standards in a number of ways: it offers a dedicated national capacity for product safety; it has established a Trading Standards co-ordination unit and takes a lead in managing national product safety incidents and identifying consumer risks; it provides access for Trading Standards to testing facilities, as well as to technical and scientific expertise; it strengthens the ability of Trading Standards to stop unsafe products at the border; it works with the Chartered Trading Standards Institute to identify and deliver learning and development – in 2018/19 over 1000 Trading Standards officials were trained on dealing with product recalls, assessing product safety risks and understanding conformity assessment processes. OPSS has made funding available to enable local authority Trading

Standards teams to test toys and cosmetics for chemical safety at accredited laboratories and is facilitating the access of local authority Trading Standards officers to product safety assessment experts, such as toxicologists, for enforcement purposes. It is also undertaking its own testing to complement this, where it suspects issues are of national concern. In order to build local capability, OPSS has recently purchased mobile chemical testing equipment (XRFs) which it will make available to local authority Trading Standards teams nationwide, alongside the relevant training.

#### 109. Recommendation 18

*We recommend reform of the labelling system for chemicals in consumer products. We acknowledge that long ingredients lists would be challenging to communicate. We propose that the grouping approach be used where the packaging or product label indicates which family of chemicals has been used. This should be accompanied by directions to the product webpage where a full list of chemical ingredients should be available. Consumers should also be provided with direction to an online platform where they can view independent scientific advice on the relative toxicity of the chemicals listed. Where a substance of very high concern has been used, even under the threshold, this should be clearly listed with an accompanying message about which criteria it meets (carcinogenic, persistent, bio-accumulative etc.).*

#### 110. Recommendation 19

We also recommend that the Health and Safety Executive develop domestic pictograms based on the criteria for classification as a substance of very high concern. Once available, these should also be indicated on packaging or product labels. We believe these changes would be a small step towards full chemical disclosure and would assist consumers in making more informed decisions at the point of purchase.

#### **Government Response** (grouped response to recommendations 18 and 19)

111. The Government is committed to ensuring that only safe products are placed on the UK market, now and in the future. The General Product Safety Regulations (GPSR) require products to be safe. This includes safety from chemical risks. Products must include instructions for safe use and any necessary safety warnings. Where there are specific risks posed by chemicals in specific products, for example in furniture and cosmetics, specific legislation addresses chemical risk.

112. As part of the review of the Furniture and Furnishings (Fire)(Safety) Regulations 1988, the 2016 consultation explored proposals for product labelling. There was strong support for both a single permanent label and that the label should contain information on the chemical flame retardants used. There were, however, mixed views on the most effective means of conveying information relating to the flame retardants that have been used to consumers. Therefore, the Office for Product Safety and Standards has commissioned research to examine the effectiveness of the labelling of products covered by the regulations. The Government will consider the most suitable options to address the issue of labelling for chemical flame retardants. This will also include how labelling may be able to assist with the disposal of articles that contain chemical flame retardants.

113. Under the EU Cosmetics Regulation, ingredients are required to be listed on the packaging. In the interests of continuing maintenance of high levels of consumer safety, this will not change when the UK leaves the EU. The detailed safety-related list of chemicals

in the ingredients is currently held on the EU Cosmetic Product Notification Portal. In the event of the UK leaving the EU without a withdrawal agreement, details will be held on a UK equivalent database. In addition, when we leave the EU, we have prepared and will put in place legislation to ensure that the same high level of safety requirements will continue to operate in the UK to protect consumers. We will continue to keep the new system under review.

114. HSE welcomes the Committee's report as an important contribution to the studies on the effectiveness of labelling on consumer chemical products. Reassuringly, current requirements incorporate many aspects of the recommendations.

115. These requirements are well established and continue to be refined every two years through updates to the UN Globally Harmonised System of classification and labelling of chemicals (GHS) which is adopted throughout the EU by the classification, labelling and packaging of substances and mixtures (CLP) Regulation. These updates take account of technical and scientific development as well as practical experience, and often include proposals to improve the comprehensibility of hazard communication. GHS(CLP) labels including the headline hazard statements, safe use, storage and disposal instructions, and pictograms are therefore quite familiar to consumers.

116. Changes to GHS, like a new pictogram specific to substances of very high concern (SVHC), would be progressed at UN level rather than in an individual country. GHS already includes a pictogram for 'serious health effects' which captures hazard classes like carcinogenicity, mutagenicity and reproductive toxicity (known as 'CMRs' and examples of SVHC), which will appear on a hazard label where necessary, alongside safe use, storage and disposal information, to assist consumers in making more informed choices. Other existing regulatory controls such as REACH, biocidal products, pesticides, and cosmetics legislation already restrict from public sale many chemicals which contain the most harmful substances including SVHCs.

117. For the more severe hazard classes (e.g. CMRs, skin/respiratory sensitisation, serious eye damage etc.), CLP requires the substances contributing to such classifications to be listed on the label. Where certain known allergens are present, additional labelling is required to alert the user.

118. The feasibility of using product webpages or online platforms for additional information and advice is being considered by the GHS Sub-Committee, which is looking at innovative communication methods including digital options, but this is at an early stage.

119. Consequently, HSE is of the view that the arguments presented do not indicate that current labelling requirements are insufficient in communicating hazard information or that they are in need of immediate reform.

#### 120. **Recommendation 20**

*We are deeply disappointed that the UK is not participating in AskREACH. The Government should seek access to AskREACH for UK consumers. Observer status is not enough when UK consumers desire more information about the chemical content of their products. We*

*believe the AskREACH initiative sits alongside the labelling changes we have proposed and is an important step to enable consumers to exercise their right to know while challenging suppliers to engage with their supply chains and become more transparent.*

### **Government Response**

121. Under REACH, consumers have the right to know whether the articles they buy contain any chemicals known as Substances of Very High Concern (SVHCs). Consumers can ask their supplier, who is obliged to answer for free within 45 days, for sufficient details to allow the safe use of products containing such substances.

122. The ASKReach project, which is funded by the LIFE programme of the EU, aims to raise consumer and supplier awareness of their rights and obligations under REACH. A smartphone app is due to be launched later in the year, and awareness raising campaigns are underway in the 13 participating EU countries. The campaigns are expected to be replicated later in other EU countries.

123. Although the UK has no current plans to participate in the scheme, as we have set out in our response to Recommendation 4, our Chemicals Strategy will explore how best to communicate information on chemicals to workers, consumers and citizens.

### **124. Recommendation 21**

*We call on the Government to prioritise data sharing relationships in its future partnership negotiations with the EU including seeking to retain access to RAPEX. This will ensure that consumers remain protected from a range of dangerous products available on the UK and EU market. We also recommend that the OPSS build relationships with online retailers through a mechanism similar to the Product Safety Pledge. This will ensure that products which bypass the normal regulatory process are captured and consumers have a clear mechanism to report faulty products purchased online.*

### **Government Response**

125. The Government is establishing co-operation arrangements with EU regulators to ensure that authorities on both sides can take appropriate, consistent and co-ordinated action to prevent non-compliant products from reaching consumers or patients or from harming the environment. It is important that regulators both domestically and internationally are able to share information regarding product risks and this is a recognised priority for the UK Government.

126. In order to support these cooperation arrangements, the UK is seeking access to the EU's communications systems, such as the Rapid Alert System for Food and Feed (RASFF), Rapid Alert System for Serious Risk (Rapex), and the Information and Communication System for Market Surveillance (ICSMS). This would ensure that UK and EU authorities could issue alerts to one another to respond in an effective and timely manner when they have identified unsafe or non-compliant products. RAPEX alerts are publicly available to all, including UK enforcement authorities and consumers, via an online portal. This publicly available information will remain available on exit.

127. As set out above, in preparation for the UK's departure from the European Union, the Office for Product Safety and Standards (OPSS) has developed a new Product Safety database for the UK which will be available to all market surveillance authorities,

including all Trading Standards teams in Great Britain and Environmental Health teams in Northern Ireland. The new service will give the UK national capability to collate information on unsafe and non-compliant products, enabling us to identify new threats and to mount co-ordinated and rapid responses across the UK.

128. OPSS is committed to strengthening our existing relationships with online retailers with the intention of improving consumer protections. This involves working with online sellers to ensure they are aware of their responsibilities to place only safe products on the online market and working with online platforms to make sure they have procedures in place to ensure the removal from sale of products identified as unsafe. OPSS will be launching a new project to assess whether further action is required to ensure that all products sold through online platforms in the UK meet the necessary safety and compliance requirements and undergo the same regulatory scrutiny as products sold through conventional means. This important project will include developing a robust evidence base of the current online market in the UK and will develop proposals for further developing existing enforcement expertise, raising consumer awareness and identifying effective reporting mechanisms.

129. In addition, Primary Authority partnerships provide tailored advice to businesses operating online to ensure compliance.

## 5. Future UK chemicals policy

### 130. Recommendation 24

*As the UK's chemicals regulator, the Health and Safety Executive should retain alignment to ECHA's candidate list of substances of very high concern. Deviation should only happen where the intention is to increase safety standards by moving more quickly to restrict a substance of concern. In its statement on how it will comply with the measures set out in UK REACH, the Health and Safety Executive should outline a formal role in the substance evaluation process for the Committee on Toxicity and Hazardous Substances Advisory Committee. It should also establish a forum for engagement with stakeholders. We support the Royal Society of Chemistry's call for a register of specialists to be established to assist the decision-making process for chemicals policy within BEIS and Defra.*

### Government Response

131. HSE will take on the formal role as the "Agency" under the REACH etc. (Amendment etc.) (EU Exit) Regulations 2019. These regulations require HSE, immediately before exit day, to copy over the list of substances (the "candidate list") which the European Chemicals Agency (ECHA) has already agreed are Substances of Very High Concern (SVHCs) and may later be subject to authorisation. The regulations also establish criteria for establishing if a substance is a SVHC; these criteria will remain consistent post-exit, therefore reducing the possibility of divergence. When preparing a dossier for a proposed SVHC, HSE will take into account ECHA activity, which will be monitored jointly by HSE (as the Agency) and Defra and the Devolved Administrations (as the Policy leads). Additionally, the "Appropriate Authorities" (Defra and the Devolved Administrations) can also instruct the Agency to prepare a dossier on a substance which they feel meets SVHC criteria.

132. With respect to stakeholder engagement, HSE and Defra coordinate the UK Chemicals Stakeholder Forum which will continue post-exit. In the current EU system, there is no formal role for external stakeholders or committees in the evaluation process, so this is not something we can legislate for under the EU Withdrawal Act. However, in its role as the Agency, HSE must seek advice from independent experts when forming its opinion on an application for authorisation. Recruitment of experts will be via an open invitation process which means that members from groups such as the Committee on Toxicity and Hazardous Substance Advisory may apply if they meet the required criteria, which also reflects the need for advice to be independent of government.

133. The Government operates a comprehensive programme of stakeholder engagement with a range of businesses from across the chemicals sector. This level of engagement will continue moving forward both in the context of our exit from the EU and through development of the Chemicals Strategy.

#### 134. Recommendation 25

*We recommend that Defra commits to funding an annual research programme for chemicals in the environment to plug this knowledge gap. This should build on the work of NERC's chemicals in the environment programme and support both ecotoxicology and toxicology strands. The areas of interest of the programme should be guided by the objectives set out in the Chemicals Strategy including human and wildlife biomonitoring and speeding up the development of green chemistry approaches.*

#### Government Response

135. The UK has a comprehensive programme for monitoring the levels at which chemicals are present in the environment. In developing the Chemicals Strategy, we will consider our existing annual research programme to support any key evidence gaps that are identified. This may include developing our relationships with other evidence funders, including the Natural Environment Research Council (NERC) but also UK Research and Innovation (UKRI) and industry, where we will work to identify areas of common interest. We will explore methods to promote innovation throughout the chemical lifecycle, including the development of green chemistry approaches and safe-by-design techniques, and work with other organisations internationally who are developing similar approaches.

136. As noted in the response to Recommendation 4, the Chemicals Strategy will support collaborative work on human and wildlife biomonitoring.