HSE Chemicals Legislative Reform Proposals Consultation

18th August 2025

This response is on behalf of nature and animal welfare coalition Wildlife and Countryside Link (Link)

About you

Note: The published comments will not contain any personal information

First Name **Please enter your first name**
Ali

Last / Family Name **Please enter your family name**
Plummer

Name of organisation	
Please add the organisation/institution name	
Wildlife and Countryside Link	

Do you give permission for your company/institution name to be published on the HSE website?	
Yes	

Would you like your responses to remain confidential (so your name and/or business name will not be published on the HSE website)?	
No	

Would you be willing for HSE to contact you to discuss further your responses to this consultation? **Please select a response and provide an email address in the next section if selected "Yes"**	
Yes	

Email address **Please enter your email address**
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Demographic questions

Demographic Question 1: **Please indicate which chemical regime's changes you are responding to.** **Please tick ALL that apply.**	
Biocides (GB BPR) – Section 3	**X**
Classification, Labelling and Packaging (GB CLP) – Section 4	**X**
Prior Informed Consent (GB PIC) – Section 5	**X**

Demographic Question 2: **Who are you responding as?** **Please select only ONE.**	
As a member of the public	
As an employee	
As a business – contractor	
As a business – paid advisory services (e.g. consultancy; external health and safety advice)	
As a business (not covered in any of the other categories)	
As a Trade Union	
As a business representative body, trade association	
National NGO	**X**

Demographic Question 3: **Excluding yourself, how many people does your business and/or organisation employ?** **Please select only ONE.** ***[Only 'member of the public' to be excluded]***	
0 (self-employed)	
1-4	
5-9	
10-19	**x**
20-49	
50-99	
100-249	
250+	

Don't know/unsure	

Demographic Question 4: **Please indicate your PRIMARY area of business.** **Please select only ONE.**	
Manufacture of basic chemicals, fertilisers and nitrogen compounds, plastics and synthetic rubber in primary forms (this group includes the manufacture of basic chemical products, fertilisers and associated nitrogen compounds, as well as plastics and synthetic rubber in primary forms)	
Manufacture of pesticides and other agrochemical products	
Manufacture of paints, varnishes and similar coatings, printing ink and mastics	
Manufacture of soap and detergents, cleaning and polishing preparations, perfumes and toilet preparations	
Manufacture of other chemical products (this group includes the manufacture of explosives and pyrotechnic products, glues, essential oils and chemical products not elsewhere classified (n.e.c.), e.g. photographic chemical material [including film and sensitised paper, composite diagnostic preparations etc.])	
Manufacture of man-made fibres	
Manufacture of basic pharmaceutical products	
Manufacture of pharmaceutical preparations	
Any other type of manufacturer (e.g. crop and animal production, hunting & related service; manufacture of textiles; manufacture of rubber and plastic products; manufacture of leather and related products)	
Agents involved in the sale of fuels, ores, metals and industrial chemicals	
Wholesale of chemical products	
Retailers (e.g. retail sale of hardware, paints and glass in specialised stores; retail sale in non-specialised stores with food, beverages or tobacco predominating; other retail sale in non-specialised stores)	
Wholesale of perfume and cosmetics	
Wholesale of agricultural machinery, equipment and supplies	
Wholesale of chemical products	

Retail sale of hardware, paints and glass in specialised stores	
Retail sale of cosmetic and toilet articles in specialised stores	
Retail sale in non-specialised stores with food, beverages or tobacco predominating	
Retail sale via mail order houses or via Internet	
Other (please specify)	**x- environmental NGO**

Demographic Question 5:
Where does your organisation sit in the respective supply chain?
Please tick ALL that apply.

	Biocides		**CLP**	**PIC**
	Active substances	**Biocidal products**		
Manufacturer				
Importer				
Downstream user (incl. formulators)				
Distributor				
Exporter				
Research facility				
Not applicable (N/A)	**x**	**x**	**x**	**X**
Other (please specify)				

Demographic Question 6:
Please indicate where you are based.
Please select only ONE option.

England	**X**
Northern Ireland (NI)	
Scotland	
Wales	
Other ***Please write your country in the text box***	
Not applicable (N/A)	
Don't know/unsure	

Demographic Question 7: **Please indicate which markets you operate in (i.e. which market[s] you are selling into).** **Please tick ALL that apply.**	
Great Britain (GB)	
Northern Ireland (NI)	
European Union (EU)	
Rest of World	
Not Applicable (N/A)	**x**

Overarching comments

We are greatly concerned by the proposals outlined in this consultation and their potential impacts.

The Environmental Improvement Plan committed to make sure "*that the levels of harmful chemicals entering the environment… are significantly reduced*". This mirrors the UK's commitments under international environmental law. However, the Office for Environmental Protection has concluded that "*Reducing the environmental pressure of chemicals is essential in helping nature to recover, but the pace of progress is too slow*". The proposals in this consultation risk further slowing progress and could be a serious setback in UK efforts to tackle chemical pollution.

The consultation documents lack detail and evidence to support the suggested changes, which would remove important safeguards provided by statutory requirements, high standards, certainty and democratic oversight. It suggests replacing them with broad discretionary powers, which risk regressing high environmental and human health standards and undermining due process with the removal of stakeholder engagement and democratic oversight.

The proposals would create a process where HSE is granted powers to adopt regulatory decisions on a selective (and ill-defined) basis from countries other than the EU, weakening the high chemical standards that the UK benefits from now, in broad alignment with the EU. This creates the potential for chemicals damaging to human or environmental health to enter the GB market, with significant consequences for the public and the natural world.

The proposals set out in this consultation seem to be driven by the twin aims of supporting economic growth in the chemical industry (as part of the broader government economic strategy) and reducing regulatory burdens for the sector (in part in response to clear capacity issues within HSE). They make little assessment of potential economic and environmental costs that could be incurred under the proposed approach. Whilst we are sympathetic to the capacity challenges faced by HSE, we are concerned that such an approach risks incompatibility with the core aims of HSE, to support human and environmental health, reducing focus on these critical purposes, in support of economic growth and deregulation.

There is a significant lack of detail provided within the proposals, making assessment of their efficacy, appropriateness or impact impossible. Whilst we have answered the questions outlined in the consultation, we have the following broad points to make in response to the proposals:

- **The drivers of the consultation.** At its heart, the purpose of HSE is to protect people and places, but the consultation documents fail to reference this in detail, or evidence how the proposals will maintain or increase environmental or human health protections. Instead, the documents focus on removal of "*unnecessary barriers to growth*" reducing costs to business, and that the proposals will allow HSE flexibility and scope to make regulatory decisions more urgently in the face of clear capacity issues.

  The consultation references taking a "*risk-based approach* to regulation, rather than following established principles of environmental law, including the precautionary principle. We would query how such proposals will be reconciled with the responsibility on HSE to have due regard to the Environmental Principles Policy Statement when making policy.

  Furthermore, we query whether the core drivers of reducing regulatory burdens on business and improving economic growth will be met with these proposals. The documents provide limited levels of evidence that they will save businesses time and money or bring in efficiencies for HSE and no impact assessment is provided to evidence current costs to business or the detailed benefits that the new approach will bring.

  Whilst the consultation documents reference that impact assessments are being

refined, this information is vital if we are to make informed comments on the proposals.

- **The consultation process:** We disagree that the consultation documents are in line with the Government's Consultation Principles for consulting with stakeholders. These Principles state that consultations should "*give enough information to ensure that those consulted understand the issues and can give informed responses"* and consultation documents should *"Include validated impact assessments of the costs and benefits of the options being considered where possible".* We do not feel that the consultation documents meet this Principle.

  The proposals lack detail, meaning it is challenging to understand the consequences of the proposals as the outcomes are unclear. Depending on how the proposals are enacted, they could lead to an increased alignment with the EU, and thus a strengthening of regulations. However, we are not confident that they would be used in this manner, and this introduces a high level of risk into the system. Conversely, the proposals open the door for alignment with countries with a much lower standard of regulation. Ultimately it is unclear how the proposals will be used. A lack of supporting information including impact assessments on the costs and benefits of the proposals outlined in the consultation, coupled with a shortened consultation period reduces our confidence in the process and its efficacy.

- **The impacts of the proposals on democratic oversight.** We have concerns about the implications of the proposals on future stakeholder and parliamentary engagement and on public transparency. Many of the proposals are to give HSE wide-ranging powers including to amend legislation through secondary legislation. However, those powers are not well defined. For example, the consultation lists powers that HSE "*envisages"* would include to amend GB BPR. We are concerned that limited information has been given regarding what and how various powers would be used and that although secondary legislation has a level of parliamentary scrutiny, it is highly limited, as is the ability of stakeholders to engage with it.

- **Concerns around divergence from the EU regulatory framework and regression of existing environmental regulations.** Our overall assessment is that the measures proposed across CLP, BPR and PIC amount to a regression in both human and environmental health protection in the UK (and consequentially for the non-UK countries to which we export). As an EU member state, and with the maintenance of chemical regulatory standards on exiting the EU, the UK had the highest bar of

chemical regulations for human and environmental health globally. The UK Government has committed to maintaining environmental and human health standards, to reducing the level of harmful chemicals entering our environment and to reducing the risk from highly hazardous chemicals and pesticides by at least half (under COP15), which is needed if we are to meet key environmental targets on clean water and reversing the decline of our species. The proposals risk the introduction of products onto the GB market that have not been approved in the EU (and thus to the highest environmental and human health standards), or whose active ingredient is significantly higher than those considered safe and allowed in the EU, a serious regression in environmental and human health standards.

We already have concerns about divergence between the EU and GB's regulatory systems since departure from the EU. We are concerned that the proposals outlined in this consultation will exacerbate this problem, allowing the manufacture and use of harmful substances that have been banned or restricted in the EU, with serious consequences for human and environmental health.

We have already seen that where HSE has delegated powers, decisions have been ad hoc, inconsistent and have often diverged from and been less protective than the EU gold standard, contributing to a high degree of uncertainty. A regulation that cherry picks decisions made by countries and regions from across the globe will create a messy, inefficient and incoherent system and require significant regulatory resources of both data and expert staff.

- **The need for urgent action to better protect our environment from harmful chemicals.** Our natural world is already suffering from the impacts of harmful chemicals. Research from Wildlife and Countryside Link and Rivers Trust demonstrates that 95% of rivers are polluted by harmful biocides. We need urgent action to address these issues and we strongly object to any proposals that risk reducing our protection from biocides and other harmful chemicals when the evidence is clear we need to be taking more stringent action to increase protections.

It is our view that there is an alternative approach which would reduce business costs and the regulatory workload on HSE whilst allowing us to maintain world-leading standards on chemical regulation and safety. Aligning with EU regulatory protections from harmful chemicals, including dynamically aligning with EU CLP (Classification, Labelling & Packaging) classifications and EU decisions to approve and not to approve biocidal active substances

and products, will ensure that products that are found to harm public health, or the environment are taken off the market whilst facilitating trade with our largest export partner and within the UK's internal market. Such actions would allow the maintenance of existing standards and free up regulatory time to ensure these standards are met and that public and human health is prioritised.

We have provided more detail in the answers to the questions below:

Biocides Question 1:
To what extent do you agree or disagree with the principle of enabling approvals of **biocidal active substances granted in** foreign jurisdictions to be recognised in Great Britain?
Tick the relevant answer.

Strongly Agree	Agree	Do not agree or disagree	Disagree	Strongly Disagree	Don't know
				X	

Biocides Question 1a:
If you answered 'don't know', please go to the next question. Otherwise, please briefly explain the reason(s) for your response.

Based on the information provided within this consultation, we strongly disagree with the principle proposed. No information has been provided as to what constitutes a "*trusted foreign jurisdiction*" and such decisions are proposed to be made with ministerial discretion. Countries could be added to the list via statutory instrument leading to limited parliamentary oversight and scrutiny, and these proposals risk adding jurisdictions with lower environmental and human health standards than we currently have.

The evidential base under which such decisions would be taken is unclear as the Government can use "*any evaluation available to it, which it considers reliable, from any foreign jurisdiction*". The consultation provides reassurances that jurisdictions should have standards "*similar to and at least as high as those in Great Britain*", but this would have limited use as a legal test for assessing whether a jurisdiction could be considered 'trusted' and could potentially even enable companies to challenge HSE decisions not to adopt approvals for biocides given in other jurisdictions. Furthermore, these reassurances are undermined by proposals to enable HSE "*to use any evaluation available to it, which it considers reliable, from any foreign jurisdiction*" The lack of information about evidential base required to identify a "*trusted foreign jurisdiction*" raises a high level of concern about how decisions will be made and their evidential basis.

We would be supportive of identifying the EU as the "*trusted foreign jurisdiction*" due to the high environmental and human health standards that it employs for chemicals regulation and as it is the system that the current UK BPR is based on. We have limited

knowledge of other systems and recognising the capacity challenges faced by HSE, we reject the suggestion of opening this up to other jurisdictions. Such proposals risk opening our market to lower-quality and more harmful biocidal products, including through trade deals of which there is even less democratic oversight. This could include biocidal products that have not been approved in the EU, or whose active ingredient is significantly higher than those considered safe and permitted in the EU.

Furthermore, considering the capacity challenges identified by HSE themselves, we are concerned that a system by which HSE has to look at multiple approvals within multiple jurisdictions will create a more complex, resource heavy and less transparent process than we currently have.

We can only support such a proposal if it offered streamlined adoptions of EU approvals and crucially non-approvals or bans and other restrictions on active substances only, which would maintain high levels of protection for human and environmental health.

EU chemicals regulation sets the highest bar for human health and the environment globally and should be the only jurisdiction the UK should consider accepting regulatory decisions from, and which we can assume has equivalent standards of evaluation to the UK.

There can be no justification for not automatically adopting any non-approvals, bans or restrictions subsequently adopted by the foreign jurisdiction, regardless of whether those products or substances remain available for use in other jurisdictions. Proposals to introduce layers of process or review in order to adopt subsequent decisions including non-approvals, restrictions and bans, would undermine the precautionary principle by tipping the balance even further against the ability to take harmful products off the market, without the guardrails provided by mandatory expiry and renewal processes.

Biocides Question 2:
To what extent do you agree or disagree with the principle of enabling authorisations of **biocidal products** granted in foreign jurisdictions to be recognised in Great Britain?
Tick the relevant answer.

Strongly Agree	Agree	Do not agree or disagree	Disagree	Strongly Disagree	Don't know
				X	

Biocides Question 2a:
If you answered 'don't know', please go to the next question. Otherwise, please briefly explain the reason(s) for your response.

Our reasons for strongly disagreeing with this principle remains the same as our answers to Question 1. We have concerns that a blanket adoption of this process could lead to increased complexity and reduced transparency in the approvals system and risks a significant reduction in levels of protection for human health and the environment. We would only be supportive of the application of such a principle if it offered streamlined adoptions of EU approvals, restrictions and non-approvals on active substances only, thus ensuring that we could maintain world leading standards on environmental and human health.

EU chemicals regulation sets the highest bar for human health and the environment globally and should be the only jurisdiction the UK should consider accepting regulatory decisions from, and which we can assume has equivalent standards of evaluation to the UK.

There can be no justification for not automatically adopting any non-approvals, bans or restrictions subsequently adopted by the foreign jurisdiction, regardless of whether those products or substances remain available for use in other jurisdictions. Proposals to introduce layers of process or review in order to adopt subsequent decisions including non-approvals, restrictions and bans, would undermine the precautionary principle by tipping the balance even further against the ability to take harmful products off the market, without the guardrails provided by mandatory expiry and renewal processes.

Biocides Question 3:
Are you aware of any practical difficulties that might affect an approach to recognise active substance approvals granted outside GB?
Tick the relevant answer.

Yes	No	Don't know/Unsure
X		

Biocides Question 3a:
If 'yes', please briefly explain what these practical difficulties might be.

There is limited information provided within the consultation, leading to concerns about the implications of such a process on our environmental and human health protections. The approach proposed risks lowering environmental and human health standards, due to accepting approvals from foreign jurisdictions where we have limited understanding of how decisions to approve active substances were made.

It is unclear how accessible the data and information used to approve active substances outside GB will be and therefore raises concerns about transparency and the evidence base under which we might approve the use of such substances domestically. This is

particularly concerning if the foreign jurisdiction is known to have lower standards than the EU (and thus the standards that the UK has previously used). Such an approach risks HSE facing challenges in justifying the basis under which decisions have been reached and risks undermining transparency and public trust in processes.

Biocides Question 4: Are you aware of any practical difficulties that might affect an approach to recognise biocidal product authorisations granted outside GB? Tick the relevant answer.		
Yes	No	Don't know/Unsure
X		
Biocides Question 4a: If 'yes', please briefly explain what these practical difficulties might be.		
Our answer remains the same as to Question 3. We have concerns about the data availability and transparency of evidence used to justify approval of active substances from non-EU countries and thus the ability of HSE to confidently justify the authorisation of such substances domestically.		

Biocides Question 5: Are there any unintended consequences which you think may result from an approach to recognise active substance approvals granted outside GB? Tick the relevant answer.		
Yes	No	Don't know/Unsure
X		
Biocides Question 5a: If 'yes', please briefly explain what these unintended consequences might be.		
Such a lack of clarity of how the proposals outlined in the consultation will be deployed makes it difficult to determine what the consequences of such decision making may be. However, a move away from EU process risks a less stringent process and introducing products onto our domestic market where we have less understanding of the evidential basis and of the processes and pressures that may have influenced decision making. A lack of transparency (or indeed active participation of our democratic bodies in approving a substance) risks undermining public confidence and trust in the system and raises concerns about the implications for environmental and human health.		

Biocides Question 6: Are there any unintended consequences which you think may result from an approach to recognise biocidal product authorisations granted outside GB? Tick the relevant answer.		
Yes	No	Don't know/Unsure
X		
Biocides Question 6a: If 'yes', please briefly explain what these unintended consequences might be.		
As above, we have concerns about the erosion of a clear evidence base on which decisions on approvals are made, the lack of democratic oversight on a domestic process leading to a loss of transparency and public confidence in the process and the potential of regression of environmental and human health standards.		

Biocides Question 7: To expand on HSE's knowledge base, do you have any additional information about whether it would be appropriate to recognise active substance approvals granted outside the EU? Tick the relevant answer.		
Yes	No	Don't know/Unsure
	X	
Biocides Question 7a: If 'yes', please provide any relevant and useful information here:		
Whilst we are not supportive of the proposals outlined in the consultation, if adopted, we would urge HSE to maintain a high evidential threshold and level of standard that must be reached before a jurisdiction can be granted "trusted" status, thus ensuring that only those jurisdictions which employ the highest global standards can become a "*trusted global jurisdiction*". EU chemicals regulation sets the highest bar for human health and the environment globally and should be the only jurisdiction the UK should consider accepting regulatory decisions from, and which we can assume has equivalent standards of evaluation to the UK. There can be no justification for not automatically adopting any non-approvals, bans or restrictions subsequently adopted by the foreign jurisdiction, regardless of whether those products or substances remain available for use in other jurisdictions. Proposals to introduce layers of process or review in order to adopt subsequent decisions including non-approvals, restrictions and bans, would undermine the precautionary principle by tipping the balance even further against the ability to take harmful products off the market, without the guardrails provided by mandatory expiry and renewal processes.		

Biocides Question 8:
To expand on HSE's knowledge base, do you have any additional information about whether it would be appropriate to recognise biocidal product authorisations granted outside the EU?
Tick the relevant answer.

Yes	No	Don't know/Unsure
	X	

Biocides Question 8a:
If 'yes', please provide any relevant and useful information here:

Whilst we are not supportive of the proposals outlined in the consultation, if adopted, we would urge HSE to maintain a high evidential threshold and level of standard that must be reached before a jurisdiction can be granted "trusted" status, thus ensuring that only those jurisdictions which employ the highest global standards can become a "*trusted global jurisdiction*".

EU chemicals regulation sets the highest bar for human health and the environment globally and should be the only jurisdiction the UK should consider accepting regulatory decisions from, and which we can assume has equivalent standards of evaluation to the UK.

There can be no justification for not automatically adopting any non-approvals, bans or restrictions subsequently adopted by the foreign jurisdiction, regardless of whether those products or substances remain available for use in other jurisdictions. Proposals to introduce layers of process or review in order to adopt subsequent decisions including non-approvals, restrictions and bans, would undermine the precautionary principle by tipping the balance even further against the ability to take harmful products off the market, without the guardrails provided by mandatory expiry and renewal processes.

Biocides Question 9:
There are currently three proposed approaches to how subsequent decisions in recognised foreign jurisdictions - such as renewal, restriction or non-renewal of an active substance - should be handled in GB BPR. Please rank these approaches – so '1' is your preferred approach, '2' is your second preferred approach, etc.
(Note: candidates for substitution, or products containing them, would need further evaluation in GB irrespective of whether they are renewed in another jurisdiction).

Rank	Proposed approach
	Subsequent decisions in recognised foreign jurisdictions (renewals, non-renewals and restrictions) are recognised in GB (similar to initial approvals).

	Renewals are recognised in GB but restrictions or bans in recognised foreign jurisdictions trigger a separate review in GB.
	Subsequent decisions in recognised foreign jurisdictions (renewals, non-renewals and restrictions) are normally recognised in GB, but where there has been a ban or restriction in a recognised foreign jurisdiction, applicants who disagree with that decision are allowed to submit a data package and pay for re-evaluation in GB and an independent GB decision is taken.

Biocides Question 9a:
Please briefly explain the reason(s) for your preferred approach (the approach you ranked number 1).

The consultation documents have not provided enough information for us to determine which approach would be preferred. As outlined in our answers to the previous questions, we have serious concerns about proposals to automatically accept renewals from any (ill-defined) "*trusted foreign jurisdiction*". If such a jurisdiction was one employing the highest environmental and human health standards, with robust, well evidenced and stringent processes (ie: the EU), then approach 1 could be appropriate. However, we would not consider this approach appropriate for any other jurisdiction. Identifying which jurisdictions are under consideration would allow a more comprehensive answer to be given.

Option 2 is entirely the wrong way round; a restriction in any trusted jurisdiction should be recognised automatically. This would ensure that – if a jurisdiction is deemed trustworthy – any emerging evidence of potential harm is taken seriously on a precautionary basis. This would be in line with the scale of the ecological risk of chemical pollution.

Biocides Question 10:
To what extent do you agree or disagree with HSE's proposal to remove biocidal active substance expiry dates, and replace the process of periodic renewals with a process where active substances are called in for review based on new information?
Tick the relevant answer.

Strongly Agree	Agree	Do not agree or disagree	Disagree	Strongly Disagree	Don't know
				X	

Biocides Question 10a:
If you answered 'don't know', please go to the next question. Otherwise, please briefly explain the reason(s) for your response.

We have serious concerns about this approach which moves from an evidence-based system to a risk-based system, creating one which prioritises a reduction in regulation rather than one that priorities human and environmental health. Such an approach

creates a system where decisions are taken ad hoc based on risk and capacity (which has already been identified as a limiting factor) rather than a system based on latest science which reviews all approvals. The proposed approach will create arbitrary standards for human health and the environment, reducing the protections we have now, as well as confidence in decision-making. We also have concerns about the ability of those concerned about the ongoing use of a product to challenge this decision and the ability of the public to understand why products are in use. This will be exacerbated by the removal of any obligation on HSE to maintain a publicly available database of the harmful properties of chemical substances on the UK market.

Whilst such a system may reduce costs to business, these are costs that will be borne by the environment and the public as it risks substances which should have been removed from the market being used for much longer than they potentially should. Additionally, there is a risk that these proposals could increase costs to businesses, as they may increase complexity and time costs for the regulator who will have to monitor and manage a range of jurisdictions. This could consequentially increase costs for businesses as well due to cost recovery from the regulator.

A system that mirrors EU regulatory decisions on biocides only would give us confidence in the use of this approach due to the robustness and transparency of their decision-making processes and high standards and would allow for a more streamlined system which would make the best use of limited resources.

Biocides Question 11:
To what extent do you agree or disagree that there should be arrangements to require industry to provide information so that HSE can make evidence-based decisions on call in of active substances for review? Tick the relevant answer.

Strongly Agree	Agree	Do not agree or disagree	Disagree	Strongly Disagree	Don't know
				X	

Biocides Question 11a:
If you answered 'don't know', please go to the next question. Otherwise, please briefly explain the reason(s) for your response.

As outlined in our previous answer, we have serious concerns about the proposals to remove expiry dates for biocides and a move to a "call in" system which risks the creation of arbitrary standards and a longer use of harmful biocides than would have been allowed under the current system, prolonging health and environmental exposure to substances that should be taken off the market

A system that mirrored that EU decision making on biocides only would give us confidence in the use of this approach due to the robustness of the decision-making

process and their high standards and would allow for a more streamlined system which would make the best use of limited resources.

Biocides Question 12:
HSE is considering different possibilities for how requirements to obtain new information could operate. Do you have any suggestions as to how we could best implement this approach? Tick the relevant answer.

Yes	No	Don't know/Unsure
	X	

Biocides Question 12a:
If you have responded yes, please provide further information:

Biocides Question 13:
To what extent do you agree or disagree that **biocidal product** expiry dates should be removed, and the process of periodic renewals replaced with a system where biocidal products are 'called-in' for review based on new information?
Tick the relevant answer.

Strongly Agree	Agree	Do not agree or disagree	Disagree	Strongly Disagree	Don't know
				X	

Biocides Question 13a:
If you answered 'don't know', please go to the next question. Otherwise, please briefly explain the reason(s) for your response.

Our answer to this is the same as Question 10: We have serious concerns about this approach which moves from an evidence-based system to a risk-based system, creating one which prioritises a reduction in regulation rather than one that priorities human and environmental health. Such an approach creates a system where decisions are taken ad hoc based on risk and capacity (which has already been identified as a limiting factor) rather than a system based on latest science which reviews all approvals. The proposed approach will create arbitrary standards for human health and the environment, reducing the protections we have now, as well as confidence in decision-making. We also have concerns about the ability of those concerned about the ongoing use of a product to challenge this decision and the ability of the public to understand why products are in use. This will be exacerbated by the removal of any obligation on HSE to maintain a publicly available database of the harmful properties of chemical substances on the UK market.

Whilst such a system may reduce costs to business, these are costs that will be borne by the environment and the public as it risks substances which should have been removed from the market being used for much longer than they potentially should.
A system that mirrored that EU decision making on biocides only would give us more confidence in the use of this approach due to the robustness of the decision-making process and their high standards and would allow for a more streamlined system which would make the best use of limited resources.

Biocides Question 14:
To what extent do you agree or disagree that the Secretary of State should have the power to issue an essential use derogation for any active substance at any time when it meets criteria for being societally essential, such as those defined in Article 5(2) of GB BPR?
Tick the relevant answer.

Strongly Agree	Agree	Do not agree or disagree	Disagree	Strongly Disagree	Don't know
				X	

Biocides Question 14a:
If you answered 'don't know', please go to the next question. Otherwise, please briefly explain the reason(s) for your response.

The consultation does not provide enough information for us to have confidence in the proposal. The proposal grants the Secretary of State broad derogation powers, with limited information on how or when such powers would be used raising concerns about the potential for the misuse of such powers. Whilst 3.6.7 provides a level of safeguards to be used with such a power, there lack of information provided means we have significant concerns about their use.

Biocides Question 15:
Are there any unintended consequences which you think may result from '**expanded essential use provisions'** proposal?
Tick the relevant answer.

Yes	No	Don't know/Unsure
X		

Biocides Question 15a:
If 'yes', please briefly explain what these unintended consequences might be.

We have concerns about the potential for abuse of a derogation system, where derogations are given in circumstances where they do not meet the essential uses criteria. Existing emergency derogation systems such as the "emergency authorisation"

system within the EU are already open to abuse, with derogations granted without meeting strict emergency criteria so we have concerns about any derogation system being applied without strict limits.

We would at a minimum, prefer to see a system which set stringent time limits before a review could be implemented rather than the open-ended proposals outlined in the consultation.

Biocides Question 16:
To what extent do you agree or disagree with HSE's proposal to introduce powers to amend GB BPR using secondary legislation in the areas outlined?
Tick the relevant answer.

Strongly Agree	Agree	Do not agree or disagree	Disagree	Strongly Disagree	Don't know
				X	

Biocides Question 16a:
If you answered 'don't know', please go to the next question. Otherwise, please briefly explain the reason(s) for your response.

Whilst we would support the creation of powers that allowed the UK to more readily align and keep pace with EU decisions, the powers outlined are broad and undefined, which risks significant amends to GB BPR with very limited parliamentary scrutiny and oversight. To fully support such proposals, we would need more information about how and when such powers would be deployed and the outcome that they would be seeking to achieve.

A narrower scope of the powers would allow them to be better targeted to appropriate outcomes. For example, such powers would be appropriate if they came with a legal requirement that they should only be used to increase levels of protection for the environment or human environmental health.

CLP Question 1:
To what extent do you agree or disagree that HSE's proposal for fast-track process will improve the existing GB MCL evaluation procedures described in Articles 37 and 37A? Tick the relevant answer.

Strongly Agree	Agree	Do not agree or disagree	Disagree	Strongly Disagree	Don't know
				X	

CLP Question 1a:
If you answered 'don't know', please go to the next question. Otherwise, please briefly explain the reason(s) for your response.

We strongly disagree with the proposal to replace Articles 37 and 37a with the new "fast-track" process.

The Classification, Labelling & Packaging of chemical substances and mixtures (GB CLP) sits at the heart of chemical regulation, cutting across different government departments. Classification of a substance as hazardous to health, the environment or both is generally the initial trigger for managing its risks and is connected to an estimated 19 other pieces of legislation. For example, classified substances are more likely to be prioritised for further risk management at workplaces than non-classified ones, e.g. via the development of occupational exposure limit values (OELs) or specific restrictions. The EU's system was created to ensure that the most harmful substances on the market had a level of standardisation on how they are classified and labelled.

These proposals would create a system which results in further divergence from EU classifications, removing clarity in supply chains and putting at risk robust protections for human and environmental health. The system would create uncertainty by replacing a system which ensures GB keeps pace with and responds to all new EU hazard classifications with one which enables HSE to adopt classification proposals from any country that adopts the UN Globally Harmonised System (GHS) for classifying and labelling hazardous chemicals. These countries have vastly varying levels of protection from harmful chemicals and implement UN GHS differently. A move from a harmonsied system to one with varying levels of protection and standards will introduce a high level of complexity for HSE and risks lowering levels of protection.

We have real concerns about the ability of HSE to maintain standards with such a proposal. HSE are already struggling to keep pace with RAC opinions and removing the requirement to keep pace will inevitably lead to us falling behind.

CLP Question 2:
To what extent do you agree or disagree with HSE's proposal that the criteria for fast-track evaluation should be based on a jurisdiction's adoption of GHS, rather than publication of an ECHA RAC opinion?
Tick the relevant answer.

Strongly Agree	Agree	Do not agree or disagree	Disagree	Strongly Disagree	Don't know
				X	

CLP Question 2a:
If you answered 'don't know', please go to the next question. Otherwise, please briefly explain the reason(s) for your response.

The EU has the highest standards for human health and the environment and operates a system that is familiar to the UK due to our prior membership of REACH. While improvements could be made to speed up and simplify the system for adopting new EU classifications, we strongly disagree with removing the statutory link with new EU classifications and replacing it with a discretionary system by which HSE could adopt classifications around the world.

We cannot see the benefits of moving from criteria based on high environmental and human health standards and that we have a high level of knowledge and understanding of, to one of potentially lowered standards that is less well understood by the regulator.

CLP Question 3:
Are there any unintended consequences which you think may result from changing the Article 37 and 37A procedures in GB CLP?
Tick the relevant answer.

Yes	No	Don't know/Unsure
X		

CLP Question 3a:
If 'yes', please briefly explain what these unintended consequences might be.

Whilst it may not be an unintended consequence, it is worth being explicit that such proposals would increase divergence between the EU and GB on the classification of the most harmful substances on the market, and in the case of the UK would diverge it from the most stringent protections from and standards on the use of such substances. Additionally, the proposals outlined in the consultation are vague and leave the UK open to classification proposals from countries without a transparent classification process or from those countries that do not adopt UN GHS. We fail to understand how such a process would be compatible with the UK Government's ambitions to maintain or raise standards for environmental or human health.

Such a process also risks increasing regulatory burdens on the regulator who will now be required to have in-depth knowledge of the vast range of classification processes used globally. With the regulator currently experiencing significant capacity challenges, it would reduce regulatory burden to keep pace with the EU system that is already well understood and followed domestically.

CLP Question 4:
To what extent do you agree or disagree that removal of the Article 40 requirement to notify the GB CLP Agency would save businesses time?
Tick the relevant answer.

Strongly Agree	Agree	Do not agree or disagree	Disagree	Strongly Disagree	Don't know
				X	

CLP Question 4a:
If you answered 'don't know', please go to the next question. Otherwise, please briefly explain the reason(s) for your response.

Whilst removal of the Article 40 requirement to notify the GB CLP Agency would save businesses time, we object to the description that this process is "*disproportionately burdensome due to their onerous resource implications"* as the process is outlined as taking 36 minutes to complete.

Whilst this is longer than the EU process takes, we fail to understand why the solution to reducing notification burdens on business is to remove the requirement altogether as opposed to improving efficiencies. Transparency and public access to information are critical components of an independent chemicals management system and we object any proposal to completely remove Article 40 requirements.

CLP Question 5:
Are there any unintended consequences which you think may result from removing Article 40?
Tick the relevant answer.

Yes	No	Don't know/Unsure
X		

CLP Question 5a:
If 'yes', please briefly explain what these unintended consequences might be.

We object to proposals to not only remove the requirement of manufacturers or importers to provide information to HSE on the classification and labelling requirements for substances on the market, but also for the proposal to remove HSE's requirement to maintain this information as a public database.

Removal of Article 40 requirements increases the regulatory burden on an already stretched regulator, requiring them to actively seek out information under Article 49 rather than being proactively provided it. This action, coupled with the proposed removal of a public classification and labelling database, risks the UK being unequipped with the information needed to understand and control the risks of chemicals on the market.

CLP Question 6: To what extent do you agree or disagree that changing the location of the GB MCL notes would make it easier to access GB MCL information? Tick the relevant answer.					
Strongly Agree	Agree	Do not agree or disagree	Disagree	Strongly Disagree	Don't know
					X
CLP Question 6a: If you answered 'don't know', please go to the next question. Otherwise, please briefly explain the reason(s) for your response.					
[Free Text]					

CLP Question 7: Are there any unintended consequences which you think may result from the relocation of technical provisions? Tick the relevant answer.		
Yes	No	Don't know/Unsure
		X
CLP Question 7a: If 'yes', please briefly explain what these unintended consequences might be.		
[Free Text]		

CLP Question 8: Are there any unintended consequences which you think may result from the creation of an ongoing power under which GB CLP and its supporting legislation can be amended? Tick the relevant answer.		
Yes	No	Don't know/Unsure
X		
CLP Question 8a: If you answered 'don't know/unsure', please go to the next question. Otherwise, please briefly explain the reason(s) for your response.		

As we have outlined in other answers, we remain concerned about the broad range of powers given for changes to be implemented through statutory instruments. In this case, the powers proposed are broad, allowing for significant changes to be made to GB CLP's with very limited parliamentary scrutiny or oversight.

There is far too little detail provided in how these powers could and will be used and their potential use is far too broad, including to "*implement UN GHS in a fundamentally different way*" with limited clarity on what this means in practice. We would be supportive of a power being enacted to enable a CLP regime which is harmonised with Northern Ireland and the EU, but only once proposals on changes to GB CLP have been clearly outlined, allowing more directional and targeted powers to be devised, with more certainty on their use and outcomes.

CLP Question 9:
Do you agree or disagree that a consistent CLP regime between Great Britain and Northern Ireland is beneficial to safeguard the UK Internal Market?

Strongly Agree	Agree	Do not agree or disagree	Disagree	Strongly Disagree	Don't know
X					

Question 9a:
If you answered 'Agree' or 'Strongly Agree', what would you see as the main benefits of a consistent CLP regime between Great Britain and Northern Ireland?

A consistent regime would maintain the UK internal market and reduce trade frictions. It is our view that these proposals are incompatible with the commitment made by the Northern Ireland Secretary in January, to consult on applying a consistent regime across the United Kingdom. In his letter setting out this decision to reject the use of the Stormont Break to prevent new EU CLP changes from applying in Northern Ireland, he said the EU rule change "has some merits in its aims to improve how chemical hazards are classified, provide clearer safety warnings and to improve compliance and user safety", and that this "will be accounted for in the UK's considerations of its domestic regime.

CLP Question 10:
Do you agree or disagree that the *current* CLP regime between Great Britain and Northern Ireland is working?

Strongly Agree	Agree	Do not agree or disagree	Disagree	Strongly Disagree	Don't know
				X	

Question 10a:
If you answered 'Do not agree or disagree' or 'Don't know', please move to the next question.
Otherwise, please briefly describe in what ways the current CLP regime between GB and NI is either working or not working.

There are disparities in the levels of protection in place for those living in Northern Ireland as opposed to those living in Great Britain. For example, due to NI's adoption of new hazard classifications for substances with endocrine disrupting properties and future automatic EU bans on their use in certain products such as toys, NI will have tighter regulation on certain products, leading to better environmental and health outcomes. All citizens and environments across the UK should be able to benefit from the protections of such a system.

CLP Question 11:
Do you think the Government should apply any of the EU CLP Regulation measures detailed in paragraph 4.8.8 in Great Britain?

Yes	No	Don't know
X		

Question 11a:
If you answered 'Yes', please briefly describe which measure(s) should be applied to GB, and the reasons why.
Please indicate what the practicalities of applying the measure(s) would be, and whether the measure(s) would promote and/or boost trade between Great Britain and Northern Ireland.
Also, can you please provide further details of the approximate time and/or costs or savings incurred in the event of applying these measures.

The latest version of EU CLP includes new hazard classes and application of these measures would provide higher standards of protection than applied under the current system.

CLP Question 12:

Do you have any further thoughts or views about the application of EU CLP Regulation measures in GB (e.g. the potential impact on UK-EU trade; impact on UK industry)?

Yes	No	Don't know
X		

Question 12a:
If you answered 'Yes', please briefly detail these further thoughts about the application of EU CLP Regulation measures in GB.

Application of the EU CLP Regulation measures in GB would bring clarity and make alignment with EU protections easier, streamlining processes, levelling the playing field and potentially easing trade barriers.

PIC Question 1:
To what extent do you agree or disagree with the proposal to remove the Special Reference Identification Number (SRIN) procedure?
Tick the relevant answer.

Strongly Agree	Agree	Do not agree or disagree	Disagree	Strongly Disagree	Don't know
				X	

PIC Question 1a:
If you answered 'don't know', please go to the next question. Otherwise, please briefly explain the reason(s) for your response.

The SRIN procedure is a crucial procedure allowing the export of chemicals to be tracked, for example even in small quantities and for those cases where export of a chemical has been allowed in an emergency. It is alarming that this proposal does not suggest an alternative tracking system potentially allowing the export of untracked chemicals under certain circumstances. Whilst the consultation documents suggest that export of small amounts of these chemicals for research purposes is "*unlikely to affect human health or the environment",* this is not a certainty, nor does that statement necessarily apply to chemicals exported for emergency purposes even in small amounts. Additionally, if later evidence finds greater than expected impact of these chemicals, tracking information will be vital.

As the consultation documents themselves outline, removed of the SRIN procedure is likely to result in "*minimal*" savings to businesses, and the documents themselves do not quantity the current impacts of the SRIN procedure, nor does it quantify the savings of its removal. We therefore strongly disagree with proposals to remove it.

PIC Question 2:
Approximately how many SRINs does your organisation apply for in a typical year?
Please enter a WHOLE NUMBER or indicate 'DK' if you don't know or are unsure.

N/A

PIC Question 3:
Are there any unintended consequences which you think may result from removal of the 'Special Reference Identification Numbers' procedure'?
Tick the relevant answer.

Yes	No	Don't know/Unsure
X		

PIC Question 3a:
If 'yes', please briefly explain what these unintended consequences might be.

As outlined in the answer the PIC Question 1, we query the benefits of removal and are concerned about a failure to track the export of even small quantities of potentially harmful chemicals.

PIC Question 4:
To what extent do you agree or disagree with the proposal to remove the hazard classification criteria that apply to the Designated National Authority's consideration of a waiver from explicit consent to import for Rotterdam Convention-listed chemicals?
Tick the relevant answer.

Strongly Agree	Agree	Do not agree or disagree	Disagree	Strongly Disagree	Don't know
				X	

PIC Question 4a:
If you answered 'don't know', please go to the next question. Otherwise, please briefly explain the reason(s) for your response.

The EU PIC provides additional security and conditions on requests for consent to export chemicals with carcinogenic, mutagenic and reproductive, or persistent, mobile and toxic properties (ie: those chemicals with the potential to cause high levels of damage to either the environment or to human health). The proposal to remove the hazard criteria outlined will allow companies to follow less stringent conditions and potentially make it easier for companies to sell highly harmful chemicals in cases where the chemical itself may not be authorised or licensed in the importing company due to weak conditions of export outlined in Article 14.7.b.

We strongly object to this proposal, the changes are not well described, leaving huge concerns that they will increase human and environmental health risks, nor are the costs of the current system or the benefits of the change quantified. We consider this a poorly evidenced proposal with huge environmental and human health risks in those low- and middle-income countries affected (non-EU countries). In addition, we are concerned the proposal could breach the commitment by the UK to dynamically align with EU regulation on pesticides, as this proposal regresses from EU PIC, which covers pesticides as well as industrial chemicals. It also contravenes the spirit (even if not the letter) of the Rotterdam Convention, which aims to support countries that may not have the infrastructure to safely accept and handle hazardous chemicals.

PIC Question 5:
Approximate**ly** how many waivers does your organisation apply for in a typical year?
Please enter a WHOLE NUMBER or indicate 'DK' if you don't know or are unsure.

N/A

PIC Question 6: Are there any unintended consequences which you think may result from 'Waiver from requirement for explicit consent to import' proposal? Tick the relevant answer.		
Yes	No	Don't know/Unsure
X		
PIC Question 6a: If 'yes', please briefly explain what these unintended consequences might be.		
As outlined in the answer the PIC Question 5, we query the benefits of the proposal as they are unevidenced, feel the proposal is not well defined and risks human and environmental health impacts on affected countries.		

PIC Question 7: Please provide any additional comments you have on any of the PIC proposals.
We do not feel that the proposals have evidenced why a move away from the PIC regulations based on the EU system are merited and such a move brings a risk of damage to environment and human health and to the UK's reputation and credibility of high safety standards.

PIC Question 8: Are there any unintended consequences which you think may result from the creation of an ongoing power under which GB PIC and its supporting legislation can be amended? Tick the relevant answer.		
Yes	No	Don't know/Unsure
X		
PIC Question 8a: Please briefly explain the reason(s) for your response if you answered "Yes" in the previous question. Otherwise, this is the end of the survey.		
We are consistently concerned that there is no reference throughout the proposals to the maintenance or importance of standards for environmental and human health. Additionally, as outlined in several of our answers, the proposals place a broad range of powers on the regulator and into secondary legislation, allowing for significant changes to be made with limited, if any, parliamentary process or scrutiny. Decision making with the potential for significant impacts on environmental or human health should be taken in a transparent and democratic manner with appropriate stakeholder engagement. We do not feel these proposals currently achieve that.		

Wildlife and Countryside Link (Link) is the largest nature coalition in England, bringing together 90 organisations to use their joint voice for the protection of the natural world and animals.

For questions or further information please contact:
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The following organisations support this consultation response:

Buglife
Bumblebee Conservation Trust
Fidra
Marine Conservation Society
PAN UK
Rivers Trust
RSPB
Soil Association
The Wildlife Gardening Forum
The Wildlife Trusts