
Dr Thérèse Coffey MP
Defra
Nobel House
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20 March 2017

Dear Minister,

On behalf of Breast Cancer UK, I welcome your reassurances that you are working towards a smooth transition for chemicals regulation following the UK's withdrawal from the European Union. Effective chemicals regulation is needed to protect people from carcinogens and other hazardous chemicals linked to breast cancer.

However, I am concerned by some of the comments that you made on 7 March 2017, during an oral evidence session of the Environmental Audit Committee's inquiry into the future of chemicals regulation.

1) While giving evidence to the Committee you suggested that a separate UK regulatory system could allow the UK to approve chemicals more quickly, and referred to deca-BDE as an example of this.

Deca-BDE is persistent, bioaccumulative, and toxic to both humans and the environment and therefore it will be heavily restricted under REACH from March 2019. It is banned or restricted in several parts of the United States, which is acting to phase it out across the country. Other countries and the United Nations, are also considering undertaking action to restrict or phase out deca-BDE. It is worrying therefore that you highlighted this chemical in your explanation of how a UK system could differ from REACH.

The process of authorising chemicals under REACH can take a long time, but for good reason. As Harvey Bradshaw, Executive Director of Environment and Business at the Environment Agency, said when giving evidence to the EAC inquiry:

'...once chemicals get into the environment they are very, very expensive indeed to get out. Of course, the major benefit of REACH in this respect is before a chemical can be used, manufactured or exported it is registered and, therefore, its characteristics and risk control measures are all put in place before it gets into the environment.'

Any suggestion that a chemical such as deca-BDE could be more quickly approved under a UK system does not meet with reassurances from the Government about the safeguarding of the environment and public health.

2) You suggested that the UK's regulatory system could be more risk based and that a hazard based approach was 'more onerous.' Assessing risk requires estimates of possible exposures to a chemical throughout its lifecycle, and it can necessitate using complex models to try to predict patterns of exposure. It is hard to argue that this is less onerous than identifying the hazardous properties of a chemical.

The example of household bleach, which you referenced, is not an example of the benefits of a 'more risk based approach', but rather an example of how a hazard based element in regulation does not prevent useful chemicals from being utilised. REACH uses both hazard and risk in its assessment of chemicals, and the hazard based element is essential to its effectiveness.

3) When asked if you could see the anxieties of UK companies about double-testing, due to having to comply with two regulatory systems, you answered 'no'.

A separate UK chemicals regime could increase the costs to businesses if they had to comply with two regulatory systems – an issue for many businesses whose products may end up in the EU, either through direct export or as components in another product. Our concern is that the UK might try to compensate for these extra costs by developing a weaker, less effective regulatory system. This could result in the dumping of chemicals and goods in the UK market that fail to meet the more stringent regulatory requirements of the EU.

The EU's approach to chemicals regulation, while not perfect, has meant that the UK benefits from some of the most effective chemicals regulation in the world. The application of the precautionary principle aims to ensure that we don't wait until public health suffers before regulatory action is taken, while a hazard-based element in risk assessment ensures that scientific evidence is properly utilised.

I am concerned that Brexit could result in a UK-only chemicals regulation system that is less effective in protecting public health. I would be grateful if could you address the concerns that I have raised above. I would be happy to meet with you to discuss this issue further.

I look forward to hearing from you.

Yours sincerely,



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