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Baroness Bakewell of Hardington Mandeville  
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05 April 2019

Dear Cathy

### **REACH etc. (Amendment etc.) (EU Exit) Regulations 2019**

During the debate of 26 March 2019 on the REACH etc. (Amendment etc.) (EU Exit) Regulations 2019, you raised three questions which I was not able to cover fully in my closing speech.

You asked whether the amendment to the definition of PCBs would be more stringent or more lax under UK REACH. The REACH etc. (Amendment etc.) (EU Exit) Regulations 2019 amends the definition of 'used PCBs' in the Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances (England and Wales) Regulations 2000. That definition currently defines the term 'waste' by reference to a European Directive. The amendment merely ensures that the definition will continue to be operable after the UK leaves the EU. The Government have made it very clear that they do not want to see reductions in our standards or protection of human health and the environment, that non-regression is essential. These commitments will reinforce the regulatory provisions throughout REACH and which are fully preserved in the UK regulations.

Secondly, you asked about the representation of smaller companies during the consultation process and how many industries they covered.

Defra held a wide range of discussions while the regulations were being developed. These included a regular series of discussions with the main industry bodies in the sector, including those with small and medium sized enterprises among their membership. We have also ran a substantial programme of communications and outreach to ensure firms of all sizes are aware of the changes they will need to make to prepare for a no deal outcome.

In January 2018, Defra also launched a Business Readiness Campaign which was aimed at Downstream Users. This has included online adverts to promote stakeholder events



through both social media platforms and traditional media outlets for increased stakeholder engagement. On the week beginning 4 March, Defra published adverts on LinkedIn which were aimed at SMEs that use chemicals. These adverts have been viewed over 45,000 times.

We have also placed adverts in trade magazines for a variety of sectors including: motor, construction, chemicals and paint. In total, these adverts have targeted a readership of over approximately 300,000 people. We have also been following this up with additional print and digital advertising throughout March 2019.

Over the last two years, Minister Coffey has met with a variety of businesses across the chemical sector including large manufacturers, specialist producers and downstream users of chemical products. This included roundtable Industry meetings in July 2017 and September 2017 as well as meeting with the REACH Cross Sector group and Johnson Matthey in January 2018.

Finally, you asked for me to explain what the 'alternative methods for assessing the hazards of substances' are likely to be, as mentioned in the Explanatory Memorandum for this Statutory Instrument. Various alternative methods are available and used by industry to fulfil the information requirements in REACH. These include computer modelling, "read across" where existing data on one substance can be applied to a chemically similar substance, and laboratory-based studies, for example using tissue cultures rather than live animals. The Organisation for Economic Co-operation and Development (OECD) plays a leading role in developing and validating new test methods which replace or reduce the use of animals. The REACH annexes can then be amended to make the new method the default means of fulfilling a particular information requirement.

I hope I have been able to provide further clarity and answer your outstanding questions from the debate. A copy of this letter will be placed in the Library and sent to all Peers who spoke in the debate.

Your ever,  
John