



Product Regulation and Metrology Bill: Briefing for Lords 2nd Reading

October 2024

This briefing is on behalf of nature and animal welfare coalition Wildlife and Countryside Link ([Link](#)), bringing together 86 organisations to use their joint voice to protect the natural world.

The [Product Regulation and Metrology Bill](#) would give the Government powers to impose and enforce requirements on the marketing or use of products in the United Kingdom.¹ This includes a power to set standards to reduce or mitigate the environmental impact of products in line with EU provisions. This is urgently needed as the UK faces unacceptably high levels of chemical pollution in water, soils and biodiversity, with no UK water bodies achieving 'Good Chemical Status' due to the use of harmful chemicals in products that contaminate our environment through wastewater, sewage sludge applied to land and from industrial sites.

The powers created in the Bill could help address environmental and health risks from the use of harmful chemical products and ensure that the UK does not fall behind other jurisdictions in setting environmental safety requirements. However, it is not yet clear that powers in the Bill to adopt new EU product safety rules will be used to adopt new EU bans on certain harmful chemicals used in consumer products, to reduce their environmental impact. The UK has been increasingly falling behind in chemical protections, while divergence from chemical safety protections in products in the European Union threatens to grow, risking human health and environmental harms

To ensure the Bill fulfils its maximum harm reduction potential, at Lords 2nd Reading on 8 October, we recommend Peers advocate for:

[Assurance on the face of the Bill that powers will be used to mandate regulatory alignment with the EU on chemicals](#)

The Bill helpfully sets out a power for the Secretary of State to make provisions by regulations that correspond, or are similar, to a provision of relevant EU law to reduce or mitigate the environmental impact of products (section 1(2)).

Failure to use these powers to sufficiently guarantee alignment on chemicals risks further slippage in UK standards compared to those of our neighbours, and the resulting dumping of lower-standard products on the UK market. Since leaving the EU system of hazardous chemicals regulation known as EU REACH (Registration, Evaluation, Authorisation and Restriction) and establishing UK REACH in 2021, the UK has been considering fewer and weaker protections from harmful chemicals and at a slower pace than the EU.² As the UK continues to fall behind the EU due to the GB lighter-touch system of regulation, harmful chemicals contained in products, such as PFAS (the 'forever chemicals') and endocrine-disrupting chemicals, will increasingly pollute the

¹ <https://bills.parliament.uk/publications/56103/documents/5027>

² <https://www.wcl.org.uk/docs/Saving%20Britain%E2%80%99s%20Coasts%20and%20Rivers.pdf>



environment – from water bodies to oceans to soils - and contaminate our food and drinking water.³ The presence of harmful chemicals in products will also limit opportunities for reuse and recycling.

The Bill is an opportunity to mitigate the human and environmental pollution threats emanating from these product regulation gaps, through alignment with higher EU standards. The EU has been undertaking a wide range of updates and reforms to product regulations, such as bans on [endocrine-disrupting chemicals in children’s toys](#) and the use of [sub-groups of PFAS in food and drink packaging and clothing](#). As well as improving environmental protection, alignment by default would improve certainty for business and reduce the costs of separate UK regulatory approaches. Together, these benefits mean a reduction in harmful chemicals in consumer products will support a safer, more sustainable and zero-waste circular economy.

At the King’s Speech, the Government outlined: the Bill would allow the Government to “*mirror or diverge from updated EU rules, so that we can maintain high product safety*”, and “*prevent additional costs for businesses and provide regulatory stability*”.⁴ Given that the UK has substantially [fallen behind the EU in chemical protections](#), since 2021,⁵ it is crucial this Bill enables the Government to align with EU product standards that cover a broad range of EU REACH restrictions and other EU regulatory controls on the use of harmful substances in consumer products.

Key EU standards the UK should align with include the proposed new EU Toy Safety Regulation, which would safeguard children’s health and safety to the highest degree, in a cost-effective way for business. An EU Commission found that children are not being adequately protected from harmful chemicals in toys. Children’s Rights International [have described this exposure](#) as ‘a silent assault on children’s rights, including their right to life and to health’. The UK must match this measure to protect children’s health.

The powers in the Bill are crucial to ensure the Government can address future chemical risks presented by products and the safety of goods on the UK and GB markets. Peers are encouraged to support this power and advocate for further assurances on the face of the Bill that the powers it contains will be used to promote (as opposed to further divergence) alignment between UK and EU chemical regulation systems, in the interests of public and environmental health. The Bill should also grant the Secretary of State powers to orient with any forthcoming mechanisms that will ensure alignment with EU rules applicable to Northern Ireland and the UK.

Consider an enabling power on chemical substances [product safety needs to be broadly defined]

Product safety should be broadly defined in the Bill to incorporate a wide range of chemical substances in products. In respect of chemical substances, we understand that the scope of the Bill is limited to chemicals in products under the policy responsibility of the Office for Product Safety and Standards and the Department for Business and Trade, such as toys and cosmetics.

Peers are encouraged to consider the scope for a simple enabling power to further facilitate cross-departmental working on product regulations for chemical substances beyond the above scope and to add additional controls to the Bill. For example, the Secretary of State and the Scottish and Welsh Ministers for Scotland and Wales,

³ https://www.wcl.org.uk/docs/Chemical_contamination_report_June_2024.pdf

⁴ https://assets.publishing.service.gov.uk/media/6697f5c10808eaf43b50d18e/The_King_s_Speech_2024_back_ground_briefing_notes.pdf

⁵ https://chemtrust.org/wp-content/uploads/PFAS-divergence-PR_September-2024.pdf



may be granted explicit powers to add chemical controls to standards applicable to products and finished articles.

This would empower the Secretary of State to extend the Bill to chemical substances in a wider range of products and finished articles.

Delete the exemptions for agricultural products

Given the scope of the Bill is to support growth, provide regulatory stability and deliver protections for consumers, it is not advisable to exclude the entire category of agricultural products, which are known to present risks to human health and the environment.

We would be grateful if peers could challenge the Government to explain the thinking behind the agricultural exemption. Agricultural products and plant protection products (i.e., pesticides) can contain harmful chemicals that pose risks to human health⁶ and the environment,⁷ which need to be mitigated to ensure these products operate safely. On these grounds, a blanket exemption is unlikely to have net benefits for protecting people and nature.

The exclusion of these products may be because they fall under a different regulatory regime. Equally, they may be excluded because of different rules in the Withdrawal Agreement or the Trade and Cooperation Agreement. However, the Bill should still include powers for alignment with these regimes.

For questions or further information please contact:

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The following organisations have inputted into this briefing and support EU alignment in the Product Regulation and Metrology Bill:

Buglife
Fidra
Wildlife Gardening Forum
The Rivers Trust
Soil Association

The following Link partners support EU alignment in the Product Regulation and Metrology Bill:

Pesticide Action Network UK (PAN UK)
Pesticide Collaboration

⁶ <https://www.pan-uk.org/health-effects-of-pesticides/>

⁷ Recent research demonstrates pesticide pollution is one of the biggest threats to soil health: <https://www.sciencedirect.com/science/article/pii/S2589004224017656>