

The Chemicals (Health and Safety) (Amendment, Consequential and Transitional) Regulations Debate on [fatal motion](#) tabled by Baroness Bennett, Monday 27 April 2026

This briefing is on behalf of nature and animal welfare coalition Wildlife and Countryside Link ([Link](#)). It would be very helpful if Peers were able to seek much-needed clarifications set out below.

Executive Summary

The Chemicals (Health & Safety) Regulations take forward changes to (a) the regulation of biocides, (b) the classification of hazardous chemicals and (c) their export to low- and middle-income countries. These policy changes were first developed by the Health & Safety Executive (HSE) under the previous government as part of the programme of work initiated under the Retained EU Law Act 2023 and are being taken forward under powers in the Act before they are about to expire. The [Secondary Legislation Scrutiny Committee](#) have drawn them to the special attention of the House, and raise many critical points which Peers may wish to address with the minister.

We have a number of serious concerns about this legislation and would be very grateful if Peers could press the Minister on the following:

1. Reassurances and clarifications as **how the proposed changes “will not lead to unnecessary and undesirable divergence”, “contrary to the HSE’s stated policy intention” and “how this will be reported”** to Parliament and devolved governments: raised by both [the SLSC](#) and a [Scottish Parliamentary Committee](#).
2. **The need to tighten broad and wide-ranging criteria for diverging from the EU** and when this will be agreed. The HSE gives very broad criteria for ‘exceptional’ divergence from the EU, from disagreeing with the science to ‘specific use patterns’ in GB, to economic and industrial considerations – which the SLSC suggested the House might wish to seek further reassurances on.
3. **Exact dates by when protective EU hazard classes be adopted in GB law. The SI does not adopt 6 new EU hazard classifications** (such as for hormone disrupting chemicals) that are linked to wide-ranging protections for consumer health and environmental protection - **contrary to [Government commitments](#) relating to Northern Ireland**. Clearer commitments and timelines are needed for HSE’s plan to consider replication and legislate in 2027.
4. **Clarifications and transparency are needed around changes that regress from environmental and public health protections retained in GB law post-Brexit**. These extend the approval of harmful biocides by five years and allow unlimited emergency derogations for unauthorised ones, as well as make it easier for UK exporters of some of the most harmful chemicals to bypass the need for explicit consent from importing low- and middle-income countries.

Introduction

Pollution from harmful chemicals poses a growing, long-term threat to our environment and health. Many thousands of known and suspected harmful chemicals are used in a wide variety of

applications and products every day, including most manufactured goods, but many can cause long term damage to wildlife or human health, or both. For example, PFAS (Per- and polyfluorinated alkyl substances) known as ‘forever chemicals’ are emerging as one of the major pollution crises of our time and have been found in high concentrations in [water bodies](#), [soil](#) and many ‘[high risk sites](#)’ across England.

Since January 2021, the UK has operated its own chemicals regulation system. Unusually, the HSE is not only primary regulator for many of these regimes but also makes policy in critical areas such as GB CLP. It also represents the UK in international systems on chemicals, including the GHS and Free Trade Agreements. UK chemical regulation has been widely considered to be a casualty of Brexit and, as [widely forewarned](#), has [fallen sharply behind](#) its environmental and health protections. After years of weak, sclerotic post-Brexit chemical regulation, the government signalled in the [2025 Environmental Improvement Plan](#) a sensible shift back towards EU aligned protections which is still the most rigorous standard globally.

We would be very grateful if Peers could press the Government on the following areas of concern:

1. Reassurances and clarifications as **how the proposed changes “will not lead to unnecessary and undesirable divergence”, “contrary to the HSE’s stated policy intention” and “how this will be reported”**

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 often the initial trigger for managing its risks and is connected to an estimated [19 other pieces of legislation](#). For example, classification as carcinogenic, mutagenic or reprotoxic (CMR) almost automatically restricts a substance in consumer products and in toys and cosmetics.

This SI removes the requirement on HSE to respond to all new EU classification decisions within a legal timeframe, replacing it with publishing a work plan to evaluate “fast-track” hazard classification decisions from other territories, with insufficient accountability. These are territories which in “the opinion of the Agency” has adopted the UN Global Harmonised System of classification in a similar way to the UK and have a transparent classification proposal system. This definition could include countries with weaker chemical safety standards. There are approx. 80 [countries that have adopted UN GHS](#), and considerable variations between them in how the same substance may be classified. The SLSC also suggested the House could query with the Minister whether the removal of statutory timeframes could result in the UK “falling behind in evaluating EU proposals”.

HSE has significant policy-making and delegated authority, and where this has been exercised, decisions have often been more [ad hoc and less protective](#) than the EU’s. For example, its deviations from EU classifications have generally been less protective (according to [2023 analysis](#)), and it has taken a more light-touch approach to the industrial use of [substances on the ‘authorisation list’](#) than the EU, e.g. for chromium trioxide, a carcinogenic chemical linked to increased risk of lung and throat cancer. The changes provide it with even more delegated powers with fewer safeguards, that makes the process vulnerable to backdoor lobbying.

In its [consultation response](#), HSE provided reassurances that the fast-track evaluation pathway will be restricted to classification proposals from the EU and that regulatory decisions will diverge from

those in the EU “only in exceptional circumstances”. However, these reassurances are not reflected in the SI or in any accompanying policy guidance about how these powers will be exercised. This goal would have been more efficiently delivered by introducing a system like that in [Switzerland](#) which entirely harmonises with EU CLP or by shortening and streamlining the current process for responding to newly classified EU substances. The current process has resulted in far higher alignment with EU decisions than other areas of chemicals regulation, diverging for approx. [12% of chemicals](#). By comparison, the UK has made decisions on just two restrictions in the time it has taken the [EU to enact 13](#). Under the new system, HSE will no longer be required to respond to all EU classification decisions, and the SI does not require it to give reasons for or account for any exclusions in its work plan. In addition, no assurances have been given about a slower-track classification process taken forward in the SI, on which there is little information at all. In general, the new processes seem messy and incoherent, and would not in our view provide the [certainty and predictability](#) needed for investment and innovation.

The Scottish Parliament’s Net Zero Energy & Transport Committee [asked for](#) clarity over how the changes will “support, rather than undermine, alignment with EU chemicals standards”. The SLSC [recommended](#) the House seeks “further assurances that the proposed changes will not lead to divergence contrary to the HSE’s stated policy intention and ask how this will be reported in certain cases”.

We would be grateful if Peers could ask the Government:

- **To publish a policy document or guidance** that sets out how the powers will be exercised according to the reassurances given to the SLSC and in the consultation response.
 - Processes by which the commitment to aligning with the EU can be independently verified and scrutinised in future. The SLSC suggested the House might “ask the Minister **how any [EU] divergence as a result of proposals not being included within the workplan will be reported**”. For example, a regular report on all new EU hazard classifications and those which have received (a) no mandatory classification and (b) a different mandatory classification in GB CLP.
 - For more **detail on the work programme promised to devolved governments** to provide clarity on the circumstances in which the powers will be used including the extent of alignment with the EU, prior to those decisions being announced. This was [raised by](#) the Scottish Parliament’s Net Zero Committee.
2. **Broad and wide-ranging criteria for diverging from the EU needs tightening** – when will this be agreed?

In its response to the SLSC, the HSE gave broad and wide-ranging criteria for diverging from its stated intention to align with the EU except in “exceptional circumstances”. These are set out on [p.12-13](#), and include disagreeing with the scientific or technical methodology by which the European Chemicals Agency made its opinion, to differences in use and exposure patterns in GB, to wide-ranging industrial and economic criteria. The SLSC recommended: “the House may wish to seek further assurances in relation to the exceptional circumstances in which divergence from the EU may be considered necessary, particularly where that is on the grounds of broader economic or industrial policy considerations”.

We are very concerned about regulatory decisions which are not based on the evidence relating to the harmfulness of a substance, but support the commercial interests of a GB company making or using one of these substances. If too much latitude is given for regulatory discretion, and HSE does not have to explain why it has not considered or matched EU mandatory classifications, this will create an unpredictable system that is vulnerable to backdoor lobbying. We urge that HSE sets out its reasons for not considering substances given classifications by the EU against much tighter and more stringent criteria to ensure deviations are rare and relatively minor, and open to challenge.

The UK system **does not have access to all the hazard data packages and studies available to and registered in the EU** – only to EU [hazard classification and conclusions](#) that are made public available. A precautionary approach should therefore apply. In practice, this should mean automatic adoption of EU classification decisions that are based on access to and thorough evaluation of these datasets. This was acknowledged by Defra in its proposals to reduce to a minimum the hazard data companies are required to provide on substances they place on the GB market, [that said](#) there “should not be divergence between EU and GB [hazard] conclusions”. A ‘pick and choose’ system would mean continued lower levels of protection and create regulatory uncertainty, as well as need a fully functioning independent regulatory system of data and staff.

3. Exact dates by when protective EU hazard classes be adopted in GB law

It is not clear why the instrument does not enact 6 new hazard classes the EU introduced in 2023 into CLP, in fulfilment of [commitments made](#) by the Government, to consult on and extend the new hazard classes that already apply to Northern Ireland to the rest of the UK to uphold the UK single market. Incorporation on these new classes were consulted on last year and strongly supported by “[businesses of all sizes across all sectors](#)”. These new classes include endocrine (or hormone) disruption for health and the environment (EDCs), persistent, mobile and toxic (PMT) and persistent, bioaccumulative and toxic (PBT). Many substances are expected to be automatically transferred to these new classes by June in the EU and Northern Ireland. Delays to incorporating the new classes will make it difficult to match protections to reduce exposure to these harmful substances. For example, new EU legislation automatically banning substances classified as endocrine disruptors from [toys](#) or in [food packaging](#), to protect people from health risks linked to exposure. These important changes act on warnings from scientists to reduce exposure to EDCs, which are [associated with](#) the development of ADHD, certain cancers, obesity and infertility, and to which children are more vulnerable than adults to health impacts from exposure.

In response to the SLSC, HSE said it “will be undertaking work in 2026 and 2027 to consider the replication of new EU CLP measures with the aim of making GB CLP amending legislation at least six months prior to new EU CLP labelling changes taking effect in Northern Ireland and the EU (in January 2028)”. **It would be very helpful if Peers could get some reassurances from the Government about its commitment to introducing the new classes and some clear timelines**, and clarity that the further review will not involve another consultation. We are concerned HSE may be trying to stall action, as the reasons for further delays are not substantiated. The SCLC pointed out that “while labelling requirements for the new hazard classes will not take effect in the EU and NI until 2028, the new hazard classes themselves have already been adopted by the EU”. In addition, the European Commission has [publicly denied](#) claims [made by HSE](#) (in para. 111) that the EU might remove or amend the classes if they were not adopted in UN GHS. Since 2023, it has been HSE’s

[position](#) that the new hazard classes should not be established in GB CLP without international consensus in UN GHS.

4. **Clarifications and transparency are needed around changes that regress from environmental and public health protections retained in GB law post-Brexit**

Biocides are designed to control or destroy harmful organisms and are used in products such as disinfectants, wood preservatives and insect repellents. They can also be harmful to organisms they aren't meant to control such as wildlife and people. [Research](#) by Link and Rivers Trust show that 95% of rivers are already polluted by harmful biocides, which risks antibiotic resistance, and the [James Hutton Institute](#) found that biocides in UK sewage sludge applied to land present at significant risk to soil health. Currently, a biocidal product cannot be placed on the market unless it contains approved active substances (that scientifically assesses risks to health and environment) and has been authorised.

The SI introduces changes to GB Biocidal Product Regulation (GB BPR) include **postponing expiry dates to 31 July 2031** for all biocidal "active substance/product type combinations", unless a decision on an approval is taken before 31 July 2031. This risks free circulation of products on the GB market that are not approved in the EU due to their harmfulness or whose active ingredient is significantly higher than those considered safe and permitted in the EU. The SI also includes **unlimited derogations for unauthorised biocidal products** until the biocidal product is authorised (i.e. beyond the current limit of 550 days) **where they are "necessary to deal with a danger to public health, animal health or the environment"**. BPR was recently listed as in [scope of the UK-EU SPS agreement](#), and we would be very grateful if Peers could ask the Government if these changes are consistent with that agreement and what safeguards are in place to prevent unlimited derogations to be used routinely or as an alternative route for using unauthorised biocides?

The proposals also regress from EU standards transposed on EU exit in relation to **Prior Informed Consent Regulation**, covering the trade of certain hazardous chemicals that are banned or severely restricted in the EU. The SI broadens an existing 'waiver from explicit consent' which currently applies in certain circumstances to some extremely harmful chemicals, to all substances listed in Part III of the PIC Regulation (and [Annex III of the Rotterdam Convention](#)), which are severely restricted for use in the EU/UK due to their harmfulness but can be exported to countries with weaker regulations. The EU (and up until this SI, the UK) includes this layer of protection under EU Prior Informed Consent Regulation (in addition to requirements under the Rotterdam Convention) to protect countries that may be poorly regulated and do not have the infrastructure to safely accept, store or handle hazardous chemicals. **It would be helpful if Peers could ask if details about GB exports of substances using the waiver for explicit consent could be made publicly available to allow proper scrutiny of the use of this mechanism in future.**

For questions or further information, please contact Chloe Alexander, Policy & Advocacy Lead (Chemicals), Wildlife & Countryside Link, chloe@wcl.org.uk.

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