

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Sixth Delegated Legislation Committee

DRAFT CHEMICALS (HEALTH AND SAFETY)  
TRADE AND MISCELLANEOUS AMENDMENTS  
REGULATIONS 2022

*Wednesday 7 September 2022*

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**The Committee consisted of the following Members:**

*Chair:* DR RUPA HUQ

- |  |   |
|--|---|
| † Bacon, Gareth ( <i>Orpington</i> ) (Con)             | † Latham, Mrs Pauline ( <i>Mid Derbyshire</i> ) (Con)                                   |
| Blomfield, Paul ( <i>Sheffield Central</i> ) (Lab)     | † Levy, Ian ( <i>Blyth Valley</i> ) (Con)   |
| Byrne, Ian ( <i>Liverpool, West Derby</i> ) (Lab)      | † McDonald, Andy ( <i>Middlesbrough</i> ) (Lab)   |
| De Cordova, Marsha ( <i>Battersea</i> ) (Lab)          | † Marson, Julie ( <i>Parliamentary Under-Secretary of State for Work and Pensions</i> ) |
| † Drummond, Mrs Flick ( <i>Meon Valley</i> ) (Con)     | † Mishra, Navendu ( <i>Stockport</i> ) (Lab)  |
| † Elphicke, Mrs Natalie ( <i>Dover</i> ) (Con)         | † Webb, Suzanne ( <i>Stourbridge</i> ) (Con)  |
| Fellows, Marion ( <i>Motherwell and Wishaw</i> ) (SNP) |   |
| † Fletcher, Katherine ( <i>South Ribble</i> ) (Con)    | Dawn Amey, <i>Committee Clerk</i>   |
| † Green, Chris ( <i>Bolton West</i> ) (Con)            |   |
| † Howell, John ( <i>Henley</i> ) (Con)                 |   |
| † Hussain, Imran ( <i>Bradford East</i> ) (Lab)        | † <b>attended the Committee</b>   |

# Sixth Delegated Legislation Committee

Wednesday 7 September 2022

[DR RUPA HUQ *in the Chair*]

## Draft Chemicals (Health and Safety) Trade and Miscellaneous Amendments Regulations 2022

9.25 am

**The Parliamentary Under-Secretary of State for Work and Pensions (Julie Marson):** I beg to move,

That the Committee has considered the draft Chemicals (Health and Safety) Trade and Miscellaneous Amendments Regulations 2022.

It is a pleasure to serve under your chairmanship, Dr Huq. I am conscious that I may not be the Minister that Committee members were expecting, and I congratulate the new Secretary of State for Work and Pensions, the hon. Member for Norwich North (Chloe Smith) on her appointment.

This draft statutory instrument was laid before Parliament on 23 June. As part of this Government's ambitious international trade agenda, the United Kingdom signed a free trade agreement last year with European economic area and European Free Trade Association countries, such as Iceland, Liechtenstein and Norway. The agreement included a chemical annex as part of the technical barriers to trade provisions, which committed both parties to co-operate in the field of chemicals regulation. The draft statutory instrument makes a provision for this chemical annex, so that the Health and Safety Executive can share information on chemicals that it holds, such as individual regulatory substance evaluations and risk assessments with the authorities in those countries.

The SI also allows the UK authorities to use information received from EEA and EFTA countries to help ensure protection in the areas of health and safety, the environment and consumers. The sharing of information will promote greater transparency and understanding of our respective regulatory approaches and of chemicals safety. It will also help to create a greater understanding of the decision-making processes in the UK, which will build trust and confidence with the EEA and EFTA countries, enhancing the robustness of decision making and therefore reduce regulatory costs for UK businesses wishing to place chemical products on the market in EEA and EFTA countries.

The SI also corrects three minor outstanding deficiencies in retained chemicals law relating to leaving the EU, to ensure that the chemicals regime continues to operate effectively and to remove references to the EU in relevant pieces of legislation. There are no policy changes or changes to duties. As the instrument is so technical, I am sure that a brief summary of the changes will be welcomed.

The first of the three retained regulations to be amended is the GB biocidal products regulation, which governs the placing on the market and use of products that contain chemicals that protect humans, animals,

materials or articles against harmful organisms such as pests or bacteria. It is in place to ensure that those chemicals are safe for humans, animals and the environment, while improving the functioning of the biocidal products market. The market covers a wide range of products such as wood preservatives, insecticides such as wasp spray and anti-fouling paint to remove barnacles on boats.

Secondly, the GB classification, labelling and packaging of substances and mixtures regulation ensures that the hazardous intrinsic properties of chemicals are properly identified and effectively communicated to those throughout the supply chain, including to the point of use, partly through standardised hazard pictograms and warning phrases associated with specific hazards, such as explosivity, acute toxicity or carcinogenicity.

The third amendment is to the GB prior informed consent regulation, which implements the UK's obligations under the international Rotterdam convention and requires exports of listed chemicals to be notified to the importing country. For some chemicals, the consent of the importing country must be obtained before export can proceed.

In addition, this SI makes minor technical amendments to several pieces of EU-derived domestic legislation. The provisions for CLP, BPR and PIC, which I have just mentioned, were brought into GB law from EU law. However, during the process, some EU references within the legislation were not removed, so the SI will ensure those references are removed so that CLP, BPR and PIC work as domestic legislation in Great Britain.

**Andy McDonald** (Middlesbrough) (Lab): I was not intending to speak, but, just from listening to what the Minister has had to say, does it not occur to her that we, as the authors of the REACH—registration, evaluation, authorisation and restriction of chemicals—regulations in the first instance, have now spent all of this time rewriting things to simply delete references to the EU regulations, and barriers now exist? Has she made any assessment of the cost incurred in trying to make this transition—the cost to businesses in my constituency, who are heavily dependent on engaging with the European Union—and what the fall-off in trade has been? Has any assessment been made?

**Julie Marson:** I thank the hon. Gentleman for his question. I would just point out that REACH is a completely different issue. That is covered by the Department for Environment, Food & Rural Affairs. I take his point about the changes that have ensued from the changes in bringing EU law into UK law, but I would emphasise to his question that there are no costs involved in this SI—in these changes to UK businesses. In fact, this is about moving barriers to trade through replicating EU trade agreements with other countries, so it is actually working to remove costs and trade barriers.

**Mrs Natalie Elphicke** (Dover) (Con): In relation to harmful organisms and the provisions relating to harmful biocides, does the Minister agree that ensuring that we have effective, physical border controls, and good monitoring of the cross-border arrangements, is vital to ensure the safety and security of our country in these matters?

**Julie Marson:** I thank my hon. Friend for that question. Of course, this is a very important market. Chemicals are important and potentially hazardous products, and it is important that we have the right legislation, and that every part of that process is right to ensure the safety of our countrymen and people throughout Europe and the world, and that is exactly what this is all about.

To finish off, the SI will correct and update references related to “EU Exit” in the Plant Protection Products (Fees and Charges) Regulations 2011 and the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013. It will also clarify provisions in the Health and Safety and Nuclear (Fees) Regulations 2021 on fees payable for activities carried out by HSE as the competent authority in relation to biocides.

If the regulations are not made, the UK will be unable to fully meet its obligations under the trade agreement with the EEA and EFTA countries, as HSE would not have the power required to share information on chemicals with the other parties, or to use information received from them under the agreement. The retained chemicals regulations and EU-derived legislation that the instrument amends would continue to operate, as they have done since the end of the EU exit transition period, but the legislation would have contained references to processes and institutions that are no longer relevant for Great Britain.

In conclusion, I would like to reiterate and emphasise that the changes that this SI will make to retained and EU-derived chemicals legislation are minor technical amendments and make no changes to either policies or duties. I hope that colleagues of all parties will join me in supporting the draft regulations, which I commend to the Committee.

**The Chair:** I call the shadow Minister, Imran Khan—sorry, Imran Hussain.

9.34 am

**Imran Hussain** (Bradford East) (Lab): Thank you, Dr Huq. It is, of course, a pleasure to serve on this Committee with you in the Chair. That is a common name slip; you are not the first to make it. That name is fairly topical on the international stage.

As was pointed out in the other place earlier this year, and indeed by the Minister today, these are very technical—and admittedly very dry—regulations. In fact, some might argue that they are too dry for this time in the morning. However, I will add that I am impressed with the Government’s organisation today, and the huge show of strength, clearly outlining the importance of the regulations.

The draft regulations might not be overly exciting and will likely not attract much public attention to the Committee, but they are nevertheless of great importance—the points were rightly made by the Minister. The regulations relate to trade in some of the most dangerous substances, so it is important for the Government to get them right following the UK’s departure from the EU and our move away from EU retained law.

I pay tribute to the work of my counterpart in the other place, Baroness Sherlock, and the questions she asked, and I thank the Minister in the other place for

her responses. The Minister in Committee today also went through some of the finer technical points, which I will spare the Committee by not repeating—I have them all listed here, but it will serve no purpose to repeat all the technical points the Minister made.

I want to concentrate my remarks on the implications of the draft regulations for the Health and Safety Executive. I have some concerns about the additional burdens that they may place on it. As the Minister knows, since 2010 the Government have overseen a substantial reduction in funding for the HSE. Despite the cuts, it is important that the HSE still has the capacity to ensure the smooth functioning of the information-sharing gateway.

Will the Minister confirm whether the HSE is in place to take up the new, important, additional responsibilities created by the new trade agreements that the UK has just signed? Will she also confirm that no budgetary pressures will force the HSE to take resources away from health and safety inspectors, who have already seen a substantial cut in their numbers over recent years, putting the enforcement of health and safety rules in the workplace out of reach for many and leaving many employers unaccountable?

It is also important that the draft regulations protect the public robustly, here in the UK and in those countries with which the UK has signed trade deals. That was another point that the Minister acknowledged in her speech. The regulations must not place unnecessary burdens, in particular financial ones, on chemical manufacturers or on those using their chemicals. The chemicals industry is one of the UK’s largest and most important industries in the manufacturing sector, employing tens of thousands of people in well-paid, high-skilled jobs, contributing billions of pounds to our economy and investing substantial sums in research and development. Any unnecessary burdens at a time when businesses are unable to afford any more problems would of course be extremely concerning. I think that the whole Committee would accept that point.

The Opposition will not oppose the draft regulations, but I hope that the Minister will address my concerns, which I am sure she will agree are expressed legitimately.

9.39 am

**Julie Marson:** I thank the hon. Gentleman and everyone who has contributed for their comments.

The hon. Gentleman asked important questions about the HSE. The draft SI empowers the HSE to do what is already planned, being a follow-on from the original transition agreement on leaving the EU. It comes under the retained EU law process, so I am confident that the HSE is not only well set up, funded and prepared to do all this, but welcomes the powers in the SI that clarify and enable it to do what it already wants to do and is doing. As he rightly pointed out, that is part of an important safety and regulatory regime. I give him those assurances. Also, I join the hon. Gentleman in paying tribute to those in the Lords who have already debated the draft SI, in particular Baroness Stedman-Scott for all her work.

To conclude, the draft instrument will give the HSE the power it needs to share regulatory information it holds on chemicals to assist the UK in meeting its obligations on regulatory co-operation contained in the

*[Julie Marson]*

chemical annex. That removes the barrier that was stopping the free trade agreement with the EEA and EFTA countries, which would have been detrimental to the HSE making informed decisions about the chemicals being imported and exported. By also correcting the

outstanding deficiencies related to EU exit, we will ensure that retained and EU-derived domestic chemicals legislation continues to operate effectively.

*Question put and agreed to.*

9.41 am

*Committee rose.*



