

## REACH candidate list policy briefing

December 2021

In EU REACH and the existing UK chemical regulation system, chemicals which display certain properties can be classified as 'Substances of Very High Concern' (SVHCs). This includes substances which are particularly toxic, carcinogenic, persistent in the environment or dangerous to reproduction and is based on robust scientific evidence. For example, PFOA, a potent carcinogen that was once widely used in food packaging and non-stick cooking equipment.

All SVHCs are listed publicly on the 'candidate list'. This triggers a series of information requirements including the right for consumers to check with retailers if products contain SVHCs. Notification is needed if products containing these substances at any significant level are imported. The EU has recently introduced a database of products containing SVHCs as well and the government is investigating similar options to ensure safe recycling of products containing SVHCs.

Listing a substance as an SVHC sends a strong signal to chemical companies to find safer alternatives and to manufacturers to switch to other less harmful ingredients, spurring innovation.

Some SVHCs are prioritised for further controls and eventual phase out under REACH's authorisation process (where their use is only allowed when authorised for specific purposes). Others may remain on the candidate list indefinitely without being added to the second 'authorisation list'.

### What has been proposed?

When UK REACH came into force, all substances on the EU candidate list were transposed to the UK list. The EU continues to add to its list twice a year.

Now, however, the government is proposing only to add substances to the candidate list which are a 'good candidate for the authorisation list'.

Which substances are good candidates, and which are not, will be decided using Risk Management Option Analysis. This is not a public process and relies on information submitted voluntarily. It is clearly in the interests of chemicals companies not to offer relevant information if it might eventually restrict use of their products. This represents a significant weakening of REACH and will increase exposure to harmful substances in Great Britain.

### Why it matters

Definition as an SVHC is currently based on the properties of a substance, not its use or the suitability of future regulatory routes. Moving away from this approach is a substantial departure from the existing system and no evidence has been provided on whether or why the government believes it would be more effective. In fact, it will increase the burden on the already stretched UK regulator by adding a further layer of process.

Instead of providing a strong market incentive to avoid or move away from ingredients with proven toxicity in line with the precautionary principle, the government's proposal would weaken requirements to submit data on the use of dangerous substances. It would also undermine consumers' right to know about potential threats to their health and the environment.

Having different EU and UK lists will also increase regulatory burdens and costs for businesses that trade in both regimes. As there is not currently enough data in UK REACH for regulators to make their own decisions on the harmfulness of substances, they should use the information amassed by European countries and decisions taken based on that information.

### What next

The government will formally consult on other changes to REACH but not this significant departure on the candidate list. Given the public interest in protecting people's health and the environment from highly toxic chemicals, public consultation and parliamentary scrutiny must be undertaken on this proposed shift.

In the meantime, all SVHCs nominated by the EU should be automatically added to the UK candidate list. The government has recently announced a four year delay to the deadline by which companies must submit full chemical safety data in the UK market. As the UK via government and business contributed significantly to the bank of data held by EU REACH, it should use decisions based on this as a starting point and go further where possible.

### For more information, please contact:

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