

# HSE Chemicals Legislative Reform Consultation 2025



## Introduction

Consultation by the health and safety executive. This response is made by Unite, one of Britain and Ireland's largest unions with well over one million members across all sectors of the economy including manufacturing, financial services, transport, food and agriculture, construction, energy and utilities, information technology, service industries, health, local government and the not for profit sector. Unite also organises in the community, enabling those who are not in employment to be part of our union.

The intention is to cover the prominent issues for our members and UK workers with a written response as follows:

## Summery

Unite feels that the proposals amount to deregulatory measures, resulting in a reduction in the level of protection for human health and the environment in the UK and for non-EU countries to whom the UK exports highly hazardous chemicals. The core reasons why pieces of legislation such as, Biocidal Products Regs (BPR), Classification, labelling and packaging of chemicals (CLPC) were introduced was to protect s health and the environment.

The prime reasons HSE has for these reforms are to remove unnecessary barriers to growth and reduce burdens on the regulator, introducing chemical products to market faster and at lower costs. We are unconvinced that these proposals will deliver the commitment in the consultation to maintain standards for human health and the environment.

HSE are considering looking at any assessments from any body and any country in the world, even those whose standards we do not fully recognise on biocides. EU chemicals regulation which sets the highest bar for human health and the environment globally, must be the only jurisdiction we should be considering and accepting decisions. In turn this will achieve the objectives of reducing pressure on regulatory time and resources.

The consultation outcomes lack clear and crucial information, and we would like some clarity on certain matters, for example: what benchmarks are being used for "trusted jurisdictions." What we do know is that the EU has the highest standards, why are we looking elsewhere. There is no evidence outlined in this consultation that supports the proposed cost saving claim for both businesses and the regulator.

We are living in an era where one of six common [biocide chemicals in 95% of 119 UK rivers](#) tested, raising serious concerns about the harm caused to the environment and the threat of antimicrobial resistance to health. The scope of these reforms has the potential to reduce levels of protection even further for workers and the environment, risking the UK's international reputation of high standards at home and abroad.

## Comments on the proposals

1. The Classification, Labelling & Packaging of chemical substances and mixtures (GB CLP) sits at the heart of chemical regulation. 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](#), such as COSHH. There are other pieces of law being revised which present some issues for example: Prior Informed Consent Regulation (PIC)
2. What concerns us is that any changes to PIC would make it easier for UK exporters of the most harmful chemicals, to override the requirement that low- and middle-income countries should give their explicit consent to imports, in cases where the importing country has not responded to requests for their consent. Unite feels that this proposal could breach the commitment by the UK to dynamically align with EU regulation on pesticides, as this proposal regresses from EU PIC, which covers pesticides as well as industrial chemicals.
3. These proposals remove the statutory requirement on HSE that currently exists to respond to new EU hazard classifications for the most harmful substances e.g. carcinogens, mutagens within a statutory timeframe. The proposal is to replace this with a mechanism by which HSE can adopt classifications from around the world, but do not specify which countries they are considering. We think this will inevitably result in further divergence from EU classifications if this requirement is removed.
4. The current statutory requirement has meant that UK classification, labelling and packaging (CLP) has kept up with the pace and volume of new EU classifications, (although the UK has [diverged in approximately 15% of cases](#) with measures that are generally [less strict](#) than the EU). HSE also highlight that they find the statutory requirement to respond to EU classifications burdensome and suggest they might take different decisions.
5. Unite's view is that this could result in fewer or different classifications compared to the EU for the most harmful categories of substances- carcinogens and mutagens. This would have a knock-on impact on the measures employers should be taking to reduce exposure to these substances to as low as reasonably practicable (ALARP) in the workplace.

6. We have additional concerns regards the lowering of standards for UK workers compared to the EU. The proposals seemingly seek to remove the need to respond to four new hazard classifications under CLP that have been adopted by the EU (including for endocrine disrupting chemicals, EDCs). Exposure to EDCs have disastrous health and cost implications amounting to tens of billions.
7. Under the Chemical Agents Directive ‘hazardous chemical agents’ are defined as substances that fall into any of the physical or health hazard classes under CLP. This means that now in the EU employers are protecting their workers from substances that are classified as endocrine disrupting to human health.
8. COSHH also has this same definition- substances hazardous to health are defined as either a substance that HSE approves a workplace exposure limit (WEL) for or a substance which meets the criteria for classification as hazardous within any health hazard class provided for in the CLP regulation. We have concerns over the decision not to adopt the new hazard classes and align with EU classifications; the consequences are improved protection from these substances for workers in the EU but not in the UK.
9. Regards WELS/OELS (EU), there is not a tripartite structure currently in the UK for consultation rounds WELs/OELs. Previously the Advisory Committee on Toxic Substances (ACTS) did that as part of their role, disbanded because WELs/OELs were being decided at EU level. Whilst HSE wishes to divorce itself from EU practices around chemicals, there is no reinstatement of ACTS as part of that that process. Not only a double standard, but it also means consultation for employers and workers revolves around this type of consultation, a social dialogue killer.

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