



Update on UK/European regulations and their effect on the lubricants industry

David Wright, Director General, UKLA

The announcement in August that the UK Government was relaxing environmental controls on new building applications to speed up housebuilding came as a shock in some quarters.

Throughout the period following the decision to leave the European Union, Government had continually stressed its environmental credentials not only to align with the European Union, but also to be seen as a global champion and world leader, as set out in its 25-year Environment plan published in 2018.

Indeed, as recently as January 2023, in its Environment Improvement Plan¹, Prime Minister Sunak restated the UK's pledge to improving the environment which included a commitment that chemicals are safely used and managed, and that the levels of harmful chemicals entering the environment are significantly reduced.

The UK's move to restrict Medium-Chain Chlorinated Paraffins (MCCPs) under the Stockholm Convention was one example to underline the safe use of chemicals. In America, MCCPs are already in decline

and supply has fallen to 11,000 tonnes a year. In May 2022, the European Commission published a proposal to add MCCPs to the list of restricted substances².

Although in some areas the UK and the European Union are aligned, there is a growing risk of regulatory divergence that could prove problematic for UK lubricant companies. And it's not all on the side of the UK.

In April, the European Chemicals Agency ECHA, broke alignment with the United Nations Globally Harmonised System by announcing new hazard classifications under the Classification of Labelling & Packaging, built as it is on UN GHS;

ED HH in Category 1 and Category 2 (Endocrine disruption for human health)

ED ENV in Category 1 and Category 2 (Endocrine disruption for the environment)

PBT (persistent, bioaccumulative, toxic), vPvB (very persistent, very bioaccumulative)

PMT (persistent, mobile, toxic), vPvM (very persistent, very mobile)

In response the UK's position was to wait for a coordinating response from UN GHS, as they believed the European Union had broken alignment which other countries with their own systems based on UN GHS, had not followed. Even though endocrine disruptors and bio-accumulative hazards do give cause for concern amongst regulators and policymakers so much so that it is likely that UN GHS will also adopt these new hazard classifications over time.

Indeed, as Northern Ireland, within the United Kingdom, continues to follow the EU REACH regulation rather than UK REACH, it is likely that these new hazard classifications will find their way onto the UK market under the Windsor Framework³ agreed in February this year as a way of clearing the political impasse on the island of Ireland, which means these hazard classifications will be in use from 1st May 2025 for new substances and 1st November 2026 for existing ones.

The added complication is that under UK REACH, goods entering Great Britain – that is, Scotland, Wales and England – from Northern Ireland, after these dates, and with a light touch notification to the Health & Safety Executive, may well refer to these new hazard classifications in Safety Data Sheets which would mean it is only a matter of time until the UK would need to recognise, if not adopt, these new classifications.

References

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