December 2025

green alliance...

What has happened to British chemicals regulation since Brexit?

Introduction

Pollution from harmful chemicals poses an invisible but 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. Some of these are toxic and persistent, can accumulate in wildlife and humans and can enter our water, soil, food and air through a diversity of routes throughout their lifecycle.

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, to harmful substances used in consumer products, that disproportionately affect the health of women and girls.[1,2,3,4,5]

Scientists have concluded that the release of chemical pollutants (including plastic) is increasing and has breached its planetary boundary, and the UN has cited chemical pollution as a major cause of the biodiversity crisis.[6] The use of hazardous chemicals in products is also creating a significant barrier to a circular economy, turning potentially recyclable resources like upholstered furniture into a toxic waste burden on local authorities, who must separate and incinerate them to destroy harmful pollutants.[7,8,9]

The importance of good regulation

Effective regulation of these substances at source – via bans and other controls – is critical for protecting people and wildlife from harm, as well as minimising the costs to society of clean up and managing toxic waste. Once very persistent chemicals, such as PFAS, have entered our water bodies and wider environment, their removal can be exorbitantly expensive as well as carbon intensive and some technologies are limited in their effectiveness.[10,11,12]

Leaving EU regulation: predictions and promises

The UK was one of the driving forces behind the creation of EU REACH (Registration, Evaluation, Authorisation and restriction of Chemicals) Regulation in 2007, which – while not perfect, and needing improvement to keep up with the pace of chemical threats – sets the highest standards globally. A defining feature is the principle of 'no data, no market'. This places responsibility on industry to provide sufficient safety data on substances they produce or import to demonstrate they understand their risks and to provide a basis for regulatory decisions and controls.

The decision of the previous government to drop Prime Minister Theresa May's proposal for a 'common rule book' with the EU, and to leave the EU REACH, was widely predicted to be one of the biggest challenges for environmental law post-Brexit.[13,14]

While ministers claimed the benefits of controlling our own laws would outweigh the costs, even promising to create a "better" world-beating system, many argued that establishing a separate system would present considerable challenges.[15,16] These were signposted early on: from the ability to replicate the significant capacity of the EU system, which achieves major economies of scale and has amassed the most extensive database on chemical hazards and uses in the world; to the lack of equivalent transparency to the European Chemical Agency's open committee structure, leaving the system susceptible to backdoor lobbying.

When she was chair of the Environmental Audit Committee, Mary Creagh rightly raised concerns about "important democratic oversight mechanisms... being lost in translation".[17]

Major changes since Brexit

Structural changes

Since January 2021, the UK has operated its own chemicals regulation system. This involved retaining EU legislation, from EU CLP (Classifying, Labelling and Packaging of chemicals) to laws relating to pesticides, and modifying these for the UK using secondary legislation. The system applies to Great Britain (ie England, Scotland and Wales), with EU laws continuing to apply to Northern Ireland under the Windsor Framework. While the Department for Environment, Food and Rural Affairs (Defra) is the lead policy department for the main chemicals regulation (UK REACH), other government departments lead on other areas. For example, the Department for Business and Trade (DBT) leads on product regulation, which covers limits or bans on harmful chemicals in toys and cosmetics.

The Health and Safety Executive (HSE) was assigned as the regulator for many of these regimes, with responsibilities including approving pesticide active substances to evaluating UK REACH restrictions. Unusually for an arm's length body, as well as its regulatory functions, HSE makes policy on significant chemicals regulation (eg GB CLP and GB Biocidal Products Regulation) and represents the UK in some international agreements and systems on chemicals, including the Globally Harmonized System of Classification and Labelling of Chemicals and UK Free Trade Agreements.

Divergence from EU industrial chemicals protections

UK chemical regulation has been widely considered to be a casualty of Brexit and, as forewarned, has lacked the capacity (of staff and data) to match the scale and pace of EU regulation and fallen sharply behind its environmental and health protections.[18]

In addition to problems recruiting expert staff, the government has faced the near impossible task of finding an effective, but inexpensive, replacement for the EU data model and is due to extend the deadline for chemical safety data for a third time.[19] The most recent model proposed by the previous government reduced data on hazards to health or environment to a minimum, due to the costs to industry of accessing this data submitted at EU level, that will make it difficult for the UK regulator to address chemical risks and prevent harm.

During this period, while the EU has continued to make progress in banning or controlling harmful chemicals, the UK has focused on just a fraction of EU protections, resulting in 'passive divergence'. It has also taken a less protective approach than the EU to those substances, such as tattoo inks. [20,21]

After years of campaigning, NGOs welcomed the government's first restriction decision under the new UK REACH in July 2025. This will ban the use of lead in ammunition from which thousands of waterbirds and other animals are estimated to die every year from accidental poisoning.[22] However, this single restriction took 4.5 years to achieve at a cost of over £1 million in public money. and after an impressive public facing campaign involving tens of thousands of people writing to their MPs. This set an unsustainable and costly precedent in an area where the public assumes the government protects them from risks and ensures that products on the market are safe. CHEM Trust has highlighted that, during the same period, the EU enacted 13 restrictions on substances, including lead in PVC, carcinogenic Poly Aromatic Hydrocarbons (PAHs) used in synthetic football pitches and a wide-ranging ban on microplastics intentionally added to products, a significant source of irreversible microplastic pollution.[23,24] Similarly, while 42 substances have been added to the EU's list of Substances of Very High Concern, none have been added to the UK's.

This regulatory gap is set to become wider, with EU proposals in the pipeline to restrict groups of widely used chemicals of key concern, most notably a staggered broad ban on all PFAS to prevent their continued release and accumulation in the environment. The slow regulatory pace in the UK has had worrying echoes of the discredited regime that preceded REACH in the EU and led to its creation, at a time when protections urgently need to be accelerated.[25]

However, on 1 December 2025 the government set out a significant change of approach to regulating harmful chemicals in the revised Environmental Improvement Plan. This includes a welcome new commitment to reform UK REACH "to enable protections that address chemical pollution to be applied more quickly, efficiently and in a way that is more aligned with our closest trading partners, especially the EU, by December 2028". Although this leaves scope for aligning with close trading partners with lower chemical regulatory standards, notably the US, the signal of intent is clear. The ability to apply protections "quickly" and for legislative changes to be "in force by December 2028" suggests a much needed new process to enable the UK to adopt EU regulatory protections without having to duplicate regulatory processes. The adjunct "unless there are compelling reasons to diverge" positively suggests an implicit default assumption of alignment.[26]

The plan also promises a PFAS action plan that will set out "measures and initiatives with specific actions and delivery milestones", that will "identify and address releases of harmful PFAS and protect people and the environment from harm relating to PFAS exposure".

Deregulatory pressures

In addition to significant divergence, the system for Britain has also been eroded by gradual weakening of chemical safety rules.[27] For example, it has generally taken a lighter touch approach to the industrial use of substances on the 'authorisation list' than the EU.[28]

This will be made worse if a package of deregulatory changes proposed by HSE to the regulation of biocides and classification of chemicals are enacted. These were developed under the Retained EU Law Act review of 'assimilated' EU law

and later referenced in a Treasury policy paper to promote growth, although somewhat obliquely.[29]

These proposals replace health and environment safeguards (such as mandatory renewal processes for biocides), with discretionary powers for HSE to cherry pick regulatory decisions from around the world on biocides and classifying hazardous substances.

They risk opening the British market to lower quality and more harmful biocides, which pollute 95 per cent of English rivers.[30] They are also widely predicted, by NGOs and others, to result in further divergence from EU CLP, accelerating an HSE policy decision not to adopt new EU hazard classifications for substances that are persistent, mobile and toxic, or those that interfere with the body's sensitive hormone system, unless adopted globally.[31] Even if the changes are not enacted, current policy on CLP will compromise the ability of the UK to match two recent updates to EU regulations that automatically ban substances once they are classified as known or suspected endocrine disrupting chemicals in food packaging or toys, to protect people from health risks from exposure, such as some hormone-related cancers.[32,33,34]

In areas where HSE has delegated authority, decisions have often been ad hoc and less protective than the EU's, with inadequate scrutiny.[35] The acquisition of more delegated powers with fewer safeguards would make the system vulnerable to backdoor lobbying.

Pesticides

A similar pattern has happened with UK pesticide regulatory protections diverging sharply from the EU's. Pesticide Action Network UK has given two clear examples.[36]

First, there has been a "tranche of automatic approval extensions for active substances", due, at least in part, to a lack of capacity to manage Britain's approvals regime properly. As a result, at last count, in April 2025, there were 12 pesticide active substances still authorised for use in Britain but banned in the EU, seven of which are classed as 'Highly Hazardous Pesticides' due to the serious risks they present to human health and the environment, including acute and chronic toxicity.

Second, HSE has weakened hundreds of safety limits for pesticide residues allowed in food, potentially increasing chemical exposure and the associated health risks for British consumers. The EU also has more stringent rules than the UK on the use of certain pesticides. For example, the EU has banned the use of glyphosate as a pre-harvest desiccant, but it continues to be used widely in the UK for this purpose.

In 2025, however, the government committed to dynamically align with EU rules on pesticides as part of a new agreement with the EU to reduce barriers to agri-food trade. That should bring UK pesticide standards back within EU levels of protection to the benefit of human health and the environment. However, considerable uncertainties remain over the coming year as the SPS agreement is negotiated, alongside potential changes to EU pesticide regulations targeted for significant deregulation in a leaked draft Omnibus regulation to 'simplify' rules.[37]

The government has committed to a modest pesticide reduction target of at least ten per cent by 2030 (from 2018) using the Pesticide Load Indicator, which positively combines use with pesticide properties (toxicity and environmental impact data) but currently cannot accurately track progress.[38] It has also committed to end the use of some neonicotinoid pesticides "known to carry substantial risks to pollinator populations", including by potential legislative changes by end of 2027 to stop the use of emergency authorisations which have continued despite being banned in 2018. In December 2024, Defra set out more detail on its plans in a policy statement. In January 2025, it decided not to grant an emergency application for the use of a neonicotinoid pesticide on sugar beet in England. The Office for Environmental Protection (OEP) is investigating whether Defra previously failed to comply with a number of environmental laws when it granted emergency authorisations for use of a neonicotinoid pesticide in 2023 and 2024.[39, 40, 41]

Water pollution

Given the poor state of effective chemicals regulation, it is perhaps not surprising that not a single English river has been judged to be of good chemical status. Good chemical status is assessed by measuring concentrations of a small handful of specific priority substances against Environmental Quality Standards (EQS), under the EU's Water Framework Directive transposed into UK law and retained on EU exit.[42]

The Rivers Trust has set out how just 45 chemicals, several of them long since banned, have associated standards in water (EQSs), ie concentrations that should not be exceeded in water. While hundreds of other chemicals found in our water environment are of concern, from industrial chemicals and pharmaceuticals to pet parasiticides.[43] A wealth of research has shown their presence has detrimental impacts on aquatic life, including on their growth, reproduction and immunity, and implications for water users from exposure.[44,45,46]

To better reflect the latest science, the EU has recently expanded the number of chemicals on its proposed new Priority Substances List to include emerging chemicals of concern to the water environment and has agreed new and more stringent water quality standards for some of the chemicals on the existing list.[47] These new substances include pesticides, pharmaceuticals, bisphenols and trifluoroacetic acid (TFA), a breakdown product of certain PFAS, which Fidra has shown is widespread in UK rivers, with some concentrations the highest recorded globally.[48]

Additionally, the EU operates a 'watch list' for chemicals identified as potentially posing a risk to the environment and human health, which has continued to be updated with new chemical pollutants, triggering a requirement to monitor the listed substances in surface waters.[49,50]

The EU's recently revised Urban Wastewater Treatment Directive includes new requirements to monitor and treat a much wider range of chemical pollutants in wastewater, and, notably, an extended producer responsibility mechanism for recovering these costs from those responsible for causing the pollution.

However, the UK government has not matched any of these improvements to safeguard water quality. Nor has it provided a direct replacement for the EU's watch list in England, as highlighted by the OEP.[51] This has left the UK using

outdated regulations and with approximately 40 per cent of wastewater treatment plants unable to remove chemical contaminants.

The EIP refers to broadening the range of chemicals beyond those already monitored via the prioritisation and early warning system (PEWS), but this does not trigger action to address the harmful contaminants identified.[52]

The government has, however, committed to review the regulatory framework for sewage sludge, which is a byproduct of wastewater treatment widely applied to farmland, but contains a range of toxic contaminants – from PFAS to microplastics – that can leach into and cause serious harm to crops, soil and waterways.[53]

Northern Ireland

The two most serious attempts to use the Stormont Break to prevent or delay new EU laws being applied in Northern Ireland have been in relation to EU chemical safety regulations.

The first concerned an EU ban on dental amalgam from 1 January 2025, one of the largest remaining uses of toxic mercury and emissions into the environment.[54] This was resolved by the EU agreeing to give Northern Ireland a ten year extension for implementing this ban, to give its dental services time to adapt.[55]

The second attempt, related to EU improvements to CLP, including its new hazard classifications as outlined above. In January, the UK government's Northern Ireland secretary rejected the use of the break to prevent these laws applying in Northern Ireland and committed to consult on whether to apply a consistent regime across the UK. In setting out his decision, he said the EU rule change "has some merits in its aims to improve how chemical hazards are classified", and that this "will be accounted for in the UK's considerations of its domestic regime".[56]

Risks, opportunities and gaps in environmental protection

In its statement on the revised EIP, the OEP said that it would examine the extent to which the EIP "stands in the place of a dedicated chemicals strategy" for setting out how the government will achieve its goals on chemicals.[57] In January 2025, it found the UK was "largely off track" in achieving its ambitions on chemicals, including to significantly reduce levels of harmful chemicals (including pesticides) entering the environment. Significantly reducing this environmental pressure is critical to achieving the UK's environmental targets, such as improving water quality.[58]

NGOs have raised concerns that the revised EIP no longer includes this ambition, instead referring to the weaker, industry-friendly 'minimising risks', which as PAN UK has argued is difficult to measure compared to volume or harms.[59,60] This does not clearly correlate with the UK's specific, time-bound global biodiversity commitment to reduce the "the overall risk from pesticides and highly hazardous chemicals by at least half" by 2030. They also highlight that the actions committed to so far are insufficient to prevent ongoing nature decline. Buglife has shown that pesticides banned for agricultural uses have extended to other sectors such as veterinary medicine and forestry, harming efforts to restore biodiversity. For example, neonicotinoids are commonly used for tick and other parasite treatments for pets.[61]

If effectively implemented (see below), the EIP commitment towards EU alignment could help to counter the likely longer term impact of the present system, which risks the dumping of products on the UK market that no longer meet higher EU standards and even British production of substances banned in the EU for being too harmful.

However, the dispersal of chemicals policy across the government could create problems over the longer term. Approaches range from dynamic alignment on pesticides, to – if enacted – a system that would delegate decision making to the regulator to pick and choose decisions made by countries around the world on chemical classifications and biocides.

Existing HSE policy on CLP has implications across government, with classification of a substance as hazardous linked to an estimated 19 different pieces of legislation.[62] This could impair the ability of DBT to update and maintain high standards for products, where this relates to harmful chemicals used in them, the model Defra has proposed for chemical safety data which relies on having the same 'hazard conclusions' as the EU and the potential interest of the Northern Ireland Secretary in harmonising rules.[63]

If enacted, the proposed changes to CLP and biocides would continue to pull in the opposite direction from other parts of government and not provide regulatory predictability or clarity in line with government objectives.[64]

On chemicals and waste, the EIP committed to increasing the destruction of persistent organic pollutants in waste by 2030. But, without measures to reduce and eliminate the use of hazardous substances in products, this toxic waste stream will continue to rise, alongside costs on local authorities in managing it and greenhouse gas emissions from incineration.[65]

Next steps

After years of weak, sclerotic post-Brexit chemical regulation, it is welcome that the government has signalled a sensible but significant shift back towards EU aligned protections which is still the most rigorous standard globally. But the devil will be in the detail.

The new system must be transparent and protect against backdoor lobbying and delay tactics; any deviations should be rare and relatively minor, based on clear criteria and provide an open process for challenging them. Indeed, this is the only safe or stable model which could support current chemical safety data proposals, as well as minimise trade friction with the EU and within the UK's single market.

A 'pick and choose' regulation would mean continued lower levels of protection and higher costs of clean up, and would create regulatory uncertainty. It would also need a fully functioning independent regulatory system of data and staff to support evidence-based decision making.

To ensure a consistent approach across government this must include EU hazard classifications and biocides, as well as restrictions. The promised PFAS Action Plan will provide a crucial early test of the government's intent. It should back the EU's proposed broad PFAS ban to stop further pollution at source, as well as take immediate steps to reduce emissions.[66]

It is anticipated that the UK-EU Sanitary and Phytosanitary (SPS) agreement must involve measures for catching up with and dynamically aligning with EU pesticide standards. This should include conditions on the use of pesticides, should provide a baseline for standards and not prevent the UK from adopting higher environmental standards than the EU.

Source control should remain the priority for safeguarding water quality. But improvements are needed to both the monitoring and wastewater treatment of harmful chemicals to prevent their release into the water environment, including in sewage sludge, which should be funded by a 'polluter pays' model and by those companies responsible for producing or using those chemicals.

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The Green Alliance Trust
Registered charity no 1045395
Company limited by guarantee
(England and Wales) no. 3037633

Published by Green Alliance
December 2025

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Green Alliance's Legislation and Governance Unit is funded by the Esmée Fairbairn Foundation, Samworth Foundation and Waterloo Foundation.

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