

20<sup>th</sup> April 2022

Mr Lee Rowley MP  
Minister for Industry  
Department for Business Energy & Industrial Strategy  
1 Victoria Street  
London  
SW1H 0ET

Dear Mr Rowley

### **Impact of Annex VIII to CLP Implementation in GB to Chemical Business Association Members**

It recently came to our attention that the National Poisons Information Service (NPIS) were informing companies that Annex VIII to CLP has been retained in GB law following Brexit. However, this is in direct contradiction to what we were informed by DEFRA and HSE in that it would not be copied across to GB legislation. Had it been copied across at that time, it would have meant that hazardous mixture notifications to NPIS would have been mandatory for consumer and professional use products sold in GB as of the 1<sup>st</sup> of January 2021. As this only has only come to light more than a year later, something has clearly gone amiss and in any event, if it is to be adopted then industry will incur significant costs and require sufficient time to implement these requirements of which the benefits and justifications are debatable.

This letter summarises the potential impact to our members based on a survey that we have conducted should Annex VIII to CLP be implemented.

The majority of our members are SMEs, which include distributors, traders, warehouse operators, along with logistics and transport companies who have an annual turnover of over £3 billion and make more than 2.5 million deliveries each year and handle over 6.75 million tonnes of chemicals.

In conducting our survey, we worked on the assumption that the adoption of these poison centre notification requirements would mirror the current EU system and mandate as follows:

- Poison centre notification for hazardous mixtures in a PCN format in IUCLID
- Poison centre notification for consumer, professional and industrial uses
- The creation of a Unique Formula Identifier (UFI) and for this to appear on the product label

We are continuing to receive responses and so far, 71% of the members who have responded would be in scope of Annex VIII with an average of 272 products requiring notification per company. This would result in >25,000 product notifications for our membership alone. Of the products that would require notification, the majority of these are sold into the professional and industrial sectors. However, it is not certain whether any of these materials would find their way into the consumer market so it is likely there will be further knock-on effects within the downstream sectors.

From the companies that have responded so far, only 10% have previously completed EU poison centre notifications. There were no respondents who had completed poison centre notifications to the NPIS in the PCN format for products sold into Northern Ireland. Therefore, there is limited knowledge and experience within the membership of completing this type of notification and training would be required within companies to understand their obligations for notification, and additional

training would be required to use the IUCLID system in order to prepare the submissions. We estimate at least one and a half days training would be required by each member company impacted.

The actual data submission for each product will vary depending on the complexity of the mixture, and we estimate an average of 3 hours data preparation for each submission which would result in 816 hours of work just to compile the data and submit to NPIS.

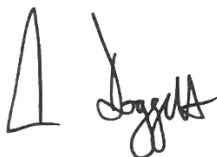
As already stated, many of our member companies are SMEs who will not be in a position to recruit a role specifically to complete poison centre notifications. The other option of using third party consultants is likely to be prohibitively expensive, possibly resulting in some companies having to exit the market all together.

Furthermore, should the requirement for a Unique Formula Identifier (UFI) be implemented, then this will create further substantial amounts of work and costs for our members. With an average of 272 products requiring UFIs this would translate into thousands of stock-keeping units per company that would require re-labelling. The process of re-labelling products takes time, is expensive, and will need several months lead in time in order to ensure that the re-labelled product is distributed fully within the supply chain.

Our member companies within the chemical supply chain have experienced serious disruptions in the last two and a half years as a result of Brexit, Covid-19 and now the conflict in Ukraine. The implementation of Annex VIII to CLP would add a further burden to an industry who are already facing unprecedented challenges. SMEs in particular would be adversely impacted with further costs, additional time, and demands on already stretched resources that would be required to remain compliant and keep their business operational. It is also not clear what benefit this would bring to NPIS and the advice they provide to healthcare professionals, above what is already provided on the safety data sheet. We therefore believe that Annex VIII to CLP should not be adopted in GB and that the current voluntary process of submitting a safety data sheet to NPIS is sufficient and should remain as is.

Since this came to our attention, we have made numerous attempts to gain clarity and confirmation of the actual situation. However, the responses to date have been contradictory, confusing, and most of all, we are not sure who is taking the lead and responsibility for this matter. Indeed, it feels like the 'buck is being passed' and we would therefore ask for your personal intervention and input in order to allow us all to move forward on this.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tim Doggett', written over a simple line drawing of a triangle.

**Tim Doggett**  
**Chief Executive**