WildFish response to HSE Chemicals Legislative Reform Consultation 2025

1. WildFish (formerly known as Salmon & Trout Conservation) is a conservation charity working to protect wild fish and their waters.

2. Using science and the law our dedicated team campaigns to influence government policy, industrial practice and individual behaviour. Our goal is the measurable improvement of the state of the water environment so we can enjoy healthier wild fish stocks, improved biodiversity and less pollution in our rivers, lakes, and oceans.

3. WildFish responds here only to Part 3 of the Consultation relating to biocidal products regulated in GB under assimilated EU Regulation 528/2012.

4. WildFish strongly disagrees with the principle of enabling approvals and authorisations of biocidal active substances and products granted in foreign jurisdictions to be recognised in Great Britain (Biocides Questions 1 and 2).

5. Firstly, WildFish is concerned that the consultation does not identify those foreign jurisdictions outside the EU which could be recognised as 'equivalent' in respect of the assessment of biocidal active substances. It also assumes that EU approval and authorisation processes are and will remain adequate.

6. We note there appears to an intention to expand the list of such jurisdictions after the consultation. However, there is little to suggest how new jurisdictions might be approved and what degree of public consultation there might be.

7. Irrespective , the circumstances of use, quantities used and ultimate disposal of biocides within Great Britain may well be significantly different from those in the jurisdictions where authorisations or approvals are initially granted, as will be the receiving environment in GB for biocidal residues, including rivers, which may already be subject to residues of veterinary medicinal products and plant protection products (often the same active ingredients as biocides).

8. It simply cannot be assumed that use patterns and quantities of biocidal actives and products in all foreign jurisdictions (however reliable their procedures for approvals and authorisations may be) will reliably reflect what is likely to occur in GB.

9. Further, there is an issue of public participation here. The effective approval of biocidal 'actives' and authorisation of products should not be delegated to foreign jurisdictions in this way, leaving the GB public with no opportunity to take part in approval or authorisation procedures and with no effective recourse to challenge such approval or authorisations where that becomes necessary

10. Finally, we refer to paragraph 3.4.9 of the consultation concerning data protection and data ownership. WildFish would note that approvals granted in foreign jurisdictions for biocidal 'actives' or authorisation for products to be used within GB, would be granted without the underlying data packages being susceptible to requests for information made pursuant to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

11. WildFish strongly urges that any documentation required for a foreign approval or authorisation must always be lodged with and 'held' by the HSE for the purposes of FOI law in GB.

12. WildFish also opposes the removal of time limits and expiry dates on biocidal active substances (question 10) and products (question 13). To rely on a call-in system for full revaluation is entirely resource-dependent and it is already clear that public funding, including that enjoyed by the HSE, is limited. (Biocides Questions 10 and 13).

13. There needs to be a clear duty upon those gaining approval (whether in GB or elsewhere) for biocidal active ingredients, and authorisations for products, to constantly monitor the safety for environmental purposes of the biocides they produce and to report their findings to the HSE, which the HSE must then be required to publish.

14. If it remains the intention of HSE to operate a call-in system for biocidal active ingredients or products, then such call-in system must require a minimum frequency of call-in, perhaps at least once every 5 - 10 years, for all active ingredients or products.

15. In order to safeguard properly against unforeseen environmental impacts being caused by biocidal active ingredients or products, there also need to be parallel duties strongly enforced upon the approval and authorisation holders to provide HSE with information - from whatever source - where it appears that the benefit-risk balance of the biocidal active ingredient or product has altered. Under such

circumstances, those approval holders should be required to request a call-in by the HSE.

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