



Matt Browne
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Our Reference: 202500446859

22 January 2025

Dear Matt Browne,

Thank you for your letter of 6th January 2025, regarding the proposed Lead Ammunition restriction recently published by the Health and Safety Executive as part of their work as the UK Agency for the UK REACH Regulation. I am responding on behalf of the Cabinet Secretary for Net Zero and Energy, under whose portfolio the devolved aspects of chemicals safety regulation falls.

UK REACH is the main means of controlling the risks of chemicals to people and the environment where more specific, sector-driven regulation doesn't exist. The Scottish Ministers are an "appropriate authority" under UK REACH. Article 69(1) of UK REACH states that if an appropriate authority considers that the manufacture, placing on the market or use of a substance on its own, in a mixture or in an article poses a risk to human health or the environment that is not adequately controlled and needs to be addressed, it shall ask the Agency (the Health and Safety Executive) to prepare a restriction dossier.

The Scottish Government recognises that the use of lead in ammunition continues to pose such risks to both human health and the environment. We prioritised lead in ammunition for inclusion in the first UK REACH workplan, and in spring 2021, the Scottish Government worked with Welsh Governments and Defra to request the Health & Safety Executive (HSE) and Environment Agency (EA) to prepare a restriction dossier on lead in ammunition. HSE published their final Opinion on proposals for a restriction on lead in ammunition in December 2024.

The UK REACH restriction process, and as outlined above for this case, is as set out in the legislation. We are well aware of the risks lead ammunition poses to people and wildlife and, without prejudice to the outcome of the UK REACH restriction process, we remain committed to the phase out of lead ammunition where viable alternatives exist.

HSE published a dossier and held two public consultations in 2022 and 2023. Due to the large numbers

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of responses to both consultations, there were necessary delays to ensure the responses could be sufficiently incorporated into the final Opinion. HSE has now published a final Opinion on the restriction proposal for lead in ammunition, informed by information from the public consultations, as well as independent scientific advice. Now that the HSE Opinion has been published, officials and ministers are assessing the proposal and a decision whether to propose a draft amendment to Annex XVII (the UK REACH restrictions list) will be made by Secretary of State in due course. These decisions require the consent of the Scottish and Welsh Ministers. In effect this makes it a joint decision in a devolved policy area. The Scottish Government supports action under UK REACH because it will mean a consistent approach will apply across the whole of Great Britain. This mirrors the arrangement under EU REACH, where new restrictions apply equally across all member states.

We recognise your request for the government to shorten the transition period, implement legislation without delay, restrict small calibre bullets and to remove or amend the athlete's derogation. Although we cannot discuss details of the proposal at the risk of prejudicing the Ministerial Decision, we want to reiterate the Scottish Government's commitment to act on lead in ammunition, and support the implementation of legislation as swiftly as possible as there is a recognised issue for the environment and human health.

Yours sincerely

Lucy Smythe
EQR : Environmental Quality

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