25th February 2022

Rt Hon Kit Malthouse MP
Minister of State
Home Office
Marsham Street
London
SW1P 4DF

Rt Hon Lee Rowley MP
Parliamentary Under-Secretary
Department for Business, Energy and Industrial Strategy
Eckington Business Centre,
Market Street,
Eckington,
S21 4JH

Dear Mr Malthouse and Mr Rowley,

Gamma butyrolactone (GBL) and 1,4-butanediol (BDO)

The Graphics and Print Media Alliance (GPMA) consists of trade associations representing companies operating in the graphics and print media industry supply chain. Between us, we represent an industry of over 7,400 companies, the majority of which are SMEs with an annual turnover of £11.6 billion which employs approximately 105,000 people. The objective of the GPMA is to represent the interests of companies operating in the printing industry supply chain.

We are writing to you following contact from across our memberships with concerns regarding the change of status for the above materials that are used as industrial chemicals and are present in a number of printing ink formulations. While we are very supportive of the legislation's intention, we need to highlight the disproportionate impact it will have on our industries.

This would be caused primarily as more than 4,000 businesses use these affected inks to produce their day to day living directly through print production. The value of this specific type of print production annually is estimated at £1bn. There is also a much wider usage of this ink in printing equipment present at schools, colleges, universities, local councils, construction site offices, fashion houses and Government offices.

Following the recommendations of the UK Advisory Council on the Misuse of Drugs, tighter controls are being placed on GBL and 1,4-BD, which are due to come into effect on 15 June 2022. This includes the removal of an exemption previously granted under the Misuse of Drugs Act, which means that industrial users will require a controlled drugs licence.

The GPMA understands that licences will be required for import, export, production, supply, possession and disposal of GBL and 1,4-BD. Secure storage will be required and furthermore, in order to obtain a licence, DBS checks will be required for members of staff with access to ink.

As many of the affected businesses are SMEs that are currently in a stage of fragile recovery following the major financial impact of Covid-19 – they are not in a position to be able to invest in alternative printing equipment that does not use GBL affected ink. They are also ill-equipped to afford (or logistically cater for) the current licencing requirements.

Whilst the GPMA firmly supports the overall intention to control the availability of these substances to prevent misuse, we have concerns about the scope of the proposal, further post-Brexit disadvantage for UK companies, technical difficulties, the timing of the changes and the lack of consultation with stakeholders, which are outlined below:

- We believe that the industry use of GBL and 1,4-BD has been grossly underestimated. The number of users and significance to Industry should have been properly ascertained through public consultation with stakeholders;

- The affected ink does not pose a viable conduit for drug manufacture – as it would be uneconomic and impractical for it to be distilled for illicit use. For example; the average cost of 50l of cleaning fluid that contains GBL – and is a primary source material for drugs manufacture – costs around £250 - £500 on average. For the same quantity of affected ink, it would cost £5,000 to purchase it on average.

- An exemption from the licensing requirements for users of complex mixtures, such as printing inks, has not been put in place. We believe that it is difficult to extract GBL from the affected ink based on feedback from across our ink manufacturing sector. This is because the commonly used distillation extraction process contains substances close to the boiling point of GBL, and these substances are extracted together with GBL. It is understood that there is an exemption in place in the United States for chemical mixtures containing less than 70 per cent GBL by weight or volume from regulatory requirements under the Controlled Substances Act. The imposition of a licensing requirement on users of mixtures is thus disproportionate to the risk posed.

- UK companies producing industrial mixtures will be disadvantaged compared with their EU counterparts. The volume and extent of use of GBL in product formulations is clear from reference to the Substance Infocard on the European Chemicals Agency database: Substance Information - ECHA (europa.eu). The regulatory controls that are being put in place in the UK will bring further post-Brexit disadvantage to UK companies and further divergence from Europe;

- The affected ink formulations are designed to work with specific equipment and have undergone years of product trials, validation and regulatory compliance. It does not appear to be understood that substances cannot just be substituted one for the other, due to performance requirements and extensive technical validation processes that are required. As such, the machinery would need complete replacement by an end-user, which is not financially viable as outlined previously. It would take an estimated 2 years minimum for the reformulation and regulatory approval required to provide an alternative GBL-free ink for use in this equipment.

- The decision on GBL and 1,4-BD was laid before Parliament mid-December 2021 and is due to enter into force on 15 June this year. There has been little communication on this and many of our members have only now become aware of the licensing requirement. The GOV.UK website states that it can take up to 16 weeks to process a drug licence and a valid DBS check must have been completed before submitting the application. This means that our members do not have sufficient time to apply for a licence. Stocks of the substances will be on site, along with product mixtures containing them at member company premises and in the supply chain. Companies will be in breach of the regulation unless they arrange for these stocks to be destroyed – and in a very significant number of cases this will lead to the company being forced to close from the financial burden caused and the inability to produce their products and services.

Controlled drugs: domestic licences - GOV.UK (www.gov.uk)

The issues raised above are of critical concern to our members and their customers. We urge Government to review the timelines and open dialogue with Industry and other stakeholders. The GPMA is ready to assist in a review process.

In the meantime, we suggest the following options for consideration:

- The applicability of the legislation is delayed allowing for a full and thorough consultation with Industry;

- A technical evaluation of the abilities of illicit users to extract useable substance from product mixtures is commissioned by Government with contribution from Industry;

- Transitional arrangements are put in place to allow sufficient time for the manufacturers and suppliers of the affected ink to comply with the licensing requirements (6 months suggested);

- End-users to be fully exempted and covered by the suggested registration scheme below so they can be monitored, and their usage recorded.

- A consultation takes place with ink manufacturers on the realistic time scale required to reformulate the inks to remove GBL – so they can continue to be used in the current machinery install base without causing financial hardship to end-users, and also thus remove the need long-term for licensing all together.

- A threshold exemption is put in place for GBL and 1,4-BD in product formulations, below which a licence is not required;

- To address illicit use, a registration scheme is put in place to which companies using the pure substances must submit information e.g. on volumes and other defined parameters. These companies could also be required to validate customer use and undertake appropriate record keeping.

In conclusion, we understand the decision to legislate against harm from the availability of these substances and their misuse. However, the impact to business is far greater than was anticipated. Product mixtures have been dragged into the requirements without due consideration of the risks posed, and there has been a gross underestimate of the time required to obtain a licence, to reformulate products. or to exhaust company stocks.

We urge you to reconsider the timelines and open dialogue with Industry and other stakeholders. The issues raised above are of critical concern to our members and their customers. The GPMA would be grateful if you would review the position as a matter of urgency and is ready to assist in a review process.

Yours sincerely

Charles Jarrold
Chair
Graphics & Print Media Alliance
t: 01438 832742
e: secretariat@gpma.co.uk

CC: Paul Nichol, Home Office

Tom Bowtell
Chief Executive
British Coatings
Federation

Bettine Pellant
Chief Executive
Picon – Printing Industry Confederation

Graeme Smith
Chairman
IPIA

p.p. Debbie Waldron-Hoines
Chief Executive
Flexographic Industry Association UK

gpma
Graphics & Print Media Alliance

p.p. Clive Fricker
Executive Director
Rubicon Network

p.p. Amy Hutchinson
Chief Executive
BOSS Federation

Brendan Perring
Chairman
BAPC

Jonathan Tame
Managing Director
Two Sides

David Harrison
Chief Operating Officer
PPMA Group

Andrew Large
Director General
Confederation of Paper Industries

BCF British Coatings Federation
BPIF EST·1901
cpi confederation of paper industries
FIA UK FLEXOGRAPHIC INDUSTRY ASSOCIATION
PPMA GROUP OF ASSOCIATIONS PPMA BARA UKIVA
ipia
picon PRINTING INDUSTRY CONFEDERATION
BAPC
The Rubicon Network
boss
TWO SIDES www.twosides.info