

PFAS REACH restriction and FPP4EU

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PFAS REACH restriction and FPP4EU

PFAS applications

Who are we

Universal PFAS restriction

- a. Restriction proposal
- b. How to contribute to the next steps

FPP4EU Position Paper

Call for action



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PFAS definition

Substances that contain at least one fully fluorinated methyl (CF_3 -) or methylene ($-\text{CF}_2-$) carbon atom (without any H/Cl/Br/I atom attached to it).

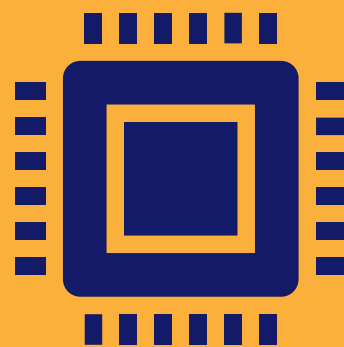


Note: This includes among others short and long chain PFAS, fluoropolymers and F-Gases.

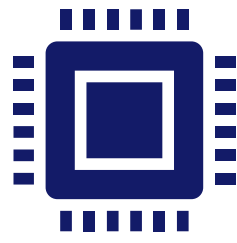


PFAS APPLICATIONS

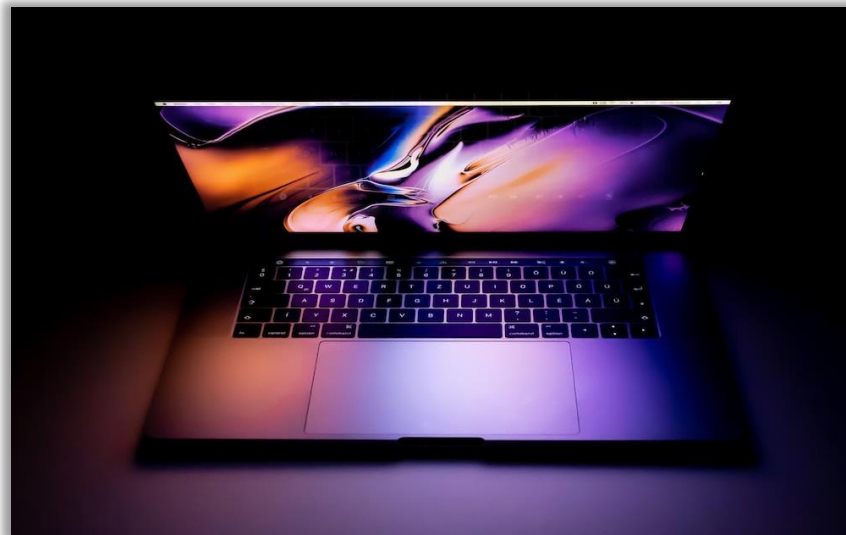
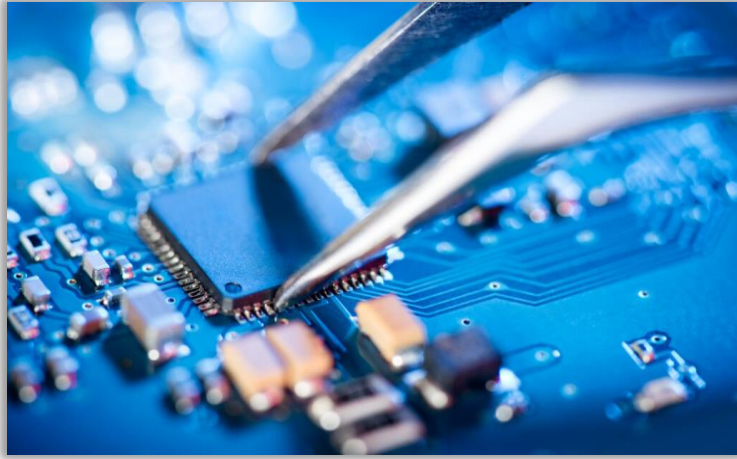




ELECTRONICS



ELECTRONICS





HEALTH



HEALTH





**RENEWABLE
ENERGY**

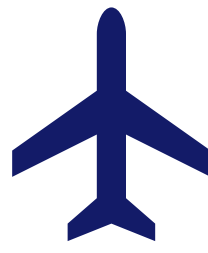


RENEWABLE ENERGY

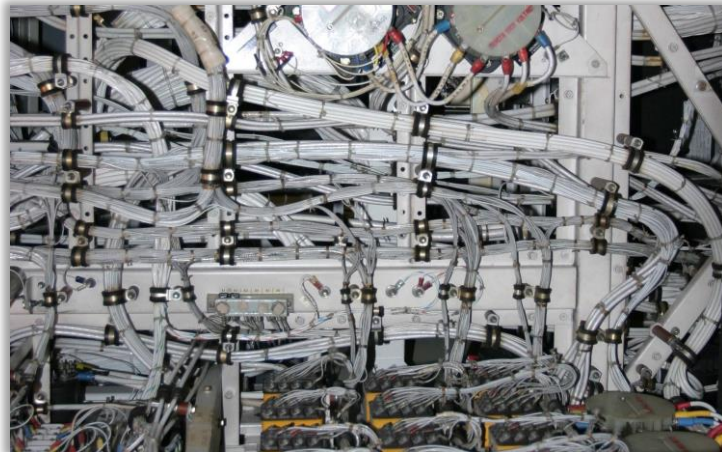




**AEROSPACE &
DEFENCE**



AEROSPACE & DEFENCE





AGRI-FOOD

AGRI-FOOD





TEXTILES



TEXTILES





CONSTRUCTION



CONSTRUCTION





AUTOMOTIVE

AUTOMOTIVE





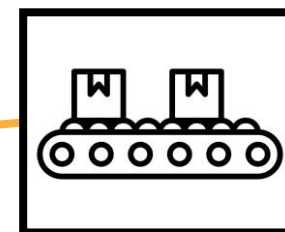
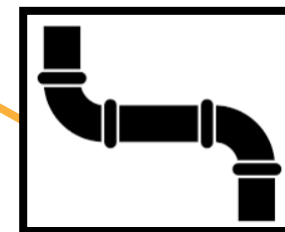
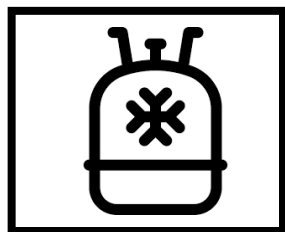
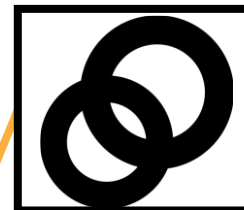
Industrial settings



Industrial settings



PFAS materials used in factories



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Who are we?

Membership



Represents producers, importers and users
of the many potential substances
that fall within the broad definition of PFAS.





Vision – in a nutshell

We understand and support the need for balanced regulatory action on PFAS.

We seek to aid EU policymakers in achieving the ambitions set out in the EU Green Deal.

Aim is to come jointly to a final regulatory measure which:

- *is science-informed, implementable, and enforceable;*
- *enables the EU to meet its Green Deal, economic and other policy objectives.*

Our plans:

- *obtain common understanding of what a PFAS restriction under REACH may look like,*
- *collaborate and engage in constructive dialogues with all EU stakeholders,*
- *support further research and data generation to fill potential data gaps.*



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The U-PFAS restriction proposal

- **Objective of the Universal PFAS (U-PFAS) restriction**

Starting point is a BAN on PFAS:

Restriction option 1: no derogations and a transition period of 18 months

Restriction option 2: some use-specific derogations

- **Justification by the 5 Competent Authorities:**

- Persistence is key for justifying the restriction in terms of risk, all PFAS are persistent by themselves or degrade to other persistent PFAS
- There are other concerns (mobility, toxicity,) that vary among PFASs
- Emissions need to be addressed: estimated emissions of about 4.4 million tones over 30 years if no action taken

- **Scope**

Very broad, includes fluoropolymers, perfluoropolyethers, F-gases and side-chain fluorinated polymers. Some PFAS deemed non persistent are excluded



The U-PFAS restriction proposal



The proposal imposes a **ban on the manufacturing, placing on the market and use** of PFAS as a substance on their own or as a constituent, together with a ban on placing on the market of mixtures or articles containing PFAS above a specific concentration level, and includes use specific derogations.

If a use is not derogated = banned 18m after Entry into Force (EiF)



The U-PFAS restriction proposal

Derogations:

- **5 Time-unlimited derogations:**
 - a. Active substances in **biocidal products** (with a reporting obligation).
 - b. Active substances in **plant protection products** (with a reporting obligation).
 - c. Active substances in **human & veterinary medicinal products** (with a reporting obligation).
 - d. Calibration of measurements instruments and as analytical reference material.
 - e. Refrigerants in HVACR- equipment's in buildings where national safety standards and building codes prohibit the use of alternatives.



The U-PFAS restriction proposal

Derogations:

- **24 Evidence-based time-limited derogations** (6.5 or 13.5 years after EiF):
cover specific uses in food contact materials, refrigerants, medical devices, membranes in fuel cells, insulating materials, etc.
- **20 Time-limited derogations** (6.5 or 13.5 years after EiF) **with a weak base evidence**:
cover *inter alia* certain uses of PFAS in textiles incl. Personal protective equipment (PPE) very specific industrial uses, engineered fluids for medical devices, transport applications, etc.



Mandatory 'reporting' in relation to the majority of derogations
Description of use and identity and quantity of the substance

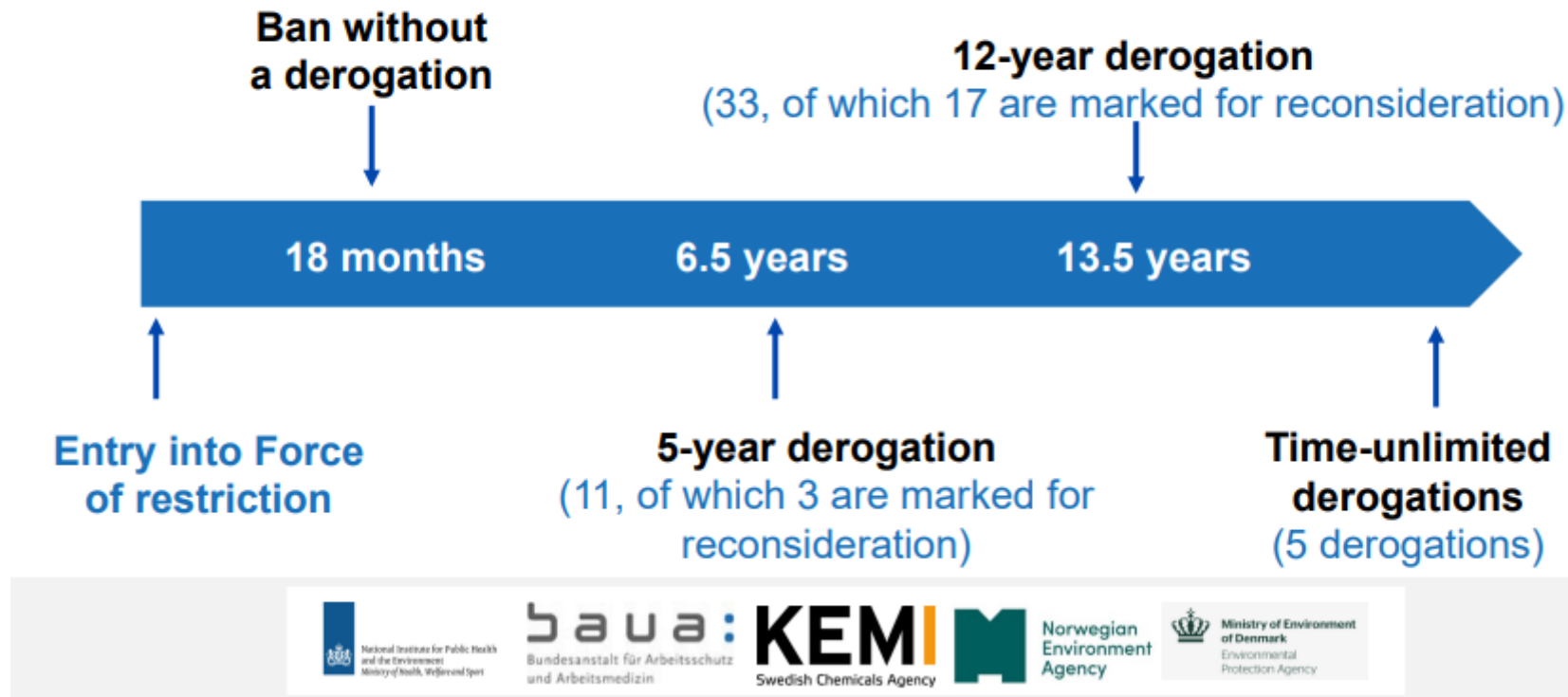


Requirement for a site-specific management plan in relation to fluoropolymers when making use of derogations



The U-PFAS restriction proposal

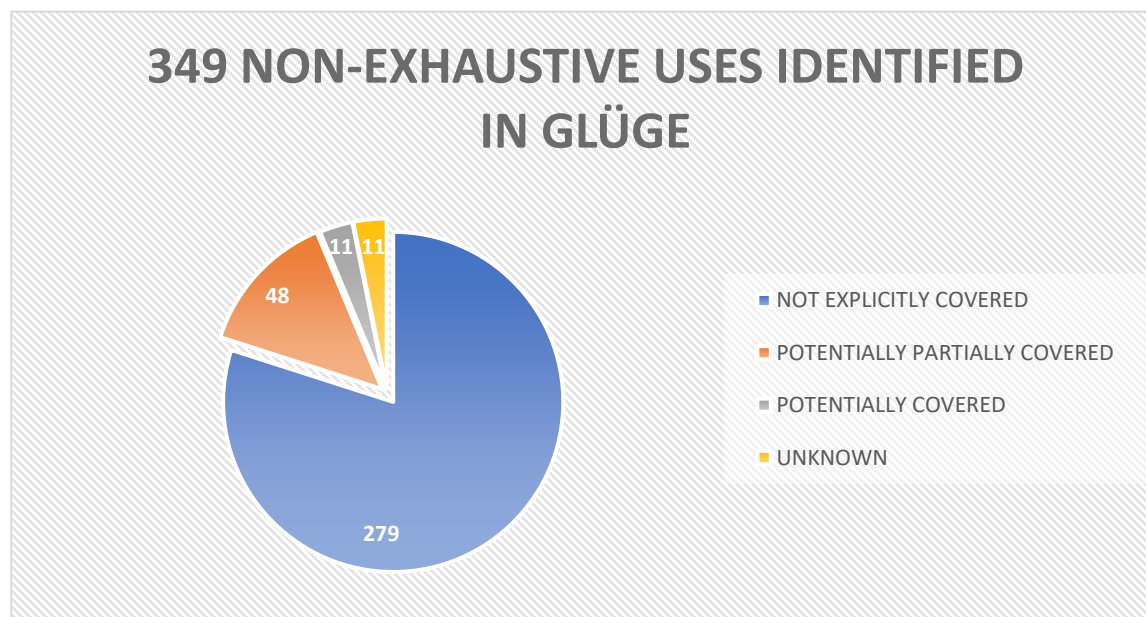
Phase out timeline



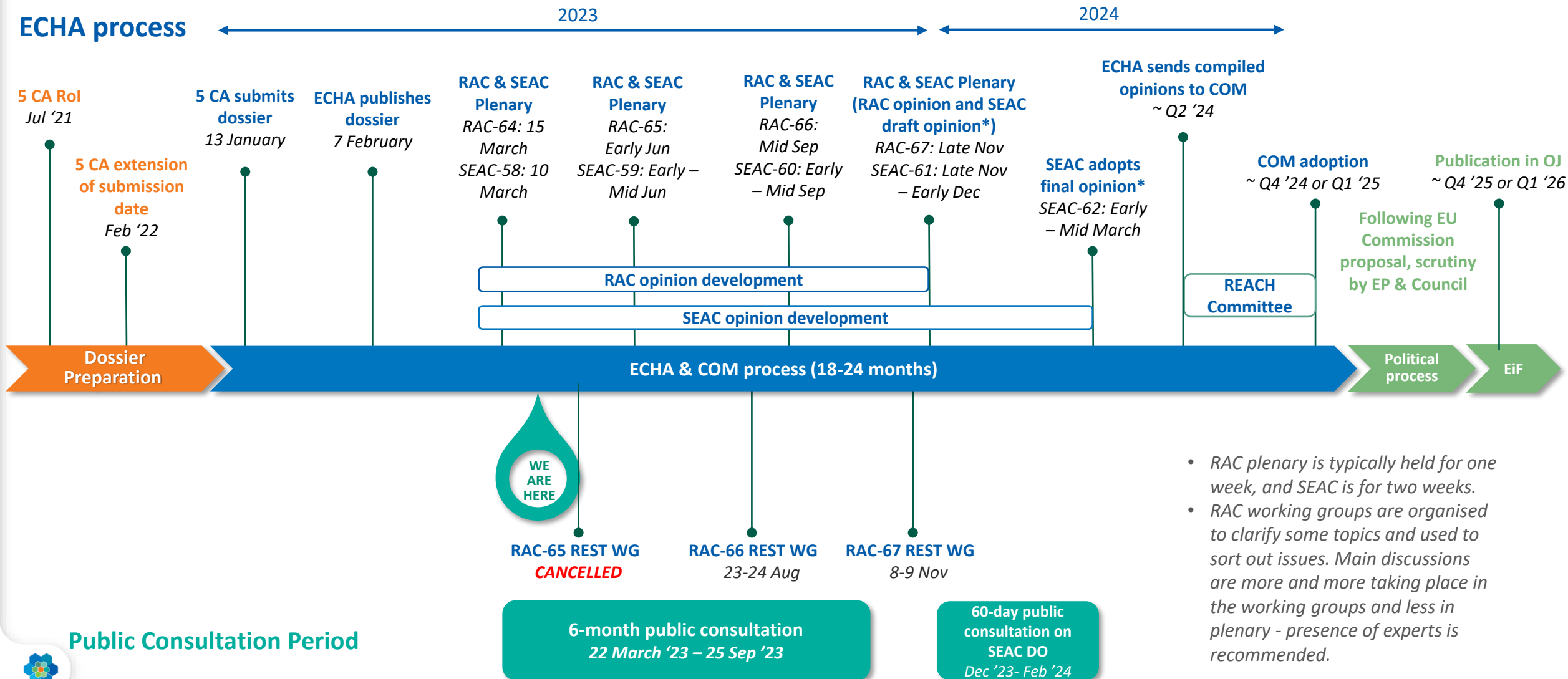
The U-PFAS restriction

- The proposal of the dossier submitters will ban an unprecedented number of PFAS uses
- We have compared the proposal with a study done on the uses of PFAS and only 3% of those uses will be covered by the derogations

Impact: Glüge report and the derogations proposed in the U-PFAS Restriction proposal



The restriction proposal – indicative timeline



- RAC plenary is typically held for one week, and SEAC is for two weeks.
- RAC working groups are organised to clarify some topics and used to sort out issues. Main discussions are more and more taking place in the working groups and less in plenary - presence of experts is recommended.

Last updated: April 2023

* Assuming the earliest possible timeline.

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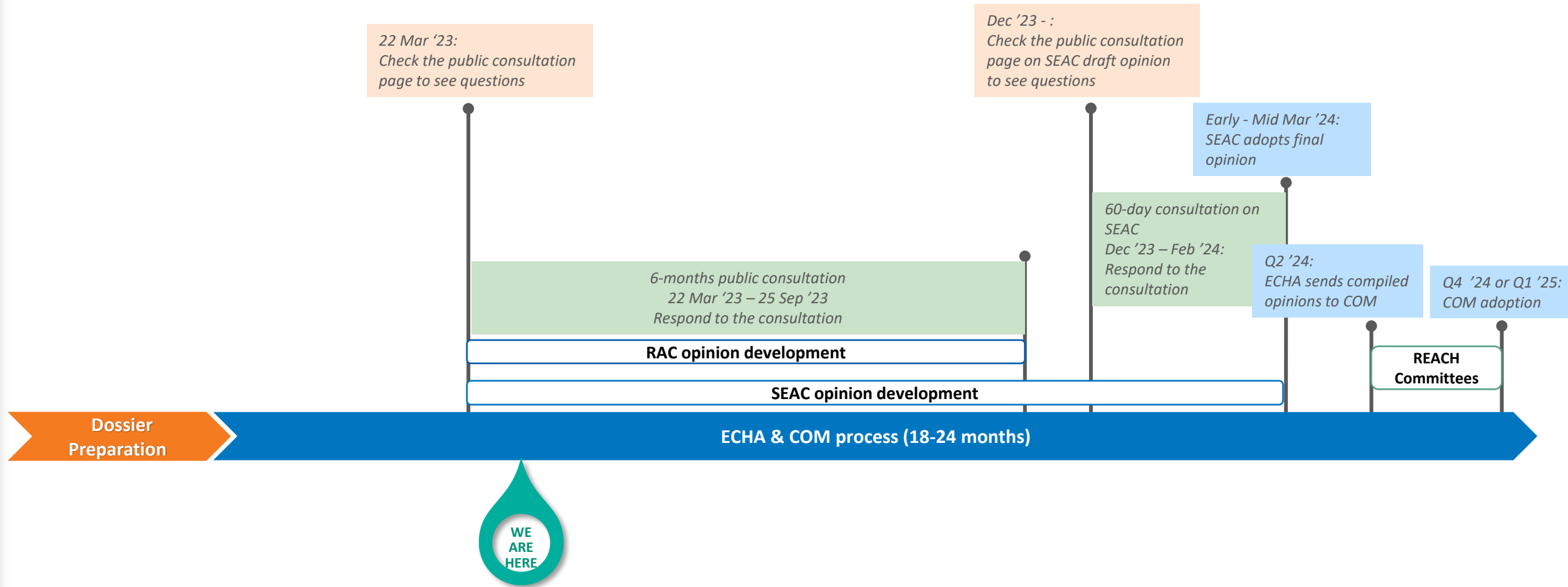
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How to contribute:

Key deadlines consultation



How to contribute:

Public consultation – what does it look like?

Submitted restrictions under consideration

This table shows ongoing consultations on conforming restriction proposals and SEAC draft opinions; the links to the web forms for submitting comments to ECHA during the relevant consultations can be found by clicking on details. For consultations on conforming restriction proposals, two deadlines are given; comments submitted by the first deadline are often very influential as they will be considered in the first discussion on the proposed restriction and more substantial comments should be submitted at the latest 1 month before the final deadline.

Please note: the ECHA Committees will not take into account the comments received after the final deadline in their opinion making process.

Consultations close at 23:59 Helsinki time (EET).

← Attention: ECHA actions are always Helsinki Time (EET)!

[Restriction](#)

[Adopted opinions on Registry of restriction intentions until outcome](#)

[Consultation guidance](#)

← Substance Details

Name	Per- and polyfluoroalkyl substances (PFAS)
EC Number	-
CAS Number	-
Submitted by	Germany
Scope	Restriction on the manufacture, placing on the market and use of PFASs.
Information note on restriction report	
Restriction report	Annex XV report
Restriction report annexes	Annex A Annex B Annex C Annex D Annex E Annex F Annex G Appendix E4 Appendix G1 Appendix G2 Appendix E2
Consultation on restriction report	Give Comments
Start of consultation on Annex XV report	22/03/2023
1st deadline for comments on Annex XV report	
End of consultation on Annex XV report	25/09/2023
Comments submitted to date on restriction report	
Response to comments on the restriction report	

← Restriction dossier

← Going to 'comments' page

← Deadline(s) for comment



How to submit an effective contribution to ECHA's public consultations

DOs

- ✓ **GIVE BACKGROUND** – provide an **overview of your sector** (what is this substance, how it is used and what are the measures already in place to manage possible risks and hazards). You want to paint a **comprehensive and clear picture with specific examples**.
- ✓ **ACKNOWLEDGE THE PUBLIC INTEREST CONCERN** – make sure you demonstrate that you **understand the concern** behind the regulatory action and are ready to cooperate.
- ✓ **INPUT DATA*** – make sure to provide a **representative dataset with quantitative data** (scientific, monitoring, socio-economic, and regulatory studies are preferred). Qualitative data with multiple sources can also be useful. Specific questions are usually provided. If needed, it is possible to mark your submission as **confidential**; this will ensure that access will be granted only to RAC and SEAC members (subject to Reg 1049/2001)
- ✓ **MEET THE DEADLINES** – restriction consultations last 6 months from opening. Submit **preliminary data** as soon as possible and inform of any ongoing study. Ensure relevant data are made available on due time to contribute to the next committee discussion. Public consultations may include an intermediary deadline after 2 months from launch.

DON'Ts

- ✗ **AVOID EMOTIONS** – do not include emotional statements; only rely on data-driven comments.
- ✗ **NO POSITION PAPERS** – avoid submitting position papers that do not contain objective data to support the statements in the document.
- ✗ **DO NOT CONTACT COMMITTEE MEMBERS** – it is prohibited to contact directly the members of the ECHA Committees. Make sure to input the relevant information in the public consultation.

* What kind of data? Scientific committees need facts and figures.
No place for advocacy statement.

RAC – data on e.g.:

- **Risks and hazards** of the substance(s) = Operational Conditions/Risk Management Measures
- **Emissions/Releases** (incl. control measures) - monitoring
- **Available alternatives solutions (with less risks)**
- **Analytical methods**

SEAC – Potential derogations / longer transition periods requests based on data on:

- **Uses**
- **Availability of alternatives**
- **Cost/benefit of implementation**
- **Impact of proposed restriction** (jobs, business, society) – order of magnitude
- **Enforceability**



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FPP4EU Position paper

FPP4EU views on the proposal for a restriction on per- and polyfluoroalkyl substances (PFAS)

Key elements

To achieve a practical, enforceable and workable Universal PFAS restriction, these key elements need to be addressed:

- 1 **Avoid missing PFAS uses:** all PFAS uses need to be assessed to avoid supply chain disruptions and to ensure that key applications are not unintentionally eliminated.
- 2 **Add a time unlimited derogation on PFAS used in industrial settings** to avoid banning the use of critical PFAS-containing pieces of equipment in industrial plants.
- 3 **Further reflect on the key fact that not all PFAS are the same**, with full appreciation of OECD assessments on the PFAS universe.
- 4 **Address primary and secondary financial impacts** of the proposal along the entire value chain.
- 5 Take into account **the drive for a competitive, resilient and sustainable Europe**.
- 6 Robustly **review the enforceability** of the proposal considering the sheer number of end products and substances that will have to be checked at EU borders.



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To contribute to the public consultation, we invite you to...

Analyse

- Map your PFAS uses (incl. equipment used onsite)
- Evaluate your reliance

Collect data on

- PFAS uses (eg tonnage)
- (non-)availability of alternatives to PFAS
- realistic emission control measures

Feed data into public consultations on

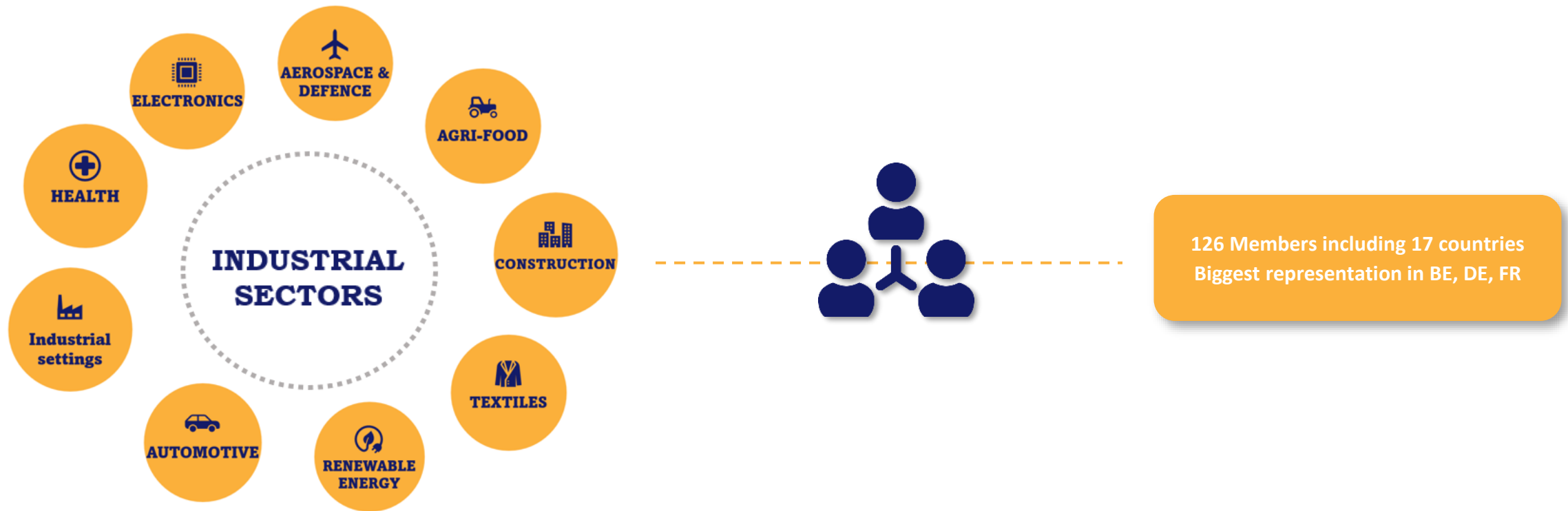
- (non-)availability of alternatives
- cost impact*
- initiatives to reduce emissions
- Dos and don'ts provide some general guidance

*** Cost impact typically includes**

- producer surplus losses
- employment losses
- consumer surplus losses
- welfare losses



Collaboration Platform



If you are a Downstream user we invite you to:

Join our Collaboration Platform Participation is free of charge!

https://ec.europa.eu/info/strategy/priorities-2019-2024/europe-fit-digital-age/european-industrial-strategy_en



THANK YOU!

For any questions please contact:

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