

Environmental Council of 24 October 2022

AoB point - PFAS

SUBSTANTIVE

As recognised in the Chemicals Strategy for Sustainability (COM(2020) 667 final), pollution from PFAS can cause severe and, in most cases, long-lasting environmental damage and potentially adverse health impacts on our citizens. Many Member States, including Belgium, have to deal with this type of persistent pollution. We already brought this important issue to the attention of the Council of 6/10/2021 and want to provide additional information on what we experienced while dealing with the PFAS-crisis in our Flemish Region and would like to put forward some preliminary insights and conclusions that we want to address to the Member states and the EU institutions.

The presence of PFAS is witnessed all over the environment of the Flemish Region, but without doubt not only there. It is detected on locations where a source is present (emission points, terrains where fire-fighting foams were used, production sites) but also on locations considered to be unsuspecting (nature reserves, coastal areas, agricultural zones). We are confronted with a very diffuse pollution by PFAS, and not always a source can be indicated. That assessment provides challenges for our environmental policy as it is often based on tackling pollution at the source (reduction of emissions, remediation of polluted sites, ...). On top of that due to its persistent properties an enrichment of PFAS in **water** takes place, causing slowly increasing values in surface, ground and drinking water. While the accepted health threshold values are very low (cf. the tolerable weekly intake 4.4 ng/kg body weight/week (EFSA)), only limited techniques are yet available to purify this water and to obtain the required very low concentrations. The **standard setting for emission values** is determined on the basis of (eco)toxicology and exposure, which needs to remain the case to provide the necessary high protection for health and environment. However even when applying the very best available techniques we foresee problems for implementing and enforcing these standards.

PROPOSAL: NEED TO OBTAIN FAR GOING RESTRICTIONS FAST, A SYSTEMIC APPROACH, GOOD PRACTICES AND IMPROVED INFORMATION EXCHANGE.

We insist for fast and ambitious EU procedures for initiatives relevant for PFAS and meant to reduce the impact of PFAS considerably. To prevent the further spreading and accumulating of pollution of PFAS it is crucial that we come to far going restrictions on use and production of PFAS and this as soon as possible.

Without prejudice to our commitments in the implementation of the Stockholm Convention on Pollutant Organic Persistent chemicals and the European

regulation implementing it, which strictly addresses issues related to certain PFAS (i.e PFOS, PFOA, PFHxS) we want to put forward some important issues on PFAS and its impact.

The tackling of the PFAS pollution needs to be done by measures that cover the complete value chain, and this in a systemic way: preventing production and use, minimizing emissions to the environment, remediation of pollution, the managing of PFAS-holding materials, and the destruction of PFAS residues.

For this an integral approach within the EU environmental regulations also seems inevitable.

This kind of systemic approach shows close links with a vast number of European regulations and initiatives. The drive to obtain 'zero pollution' by PFAS is only possible if in each of these regulations the specific properties (bio accumulative, persistent and mobile) of PFAS are taken into account, and a coordinated approach at the European level is followed.

Some in this respect **crucial European processes** are the currently running revision of the Industrial Emissions Directive (IED) (BREF's should focus more on dangerous substances and SvHC including PFAS), the announced tightening for polluting substances within the EU Water Framework Directive (WFD), the expected proposal for an EU Soil Health Law and the proposed approach for contaminated sites (see the various PFAS-polluted sites in our country and in several other EU Member States). It is already clear that the proposals for new environmental quality standards (for PFAS a.o.) in the EU WFD will be put at a very low level and due to the persistent properties of these substances they are omnipresent in several compartments of our environment. This means that the smallest addition of PFAS in our surface water, for instance through well pointing or draining PFAS polluted ground water, is mostly considered contributing to be a deterioration of the status. **We would like to exchange views on how compliance with these new standards (which reflect an identified risk) can be assured and how we can therefore deal with these legacy PFAS problems in the most appropriate way.**

We also want to point out some initiatives at the EU level we consider still lacking to deal with the impact by PFAS. In the framework of the circular economy, legacy PFAS-pollution is causing complex issues in the Flemish Region. For example, the reuse of soil, soil materials, waste, is **hindered by undesirable/unwanted due to** the fact that PFAS are omnipresent in low concentrations. We would like to exchange views on how to ensure meeting the objectives of the circular economy while dealing fully with the identified risks.

Steps at the EU level can in this respect create an important additional value.

We also want to point out the important efforts by the Flemish Region **to tackle the (historic) pollution**. This implies an important deployment of people and resources. The collection of usable and rapidly applicable knowledge is partly realized (e.g. local BAT studies are developed) but still remains an important objective. We still have an important need for additional exchange of information/experiences on the topics of sanitation methods/sanitation

: Ik stel hier opnieuw dezelfde wijziging als voorheen voor. Dit om te vermijden dat BE de indruk geeft dat we willen verzaken aan de EU-verplichtingen die ingesteld worden/werden op basis van de gekende risico's gelinkt aan PFAS. Het mag zeker en vast niet de bedoeling zijn dat we ook maar de indruk geven dat minder stringente limieten nagestreefd worden. Alle acties die we ondernemen of handelingen die we uitvoeren inzake PFAS moeten het geïdentificeerde probleem oplossen, niet omzeilen.

: Ik stel hier opnieuw dezelfde wijzigingen voor. Het voorstel van Vlaanderen mag dan al wijzen op reële problemen die we hebben in de transitie naar een circulaire economie, maar kan (in het beste geval) of is (in het slechtste geval) in strijd met eerdere BE-posities rond circulaire economie, toxic-free environment, Chemical Strategy for sustainability en/of zero pollution. Duurzaamheid houdt rekening met alle pijlers en iets is duurzaam als acties een "net benefit" voor de maatschappij zijn (industrie EN bevolking en milieu). Ik wil hierbij wijzen op enkele relevante passages in de beleidsnota van minister Derange rond circulaire economie en duurzaamheid:
"Ik zal erop toezien dat het actieplan voor circulaire economie de drie dimensies van duurzame ontwikkeling zo goed mogelijk combineert: naast milieubescherming zijn de bestrijding van sociale uitsluiting en het scheppen van kwaliteitsbanen belangrijke doelstellingen bij de transitie naar een meer circulaire economie."
"Verder in lijn met SDG 12 is ook een project opgestart om zorgwekkende stoffen te weren dat in lijn ligt met SDG 12.4, namelijk het milieuvriendelijker beheer van chemicaliën."
Het voorstel van Vlaanderen kan in strijd zijn, of op zijn minst die indruk wekken, met de intenties van Minister Derange.

: De voorgestelde tekst kon worden aanvaard.

opmaak toegepast: Markeren

: De door voorgestelde tekst kon worden aanvaard behalve wat aangegeven wordt als geschrapt (de geel gemarkeerde passage die hier in onze versie stond dient dus terug te worden geïntroceerd. Het wringt nl. dat men enerzijds door recent zorgvuldig onderzoek (binnenkort) zal komen tot een goed onderbouwd toetsings/normenkader en er dus voor zal zorgen dat bodem en afval/grondstoffen met kleine concentraties PFAS veilig zullen kunnen worden toegepast en anderzijds de voorgestelde tekst hierboven die aangeeft dat het 'undesirable en unwanted' is. Het probleem dat deze passage stelt wordt opgelost door in te gaan op het voorstel vanuit DGEM om deze passage te schrappen. .

approaches and the handling of PFAS holding waste (including organic biological waste to obtain soil-improving substances). Since we are gathering knowledge rather fast, we sometimes lack information on their effectiveness. Furthermore we also want to mention the issues relating to the return drainage, the reuse of soil and soil materials, the excavated land uses

In relation to the PFAS-approach in the Flemish Region we want to share more information in the near future concerning some practices we consider to be good practices to tackle PFAS and the impact it has. On that occasion we will focus on (bio-)monitoring, remediation techniques, permitting, enforcement, and the sharing of information concerning polluted sites (see the Flemish "PFAS-Verkenner": <https://www.dov.vlaanderen.be/portaal/?module=pfasverkenner>).

We can already ask your attention for the **'Letter of intent' (LOI) with EPA**, which the Flemish Minister for the Environment signed in Washington DC at the end of August. In our view also the information-exchange within the EU concerning the challenges caused by PFAS could be further optimized. This to try to maximize the support of the Member States to deal with the issues it poses.