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 ~~and scPFAS (short chain PFAS) in particular~~ 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 unsuspicious (nature reserves, coastal areas, agricultural zones). We are confronted with a very diffuse pollution by ~~sc~~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 ~~sc~~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.

: Gezien de onduidelijkheid aangaande de definitie van 'scPFAS' wordt geopteerd om verder te spreken van PFAS zonder meer. Dat PFOS, PFOA en binnenkort ook PFHxS internationaal/europees voorwerp uitmaken van een specifieke regeling (cf. hun implementatie, interpretaties inzake daargwijdte) komt verder expliciet aan bod.

: Dit is als probleem vooral aan de orde tav scPFAS. Maar een en ander opsplitsen naargelang de aard van de PFAS lijkt geen meerwaarde op te leveren voor de via deze AOB beoogde boodschap.

]: Zie deze toevoeging om een aantal opmerkingen geuit ihk van de CCIM SGCP tegemoet te komen.

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. ~~,We also want to recall the need to bring our ambitions to the Stockholm Convention, and to ensure its strict application on the International and the European level.~~

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~~see also the BREFs linked to PFAS including processes~~), 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 ~~sc~~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 witness t~~The most stringent interpretation of the Water Framework Directive that we are confronted with in Judicial decisions ~~which~~ causes the need for negotiating workable solutions.

We also want to point out some **initiatives at the EU level we consider still lacking** to deal with the impact by PFAS. These initiatives are in our view essential to be able to obtain the envisaged objectives in the framework of the **circular economy**. The reuse of soil, soil materials, waste, is hindered by the fact that ~~sc~~PFAS ~~is almost everywhere~~are omnipresent in low concentrations, and that very low assessment criteria are applied. These aspects cause complex issues in our Flemish Region due to "Legacy related to PFAS-pollution". ~~For instance the EU Habitat Directive imposes appropriate management measures for specific habitats. For a nature reserve in the vicinity of the polluted 3M-site near Zwijndrecht this includes that reeds need to be cut and removed from the site. The reeds are polluted with PFAS and it is not allowed to use these~~

: Zie het ihk van de CCIM SGCP ( ) ontvangen voorstel van formulering. Deze toevoeging komt o.i. ook tegemoet aan de bekommernissen die door het kabinet Khattabi werden geuit tav een eerdere versie van deze nota.

: Passage herschreven, zie suggesties van . Vanuit de OVAM zie m.n. ook in het licht van de discussie over normstelling (zie opmerkingen in de CCIM SGCP) werd recent echter voorgesteld om dit vb. uit de tekst te halen. Het wekt nl. verkeerdelijk de indruk dat we van mening zijn dat de normstelling op een niveau moet liggen zodat ook "reststromen" in de nabijheid van een belangrijke verontreinigingsbron sowieso moeten kunnen hergebruikt worden. Terwijl dat zeker niet het geval is en het voorbeeld dus onnodige ongerustheid opwekt.

~~materials as soil-improving substances because of the presence of elevated PFAS concentrations. The high costs for the destruction of these reeds (through incineration) and the lack of capacity to guarantee this, are causing a delay in the application of the necessary management measures in this reserve.~~

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. ~~An~~ We still have an important need for ~~the~~ additional exchange of information/experiences ~~is still there~~ on the topics of sanitation methods/sanitation approaches and the handling of PFAS holding waste (~~see the handling of~~including organic biological waste to obtain soil-improving substances). Since we are gathering knowledge rather fast, we sometimes lack information on their effectiveness. ~~In this respect also information on their evaluations about the effectiveness is crucial.~~ 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.