

Universal PFAS restriction and FPP4EU views



FPP4EU



30 March 2023

The European Chemical Industry Council, AISBL – Rue Belliard, 40 - 1040 Brussels – Belgium
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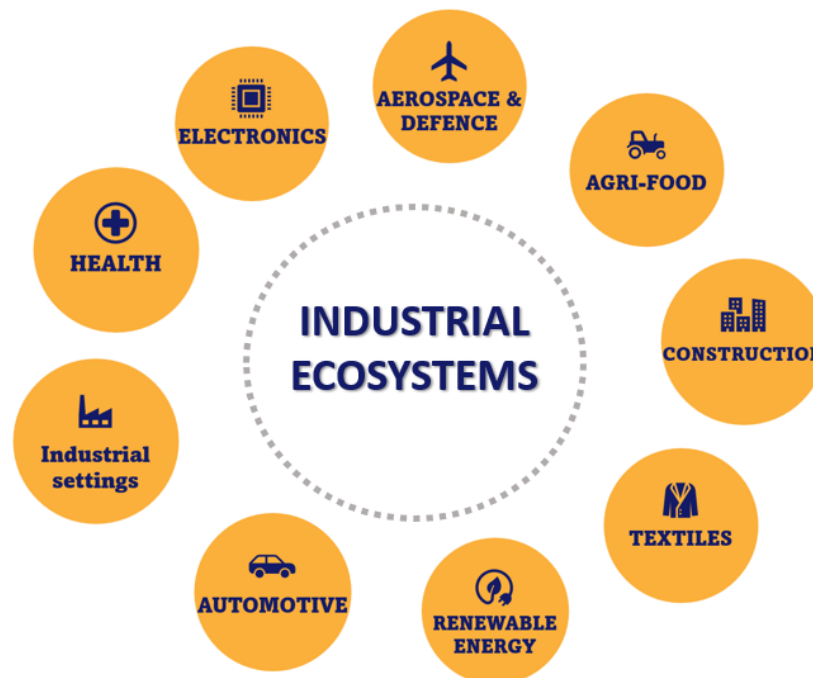
FPP4EU Sector group members



Represents producers, importers and users
of PFAS.



FPP4EU Collaboration Platform: membership



14 members and 106 observers



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.



Universal PFAS Restriction discussion

Avoid missing PFAS uses

This restriction is unprecedented.

There are challenges to map the uses.

The Collaboration Platform shows the significant number of industries and DUs that will be impacted; DUs are not prepared.

FPP4EU CALLS FOR THE AUTHORITIES TO CONSIDER

- ❑ Special measures to enable the participation of all parties to the restriction process;
- ❑ Additional meetings (RAC, SEAC...) to assess the different uses covered by the restriction;
- ❑ Providing guidance on data requirements ideally in multiple EU languages;
- ❑ Transparency;
- ❑ Enhanced communication on data gaps to ensure that all uses, and potential derogations can be considered.



Universal PFAS Restriction discussion

Add a time unlimited derogation on PFAS used in industrial settings

Without PFAS applications industrial plants can no longer operate.

Industry settings are already subject to strict regulations.

The microplastics and the silicones group restrictions include derogations for industrial settings.

FPP4EU CALLS FOR THE AUTHORITIES TO CONSIDER

- ❑ A derogation on PFAS used industry settings, potentially with additional reporting and waste management plan obligations to ensure emissions from the use of PFAS are minimised.



Universal PFAS Restriction discussion

Further reflection on the key fact that not all PFAS are the same

PFAS have different chemical, physical and (eco-)toxicological properties.

From a risk assessment point of view, grouping all PFAS because they are persistent is challenging.

Grouping should still allow for separate evaluation based on PFAS properties.

FPP4EU CALLS FOR THE AUTHORITIES TO CONSIDER

- ❑ The FPP4EU decision tree when discussing derogations;
- ❑ The societal need for materials that are durable;
- ❑ To exclude from the proposal PFAS that are not persistent or do not show an additional property of concern.



Universal PFAS Restriction discussion

Address primary and secondary financial impacts (addressing unintended economic impacts)

There will be severe consequences along the supply chain if most industrial uses are banned.

Production of specific substances may no longer be economically viable if only few applications are derogated.

DUs who are currently unaware of the PFAS in his supply chain, will suddenly no longer be able to manufacture their product.

FPP4EU CALLS FOR THE AUTHORITIES TO CONSIDER

- Indirect financial impact of the restriction proposal when evaluating its proportionality.



Universal PFAS Restriction discussion

Take into account the drive for a competitive, resilient and sustainable Europe

Certain PFAS are indispensable to reach the objectives set out in various EU policy initiatives.

The restriction proposal needs a renewed focus on competitiveness and resilience.

Derogation timelines are too short in view of the required discovery and implementation of viable alternatives.

FPP4EU CALLS FOR THE AUTHORITIES TO CONSIDER

- ❑ The different wider needs of Europe when evaluating the derogations requested by the different parties;
- ❑ Departing from legislation proposals that allow the import of PFAS contained products into Europe but not their manufacture;



Universal PFAS Restriction discussion

Robustly review the enforceability of the proposal

The vast majority of goods containing banned chemicals come from outside the EU.

The mapping of PFAS in all products is still incomplete.

There will be an additional burden on customs departments/ challenges with analytical methods.

FPP4EU CALLS FOR THE AUTHORITIES TO CONSIDER

- ❑ Lab capabilities and the availability of analytical methods when proposing transition periods of the restriction;
- ❑ Consider challenges when requesting detection limits for ‘any PFAS’;
- ❑ Standardisation of analytical methods and additional EU research funds to enable the development of adequate methodologies to monitor PFAS;
- ❑ Measures/ processes to improve the enforcement of the restriction at the border, Additional control of e-commerce may be needed.



THANK YOU !



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