

Til: Toke Winther ([REDACTED]@mst.dk)
Fra: E1 ([REDACTED] E1)
Titel: RE: NGO concerns: PFHxA restriction and PFAS in Fire fighting foams proposals
Sendt: 19-05-2022 14:12
Bilag: Letter to ECHA C6 and FF restriction.pdf;

Sorry, here again with the attachement.

From: P1
Sent: Thursday, May 19, 2022 2:11 PM
To: Toke Winther <[REDACTED]@mst.dk>
Cc: P2 <E2>; P3 <E3>
Subject: NGO concerns: PFHxA restriction and PFAS in Fire fighting foams proposals

Dear Mr. Winther,

Please find attached our letter to ECHA, DG ENVI and DG GROW expressing NGO concerns about the process of finalizing the PFHxA restrictions and simultaneous Fire Fighting Foams restriction. We are sending the copy of this letter to responsible persons at the MS ministries who are in the process of preparing the universal PFAS restriction. We are looking forward to your proposal and hope you will find useful information in our concerns.

Kind regards,

P1

--

Mgr. P1 Brabcová
Arnika - Program Toxické látky a odpady
Dělnická 13
170 00 Praha 7
Tel.: [REDACTED]
č. účtu Arniky: 2900117959/2010

E1

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CHEMTrust
Protecting humans and wildlife
from harmful chemicals



Bund für
Umwelt und
Naturschutz
Deutschland



To: P4, Til of ECHA

Copied:

Environment Ministries of Germany, the Netherlands, Sweden, Denmark and Norway

16 May 2022

We, the signatories of this letter, environmental NGOs working on phasing out toxic substances globally, welcome the EU Commission's and ECHA's progress to ban PFHxA, its salts and related substances. This significant group of PFAS should be banned from all non-essential uses since alternatives are readily available. However, we are writing to you today to raise concerns and make sure the process stays in line with the intentions set by the Chemicals Strategy for Sustainability.

The EU's [restriction on PFHxA, its salts and related substances](#) ("C6") is a crucial regulatory measure: it proposes to ban a large sub-class of PFAS that leads to high releases and exposures. [The SEAC's meeting of 1st December 2021](#) finalised a two-year process with a final opinion proposing few derogations and limited transition times. Notably on fire-fighting foams, [it proposes](#) a three-year phase-out and only one limited derogation. This restriction proposal is an important step towards a non-toxic environment.

We have the two following concerns:

- A) The delay in adopting the PFHxA restriction;
B) The weaker proposal of the restriction on PFAS in firefighting foams.

- A) Six months after its adoption by ECHA's committee for socio-economic assessment (SEAC), the final opinion has not been submitted to the Commission yet, despite REACH calling for ECHA to submit the final opinion "without delay" to the Commission (REACH Art. 72 (1)). This delay and the recent publication of a restriction proposal on [PFAS in fire-fighting foams](#) (see concern B) risk derailing the action on PFHxA. The EU's delay is in stark contrast with the rapid and general bans [enacted e.g. in states](#) such as Washington State, Illinois and Connecticut in the U.S.
- B) The PFAS fire-fighting foam restriction is supposed to set the tone for the [universal PFAS restriction](#) (dossier to be published in early 2023). However, it addresses the same uses in FFF as the C6 restriction, while proposing more derogations and vastly longer transition times (overview table available [here](#)). This proposal introduces measures that will mostly profit the commercial interests of PFAS producing companies at the expense of their fluorine-free competitors. It also uses ECHA's and other's resources inefficiently and weakens the C6 restriction: these are hardly steps in the right direction.

What needs to be done *now* on PFAS

To avoid backtracking and weakening the PFHxA restriction, we urge you to:

- **Ensure that ECHA submits the final consolidated opinion of the RAC and SEAC committees on the C6 restriction without further delay to the Commission.**
- Ensure that evidence collected and conclusions drawn under the **C6 restriction** are **properly taken into account** and explicitly referred to in the firefighting foam PFAS restriction.
- **Limit the scope of the foams restriction to those PFAS that are not covered by the C6 restriction** (the amber area in the figure below) in order to avoid double regulation and improve regulatory predictability.
- **Ensure that the universal PFAS restriction does not weaken decisions** under other restrictions and that it **focuses on the PFAS that are not regulated yet** (hatched area in the figure ^[1]).



Left: substance scope of the three restrictions. Blue area: all currently produced foams. Amber area: relevant for hypothetical regrettable substitutes only (no known examples).

Right: process and status of PFAS restrictions. The question mark refers to the fact that the final opinion on C6 still has not been published (status 14/04/2022) despite the decision of the SEAC on 01/12/2021.

By taking these actions, the EU will not only protect citizens and the environment in Europe, but also set the scene for global action on PFHxA and other PFAS under the Stockholm Convention.

Signatories:

Arnika Association (Czech Republic)

BUND - Friends of the Earth Germany

International Chemical Secretariat (ChemSec)

CHEM Trust

European Environmental Bureau (EEB)

Health and Environment Alliance (HEAL)

International Pollutants Elimination Network (IPEN)

Tegengif - Erase all Toxins (The Netherlands)

[\[1\]](#) Other existing restrictions on C8 (PFOA), C9-C14 and PFHxS as well as restriction #73 are not shown in the Venn diagram for simplicity reasons.



To:

P1 , Ti1 of ECHA
P2 , Ti2 REACH, DG Grow
P3 , Ti2 Safe and Sustainable Chemicals, DG Environment

Copied:

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