



Ministerie van Infrastructuur
en Waterstaat

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The Netherlands

Cc: Ministry of Economic Affairs - 5.1.2e
(dhr. 5.1.2e)

Date 27 oktober 2021
Subject Your letter on PFAS dd October 7, 2021

Bestuurskern

Dir Omgevingsveiligheid &
Milieuresico's
Cluster D

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Contactpersoon

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Ons kenmerk

IENW/BSK-2021/285300

Dear 5.1.2e,

Thank you for your letter with your request to discuss the consequences of a possible restriction on the use of PFAS (under REACH) currently under preparation by the Netherlands, together with Germany, Denmark, Sweden and Norway. You express concerns about possible unintended impacts that this restriction may have on the Dutch economy and on achieving the objectives under the Paris Agreement and the EU Green Deal.

You are especially concerned that the new OECD definition of PFAS will be used in this restriction because it would, amongst others, include HFOs (refrigerants with low global warming potentials that are used in applications such as refrigeration, air conditioning, building insulation, personal and household care) and PCTFE (a fluoropolymer that is used in high-barrier pharmaceutical packaging). You argue that this is not scientifically justified, because these PFAS do not pose a risk to human health or the environment.

The restriction dossier is now under preparation by the five countries, in the Netherlands by the scientific experts of the RIVM. In this dossier, all PFAS and their uses will be evaluated on their risks for humans and the environment and a social-economic evaluation will be part of the dossier. Stakeholders were invited by the countries preparing the dossier to send all relevant information for this dossier in May 2020, and additional input has been asked for in July 2021. The REACH restriction procedure includes formal public consultations on the restriction submitted to ECHA, the European Chemicals Agency, and on the draft opinion of the Social-economic Assessment Committee (SEAC).

The Dutch parliament recently has called on to the government to extend this European restriction on PFAS, with the intention to aim for a complete ban on all uses of PFAS. Of course, the dossier submitted has to comply with the Annex XV requirements of REACH. Thus, the restriction proposal has to be well substantiated from a scientific point of view.

All information sent in during the consultations will be taken into account carefully during the evaluation and preparation of a proposal for a restriction. When deciding on the final proposal to include the restriction in REACH, Member States

will certainly be aware of any potential discrepancy between the restriction proposal and the objectives of the Paris Agreement. I would like to stress the importance that you use the public consultations to share all relevant information on possible impacts and presence or absence of alternatives. The ECHA scientific committees cannot take information into account that was not submitted to them during the process.

At this moment, I cannot anticipate on the current scientific process, nor on the subsequent process of opinion development. The five countries involved s have agreed to follow the same procedure informing all stakeholders on the process carefully and indiscriminately, on their websites and in several public meetings for stakeholders.

Yours sincerely,
On behalf of the Director-general Environment and International affairs,
Director Environmental Risks and Safety Directorate (O&M),

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