

OVGW – Austrian Association for Gas and Water

Comment on PFAS restriction dossier 2023

PFAS have been used for the last decades in numerous appliances worldwide. Due to their intrinsic properties (persistence, mobility) PFAS can be found in all environmental media, including drinking water resources. Due to the persistence of PFAS, this contamination will continue to build up in the environment, including in the water cycle. Groundwater and surface water bodies and their sediments will remain contaminated for many decades.

We call on ECHA to implement the polluter-pays principle as stipulated in the TFEU (article 191.2), the Water Framework Directive 2000/60/EC (article 9), the Zero Pollution Action Plan and the Chemicals Strategy for Sustainability. The Court of Auditors Special Report 12/2021 “The Polluter Pays Principle: Inconsistent application across EU environmental policies and actions” further highlights the need to hold the polluters liable for the damage caused. The Council conclusions regarding this European Court of Auditors' report (Report No 12/2021) call for the application of this principle in all Union policies and “underlines the necessity to assess the scope for strengthening the integration of the Polluter Pays Principle with respect to diffuse water pollution from all sources”.

Internalising the environmental and health-related costs of PFAS use will increase the competitiveness of alternative solutions and, thus, trigger innovation. The water consumer should not pay for the PFAS pollution.

Protection of human health and drinking water resources must be top priority (WFD Art 7.3). PFAS are very mobile substances and should be classified as substances of very high concern, as they potentially deteriorate water resource quality. The cost of removing PFASs from raw water in order to comply with regulatory requirements will depend on contamination levels, limit (parametric) values to be complied with, and the treatment technologies applied. None of water treatment technologies used for PFAS removal today (activated carbon, reverse osmosis, ion exchange (lab scale only)) is sustainable today (energy costs, costs for treatment agents, costs for waste disposal).

PFAS should be regulated as a group and further use be restricted to essential uses only, where no environmentally safe alternatives exist. At large, the total societal costs of PFAS use (human health risks and environmental risks), outnumber the benefits of their use by far. Transition periods should be set as short as possible. Future authorisation should be based on the generic risk approach. Risk assessments should include effects on human health, supplemented by a life cycle analysis including remediation costs. Furthermore, Water Framework Directive goals together with Environmental Quality Standards Directive thresholds and Groundwater Directive thresholds and Drinking Water Quality Directive parameter levels should be incorporated in authorisation of PFAS in mixtures and articles to protect public health and the environment.

The benefit of a total ban of PFAS as a group is not just avoided drinking water treatment costs, but also a substantial improvement of environmental status and protection of human health.