

Ad-Hoc open BCR Meeting – PFAS Restriction - 28/03/2023 in FPS premises

1. Please fill in this questionnaire if you want to present a topic during the Ad-Hoc PFAS meeting :

The document should be send back before 13th March 2023 to:

██████@health.fgov.be and Cc: @health.fgov.be

It will help us to frame the agenda and organize the discussion on this large restriction.

2. Your presentation should be shared with the Authorities (██████@health.fgov.be and Cc: @health.fgov.be) no later than the 20th March 2023 . The presentation should be maximum 5 slides (the time allowed to each stakeholders will be 10 min max).

3. The final agenda will follow before the meeting including a Teams link to follow the discussion remotely. Registration is mandatory, not registered stakeholders will not be admitted in the room or online.

Questionnaire to send back to the BCR secretariat before the 13 March 2023
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- **Do you have remarks on the scope (definition of the PFAS ?)**

The scope of the PFAS restriction is very broad which is challenging for the technological industry. Some companies use PFAS directly as a substance, such as in cooling agents, foams, specific paints, ... whilst others use PFAS in specific articles which are purchased for a given technical functionality, or even in subassemblies. The supply chain within the technological industry can be very broad with more than 100 or even more than 1.000 suppliers of different parts which are then assembled. The very low concentration thresholds provided in the restriction is yet another challenging element. All these factors combined with the specifics of the technological industry makes that identification, finding suitable alternatives in order to comply

will be challenging for our sector for the very broad range of substances covered by this very generic restriction proposal.

Substitution of PFAS in a very broad range of applications, linked to a broad range of complex products, with multiple technological properties, other legal obligations, ... will be challenging for our sector. At this stage, we do not have a complete view of this broad range of challenges. First insights indicate however that there will be certain applications for which substitution will be feasible within a given timeframe, whilst probably for certain applications substitution will be very difficult to even not feasible.

The very broad scope will not only put a challenge on the users of PFAS, to find substitutes, but also on the competent authorities. Indeed, the restriction is also applicable to imported articles. Agoria is strongly concerned about the ability of national authorities to enforce a very broad range of substance restrictions within articles. There are multiple challenges, such as identifying the article contained in a complex product containing potentially PFAS (from a broad range of substances covered under the restriction) but also developing a measurement technology in order to identify also the concentration limit values which are generic set. The concentration limit values are very low (25 ppb for every PFAS, 250 ppb for the sum of PFAS and 50 ppm for PFAS'e), which makes us wonder what measurement technology will be used in enforcement and or identification of PFAS in articles.

- **Please indicate your sector and describe briefly the Restriction impact/influence on your sector .**

The technological industry provides a broad range of technological solutions for society, with more than 2.100 member companies active in 59 different business groups and activities, such as:

- Building technologies,
- Energy technologies,
- Manufacturing and process technologies,
- Safety, security and defence technologies
- Co-creation, contracting and materials

- Transport and mobility technologies solutions
- Aerospace technologies and solutions
- Digital industries
- Telecom industries

The impact of the restriction is very broad and difficult to map for the technological industry, but in our first indications that a broad range of different industry groups of Agoria will be involved. Some different uses of PFAS which were already identified and will fall clearly under the restriction, such as:

- In heating and cooling equipment as heat transfer agent,
- Different types of sealings in multiple machines for a very broad range of applications,
- Foams for insulation,
- Paint for specific applications
- Fire fighting foams (with already certain restrictions applicable)
- ...

The restriction will force a lot of companies to redesign completely their products given the technical properties of PFAS. Changing a refrigerant, a seal, a foam for insulation or fire fighting comes with a complete redesign of the product containing the PFAS (as substance or in an article). The design of a product is always taking into account the technical features of every subassembly, article or substance. In the case of PFAS the most important technical features are amongst other water repellent, heat resistance, heat exchange, etc.... Other alternatives have mostly properties which entail another, often less efficient design from an energy, material, safety, life-time perspective.

For instance a simple seal with PFAS which is more heat resistance than another alternative, keeping meanwhile the sealing properties poses challenges in the product itself. Accepting a lower tightness comes with a negative impact with the user of the product, lower life time, more maintenance or even situations which are from other perspectives such as safety even not allowed. This means that the product should be redesigned completely trying to compensate the lower heat resistance by some type of cooling around the seal, or having a complete other design with multiple seals

in parallel or any other solution in order to compensate for the lower technical adapted properties of the alternative. A redesign of the products, entails mostly also a redesign of the production facility, which in the case of automated assembly means that also the production process of the plant has to be redesigned. The same applies also for cooling gases, foams, etc...

On top of the substitution needed to comply to the proposed restriction, there are also multiple other regulatory frameworks applicable to the products provided from the technological industry. Such as the Ecodesign regulation with energy efficiency as well as material efficiency under the future ESPR, F-gas regulation with own product bans and phasing out schemes of F-gasses (some of which covered by the PFAS restriction), all different type of safety regulation (fire), the need to have perfect sealing in certain sectors for security, safety reasons, such as food contact, electronics, chemical industry, renewable energy sector, the environment in which the product is functioning, ... This is then sometimes linked to certification (for instance aero and space industry), need to know the long term behaviour of the product applied (automotive for security parts), the quality needed of the product, etc...

This makes from this very generic restriction a very important challenge for the technological industry with a potentially high impact. The more that in the draft restriction proposal only few exemptions applicable to our products/sector are foreseen at this stage.

- **Do you have specific remarks on the restriction text and its exemptions.**
 - ➔ **Are you concerned by an exemption?**
 - ➔ **If yes, is the timing foreseen reasonable for your sector?**
 - ➔ **Have you conducted an alternative assessment that indicates that the proposed timing is reasonable or not?**

At this early stage of the consultation, given that the final text of the restriction is not yet published, we have rather generic remarks on the restriction text and its exemptions. These generic remarks will be detailed in due time in order to take into account the final restriction proposal as it will be published by the 22nd of March. However at this stage, Agoria is very

sceptical whether it will be possible in order to foresee all possible needed specific exemptions given the very broad range of the restriction.

Starting point:

We clearly recognize the need for protecting the environment and health against potential PFAS exposure. We are however rather disappointed about the approach of this very generic restriction proposal. Despite certain information was already provided, we do not have the feeling that this was taken into account in the final restriction proposal. It starts rather from a generic restriction leaving the industry to figure out the needed exemptions through the last consultation process. We get the feeling that the important element of the needed exemptions, the needed time frame or even the availability of alternatives was neglected completely during the elaboration of the proposal. In our point of view this will make the discussions during the consultation process difficult and will have an impact on the process of the restriction.

Timeframe of restriction

In general, the substitution which is triggered by this restriction has for the technological industry as an impact that all products in which PFAS, either as a substance or in an article, needs to be redesigned. In fact, PFAS is being used for its specific properties such as water repelling, heat resistance, cooling potential, ... The design of the product is taking into account those properties and in case of a restriction there is a twofold challenge:

- Finding an alternative product/substance providing similar technical feasibilities as the PFAS: this is of course already a challenge for our industry given that also multiple companies are operating further downstream (PFAS containing articles). They do not have necessary the alternatives in hand and are depending on their supply chain which can in this case break-down,
- Redesigning products as well as production: given the technical features of PFAS and the specific use for those properties within a given product, all products containing PFAS need to be redesigned, taking into account also other regulatory frameworks or safety and security issues to comply with.

General timeframes for exemptions provided within the restriction proposal are either 6,5 years or 13,5 years. For high technological products such as our members are manufacturing, which are on top of the restriction also subject to other legal obligations, we are rather concerned with the rather limited timeframe of 6,5 years. Redesigning a complex product with multiple constraints also from other regulatory existing frameworks takes more time than the proposed 6,5 years. On top of that, our sector is also depending on the value chain specifically for PFAS containing articles to provide viable technical alternatives.

Generic exemptions for maintenance, repair, remanufacturing, ...

We do think that the proposal needs to foresee a generic exemption for life time extension of products containing PFAS. In general it is not possible to substitute the containing PFAS in a complex existing product by a non-PFAS. In the technological industry, PFAS is used within products. The design of the product takes into account the technical performance of the PFAS, such as water repelling, heat resistance, heat exchange, etc ... this means that products have to be redesigned completely before the PFAS can be substituted within the product. Within maintenance, repair and even remanufacturing of existing products, it is not possible (in general) to substitute the PFAS. This needs to be foreseen explicitly in the exemptions.

- **Other**

Agoria will work further towards identifying the critical PFAS applications in our sector for which short term substitution will be challenging. In due time, we will provide input through the stakeholders consultation but Agoria is also open to interact directly with the competent authorities at Belgian level. We intend to give a first insight of the impact during the short presentation at the first stakeholders consultation but we do hope that an open dialogue can be put in place given the importance of this issue for the technological industry.