



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate B - Circular Economy
ENV.B.2 – Safe & Sustainable Chemicals

Brussels,
ENV B2/JH/il Ares (2024)

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European Union request for an extension of a specific exemption for use of PFOA, its salts and PFOA-related compounds pursuant to Annex A to the Stockholm Convention

Dear Mr Payet,

Pursuant to Part X of Annex A to the Stockholm Convention, Parties may notify the Secretariat of the production and/or use of PFOA, its salts and PFOA-related compounds for the specific exemptions pursuant to Part I of Annex A.

On 8 December 2020, the European Union had notified the Secretariat of the production and use of PFOA, its salts and PFOA-related compounds for certain specific exemptions that were listed in the annex to the respective letter.

Due to the progress made so far and the feedback received from stakeholders as regards the phase-out of the use of PFOA, its salts and PFOA-related compounds in fire-fighting foam for liquid fuel vapour suppression and liquid fuel fires (Class B fires) in installed systems, including both mobile and fixed systems, it is clear that the objective of a complete phase-out cannot be achieved by the deadline of 3 December 2025.

Therefore, the European Union would like to request an extension of the specific exemption for use of PFOA, its salts and PFOA-related compounds in fire-fighting foam for liquid fuel vapour suppression and liquid fuel fires (Class B fires) in installed systems, including both mobile and fixed systems, in accordance with paragraph 2 of part X of the Annex to decision SC-9/12.

Please find more details about the reasons for this request in the annex to this letter.

Thank you very much in advance for taking the necessary action to update the registry of the specific exemptions for PFOA as outlined above.

Yours sincerely,

Annex: justification for the request for exemption

The European Union has implemented decision SC-9/12 of the Conference of the Parties on the listing of PFOA, its salts and PFOA-related compounds in Annex A to the Stockholm Convention by introducing a new entry on PFOA in Annex I to the EU POPs Regulation. That entry allows the use of PFOA, its salts and PFOA-related compounds in fire-fighting foam for liquid fuel vapour suppression and liquid fuel fire (Class B fires) already installed in systems, including both mobile and fixed systems, until 4 July 2025, subject to some conditions. The exemption granted under the EU POPs Regulation is in full compliance with the Stockholm Convention.

At the time of reviewing PFOA and discussing the listing, the EU thought that PFOA was present in a small percentage of the fire-fighting foams already installed in systems. As reported in the Risk Management Evaluation and the related addendum, it was assumed that most PFOS based foams had been replaced with foams based on pure 6:2 fluorotelomers (“C6 foams”) rather than those based on a mixture of 6:2 and 8:2 fluorotelomers. Therefore, we thought that PFOA was present as an impurity in most C6 foams installed in systems in the EU.

Because the EU internal deadline of July 2025 is approaching, several EU Member States contacted relevant operators to verify if the status of the substitution of PFOA-containing foams. It emerged that many operators still had fire-fighting foams installed in systems containing PFOA. Such number is estimated in the order of magnitude of several thousands for the EU.

An important factor that seems to be involved in the difficulty to estimate the number of systems containing fire-fighting foams impacted by the PFOA listing could be the non-reliability of analytical methods to measure the concentration of PFOA-related substances.

Another element to be considered is the on-going legislative processes in the EU to restrict all PFAS-based firefighting foams. Operators are already working to transition to fluorine free foams, but this takes longer than the current deadline for PFOA, especially for complex fire-fighting systems and for uses in sites with large volumes of liquid fuels. There is a concrete risk that operators that have foams that contain PFOA move to C6-foams with a higher level of purity, then needing a second substitution when the upcoming requirements of REACH start applying to their sectors.

Finally, considering the high number of operators that would need to replace the foams by December 2025, it is likely that a very large volume of waste foams may be directed to disposal at the same time. The number of waste treatment plants that can treat PFAS liquid waste properly is limited and there is a risk that part of the foams might be treated in a non-appropriate way.

To conclude, the EU believes that an extension of the specific exemption is needed to avoid incompliance with the Stockholm Convention and the EU POPs Regulation and to ensure a more efficient transition to fluorine free foams and an environmentally sound disposal of waste foams.