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KOCEMA's Comment on Proposed Restriction of EU PFAS

Korea Construction Equipment Manufacturers Association(hereinafter KOCEMA) is an industry organization that represent construction equipment in Korea.

First of all, We highly appreciate the ECHA's effort to the implementation the EU's chemicals legislation to protect your health and the environment. KOCEMA would like to appreciate this opportunity to submit our comments regarding the PFAS restriction proposal.

KOCEMA has been a representative association of Korean construction equipment industry for nearly thirty years. As of today, we have over 250 member companies including several Korean subsidiaries of European makers(Volvo etc).

Main concerns with the proposes PFAS restriction

- **Need more clarification on details of PFAS restriction:** The definition of PFAS in the Act is overly broad, unnecessarily including thousands of individual PFAS substances under the scope of coverage. The lack of a de minimis threshold ensures manufacturers need to account for trace amounts of PFAS in their products, which may require expensive lab testing to confirm. Furthermore, current analytical test methods for detecting PFAS and overall global laboratory testing capacity do not exist to account for the sheer volume and variety of PFAS across all industries as required under this rule. So We recommends that extend the effective date of the reporting provision and introduce more streamlined reporting requirements, such as a de minimis threshold, identified list of PFAS substances with CAS numbers to help accommodate the structural difficulties of collecting data for complex article manufacturers.

- **The transition period of 18 months is too short.:** The development cycle of the parts are long and the new design requires enough time for verification and validation.
By the way, the new development for transition has even not started for all the concerned items. Therefore, the implementation from 2026~2027 is impossible.
Transition to PFAS additive-free materials requires a transition period of at least 36 months much longer than 18 months.
- **Retrofit of products in use:** If we need to apply the restriction on the products in use, the products could not be used continuously by the second-hand sales. Therefore, the products should be scrapped, and it might not be aligned with the aiming of the environmental care.
Stocks, Legacy spare parts and remanufacture products need to be exempted.
- **Supply chain and awareness:** In our industry, the knowledge and awareness of PFAS is not enough. It is not very clear if our suppliers have the enough information that their products include PFAS and alternative solution. Therefore, the restriction would bring supply chain issues again, in addition to the current hard supply chain problems in our industry.
- **Risk of alternative solution:** Equipment includes products such as O-RING and SEAL that cannot easily obtain alternative materials. Regulating this may cause many difficulties in finding alternative materials, and may lead to safety problems due to the presence or absence of alternative materials and insufficient verification. Therefore, if the manufacturers should take the other alternative to PFAS, it would have potential risk of introduction of other substance of concern. Therefore, enough time to study about the substitution is needed.
- **Machinery products require longer derogations than automotive/transport vehicles.:** The non-road machinery industry operates in a highly severe work environment, and all parts require higher durability compared to other industries. To ensure this performance, many PFAS are used for sealing and plating.
Therefore, when transitioning to new alternatives, a thorough verification process must

be conducted to prevent leakage. Insufficient verification of alternatives could have a worse impact on the environment.

※ **Specificity for Hydraulic Components:** Unlike ordinary agricultural machinery and automobiles, construction equipment uses a lot of hydraulic parts to utilize its original functions. In particular, sealing is a very important factor for hydraulic parts. Sealing requires high durability, dustproofness, and high heat resistance to prevent leakage of hydraulic oil while allowing construction equipment to work safely. We have not found a sealing material that exceeds FKM, and if we replace it with other materials, we are concerned about the risk that environmental pollution caused by leakage, safety in the work of construction equipment, and do not secure the original workability of construction equipment.

- **Derogations for batteries (electric vehicles/machines) are missing.:** Currently, there is a strong push towards transitioning to electric vehicles for sustainable business. In this context, the lack of consideration for derogations when restricting PFAS in batteries could hinder this electrification effort and have a negative impact on the environment.
- **Refrigerants are already subject to restrictions under EU F-gas regulation:** The EU F-gas regulation is continuously revised and managed to account for the environmental impact of substances. Considering the inclusion of refrigerant substances in the PFAS restriction, there might be a potential for double regulation with the F-gas law. It might be more effective to regulate this through the EU F-gas regulation, especially in terms of stepwise developing of alternative substances for the future.
- **Durability of operating links for heavy load operations:** Construction equipment must carry very heavy materials or exert high forces, so resulting in a very high load on the link in the actuation part. The durability and wear resistance of this Link department are essential factors for safety, and if they are not satisfied, personnel accidents can occur.

Some parts of Link use some PFAS material to satisfy this, and it takes a long time to develop an alternative material to replace it and to verify stability in long-term use.

- **Related Links to Comment from Other Industries**

In addition, we hope that the same will be applied to the construction machinery industry regarding the establishment and exemption of grace periods for 7 major PFAS applications in automobiles submitted by the Korea Automobile & Mobility Association (KAMA).

Sincerely,

KOCEMA(Korea Construction Equipment Manufacturers Association)