



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Consumer, Environmental and Health Technologies

Directorate-General for Environment
Circular Economy and Green Growth

Directors

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NOTE FOR THE ATTENTION OF MR B. HANSEN, EXECUTIVE DIRECTOR, ECHA

Subject: Request to the European Chemicals Agency to prepare a restriction proposal conforming to the requirements of Annex XV to REACH on the use of per- and polyfluoroalkyl substances (PFAS) in fire-fighting foams and to cooperate with the authorities working on the preparation of an Annex XV dossier to restrict the manufacture, the placing on the market and the use of PFAS

Per- and polyfluoroalkyl substances (PFAS) constitute a group of thousands of man-made chemicals that are widely used in various consumer and industrial products (e.g. water- and stain repellent textiles, fire-fighting foams, food contact materials and cosmetics). These substances are of increasing concern as they are all persistent in the environment, whilst some are also known to be mobile, toxic and bioaccumulative. For many PFAS currently in use, there is a lack of detailed knowledge on their chemical structures, properties, uses and toxicological profiles.

The Commission and ECHA recently commissioned a study on possible regulatory management options to address the risks associated with the use of PFAS in fire-fighting foams in the EU. The results¹ show that fluorine-free fire-fighting foams are generally available and technically feasible and have been successfully used in most of the sectors identified. Fluorinated fire-fighting foams are the cause of many cases of contamination in Europe, both of soil and drinking water. The study identified the most relevant technologies for the remediation of PFAS contamination from use of fire-fighting foams.

Moreover, the inclusion of PFOA, its salts and PFOA related compounds in Annex I of the POPs Regulation², following the listing under the Stockholm Convention, will lead, in the next 5 years, to the substitution of fire-fighting foams containing these substances.

¹https://echa.europa.eu/documents/10162/28801697/pfas_flourinefree_alternatives_fire_fighting_en.pdf/d5b24e2a-d027-0168-cdd8-f723c675fa98

² Regulation (EU) 2020/784, OJ L188I, 15.6.2020, p.1

Considering the concern raised by substituting fire-fighting foams containing PFOA with other fluorine-based ones, the increasing availability of fluorine-free alternatives and the conclusions of ECHA's and Commission's study, the Commission would like to ask ECHA to develop an Annex XV dossier in accordance with Article 69(1) of REACH for a potential restriction of PFAS in fire-fighting foams.

We would appreciate to receive, as soon as possible, a confirmatory letter from ECHA that our request has been accepted. The intention should be entered in the Registry of Intentions by October 2020.

We note the recent announcement that a group of five authorities are working on the preparation of an Annex XV dossier to restrict the manufacture, the placing on the market and the use of PFAS in non-essential uses in the EU³. With a view to improving the consistency of methodological approaches for substance identification, hazard, risk and impact assessment between these potential restrictions, we would like to recall ECHA's procedures for handling restrictions⁴ and request you to cooperate with the authorities working on the proposal for PFAS.

(e-signed)

Carlo Pettinelli
DG Internal Market, Industry,
Entrepreneurship and SMEs

(e-signed)

Kestutis Sadauskas
DG Environment

³ <https://echa.europa.eu/-/five-european-states-call-for-evidence-on-broad-pfas-restriction>

⁴ https://echa.europa.eu/documents/10162/13607/procedure_restrictions_en.pdf