

FAS REACH Annex XV Restriction Report 1ST Public Consultation (22 March – 25
September 2023)

Exclusion of fluorinated gases from the PFAS Proposal for a Restriction

On January 13, 2023, the competent authorities of five EU countries submitted a PFAS (Per- and Polyfluoroalkyl Substances) restriction proposal to the European Chemicals Agency (ECHA) to include HFC/HFO as well as Trifluoroacetic Acid (TFA) products as PFAS substances for management. We believe that these substances should be excluded from the PFAS proposal.

On behalf of [SINOCHEM LANTIAN CO., LTD.], we would like to send our greetings to ECHA and the five countries that sponsored the draft PFAS control proposal. We have been working hard to comply with domestic and international regulations and have been conducting rigorous self-reviews on the compliance of our products exported to the EU. We have long supported the EU's ambitious attempts to reduce the risks posed by toxic and hazardous substances and have taken sincere and practical measures to meet the requirements of EU chemical regulations, including REACH.

[SINOCHEM LANTIAN CO., LTD.] is a company that mainly deals with [HFC/HFO products and their mixtures]. We use [HFC/HFO products and their blends] PFAS-like substances to fulfill the unique requirements of [refrigeration, foaming, and fire-fighting performance]. Due to [effectiveness of alternatives/dual regulatory impacts] on this use, we require [exclusion] for this use application.

Substances such as [HFC/HFO products and their mixtures] primarily achieve the required [application characteristics, environmental characteristics, safety characteristics, economics]. Specifically, the component is required to simultaneously fulfill [application characteristics, environmental characteristics, economic characteristics, safety] under

[specific] operating conditions. Currently, none of the marketed hydrocarbon alternatives mentioned in the draft can be (completely) replaced.

For detailed discussion, physical properties comparison data and citations:

1. Fluorinated gases such as HFC/HFO are highly safe compounds in terms of toxicity and combustibility and are used in many applications in terms of efficiency and cost.

2. Fluorinated gas itself is not persistent in the persistent properties proposed in the PFAS restriction proposal.

3. Trifluoroacetic acid, which is a degradable product of fluorinated gas itself and is a concern in the proposed restriction, has also been shown to pose a low risk of toxicity to living organisms and human bodies in the reports of the Environment Agency of Germany and Norway, who actually submitted this restriction proposal. In addition, According to the Trifluoroacetic Acid (TFA) REACH Registration Dossier and Chemical Safety Report (CSR), this substance does not meet the criteria for a PBT or vPvB substance under Annex XIII REACH. It also does not raise the same level of concern under Article 57(f) of REACH. In this regard, ECHA has reviewed/evaluated the TFA dossier but has not concluded that further regulatory action is required.

4. The Proposed Restriction fails to conduct a substantial assessment of the "availability of alternatives" including: i) where alternatives have been identified, these must be compared as to their risks and benefits to the substances proposed to be restricted and ii) where alternatives are not yet available, the risks of the continued use of the substances proposed to be restricted should be compared with the socio-economic consequences of them no longer being available and of the lack of available alternatives. We request that the EU limits the scope of the restriction to the extent necessary to achieve the objectives that contribute to the social economy of the EU.

5. Suitable alternatives for F-gases should be considered in terms of safety, environment, usability and economy. Hydrocarbons alternatives are difficult to use in situations where safety is particularly important or where high equipment and maintenance costs are required, so it is important to consider the use of HFCs/HFOs or mixtures from the point of view of economy, safety, usability and environment. In terms of environmental characteristics, HFOs, which have a very low greenhouse effect, are being considered as a substitute for HFCs.

6. Emissions of HFC are subject to effective Risk Management Measures (RMMs) under the EU F-Gas Regulation, including progressively phasing down their tonnages via quotas (until 2030) and prohibitions on uses in certain RHVAC/MAC equipment. Emissions of HFOs (in particular, HFO-1234yf as the key MAC refrigerant) are also adequately controlled via containment requirements (leaks controls, end-of-life collection, and disposal, etc.) under the MAC Directive and the ELV Directive. The above EU legislation specifically aims to considerably decrease all HFC/HFO emissions in the short to medium term..

Therefore, fluorinated gases such as HFC-125, HFC-143a, HFO-1234ze(E), HCFO-1233zd(E), HFC-245fa, HFO-1234yf, HFC-134a, HFC-227ea, HFC-236fa, etc. must be excluded from the scope of the Proposal.

SINOCHEM LANTIAN CO., LTD.

September 11, 2023