

Comments for Annex XV restriction report on Per- and polyfluoroalkyl substances (PFAS)

Preliminary comments

AFC Materials welcomes the opportunity to contribute to the public consultation issued by the European Chemicals Agency (ECHA) regarding the restriction proposal of Per- and polyfluoroalkyl substances (PFAS) under Regulation (EC) No. 1907/2006 (REACH).

AFC is your strategic partner for high temperature and non-stick solutions. For 35 years, we have built a reputation for manufacturing superior composite materials and providing industry-leading customer service. Our 150 employees and 150 years of management expertise are ready to support your production needs.

Consider the following: conveyor belting, Subway sandwich ovens, wind turbines, and recycling technology. How are they related?

AFC makes these diverse products possible. Since 1988, this innovative manufacturer of high temperature, non-stick composite materials have risen to the forefront of the high-temperature, chemically resistant composites market. Whether it be fabric, conveyor belting, pressure-sensitive adhesive tape, or heat sealers, AFC has solutions for a variety of industrial applications. Common markets include food processing, packaging, plastics, composite bonding, can manufacturing, textiles, and vinyl windows, among others.

While primarily known for its Dura® line of industrial products, AFC also operates a Food Products Group. This business segment, DuraChef®, partners with major quick service restaurants such as Subway®, Dunkin®, Burger King®, and Starbucks® to provide consistent consumer meals. DuraChef® also carries a line of cooking and baking products that outlast and outperform traditional kitchen wares.

AFC understands its obligation as a manufacturer to encourage sustainable practices. This can be found in AFC Renewables, which developed the revolutionary process of No Waste Technology™: the ability to fully recycle paper-based laminate products. Another environmentally friendly product, Chef Pack®, was designed with food safety in mind. This 100% biodegradable packaging remains sealed from factory to consumer, allowing moisture to escape during cooking while preventing air from entering. It is the ultimate oven within an oven and provides a reliable option for those with food sensitivities.

AFC Materials is part of an informal group of six companies¹ that have in common a number of fluoropolymer use applications. However, there is diversity across the companies according to the type of industries each serves; and as such we do not have an industry association to represent us in regulatory matters. Relating to the proposed ECHA (universal) PFAS Restriction, the group shares the view that fluoropolymers should be exempted. The next section of this statement provides the

¹ The six companies are: Fothergill Group, Fiberflon, Taconic International, Textiles Coated International, Verseidag-Indutex GmbH and AFC Materials, located in multiple jurisdictions globally, notably the European Union, U.K., U.S.A., Turkey and Australia, with each company serving EU/EEA markets.

justification for our position. For the purpose of working together on this matter, the group of six companies has engaged an independent third-party trustee for handling and aggregating confidential business information for each company.

The following table provides an aggregated overview of the volumes in metric tons of fluoropolymers used within the EEA by the six companies over the last five years. The majority of the fluoropolymer volume relates to the use of PTFE, with additional fluoropolymers such as FEP, PFA, ETFE, FKM and others contributing to the total volume used.

2018	2019	2020	2021	2022
Vol. used in EEA	Vol. used in EEA	Vol. used in EEA	Vol. used in EEA	Vol. used in EEA
1564	1433	1224	1508	1525

Across the six companies, the number of workers potentially impacted by the proposed restriction is as follows:

Location of sites	Number of workers
EEA	261
Rest of the World	661
Total	922

This submission is made on an individual company basis to allow provision of confidential data in greater detail.

AFC Materials appreciates the work performed by the five submitters of the restriction proposal and the efforts of the European authorities on the protection of human health and the environment in front of the effects of the PFAS substances that are of concern.

1. Request for exemption of fluoropolymers

The proposed restriction does not differentiate between fluoropolymers (covering fluoroplastics such as PVDF, ECTFE, FEP, PFA, PTFE, etc., as well as fluoroelastomers such as FKM, FFKM, etc.) and other families of PFAS. Fluoropolymers have unique properties that distinguish them from other PFAS and they do not have the environmental and toxicological profiles associated with some substances in this class of chemicals that are of concern. For this reason, we strongly believe that the restriction proposal should differentiate between the different families of PFAS based on their chemical composition, their toxicological profile, and the production method (e.g., the production of fluoropolymers without fluorinated polymerisation aids).

Fluoropolymers are durable, stable, and mechanically strong in harsh conditions in a variety of sectors including but not limited to automotive, aerospace, environmental controls, energy production and storage, and electronics, as well as in technical apparel. They are also stable in air, water, sunlight, chemicals, and microbes, and chemically inert, meeting the requirements for low levels of contaminants

and particulates in manufacturing environments critical for the food and beverage, pharmaceutical, medical, and semiconductor industries. Finally, fluoropolymers are biocompatible, non-wetting, non-stick, and highly resistant to temperature, fire, and weather. These unique characteristics make them a critical material for a broad range of industries and sectors, playing a diverse and crucial role for society, with few, if any, viable alternatives, and making them essential in numerous technologies, industrial processes, and everyday products. Furthermore, the restriction of fluoropolymers will make it impossible to achieve key goals set by the European Union, such as the Green Deal, the transition to a circular economy, and the autonomy of Europe in critical technological sectors.

Beyond their socio-economic value for European industry, their unique stability means that they are low-risk polymers for human health and their environment. Trying to replace them in their many applications would lead to substitution with alternatives (when available) that do not provide the same advanced performance and safety as fluoropolymers. Furthermore, any alternative that may be suggested to replace fluoropolymers will need to perform at least at some degree (even if at lower levels) of chemical and temperature resistance, which means that such alternatives will likely be persistent materials like fluoropolymers.

Since fluoropolymers are different from the other families of PFAS, there is no scientific, economic, or social basis to justify regulating them in the same way as all of the PFAS. For this reason, we request that fluoropolymers should be fully exempted from this restriction proposal under the REACH regulation.

2. Missing uses

Following the review of the current version of the Annex XV restriction report, we have identified the absence of specific uses of fluoropolymers that have not been evaluated, either because they have not been researched, or that have been searched in general by the dossier submitters (according to Table A.1 of Annex A of the Annex XV restriction report). These uses are as follows:

Product	Use
Fabric Coated with PTFE	Welding plastic and vinyl for vinyl windows and mylar balloons
Fabric Coated with PTFE	Composite manufacturing for airplanes, satellites, military vehicles, wind turbine blades, solar panels, and EVs
Pressure Sensitive Tape Coated with PTFE	Welding plastic and vinyl for plastic part welding, vinyl windows, and mylar balloons
Pressure Sensitive Tape Coated with PTFE	Composite Manufacturing for airplanes, satellites, military vehicles, wind turbine blades, solar panels, and EVs
Conveyor Belt Coated with PTFE	Conveyor used to cure rubber/vinyl for carpet manufacture, extruded rubber manufacture, rubber mat manufacture, and vinyl floor manufacture
Conveyor Belt Coated with PTFE	Conveyor used to dry/dehydrate during textile manufacture, screenprint drying, composite curing, and wood laminations

We are aware that fluoropolymers play a key role in the uses detailed above. Therefore, we can provide enough scientific, technical, and economic information about them to be evaluated by RAC and SEAC and included in the review of the restriction proposal. We will provide this information through different statements that will be submitted separately during the public consultation period (see section 4 of this document).

In all cases, and in our opinion, these uses could be included in the general exemption of fluoropolymers requested in section 1 of this document. Alternatively, we are confident that they could merit derogations.

3. Proposed derogations

Although we believe that fluoropolymers should be fully exempted from this regulatory action, alternatively, we want to support some of the proposed derogations that are defined in the current version of the Annex XV restriction report.

For this reason, we would like to express our appreciation for the consideration of the following proposed derogation:

Derogation	Product	Use
Industrial and Professional Food and Feed Production	High Temperature Release Sheet Coated with PTFE	High speed bun toasting in a food service setting
	High Temperature Clamshell Grill Sheet Coated with PTFE	Cooking proteins in a food service setting
	Molded Tray/Basket Coated with PTFE	Cooking of foods in a food service setting
	Molded Components/Accessories Coated with PTFE	Protection of heating elements and microwave components in a food service setting
	Conveyor Belt Coated with PTFE	Conveyor to pre-cook food

We are aware that fluoropolymers play a key role in the uses related to these proposed derogations. Therefore, we can provide additional scientific, technical, and economic information about them to be evaluated by RAC and SEAC in order to support these proposed derogations. We will provide this information through different statements that will be submitted separately during the public consultation period (see section 4 of this document).

4. Further submissions

Although we appreciate the proposed derogations and those marked for reconsideration in the current restriction proposal, we believe they are neither clear enough nor broad enough to cover all the

applications where fluoropolymers are essential. Additionally, due to the vast amount of socially important uses of fluoropolymers and their distinct safety profiles compared to other PFAS, we believe that a broad exemption of fluoropolymers from the proposed PFAS restriction is appropriate.

The above statements and observations will be further substantiated in the course of the consultation process. In particular, we will provide further comments on the proposal and the effects of the contemplated restriction as well as the requested exemptions and/or derogations. We will also provide further justifications as regards the details to be considered for exemptions and/or derogations. For the time being, we kindly request ECHA, including RAC and SEAC, as well as Member States to consider this initial submission as a preliminary statement.