

European Chemicals Agency – Public Consultation on Proposed Restriction in PFAs Comments from Cosmetics Europe

1. Cosmetics Europe is the European trade association representing the cosmetics and personal care industry in Europe. Together with our national association members, we represent more than 85% of the European cosmetics industry by volume, including thousands of SME cosmetics manufacturers in Europe.
2. The cosmetics and personal care market in Europe is the second biggest in the world. Our industry support more than three million jobs in Europe and generates a major trade surplus with the rest of the world.
3. Cosmetics Europe recognises the need to take action on PFAs and agrees that a harmonised European approach through an ECHA Restriction is appropriate.
4. However, we believe that the narrowly defined derogations set out in the Annex XV report are in some cases likely to be inadequate.
5. In particular, the inclusion of PFAs used in the manufacturing process and machinery in the full scope of the Restriction (without any form of derogation) will have an incalculable impact on the ability of our members to manufacture cosmetics products and ingredients in Europe and may be create problems of human and environmental safety.

PFAs intentionally added to Cosmetics Formulations

6. Cosmetics Europe has no precise information on the extent of use of intentionally added PFAs in cosmetics products in Europe.
7. However, we accept the view expressed in the Annex XV report that alternatives are available, and reformulation relatively inexpensive.
8. We agree therefore that intentionally added PFAs in cosmetics formulations should not be subject to derogation.

PFAs in cosmetics formulations which have not been intentionally added

9. Given the necessary use of PFAs in the cosmetics manufacturing process, the presence of traces of PFAs in formulations cannot be ruled out.
10. Where an ingredient is in the scope of the Cosmetics Products Regulation, the presence of traces in cosmetics products is strictly regulated. Manufacturers must ensure that traces are

eliminated to the extent technically feasible, and any presence of traces should not present a risk to health. A similar approach would be taken to PFAs traces.

11. The Restriction should therefore only cover intentionally added PFAs.
12. Failure to exclude traces from the scope of the ban on PFAs in formulations would amount to a de facto ban on PFAs in cosmetics manufacturing where, as we argue below, the use of PFAs in manufacturing should be derogated.

PFAs in manufacturing

13. In our industry as for others, PFAs such as fluoropolymers are an essential element in manufacturing of products and the safe and environmentally responsible operation of manufacturing facilities.
14. Fluoropolymers and other PFAs are deployed as essential elements in cosmetic manufacturing, for example in gaskets, fittings, pressure bearing systems and lubrication, and as a processing aid in the manufacture of some cosmetics ingredients , where they are however quantitatively removed during the purification of the ingredient.
15. For all of these uses, alternatives are not yet available.
16. In our view, there is insufficient analysis of the impact of a Restriction on the use of PFAs in manufacturing in our or any other sector.
17. Even if alternatives were readily available, it is unrealistic to expect all the manufacturing plants in Europe to be refitted in the 18-month transition period.
18. We therefore ask ECHA to conduct a further analysis of the impact of the Restriction on PFAs in the cosmetic product and ingredient manufacturing process and if necessary propose a derogation for such uses.