



September 25,2023

**Written Comments on Annex XV Restriction Report (restrictions on the manufacture,
market placement, and use of PFAS) (2nd)**

This document is intended to supplement the initial written comments from CEMA submitted in Part 20, 4491. In order to avoid duplicate submissions of the same information (based on the ECHA webinar Q&A), this second comments contains only additional information where possible. Against this background, this document will have the same chapter structure as the first comments (Part 20, 4491) so that the additional information can be easily understood.

II. Concerns and requests regarding the proposed restrictions

The nature and specifics of our proposals remain essentially unchanged from our initial written comments. Some additional comments are provided below.

1. Issues in gathering information

As noted in the initial written comments, undertaking surveys under the current conditions is quite difficult. CEMA members investigated the PFAS content of their own products. We found it difficult to obtain effective responses concerning volumes used and other aspects. This is due to the many substances for which no reports are currently required among the sheer number of substances in question; hesitation or inability to disclose trade secrets; and time constraints. In addition, the answers received for alternatives to all the PFAS chemical substances that the members are currently using were "none" or "uncertain."

In addition, more than 50% of suppliers responded that they handled PFAS-containing products. Thus, the proposed restrictions are likely to have serious effects on supply chains in Europe as well.

Reference: Table 1 (Confidential), attached, gives the chemical substances whose use was identified via the survey and the volumes in which they were used. Note that this table reflects only the partial and limited information gained through the survey up to this point.

We believe that the creation of a specific list of target substances as a Candidate List of substances will enable us to report more accurate and reliable content information in the future.

2. Concerns regarding risk assessment

Construction equipment is used and maintained by professionals. In general, the waste



generated in parts replacement or other such processes is disposed of as industrial waste in strict accordance with the laws that apply in each jurisdiction. We believe this waste is recycled effectively in the EU, which emphasizes circular economy policies.

We believe the risk of environmental and human exposure is very low; adherence to the applicable processes means direct release of PFAS as waste into the natural resource environment is extremely rare and highly unlikely.

III. Examples of PFAS applications in the construction equipment sector and requests

The nature and specifics of our proposals are essentially unchanged from our initial written comments. Some additional comments are provided below.

1. Examples of applications

See Table 1, referred to in Section II, for information on the types of components in which the chemical substances are used.

Table 2 shows photographs of specific components used in construction equipment.

Construction equipment shares numerous components with automobiles.

For examples of parts other than those listed in Table 2, please refer to the position paper prepared by the Japan Auto Parts Industries Association (JAPIA), Part 17, 4413, which shares information with us on common parts and components.

IV. Conclusion

The nature and specifics of our proposals remain essentially unchanged from our initial written comments.

We request a derogation period of 12 years before the restrictions enter into effect and reconsideration of the issue at the end of 12 years derogation period. (The same request as in the initial written request)

The answers received for alternatives to all the PFAS chemical substances that are currently used by the members in the scope of our survey were "none" or "uncertain." It may be that science and technological progress will result in the development and real-world use of alternative substances, even for chemical substances for which no alternative substances are currently available. However, we do not believe that alternatives will have been developed in 12 years for all applications and components. Accordingly, we request a reconsideration of the derogation period and condition at the end of 12 years.

This includes a request for study to consider the methods of application and review of extension



JAPAN CONSTRUCTION EQUIPMENT MANUFACTURERS ASSOCIATION

2F, Kikaishinkokaikan 3-5-8 Shibakoen, Minato-ku, Tokyo
105-0011, Japan TEL(03)5405-2288/FAX(03)5405-2280

of a derogation period with regard to the EU RoHS Directive implementation examples.

We request an indefinite exemption for spare parts. (This remains unchanged from our proposal in the initial written comments.)

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'S. Koyama' followed by a horizontal flourish.

Satoru Koyama

Executive Managing Director

Japan Construction Equipment Manufacturers Association (CEMA)