

PENNESE Daniele

From: [REDACTED]
Sent: 15 November 2021 12:57
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: PFAS universal restriction

Hi [REDACTED]

I do think that it's a good idea to follow this up with the UPFAS team. It may be that soils are already contaminated by PFAS and it could be appropriate to look at the implications for a restriction on re-use of these soils. This has not been specifically looked at.

[REDACTED]

[REDACTED]
[REDACTED]
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From: [REDACTED] <[REDACTED]>
Sent: 15 November 2021 11:59
To: [REDACTED] <[REDACTED]>
Cc: [REDACTED] <[REDACTED]>
Subject: RE: PFAS universal restriction

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Dear [REDACTED]

I had a second thought asking you the question as I could not understand very clear what was the precise meaning of this written note that I read in a draft soil strategy that new REACH restrictions will be in the soil contaminants. However I recognized the following

For these soil contaminants the way is to handle the issue at source.

Thus, my understanding is the soil contaminants by PFAS will be minimized via the minimization of the PFAS emissions at source.

Second I agree with you that in principle a restriction could apply and is applied to a soil based product placed on the market. And then I agree too for the PAHs as it was also my file. Thus I suspect that the management of excavated soils for reuse would have similarities to PAH granules restriction. Indeed the issue is on the interface of REACH- WFD and the circular economy. And yes harmonizing management systems within the same MS or across EU are lacking.

Do you consider that it is worth it to discuss it in the U-PFAS restriction ?

Kind Regards

From: [REDACTED] <[REDACTED]>
Sent: Monday, November 15, 2021 9:42 AM
To: [REDACTED] (GROW) <[REDACTED]>
Cc: [REDACTED] (GROW) <[REDACTED]>
Subject: RE: PFAS universal restriction

Hi [REDACTED]

Thanks for this question. It's a good one, but I note that it touches on the waste/REACH interface, which is not always clear and can depend on approaches in different MS. We learnt a bit about this in the restriction of PAHs in rubber granules (it may not apply in MS that still consider rubber granules as wastes when they are applied to pitches).

I think that in principle a restriction could apply to a soil-based **product** placed on the market i.e. once it is no longer considered to be a waste. Perhaps you could check with waste colleagues at your side and probably [REDACTED] would have a view on this. It would depend on the existence of any 'end-of-waste' criteria in an MS.

I just informed the UPFAS co-ordination meeting that you'd asked this interesting question. Their initial response was not clear as they have not thought about this. I said that I'd approach you to check if you were OK before I forward your question to them in writing. Would that be OK? I think that they need to think about this.

In the microplastics restriction was added specific derogations for soil/sludge/compost to avoid and unintended consequences on these products because of the presence of secondary microplastics. I don't know if these derogations have survived the decision-making process.

[REDACTED]

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From: [REDACTED] <[REDACTED]>
Sent: 11 November 2021 11:39
To: [REDACTED] <[REDACTED]>
Cc: [REDACTED] <[REDACTED]>
Subject: PFAS universal restriction

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Dear [REDACTED]

Could I have your views on the following ?

Since you have a much better idea of how the restriction on PFAS is organised I was wondering if the PFAS restriction could touch the soil environmental compartment.

I m mostly interested on the concerns raised by PFAS contamination of soils. Can PFAS limits for instance to be put for the reuse of excavated soil and sentiment under REACH in the U-PFAS . The issue could also be there is no dedicated legislation on soil. Soil contaminants can be under the U-PFAS restriction ?

Kind Regards

[REDACTED]