

To whom it may concern

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ADLER-WERK Lackfabrik
Johann Berghofer GmbH & Co KG

A-6130 Schwaz
Bergwerkstraße 22, PF 126

fon: +43 52 42 / 69 22 - 0
fax: +43 52 42 / 69 22 - 999
www.adler-lacke.com

██████████@adler-lacke.com

ADLER position on the PFAS restriction proposal

We want to look at the PFAS restriction proposal from a paint manufacturer's point of view:

- The restriction proposal is very broad. No structuring or subdivision of the more than 10,000 substances, which have very different intrinsic properties, is apparent. No differentiation that considers the different risk profiles of the substances is made. Instead, a comprehensive ban of the entire substance class is proposed. Thus, the proposal includes substances for which a restriction is reasonable and comprehensible, as well as substances that can be used safely and do not lead to relevant emissions into the environment in the respective applications.
- The proposed PFAS restriction is the first to adopt a completely generic approach in which - apart from production and placing on the market - any type of use (apart from a few, predominantly time-limited exemptions) is prohibited. There is no differentiation, between the PFAS with very different intrinsic properties. Such a ban on PFAS would have a massive impact on European companies in the coatings and paint industry. Due to the reduced availability of substances in Europe, for which there are currently no suitable alternatives, the goals of the Green Deal could not be achieved in the time envisaged and dependence on imports would increase.
- A large number of the substances in scope of the restriction are not classified as hazardous substances under the CLP Regulation. As raw material manufacturers are not obliged to pass on information on non-hazardous substances in the supply chain, it is difficult at this stage for companies in the coatings and printing inks industry to estimate how extensive the actual extent to which individual companies are affected is.
- From the wide range of PFAS mentioned in the restriction proposal, mainly the fluoropolymers, especially PTFE, are used in paints and coatings. They help impart important properties to coatings, such as scratch and abrasion resistance, as well as thermal and chemical resistance, which are essential for the specific end uses. Another application of fluoropolymers is as binders (FEVE polymers). These enable extremely durable coatings to be applied outdoors.
- The international competitiveness of European industry would suffer massively, or already does, as the proposed REACH restriction alone has a negative impact on investment decisions and innovations already at such an early stage of the legislative process. Migration of production chains to less regulated regions would follow and there would be job losses in Europe.

Requirements:

- The restriction of PFAS must be **substance-related and risk-based**. Not all PFAS pose an unacceptable risk that would justify a restriction. **The scope of the restriction must be clearly defined.**
- **Appropriate transition periods are required.** The general period of 18 months is clearly too short for the conversion of all applications for which no exemptions are provided.
- **Economic impacts along the entire supply chains need to be fully assessed.**
- **For socially important - such as safety-related applications as well as for key industrial applications (hoses, seals), comprehensive exemptions are needed.**
- The possibility to review, extend and reapply for exemptions is urgently needed in view of the technical importance of PFASs.
- **Products already placed on the market for the first time should be exempted from the restriction.** Otherwise, existing stocks of substances, mixtures and articles at downstream users would have to be disposed of.