



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

Preliminary comments

Fothergill 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).

The Fothergill group of companies, with its origins dating back to 1847, is a UK based weaver, knitter, PTFE and rubber coater and converter of high performance synthetic and natural textiles, and custom rubber compounder.

Our main production facilities are shown on the right.



Fothergill Engineered Fabrics Ltd is a leading UK based weaver and knitter of glass fibre, aramid and carbon fibre. This company also manufactures specialist hybrid fabrics and utilises other fibres, such as stainless steel, in our weaves.

Fothergill Polycom Ltd (formerly Ferguson Polycom Ltd) manufacture and supply rubber compounds and rubber-coated fabrics from a custom-designed new facility in Oldham, Lancashire.

Fothergill Coated Fabrics Ltd operates the only UK based manufacturing plant coating glass and aramid fabrics with PTFE, supplying product worldwide in full and slit roll form, pressure sensitive self-adhesive tapes, fabricated belts and sheets, for a variety of applications.

The following collage shows some examples of the products made with our materials:





Our Company 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 for 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 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 tonnes 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.

Fothergill 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, ETFE, 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

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.



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:

Entity	Industry	Uses
Fothergill Coated Fabrics Limited	Medical Supplies Manufacturing	PTFE-coated belts used in the manufacture of wound treatment products
	Renewable Energy	PTFE-coated transport belts used in the production of photovoltaic modules
	Rubber Goods Manufacturing	Non-stick PTFE belts for production of rubber mats



Entity	Industry	Uses
	Tool Manufacturing	Reusable release mediums for manufacturing cutting and grinding wheels
	Analytical Laboratory Equipment	Microwave-compatible pressure vessels
		High pressure reactors
		Sample collectors for explosive/narcotic detection
	Consumer Cookware	Non-stick reusable cooking liners
	Packaging	Release media for heated packaging processes
Fothergill Engineered Fabrics Limited	Filtration	Filter bags used for example in cement, carbon black and rubber production
Fothergill Polycom Limited	Chemical Processing	Chemical handling pipe safety shields

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 5 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. Potential derogations marked for reconsideration

Although we believe that fluoropolymers should be fully exempted from this regulatory action, alternatively, we want to support some of the derogations marked for reconsideration 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 potential derogations:

Entity	Industry	Uses
Fothergill Engineered Fabrics Limited	Rail Transportation, Aerospace, and Defense	Fluoropolymers used in lifetime bearings present in all modern aircraft, helicopters, and passenger trains



Entity	Industry	Uses
Fothergill Coated Fabrics Limited	Professional Cookware	Reusable bake and protect liners, trays, and bags, for bakery and (fast food) restaurant use

We are aware that fluoropolymers play a key role in the uses related to these potential derogations. Therefore, we can provide enough scientific, technical, and economic information about them to be evaluated by RAC and SEAC in order to move these derogations marked for reconsideration into proposed derogations. We will provide this information through different statements that will be submitted separately during the public consultation period (see section 5 of this document).

4. 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:

Entity	Industry	Uses
Fothergill Coated Fabrics Limited	Pet food production	PTFE-coated conveyor belts used in pet food production

We are aware that fluoropolymers play a key role in the uses related to this proposed derogation. 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 5 of this document).

5. 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. For example, a derogation for professional bakeware is marked for reconsideration, but no derogation is proposed for the consumer cookware sector in the restriction proposal. However, the only consumer cookware that appears to have been considered is non-stick pans, whereas our customers sell a variety of other cookware and bakeware that has strong overlap between consumer and professional markets.



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 statements and observations made in this document 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.