

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 08 December 2021 17:08  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** ECHA fire-fighting foams - conditions of the restriction

Dear [REDACTED]

As promised. Here is the draft restriction conditions that we are working on at the moment. Although these are still subject to changes before submission this should give you some further insight into our proposal. Please note that these conditions may also be subject to change as a result of information received during the opinion-making stage and the Commission may also deviate from these conditions during the decision-making stage. These conditions reflect the preferred restriction option (RO3) and the committees or the Commission may consider that one of the other 'discarded' options would be the most appropriate means to address the identified risk.

If you have any questions on this text please don't hesitate to ask as it will help up to refine the proposal before submission.

Yours,

[REDACTED] and [REDACTED]

#### Proposed restriction

*Brief title: Restriction on the export, placing on the market and use of PFAS in firefighting foams.*

| Column 1                                                                        | Column 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| Per- and polyfluoroalkyl substances (PFAS)<br>CAS No. various<br>EC No. various | <ol style="list-style-type: none"><li>1. Shall not be <b>placed on the market</b> as substances on their own, as a constituent in other substances or in mixtures for use in firefighting foam concentrates after the transitional periods for the types and sectors of use specified in paragraphs 3 and 4 unless the concentration of total PFAS is less than 1 mg/L.</li><li>2. Shall not be <b>exported</b> 10 years after entry into force as substances on their own, as a constituent in other substances or in mixtures for use in firefighting foam concentrates unless the concentration of total PFAS is less than 1 mg/L</li><li>3. Shall not be used in firefighting foam concentrates with concentrations above the ones mentioned in paragraph 1 for <b>training and testing</b> purposes (except testing of the firefighting systems for their function), irrespective of the sector of use: 18 months after entry into force;</li><li>4. Shall not be used in firefighting agents with concentrations above the ones mentioned in paragraph 1 in portable fire extinguishers as defined by standard EN3-7, irrespective of the sector of use: 5 years after entry into force</li><li>5. Without prejudice of paragraph 3 on training and testing and 4 on portable fire extinguishers, shall not be used in</li></ol> |

| Column 1 | Column 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|          | <p>firefighting foam concentrates with concentrations above the ones mentioned in paragraph 1 with the following transitional periods per <b>sector or type of use</b>:</p> <ol style="list-style-type: none"> <li>a. Municipal fire services (except if also in charge of industrial fires for establishments covered by the Seveso-III Directive and for use in these establishments only): 18 months after entry into force</li> <li>b. Civil ships: 3 years after entry into force</li> <li>c. Establishments covered by the Seveso-III Directive (tier 1 and tier 2): 10 years after entry into force</li> <li>d. All other uses not covered by paragraphs (a), (b) and (c): 5 years after entry into force</li> </ol> <p>6. Six months after entry into force, industrial and professional users of firefighting foam concentrates containing PFAS above the threshold indicated in paragraph 1 shall:</p> <ol style="list-style-type: none"> <li>a. only use these foams for fires involving flammable liquids (class B fires);</li> <li>b. establish a fire management plan for every site and type of foam use which shall include a description of the procedure and reasons for the procurement of the specific firefighting foam concentrates, their storage, use, containment and treatment and the efforts made to search for PFAS-free alternatives. The fire management plan shall: (i) aim at reducing the use of PFAS foams to the minimum necessary while transitioning to PFAS-free alternatives, (ii) be reviewed annually and kept available for enforcement authorities;</li> <li>c. ensure the minimisation of emissions of PFAS in the environment and direct and indirect exposure to humans from all activities related to firefighting such as but not limited to: the storage and use of foam concentrates, water-added foams, fire run-off waters, mixtures used to clean the equipment containing PFAS firefighting foams, PFAS-containing cleaning water, media used for concentrating PFAS in PFAS-containing waste, by applying sector best practices or to the extent technically and economically feasible.</li> </ol> <p>The collected PFAS-containing waste with a concentration of PFAS above the one mentioned in paragraph 1 shall be incinerated in hazardous waste incinerators, cement kilns or disposed of</p> |

| Column 1 | Column 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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|          | <p>using [other treatment techniques reducing the concentration of PFAS close to zero]. For each event of foam use or leakage handling, proof of appropriate management and disposal of the foam concentrates, water-added foams and fire run-off waters shall be documented and kept available for enforcement authorities.</p> <p>7. From six month after entry into force, firefighting foam concentrates containing PFAS above the threshold indicated in paragraph 1 which are held in stock and need to be disposed of shall be incinerated in hazardous waste incinerators, cement kilns or disposed of using [other treatment techniques reducing the concentration of PFAS close to zero]. Proof of appropriate disposal shall be documented and kept available for enforcement authorities.</p> <p>8. From six months after entry into force, containers of firefighting foam concentrates placed on the market or used at users' sites, containers of firewater runoffs or other PFAS-waste in relation with the use of firefighting foams or the cleaning of firefighting foam equipment in concentrations above the one mentioned in paragraph 1 shall be labelled indicating the presence of PFAS above this threshold.</p> |

Explanatory notes:

- (1) "Testing of the firefighting systems for their function" means testing the fire protection system in the same way as it would operate in case of emergency. Other types of testing include but are not limited to: testing of foam agents during their development phase, testing of foam agents by users to evaluate products' suitability on specific combustibles, testing of correct proportioning of firefighting foam concentrates.
- (2) Municipal fire services (i.e. local authority fire and rescue services) are covered under the restriction entry 5 (a.), except if they are also in charge of industrial fires for establishments covered by the Seveso-III Directive and for use in these establishments only. In this case, the transitional period of paragraph 5(c) applies.
- (3) Other uses of firefighting foams include – but are not limited to -: civil aviation, defence, aerospace, offshore oil/gas/chemical facilities, onshore oil/gas/chemical manufacturing or processing facilities which are not covered by paragraph a. (Seveso establishments), power plants, glass manufacturers, waste treatment facilities, food processing industry, metal processing, etc.
- (4) The use of PFAS foam agents in portable fire extinguishers are covered by paragraph 4, with a proposed transitional period of five years, irrespective of the sector of use, i.e. their use would be continued to be allowed during this period even if the sector where they are used is subject to a shorter transitional period (e.g. ships).
- (5) "Civil ships" refers to marine and non-marine non-defence ships.
- (6) Foam concentrates are the foam formulations purchased by the users and which are further mixed with water at the moment of the use. Water-added foams are the foam concentrates mixed with water at the moment of the use. Fire run-off waters are the run-off waters containing the firefighting foam and all other elements mixed with them during the use of the firefighting foam during a fire incident, training or other use (e.g. flammable liquids, dirt, etc).
- (7) The labelling of the containers containing PFAS above the threshold indicated in paragraph 1 aims at facilitating the identification and handling of the PFAS-based foam concentrates, firewater run off and waste.

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