

ESA – presentation to Belgian authorities

- **Do you have remarks on the scope (definition of the PFAS ?)**

Not all PFAS should be treated equally, as they present different risk profiles and chemical properties. In particular, ESA believes that Fluoropolymers (FP) should be segregated from the scope of the restriction proposal. Several factors indicate the FP's risk profile is lower than most of other PFAS subgroups. For instance, FPs are not mobile which limit environmental concerns related to them.

- **Please indicate your sector and describe briefly the Restriction impact/influence on your sector .**

Sealing Devices containing PFAS cover mission-critical applications in a high number of Industry sectors, including Energy, Chemical, Aerospace, Defense, Transport, Food & Beverage, Clean & Waste Water, Mining, O&G, Pharmaceuticals, Pulp & Paper, Refrigeration & Compression. It is important to note that these Industry sectors cannot operate without Sealing Devices.

In its current form, the restriction would drastically impact severely our industry (excluding O&G and mining). This is due to the fact that the Sealing Industry is strongly reliant on FP to manufacture its products and that no viable alternative is currently available on the market. **Currently, there is no derogation proposed for the use of FP in the Sealings Industry, which is extremely problematical. As a reminder the impact of the absence of derogation for sealings applications would go far beyond our industry alone, as it would also make our downstream industry users outlined above unable to operate.**

- **Do you have specific remarks on the restriction text and its exemptions.**

1) Absence of a derogation for PP use in Sealing applications

As stated above, we are concerned of the absence of derogation for the Sealings Industry. In light of the lack of suitable alternative and the critical role of sealings technologies in

various key sector, **we believe it would be appropriate for regulators to consider a derogation for use of FP until an alternative is found.** It is also worth noting that the properties that enable Sealing Devices to work at high temperatures under mechanical and dynamic load in chemically hostile environments would also be needed in any alternative.

2) Derogation for FP application in the Oil and Gas sector

The ESA welcomes the inclusion of this derogation and the acknowledgement from regulators of the absence of suitable alternatives. However, we are concerned of the implementation of this derogation on two key aspects:

- Interconnectivity between market sectors: some of our sealings systems are using FP-containing electronic components (sensors). However, the electronics sector currently doesn't have any derogations. Therefore, it is unclear how would we be able to supply our end-markets with those key components that are integrated into our sealings systems and ensure the reliability of critical equipment (e.g. compressors, pipelines, pumps, etc.).
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- Supply of FP materials after the first 7 years: Although the derogation is planned for 12 years, FP production in Europe would virtually be banned way before the derogation expires. Therefore, it is not clear how our industry would be able to procure FP substances necessary for our manufacturing processes.

3) Absence of the essential use concept in the restriction

- ESA is concerned that the restriction does not consider the criticality of certain PFAS applications while taking a decision on potential derogations. We understand that this restriction is based on the old version of REACH, which does not include this provision. However, we believe that assessing the criticality of PFAS applications for the EU industry constitutes an essential factor while considering those derogations.
- ESA is concerned that there is currently no detail provided as to how current warranty and repair contracts would apply once the PFAS restriction comes into force. Many of our members have multi-year repair and warranty contracts with their customers, under which they provide essential PFAS-containing spare parts and conducts other maintenance activities. The current version of the restriction does not specify how the ban would apply in such circumstances, which lead to a high level of uncertainty for both our members and their customers.

➔ **If yes, is the timing foreseen reasonable for your sector?**

The 18-months transition period does not allow the sector to transition from PFAS substances. First, it is important to reiterate **that there is currently no suitable non-PFAS alternative to the vast majority of our products and associated applications**. This is due to the fact that Sealing Devices need to operate under extreme thermal, mechanical load and hostile chemical environments.

Even if/when alternatives become available, the process for implementing design changes in our highly regulated and standardized sectors typically take many years (sometimes decades). For instance, in the aerospace, it takes up to 32 years to get derogations due to very complex R&D, review and validation processes. In other sectors, we estimate that in average, the whole process to implement changes into our seals design and would take around 10 years (again, this is if/when alternatives become available). Cutting downs on those time frames would result in safety related issues and damage to the environment.

➔ **Have you conducted an alternative assessment that indicates that the proposed timing is reasonable or not?**

We are currently conducting an SEA and will share the results with authorities as soon as they are available. Technically speaking, current non-PFAS substitutes can't meet temperature and corrosion requirements for aggressive fluids that are processed through Sealing Devices. Indeed, in over 825 fluids our members process, 93% of them require PFAS-containing materials (fluid compatibility). In addition, some of our members conducted a technical assessment based on the literature available. The assessment of PFAS materials and a selection of alternatives has shown that there are currently no substances available that would provide both a comparable chemical resistance and a satisfying flexibility (due to them being stiff and rigid). This does not even account of the economic cost and timescale associated with retro fitting with those alternatives.