

## PU Europe input #1 to the Annex XV restriction report for PFAS

PU Europe is the European Federation of manufacturers of polyurethane thermal insulation products, from construction products manufactured in factories to in-situ formed foam, based in the European Union and the UK.

**PU Europe would like to raise the below comments which call for the fluorinated gases that are used in our industry<sup>1</sup> to be fully exempted from the scope of the restriction proposal:**

- In divergence from what the dossier submitters state, those substances are not classified as (very) persistent under REACH (they have atmospheric lifetime of days or months) and more importantly, they do not decompose in the environment into trifluoroacetic acid (TFA) in a meaningful fraction (see the EFCTC evidence<sup>2</sup>). Information submitted on hazard, exposure and risk assessments by the manufacturers and importers of those substances shall be carefully read by ECHA experts;
- The objective to establish a very broad definition of PFAS, therefore covering thousands of substances with different (eco-) toxicity profiles, is not aligned with science and with ECHA's own guidelines on Read Across policy. Furthermore, the OECD Expert Group on PFAS issued in 2021<sup>3</sup> the following position that supports a more targeted restriction: *"As PFASs are a chemical class with diverse molecular structures and physical, chemical and biological properties, it is highly recommended that such diversity be properly recognized and communicated in a clear, specific and descriptive manner. The term "PFASs" is a broad, general, non-specific term, which does not inform whether a compound is harmful or not, but only communicates that the compounds under this term share the same trait for having a fully fluorinated methyl or methylene carbon moiety"*. The latter approach was again supported in 2022 by the majority of experts in the UNEP Environmental Effects Assessment Panel;
- European risk management measures for products containing HFO/HCFO are in place and get continuously strengthened to achieve a European circular economy. In many countries, measures targeting the recovery and treatment of construction products when they reach their end of life (which might be in 50 years from now for insulation products) are discussed at the time of writing. Furthermore, several industry activities at national level aim to put in place take back schemes for construction waste at first;
- Others jurisdictions in the world like the UK Health and Safety Executive and the US Environmental Protection Agency do not target HFOs/HCFOs in their efforts to regulate PFAS, they rather focus on certain groups of substances and certain applications.

PU Europe sincerely hopes that the above comments will be taken into consideration and would like to recall the support of its members to the EU long term carbon neutrality goal. Our products are critical in curbing energy consumption, and hence CO<sub>2</sub> emissions, during the use phase of buildings, including commercial, industrial, and public dwellings.

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<sup>1</sup> HFO-1336mzz-Z, HCFO-1233zd-E & HFO-1234ze-E are used as blowing agents in certain in rigid closed-cell PU/PIR insulation foam like in-situ spray foam, bespoke technical equipment (insulation cabinets & cold chain), as well as in continuous and discontinuous production lines. It is worth noting that the predominant blowing agents used in our industry (>90%) are Pentane isomers.

<sup>2</sup> EFCTC, September 2021, <https://www.fluorocarbons.org/news/published-evidence-supports-very-low-yields-of-tfa-from-most-hfos-and-hcfos/>

<sup>3</sup> *Reconciling Terminology of the Universe of Per- and Polyfluoroalkyl Substances: Recommendations and Practical Guidance*, OECD Series on Risk Management, No. 61, 2021.