

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

Preliminary comments

ICB NV 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).

ICB NV is a Belgian converter of PTFE coated fiberglass. Our raw materials are coated in Ireland, United Kingdom, Poland, Turkey and China. ICB receives from our suppliers log rolls at various widths and lengths. In our production facility in Belgium we convert and seal these fabrics into reusable bake and protector foils, trays and bags. Beside converting and sealing we also take care of the full packaging process. Our end products are sold to consumers and professionals.

Examples of our typical **consumer products** are

- reusable bake liners, which are a reusable alternative for disposable parchment paper.
- reusable oven protective liners which are a reusable alternative for disposable aluminum foil.
- Crisper Baskets which enable consumers to crisp French fries in their oven, no longer using a deep fryer

Typical customers are grocery chains, home hardware chains, department stores and more.

Examples of typical **professional products** are

- Gluten Free bags to prepare gluten free hamburger buns without cross contamination
- High speed oven baskets used to prepare make oven snacks in combination ovens using hot air and microwaves. Due to the microwaves no steel can be used

Typical customers are fast food chains, gas stations, bakery chains and more.

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



Relating to the proposed ECHA (universal) PFAS Restriction, the ICB NV has the view that fluoropolymers should be exempted. The next section of this statement provides the justification for our position.

The following table provides an aggregated overview of the volumes in metric tonnes of fluoropolymers used within the EEA 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.

20 18	20 19	20 20	20 21	2022
Vol. used in EEA	Vol. used in EEA	Vol. used in EEA	Vol. used in EEA	Vol. used in EEA
15 64	14 33	12 24	15 08	1525

Across our suppliers, the number of workers potentially impacted by the proposed restriction is as follows:

Location of sites	Number of worker s
EEA	261
Rest of the World	661
Total	922

At ICB NV, potentially 18 workers are impacted by the proposed restriction.

1. Request for exemption of fluoropolymers

The proposed restriction does not differentiate between fluoropolymers (covering fluoroplastics such as PVDF, ECTFE, 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

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: ICB NV

Industry: Consumer cookware / bakeware

Use: Non-stick reusable liners, trays and bags made out of coated fiberglass for consumer use

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: ICB NV

Industry: Professional cookware / bakeware

Uses: 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. 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.

