

Sympatex wholeheartedly supports an ambitious PFAS restriction under REACH Regulation

27 March 2023

Sympatex fully supports the proposal made by five EU Member States to restrict per- and polyfluorinated alkyl substances (PFAS) under REACH Regulation and urges the European authorities to adopt an ambitious restriction of PFAS in textile products without unnecessary exceptions.

Mounting evidence is showing that PFAS have irreversible effects on humans and the environment. The widespread use of those “Forever Chemicals” has led to accumulating global contamination of water, air, soils, wildlife, and human populations. Human exposure has been linked with serious health effects, including diabetes, infertility, and cancer^[1,2,3].

Sympatex is very concerned by the fact that outdoor clothing contributes to this PFAS pollution. Functional garments can typically be made of two different components containing PFAS: A range of brands are using core membranes made of PTFE within their functional textiles, while on many garments, the outer surface is still treated with sidechain fluorinated polymers (a so-called Durable Water Repellent finishing). Whereas the release of PFAS from DWR-surfaces can happen during product’s use phase, release from PTFE-containing membranes takes place mostly during production and in the end-of-life phase. As reported by the European Environment Agency in 2021, collecting and recycling PTFE-containing products presents significant technical challenges, which may ultimately lead to the release of PFAS to soil and water when such products are landfilled. The report states further that **using PTFE might hamper circular potential and is not line with the toxic-free ambitions of the EU Commission**^[4].

Given these alarming hazards, **Sympatex strongly supports the ambitious PFAS restriction proposal made by the five EU Member States in January 2023.** The proposal suggests banning all PFAS, including PTFE, providing a derogation for a narrow selection of textile uses in personal protective equipment (PPE) applications. **We believe that this approach is fully justified, as multiple PTFE-free membranes already exist for a prevailing majority of textile applications since many years.** Even if in some specific cases PTFE-free alternatives do not have the same functionality as PTFE-based membranes, often those performance levels strongly exceed the requirements of the real use cases. We would like to point out that, according to a ruling of the European Court of Justice from 2021^[5], alternatives do not require an identical performance level (threshold of zero), but the one necessary for the application. As a consequence, exceptions should be strictly limited to use cases where the requirements have been confirmed as “essential”.

Sympatex has conducted a comprehensive in-house study on PFAS alternatives for professional equipment (PPE) which are aligned with the Member States' proposal. In this study, we analyzed numerous European tenders and their required standards and can provide a detailed overview of the applications for which alternatives are available, should be tested, or are currently excluded. We will provide the study's results to the ECHA consultation and of course to any interested party.

As a consequence, **Sympatex regrets that the upcoming PFAS restriction will be considered without a systemic application of the essential use concept.** The urgent need to ban the non-essential uses of PFAS has been expressed, for several years, by the scientific community^[6], the European Parliament^[7], and the EU Council^[8]. Although the formal procedure of implementing the essential use concept in REACH is impossible now, due to independent timelines of the PFAS restriction and the REACH revision, Sympatex calls for a consideration of essentiality in another way. ECHA and the EU Commission should consider essentiality as a principal factor guiding the exemptions in the PFAS restriction. The SEAC Committee already used essentiality as a factor in the discussions guiding the proportionality of the microplastics restriction^[9].

References:

- 1) Lesmeister, L. et al., 2021. Extending the knowledge about PFAS bioaccumulation factors for agricultural plants—A review. *Science of The Total Environment*, 766, p.142640. <https://doi.org/10.1016/j.scitotenv.2020.142640>
- 2) Skogheim, T.S. et al., 2021. Prenatal exposure to per- and polyfluoroalkyl substances (PFAS) and associations with attention-deficit/hyperactivity disorder and autism spectrum disorder in children. *Environmental Research*, 202, p.111692. <https://doi.org/10.1016/j.envres.2021.111692>
- 3) Wang, Z. et al., 2016. Comparative assessment of the environment hazards and exposure to perfluoroalkyl phosphonic and phosphinic acids' (PFPA and PFPiAS) current knowledge, gaps, challenges and research needs. *Environment international*, 89, pp.235-247. <https://doi.org/10.1016/j.envint.2016.01.023>
- 4) European Environment Agency, 2022. Fluorinated polymers in a low carbon, circular and toxic-free economy. <https://www.eionet.europa.eu/etcs/etc-wmge/products/etc-wmge-reports/fluorinated-polymers-in-a-low-carbon-circular-and-toxic-free-economy>
- 5) The Court of Justice of the European Union. 2021. Judgement of Court (First Chamber). <https://curia.europa.eu/juris/document/document.jsf?text=>
- 6) Madrid Statement on Poly- and Perfluoroalkyl Substances (PFAS), <https://ehp.niehs.nih.gov/doi/10.1289/ehp.1509934>
- 7) European Parliament resolution of 10 July 2020 on the Chemicals Strategy for Sustainability, https://www.europarl.europa.eu/doceo/document/TA-9-2020-0201_EN.html

- 8) Council Conclusion of 26 June 2019 “Towards a Sustainable Chemicals Policy Strategy of the Union, <https://www.consilium.europa.eu/en/press/press-releases/2019/06/26/council-conclusions-on-chemicals>
- 9) European Commission, 2020. Scientific and technical assistance for the implementation of chemicals legislations on REACH, CLP, PIC and POPs.