

Brief Overview of Belgian and EU positions on PFAS

History of PFAS actions in chemical legislation

- ▶ 2006: EU restriction of PFOS (under Dangerous Substance Directive)
- ▶ 2009: PFOS added to the Stockholm Convention on Persistent Organic Pollutants (POP regulation in EU)
- ▶ 2011: PFOA and APFO identified as SVHC + CLP classification
- ▶ 2012: ICCM3 identifies PFAS as emerging policy issue
- ▶ 2016: PFNA identified as Substance of Very High Concern (SVHC) + CLP
- ▶ 2017: PFOA added to the REACH restriction list (Annex XVII)
- ▶ 2017: PFDA identified SVHC + CLP
- ▶ 2019: HFPO-DA (Gen-X) identified SVHC
- ▶ 2020: PFOA added to Stockholm Convention
- ▶ 2020: PFBS identified as SVHC
- ▶ 2021: C9-C14 added to the REACH restriction list (enters into force in 2023)
- ▶ 2023: PFHxS and related substances will be added to the Stockholm Convention

Well know PFAS get regulated → lesser known related PFAS replace them!
= regrettable substitution
Need for broader grouping approach

26/06/2019: Council Conclusions “Towards a Sustainable Chemicals Policy Strategy for the Union”

- ▶ <https://www.consilium.europa.eu/media/40042/st10713-en19.pdf>
- ▶ Para. 14, “UNDERLINES the increasing health and environmental concerns posed by highly persistent chemicals; NOTES in specific the **growing evidence for adverse effects caused by exposure to highly fluorinated compounds (PFAS)**, the evidence for wide spread occurrence of PFAS in water, soil, articles and waste and the threat this may cause to our drinking water supplies; CALLS on the Commission to develop an action plan to **eliminate all non-essential uses** of PFAS;”

December 2019: Elements for an EU-strategy for PFAS

- ▶ <https://www.regjeringen.no/contentassets/1439a5cc9e82467385ea9f090f3c7bd7/fluor---eu-strategy-for-pfass---december-19.pdf>
- ▶ *Actions taken so far have not sufficiently addressed the concerns. This is why we urgently need a coherent and coordinated EU strategy to address PFASs through regulatory and non-regulatory actions. The goal is to minimise environmental and human exposure to PFASs, at all stages of their life cycle. To achieve this:*
 - ▶ (i) PFASs need to be managed as a group.
 - ▶ (ii) PFASs need to be phased out and only essential uses allowed until alternatives are available.
 - ▶ (iii) Limit values need to be set in different pieces of legislation.
 - ▶ (iv) Steps to ensure effective enforcement are needed.
 - ▶ (v) Environmental monitoring, awareness raising, research on alternatives, remediation and environmentally sound management of waste are also needed
- ▶ REACH: “A broad restriction under REACH covering all PFASs would be the preferred option, in order to limit as many non-essential uses as practically possible. This would have the greatest impact on minimising human and environmental exposure to PFASs. A broad restriction would also include unknown PFASs and uses.”

September 2020: 10 MS plea for ambitious EU chemicals strategy

- ▶ <https://chemical-watch.s3.eu-west-1.amazonaws.com/downloads/Ten-countries-issue-last-minute.pdf>
- ▶ <https://files.chemicalwatch.com/Safe%20chemicals%20letter.pdf>
- ▶ *“the Commission should continuously develop the EU chemicals policy to address existing and emerging issues of concern such as endocrine disruptors, combination effects and persistent fluorinated substances (PFAS).”*

2020: Chemical Strategy for Sustainability (CSS)

- ▶ Published in October 2020
- ▶ Part of the EU Green Deal
- ▶ Several actions on chemicals envisaged:
 - ▶ Review of REACH and CLP
 - ▶ Take action on the “cocktail effect”
 - ▶ ...
 - ▶ Phase out of all PFAS in the EU, except for “essential uses”



CSS: EU PFAS strategy

- ▶ Goal: minimization of exposure of humans and environment to PFAS, taking into account the complete life-cycle of these substances
- ▶ Proposed actions:
 - ▶ Take action on PFAS as a group
 - ▶ Phasing out all PFAS, except for essential uses, until safer and sustainably alternatives are available
 - ▶ Development of limit values for all relevant EU legislation
 - ▶ Take action on effective enforcement
 - ▶ (Bio)monitoring, researching alternatives, developing new analytical methods, etc.

PFAS SWD



Brussels, 14.10.2020
SWD(2020) 249 final

COMMISSION STAFF WORKING DOCUMENT

Poly- and perfluoroalkyl substances (PFAS)

Accompanying the document

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF THE REGIONS

Chemicals Strategy for Sustainability
Towards a Toxic-Free Environment

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{COM(2020) 667 final} - {SWD(2020) 225 final} - {SWD(2020) 247 final} -
{SWD(2020) 248 final} - {SWD(2020) 250 final} - {SWD(2020) 251 final}

12/03/2021 - Council Conclusions “Sustainable Chemicals Strategy of the Union: Time to Deliver”

- ▶ « The use of PFAS that are **critical for society** should only be allowed if suitable alternatives are not available. As emphasized by the COM in the COMMISSION STAFF WORKING DOCUMENT on PFAS (SWD(2020) 249 final), such an approach would lead to the development of alternatives and new business opportunities, especially if supported with Research and Development funding. Furthermore, we echo the **request of the European Parliament in its resolution (2020/2531(RSP))** in asking the Commission to **“ensure the speedy phasing out of all non-essential uses of PFAS, and to accelerate the development of safe and non-persistent alternatives to all uses of PFAS”**. To properly reflected this approach in point 13, we would suggest the following changes:
- ▶ “UNDERLINES that PFAS substances require special attention to ensure that they are phased out unless their use is proven to be essential for society and suitable alternatives to be not available, since they pose threats to human health and the environment; CALLS ON the Commission to present a cross-sectoral and holistic PFAS-strategy ensuring the swift phasing out of all non-essential uses of PFAS, and to accelerate the development of safe and non-persistent alternatives to all uses of PFAS, to complement the anticipated PFAS restriction proposals.” »
- ▶ Statement by Belgium:
 - ▶ *“We also regret the lack of any reference to the availability of alternatives to PFAS. We therefore reiterate our support for banning them, except for certain specific uses for which it is proven that they are essential for society and provided that, and for as long as, there is no alternative available.”*

19/04/2023: EU Parliament topical debate on forever chemicals

- ▶ MEPs over alle fracties benadrukten relatief eensgezind het belang van volgende aandachtspunten bij de herziening van EU-wetgeving voor chemicaliën:
 - ▶ Een sterkere nadruk op het voorzorgsbeginsel en de omgekeerde bewijslast, waarbij enkel chemicaliën die niet schadelijk zijn bevonden op de markt kunnen komen
 - ▶ Een onmiddellijk verbod op niet-essentiële toepassingen van forever chemicals Een verbod op de hele groep PFAS-stoffen, in plaats van het huidige systeem van stof-specifieke verboden
 - ▶ Een vergrote aansprakelijkheid voor bedrijven die EU-wetgeving voor PFAS overtreden
- ▶ <https://www.europarl.europa.eu/plenary/en/vod.html?mode=chapter&vodLanguage=EN&internalEPIId=1681901164768&providerMeetingId=5dd7d4ec-b4e0-44b9-5a67-08db3b27e9c5#>

PFAS related policy topics

- ▶ Sector specific
 - ▶ Food Contact Materials (FCM)
 - ▶ Plant Protection Products (PPP)
- ▶ Water
 - ▶ Drinking water Directive (DWD)
 - ▶ Groundwater Directive (GWD)
 - ▶ Water Framework Directive (WFD)
 - ▶ ...
- ▶ Product policy
 - ▶ Ecolabel
 - ▶ Sustainable Product Initiative (SPI)
- ▶ Food
 - ▶ EFSA opinion
 - ▶ Food contaminants regulation
- ▶ Industrial Emissions Directive (IED)
 - ▶ BAT
 - ▶ E-PRTR
- ▶ Waste
- ▶ Soil
- ▶ International
 - ▶ PIC
 - ▶ OECD PFC group
 - ▶ OSPAR
 - ▶ SAICM
- ▶ Research
 - ▶ Horizon Europe
 - ▶ ...

These competences in are divided Belgium

2019: Creation of the “short-chain” PFAS working group

- ▶ EU and International policy actions shift from well known long-chain PFAS (PFOA and PFOS) to lesser known short-chain PFAS (PFHxA, PFBS, etc.)
 - ▶ Focus on “grouping approach” to tackle the large group of substances
 - ▶ Arrow-head approach: target degradation product of large group of substances
 - ▶ For example: PFHxA restriction process under REACH: group of substances with PFHxA as degradation product
 - ▶ Resulting in a lot of different uses being tackled in risk management measures like restrictions
 - ▶ Need for coordinated information gathering and exchange of information between Belgium authorities to follow these policy actions
- Resulted in the creation of a CCIEP short-chain PFAS working group
- ▶ As a subgroup of the CCIEP-Chemicals working group
 - ▶ To share and collect data on short-chain PFAS in Belgium
 - ▶ Report on the current knowledge of Short-Chain PFAS in Belgium

Renewal and extension of the CCIEP mandate

- ▶ May 2021: Historical pollution of PFOS near a production site in Zwijndrecht (Antwerp) gets media attention
- ▶ Results in political actions:
 - ▶ Federal: Joint-Interministerial Conference on Environment and Health (JICEH) of July 8 2021, which requested to:
 - ▶ Extend and expand on the mandate of the short-chain PFAS CCIEP working group
 - ▶ To inform and optimize different actions being taken in BE
 - ▶ Act as national expert body including all relevant authorities in order to share and collect PFAS related data