

# The universal PFAS restriction



20 February 2023

# Welcome

**CAMILLA MARTELLI**

Director Public Affairs



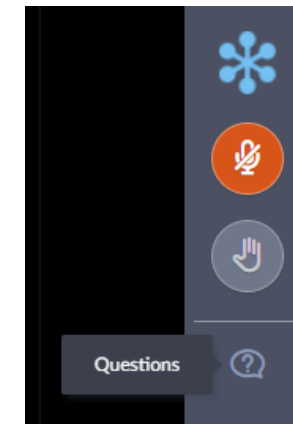
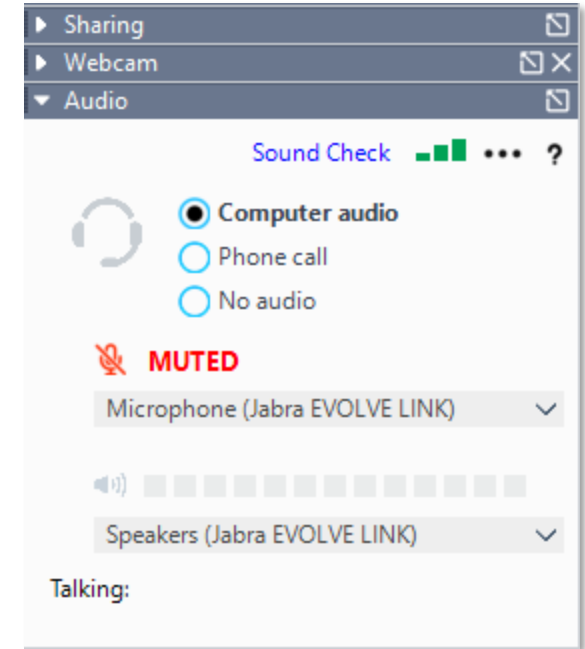
# Legal reminder / competition law compliance

- No exchange of information that is not in conformity of competition law.
- Your individual **company's commercial strategy as regards PFAS** should remain **confidential**.
- Please **do not** disclose you company's:
  - ❖ **product portfolio**
  - ❖ **suppliers**
  - ❖ **customers**
  - ❖ **substitution plans**
  - ❖ **planned contribution** to the public consultation on the PFAS restriction proposal
- Cefic provides a collective service to its Members and will refrain from any company-specific advice.



# Logistics

- Ensure **computer audio is selected**
- Everyone is **MUTED**
- Please use the questions box to enter your **questions** throughout the webinar
- Questions will be addressed at the end of the webinar
- This session is being recorded for internal purposes. A written summary will be shared afterwards by email





# Our Speakers

**MARLEEN PAUWELS**

Executive Director – Halogens Industry Sector



**STEVEN VAN DE BROECK**

Director REACH & Chemicals policy



**CAMILLA MARTELLI**

Director Public Affairs



***Moderator***



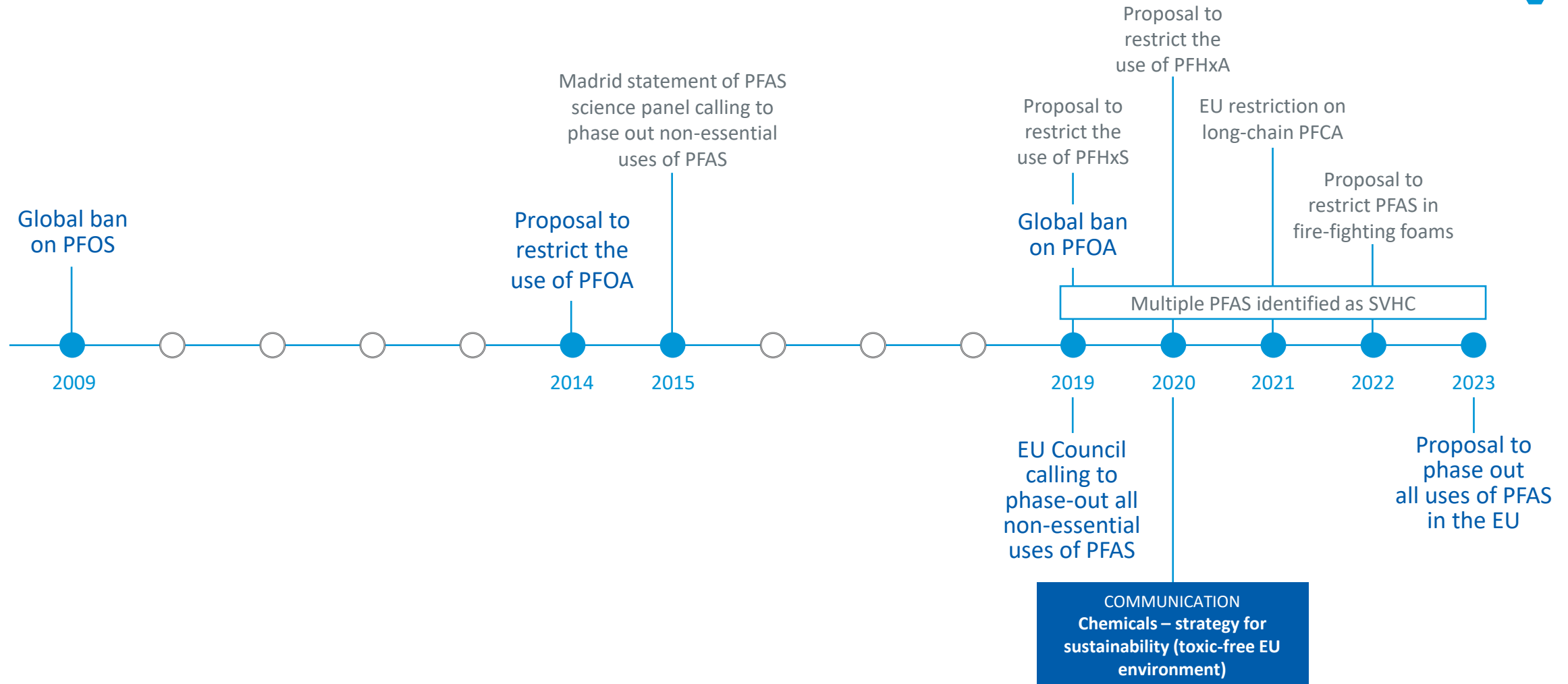
# Setting the scene

**STEVEN VAN DE BROECK**

Director REACH & Chemicals policy




# The U-PFAS restriction – the pinnacle of regulatory action on PFAS



5 Member States kicked off the preparation of a universal PFAS restriction

 **The Netherlands**

- medical devices and pharma
- food contact material
- production of fluoropolymers
- waste and recycling

 **Germany**

- chrome plating
- consumer mixtures
- transport

 **Sweden**

- textiles, leather, apparel
- cosmetics and personal care products

 **Norway**

- F-gases
- ski waxes
- applications within oil, gas and mining

 **Denmark**

- lubricants
- construction products





# Media attention



**ENDS**  
EUROPE

Home News & Analysis Interviews Policy Development Tracker More

**Blog: Hulk actor Mark Ruffalo is angry... about 'forever chemical' PFAS**

When Mark Ruffalo joined a panel at the European Parliament around 10 film cameras were there to catch it. The auditorium quickly became standing room only, for an audience of cross-party MEPs, environmental groups and business representatives. Such attention on REACH annexes takes a Hollywood a-list.

by Laura Cole



**POLITICO**

## Flanders fights over blame for dangerous chemical pollution

'Many were aware, but nobody took action,' the opposition alleges of government knowledge of **PFAS** dangers.

## RIVM: te veel schadelijke stoffen (Pfas) in voedsel en drinkwater

Via voedsel en het drinkwater krijgen Nederlanders te veel Pfas binnen, stoffen die gezondheidsschade kunnen geven. Dat blijkt uit onderzoek van het Rijksinstituut voor Volksgezondheid en Milieu (RIVM).



Perfluorerade kemikalier kopplas till missfall



**Chemical Watch**

an **enhesa** company

**H&M, Coop Denmark back call to end PFAS use**

06 February 2020

Companies join ChemSec initiative to address substance group

**EURACTIV**

**Harmful 'forever' chemicals widespread in EU fast food packaging, warns new report**



**CHEM Trust** @CHEMTrust · Aug 11

Harmful chemicals **#PFAS** have been found in the environment all-round the globe, even the 🐻 arctic 🌍 CHEM Trust are excited about the prospect of a 🛑 restriction on **#PFAS** ! in Europe, 🇪🇺 with action being taken to ban the group of chemicals. [chemtrust.org/news/pfasban/](https://chemtrust.org/news/pfasban/)





# Drivers behind regulatory action on PFAS



1. Media attention
2. PFAS are omnipresent in the environment
3. The number of sites potentially emitting PFAS has been estimated to be approximately 100 000 in Europe\*
4. The annual health-related costs related to PFAS are estimated to 52-84 billion EUR for all Europe\*
5. Societal pressure



90% Europeans are worried about the impact of chemicals on the environment\*

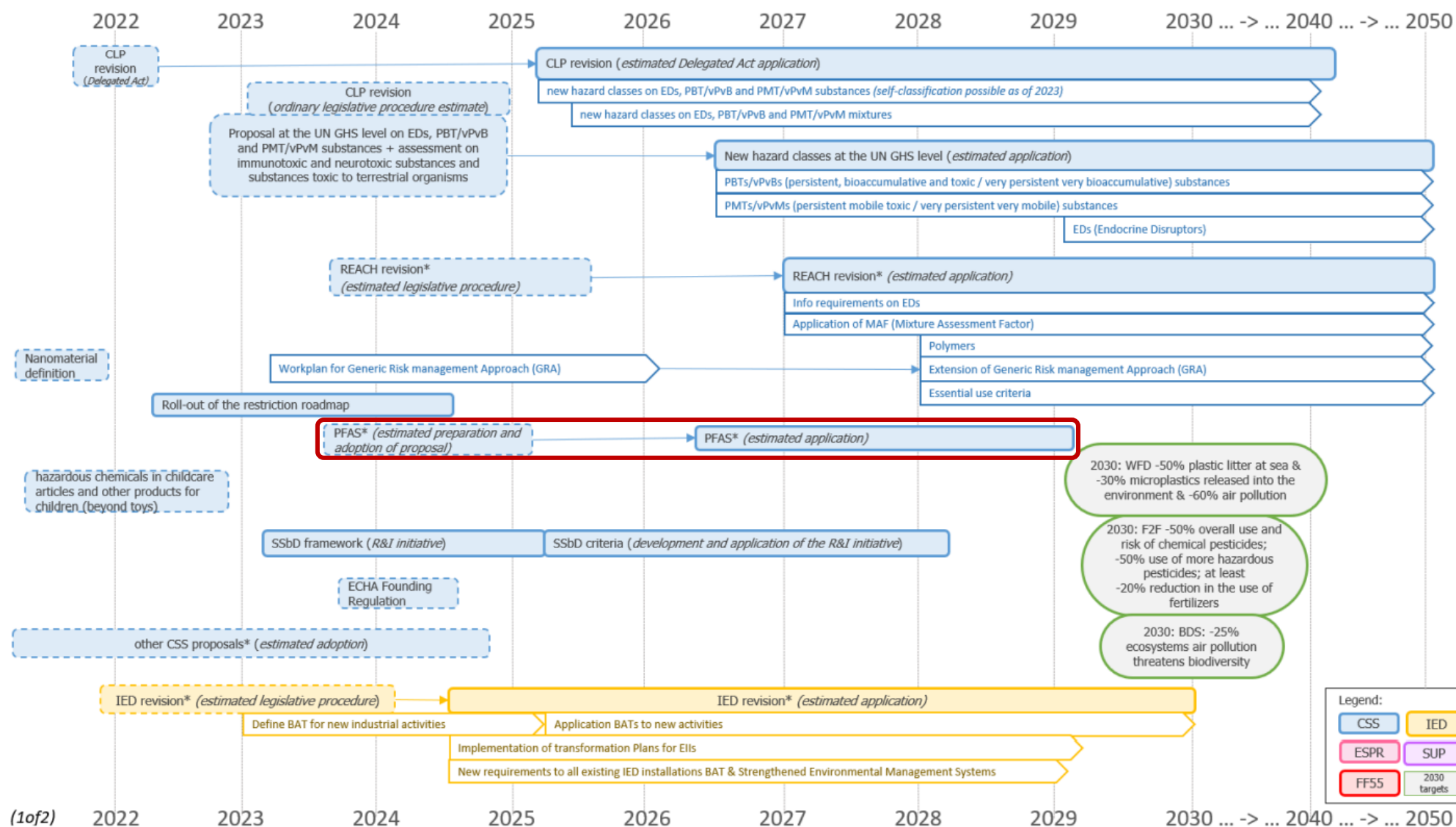


84% Europeans are worried about the impact of chemicals present in everyday products on their health\*



\* [https://ec.europa.eu/environment/pdf/chemicals/2020/10/SWD\\_PFAS.pdf](https://ec.europa.eu/environment/pdf/chemicals/2020/10/SWD_PFAS.pdf)

# Regulatory actions on PFAS in an already challenging regulatory framework



# The restriction proposal seeking to phase out PFAS

## Choice between two regulatory options

### Starting point is a BAN

- manufacturing, use and placing on the market of PFAS
- placing on the market of mixtures and articles containing PFAS at:
  - 25 ppb for one non-polymer PFAS
  - 250 ppb for the sum of non-polymer PFAS
  - 50 ppm for all polymeric PFAS

### Regulatory option 1

no derogations and  
a transition period of  
18 months

### Regulatory option 2

- use-specific, time-limited derogations:  
18-m transition period,  
plus additional 5-y or 12-y  
derogation period
- some time-unlimited, more  
general derogations



**Preferred option**



#### ANNEX XV RESTRICTION REPORT

#### PROPOSAL FOR A RESTRICTION

SUBSTANCE NAME(S): Per- and polyfluoroalkyl substances (PFASs)

IUPAC NAME(S): n.a.

EC NUMBER(S): n.a.

CAS NUMBER(S): n.a.

#### CONTACT DETAILS OF THE DOSSIER SUBMITTERS:

**BAuA**  
Federal Institute for Occupational Safety and Health  
Division 5 - Federal Office for Chemicals  
Friedrich-Henkel-Weg 1-25  
D-44149 Dortmund, Germany

**Bureau REACH, National Institute for Public Health and the Environment (RIVM)**  
Antonie van Leeuwenhoeklaan 9  
3721 MA Bilthoven, The Netherlands

**Swedish Chemicals Agency (KEMI)**  
PO Box 2,  
SE-172 13 Sundbyberg, Sweden

**Norwegian Environment Agency**  
P.O. Box 5672 Torgarden  
N-7485 Trondheim, Norway

**The Danish Environmental Protection Agency**  
Tolderlandsvej 5  
5000 Odense C, Denmark

VERSION NUMBER: 1

DATE: 07.02.2023



# Some key features of the restriction proposal

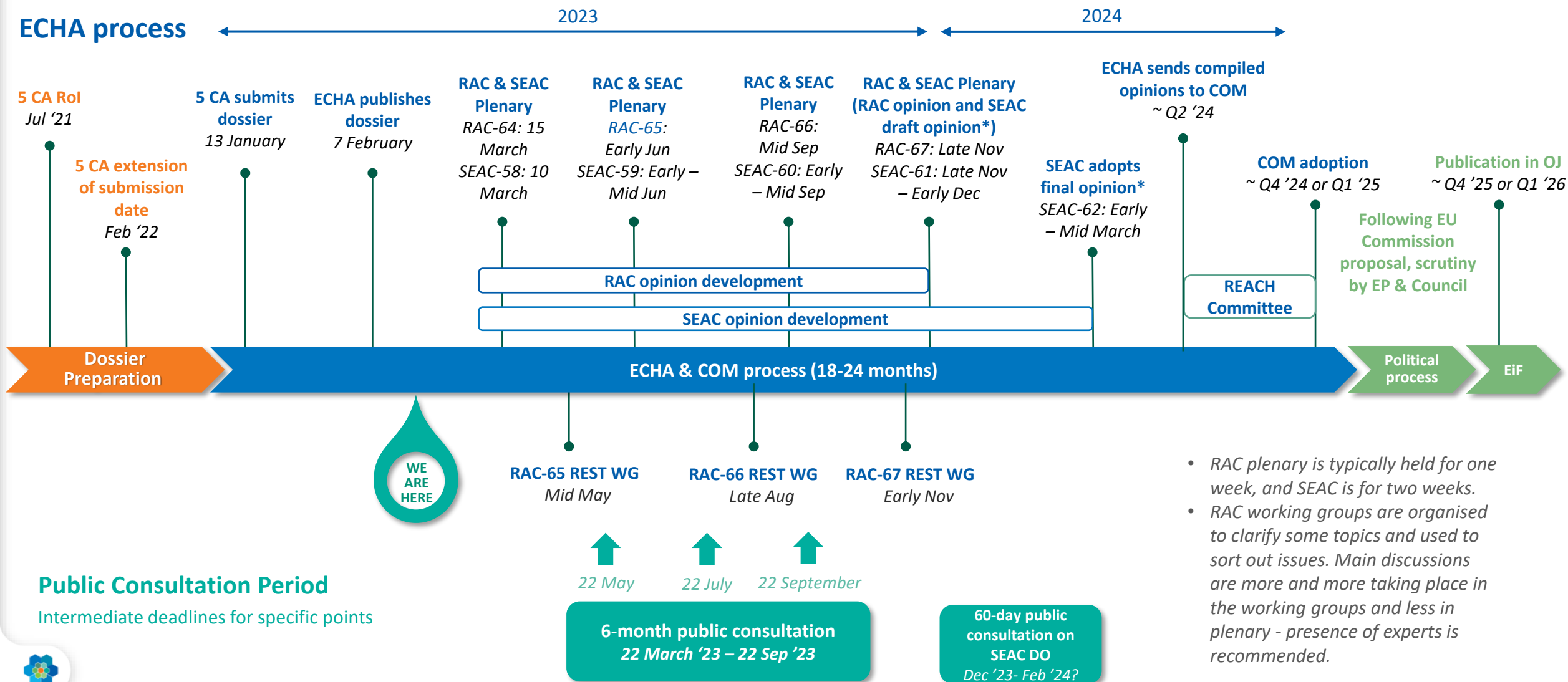


- **Scope is very broad**
  - Captures all chemicals with a C-F bond ( $\pm 10.000$  chemicals)
  - Includes fluoropolymers and F-gases
- **Persistence is key for justifying the restriction in terms of risk**
  - Supporting concerns (mobility, toxicity, ...) vary among PFAS
  - Estimated emissions of about 4.4 million tonnes over 30 years if no action taken
  - Any emission is considered as problematic
- **Derogations are use specific**
- **Derogations are driven by availability of alternatives**
  - Availability of technically and economically feasible alternatives
  - Economy of scale
- **The proposal does not use the essential uses concept**
  - But the logic is appearing





# The restriction proposal – indicative timeline



- RAC plenary is typically held for one week, and SEAC is for two weeks.
- RAC working groups are organised to clarify some topics and used to sort out issues. Main discussions are more and more taking place in the working groups and less in plenary - presence of experts is recommended.

\* Assuming the earliest possible timeline.

# Cefic action plan and call for action

**MARLEEN PAUWELS**

Executive Director Halogens Industry Sector



# First analysis of the U-PFAS restriction proposal



**Unprecedented** number  
of substances and  
applications covered

**Derogations** based  
on Calls for Evidence:

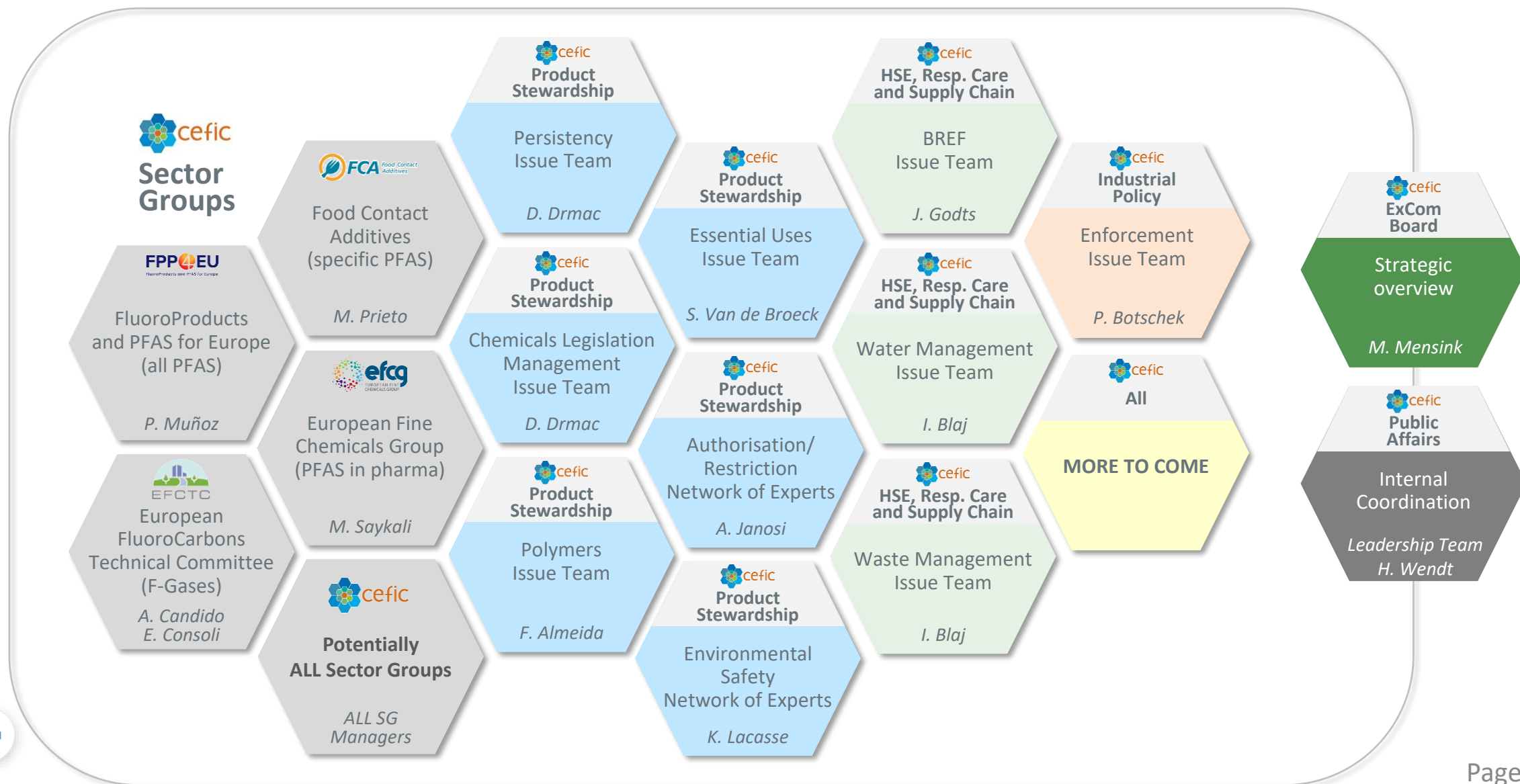
- varying levels of evidence
- key evidence: availability of alternatives and cost impact
- evidence requested from multiple stakeholders, by preference via joint submissions\*

Plant production  
products, biocides  
and human & veterinary  
medicines active substances  
derogated, but  
**no derogation for  
intermediates,  
formulating aids, ...!**



\* Competition law should be observed at all times, especially where joint submissions are contemplated. Some data cannot be exchanged between competing entities. Decisions to substitute a substance are for each company to make individually and according to their own decision-making process.

# Coordination of Cefic activities on PFAS





# Collaboration on PFAS outside Cefic



*Illustrative*



**Sector  
Groups**

**FPP4EU**  
FluoroProducts and PFAS for Europe

FluoroProducts  
and PFAS for Europe  
(all PFAS)

*P. Muñoz*

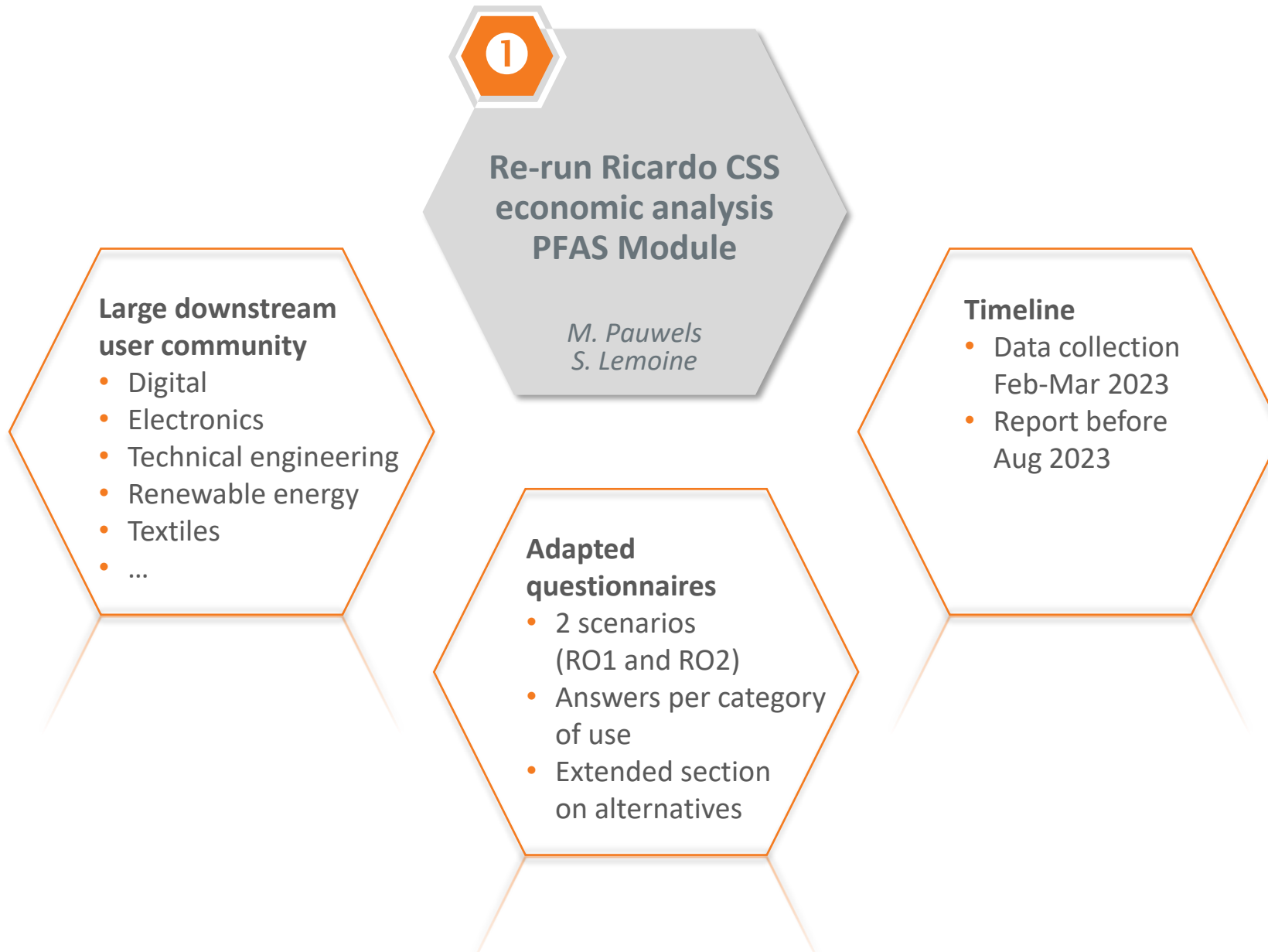
**Public  
Affairs**

**FPP4EU  
Support**

*M. Yada  
S. Geros*



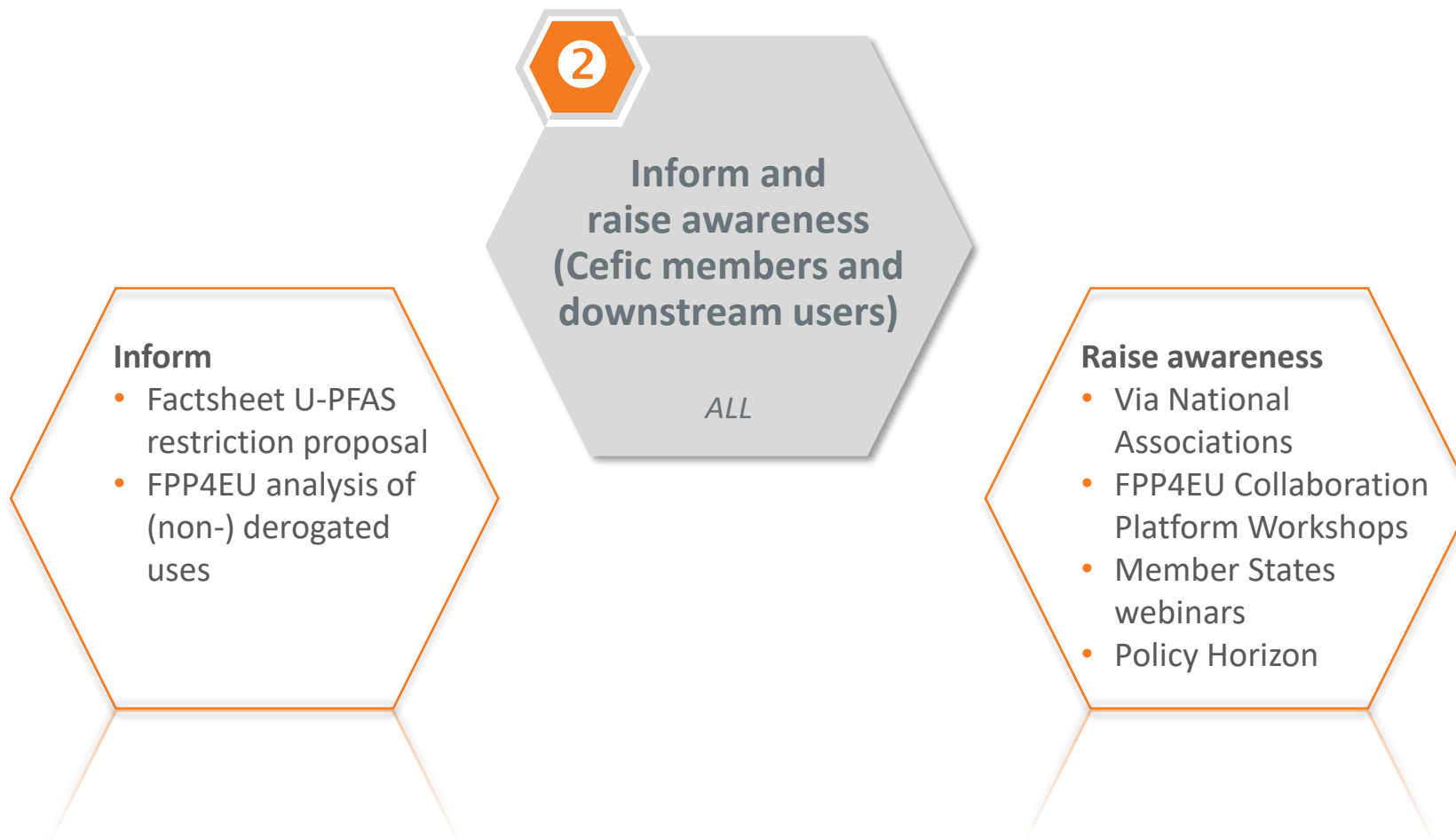
# Cefic action plan



# Cefic action plan



# Cefic action plan





# Cefic action plan



# Call for action: we invite all companies to...



## Analyse

- where the restriction may have an impact (incl. equipment used onsite)
- current emission control measures

## Collect data on

- (non-)availability of alternatives to PFAS
- realistic emission control measures

## Feed data into public consultations on

- (non-)availability of alternatives
- cost impact\*
- initiatives to reduce emissions

## Contact us

- on the lengthy and complex process
- on the complex PFAS file

### \* Cost impact typically includes

- producer surplus losses
- employment losses
- consumer surplus losses
- welfare losses



# Contact us



## Coordination PFAS file

**HARTWIG WENDT (HWE@cefic.be)**  
Executive Director Public Affairs

**MARLEEN PAUWELS (MPA@cefic.be)**  
Executive Director Halogens Industry Sector



## REACH restriction process

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Director REACH & Chemicals Policy

**AMAYA JANOSI (AJA@cefic.be)**  
Senior REACH Manager



## FluoroProducts and PFAS for Europe Sector Group (all PFAS)

**PATRICIA MUÑOZ (PMU@cefic.be)**  
FPP4EU Sector Group Manager



## European FluoroCarbons Technical Committee Sector Group (F-gases)

**ELISA CONSOLI (ECO@cefic.be) & ANGELICA CANDIDO (ANC@cefic.be)**  
EFCTC Sector Group Managers



## Food Contact Additives Sector Group

**MIGUEL PRIETO ARRANZ (MAP@cefic.be)**  
Director at Specialty Chemicals, FCA Sector Group Manager



## Active Pharmaceutical Ingredients Sector Group

**MAGGIE SAYKALI (MSA@cefic.be)**  
Director at Specialty Chemicals, API Sector Group Manager



# Questions and answers





# Thank you for your attention

