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HEAL and CHEM Trust joint statement - 6-7 June 2023 RAC discussion on the universal PFAS restriction

Introduction:

HEAL and CHEM Trust would like to thank the committee for giving us the opportunity to present our statement. HEAL is a non-profit organisation addressing how the natural and built environments affect health in Europe and beyond, representing over 90 organisations across the European continent. CHEM Trust is a charity working to prevent human-made chemicals from causing long-term damage to humans and wildlife.

HEAL and CHEM Trust would like to thank the dossier submitters for preparing this very comprehensive and broad PFAS restriction proposal. This is the most efficient way to reduce PFAS emissions to a minimum and protect present and future generations from the irreversible impacts of PFAS contamination.

The joint European research programme HBM4EU recently evidenced frequent and high PFASs exposure and recommended taking “*all possible measures to prevent further contamination of the European population*”¹. This shows that this restriction is long overdue as the contamination was allowed to happen despite knowledge of PFAS high persistence and concerns about their harmful effects.

In that regard, we ask RAC to limit the derogations to an absolute minimum and only in cases where industry provides clear justification including details on planned use(s) and exposure(s) throughout their lifecycle.

Scope and unacceptable risk:

We fully support the grouping approach adopted by the dossier submitters, based on the OECD 2021 PFAS definition² and covering all very persistent PFAS and their precursors, with high persistence being the key hazardous property. The dossier presents an extensive assessment of the hazardous properties reported for PFAS in addition to their very high persistence (eg. mobility, bioaccumulation, ecotoxicity, effects on human health), and the concerning effects resulting from their combination. The dossier makes a very strong case of the unacceptable risk due to continuous emissions of highly persistent PFAS in the environment, leading to increasing levels and therefore increasing likelihood of irreversible adverse effects. Only a full grouping approach can minimise the potential for regrettable substitution and comprehensively address present and future sources of highly persistent PFAS.

As clearly demonstrated in the dossier and supported by independent peer-reviewed scientific literature, the production, use and end of life of fluoropolymers are associated with emissions of

PFAS which pose an unacceptable risk to human health and the environment³⁻⁵. In addition, as extremely persistent materials, fluoropolymers represent a long-term reservoir for the emissions of associated PFAS in the environment. Therefore, we fully support their inclusion in the scope of the restriction as the overall aim to reduce emissions of highly persistent PFAS to a minimum is scientifically justified.

Risk management options and derogations:

It is absolutely crucial to keep in mind when considering potential derogations what the dossier highlights in this regard, that “...even if further releases of PFASs were immediately prevented, existing environmental stocks as well as technical stock (stock of PFASs in existing articles) and PFAS-containing waste would continue to be a source of exposure for generations.” Just last month, a study was published demonstrating how stock of arrowheads precursors at a contaminated site remains a source of PFAS emissions for centuries⁶. This stresses the urgency to act to prevent adding more to the vast PFAS stock that is already present in our environment and economy.

This is why, in theory, we prefer RO1. However, we recognise the need for extended transition periods where no alternatives are currently available and for which the uses are critical for health, safety and functioning of society. With that said, the transition periods should remain as short as possible as any continued use of PFAS will lead to increasing the PFAS environmental stock that will impact generations to come.

Recent research also indicates that PFAS migration from food contact materials may contribute substantially to individuals tolerable weekly intake (TWI), especially for infants and young children.⁷⁻¹⁰ Therefore, it is critical that any derogations or potential derogations for uses related to direct human consumption (i.e. non-stick coatings in industrial and professional bakeware) be limited as much as possible.

Time unlimited derogations and exemptions:

In our view, there are at present no justifications for time unlimited derogations with the exception of, “...calibration of measurement instruments and as analytical reference materials¹¹,” which are necessary for monitoring PFASs for the purpose of tracking progress, identifying hot spots, informing public health interventions, and further regulatory action. Due to the extreme persistence of PFAS, such actions will be necessary for decades to come and therefore a time unlimited derogation is justified for only this use.

PPP/BP/MP time unlimited derogations:

We strongly concur with the dossier submitters that PFAS emissions and exposure to it through PPPs and BPs need to be addressed and we support the inclusion of co-formulants within the scope of the restriction. We also acknowledge the legal rationale for addressing PFAS active ingredients in PPPs and BPs under their respective legislative frameworks, but we are concerned about the lack of practical guarantees about how and when this will take place - this potentially leaves a huge regulatory loophole in terms of direct human and environmental exposure to PFAS.^{12,13}

Information requirements and mandatory management reports:

Finally, we strongly support the dossier submitters prioritising transparency in mandating information reporting requirements and mandatory management reports tied to derogations. However, we urge the committee to apply these same requirements not just to the 13.5 year time-limited derogations and all applications of fluorinated gases, but also to 6.5 year time-limited derogations which are currently exempt from this requirement.¹⁴ Reporting requirements for all derogations would provide more data to authorities with which they could more efficiently and effectively assess and regulate all chemicals' use derogations.

Final remarks:

We will provide further data in our response to the public consultation for consideration by the risk assessment committee. As a final note, we want to once again stress our strong support for this incredibly important restriction which has the potential to set a global precedent in tackling PFAS.

References:

- ¹ Uhl et al. (2023). PFASs: What can we learn from the European Human Biomonitoring Initiative HBM4EU. *International Journal of Hygiene and Environmental Health*. 250, 114168. DOI: 10.1016/j.ijheh.2023.114168.
- ² OECD. (2021). [Reconciling Terminology of the Universe of Per- and Polyfluoroalkyl Substances: Recommendations and Practical Guidance \(oecd.org\)](#)
- ³ Lohmann, R., Cousins, I.T., Dewitt, J.C. et al. (2020). [Are Fluoropolymers Really of Low Concern for Human and Environmental Health and Separate from Other PFAS?](#) *Environ. Sci. Technol.* 2020, 54, 20, 12820–12828. DOI: 10.1021/acs.est.0c03244.
- ⁴ Kwiatkowski, C.F., Andrews, D.Q., Birnbaum, L.S., et al. (2020). Scientific Basis for Managing PFAS as a Chemical Class. *Environ. Sci. Technol. Lett.* 2020, 7, 8, 532–543. DOI: 10.1021/acs.estlett.0c00255.
- ⁵ Brandsma, S.H. (2019). The PFOA substitute GenX detected in the environment near a fluoropolymer manufacturing plant in the Netherlands. *Chemosphere*. 220, 493-500. DOI: 10.1016/j.chemosphere.2018.12.135.
- ⁶ Ruyle et al. (2023). Centennial Persistence of Forever Chemicals at Military Fire Training Sites. *Environ. Sci. Technol.* DOI: 10.1021/acs.est.3c00675.
- ⁷ Lurch, M., Fengler, R., Mbog, G. (2023). Food simulants and real food – What do we know about the migration of PFAS from paper based food contact materials? *Food Packaging and Shelf Life*. 35. 100992. DOI: 10.1016/j.fpsl.2022.100992.
- ⁸ Zabaleta, I., Blanco-Zubiaguirre, L., Baharli, E.N., et al. (2020). Occurrence of per- and polyfluorinated compounds in paper and board packaging materials and migration to food simulants and foodstuffs. *Food Chemistry*, 321: 126746, DOI: 10.1016/j.foodchem.2020.126746.
- ⁹ Geueke, B. et al. (2022). "Systematic evidence on migrating and extractable food contact chemicals: Most chemicals detected in food contact materials are not listed for use." *Critical Reviews in Food Science and Nutrition*, DOI: 10.1080/10408398.2022.2067828.
- ¹⁰ Whitehead, H.D. and Peaslee, G.F. (2023). "Directly fluorinated containers as source of perfluoroalkyl carboxylic acids." *Environmental Science and Technology Letters*. DOI: 10.1021/acs.estlett.3c00083.
- ¹¹ [Annex XV](#). Pg.6.
- ¹² Sonne, C., Jenssen, B.M., Rinklebe, J. (2023). EU need to protect its environment from toxic per- and polyfluoroalkyl substances. *Science of Total Environment*. 876(10): 162770. DOI: 10.1016/j.scitotenv.2023.162770.
- ¹³ [Farmers' use of PFAS pesticides could be a ticking time bomb - Nyheder.dk](#). Published 9 Feb 2023.
- ¹⁴ [Annex XV](#). Pg.182.