

Per- and polyfluoroalkyl substances (PFASs): Proposal for restriction under the REACH Regulation submitted to the European Chemicals Agency

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Per- and polyfluoroalkyl substances (PFASs) are industrial chemicals that are widely used in industrial processes due to their water-, oil- and stain-repellent properties. PFASs also are found as residues or constituents in numerous consumer products such as paper, textiles, ski wax, electronic products, wall paints, cleaning agents or pans.

The national authorities of Denmark, the Netherlands, Norway Sweden, and Germany, with the participation of the Federal Institute for Risk Assessment (BfR), have investigated the risks to the environment and humans resulting from the production, use and marketing of PFASs. PFASs are difficult to degrade and accumulate in the environment and in humans. Therefore, they are undesirable from a consumer protection perspective. On 13 January 2023, a restriction proposal will be submitted to the European Chemicals Agency (ECHA) for the broad group of PFASs in order to restrict the use of PFASs in almost all uses in the European Union. ECHA will publish the restriction proposal - one of the most comprehensive proposals since the REACH Regulation entered into force in 2007 - on 7 February 2023.

Over the past three years, expert authorities from Denmark, Germany, the Netherlands, Norway and Sweden have assessed the group of per- and polyfluoroalkyl substances (PFASs), which comprises several thousand substances, with regard to the risks to humans and the environment resulting from their production, use and placing on the market. Additional information on these substances and on possible alternatives received through two public consultations ("Call for Evidence") was taken into account.

In their assessment, the authorities involved concluded that risks arise from the manufacture, use and placing on the market as well as the disposal of PFASs. This is set out in a so-called "restriction dossier" under the REACH Regulation, which the authorities are now submitting to the European Chemicals Agency ECHA. The dossier proposes to restrict the manufacture, use and placing on the market of PFASs in areas where a risk has been identified. The dossier will now be reviewed by ECHA for conformity with the legal and formal requirements of the REACH Regulation ("Conformity Check") before it can be published on the Agency's website.

Progress of the procedure

Subsequently, it is the task of ECHA's Scientific Committees (Committee for Risk Assessment (RAC) and Committee for Socio-economic Analysis (SEAC)) to scientifically evaluate the proposal. During a six-month public consultation, comments and further information on the submitted restriction proposal can be submitted starting on 22 March 2023. ECHA will hold a public briefing to explain the restriction process and the procedure for participating in the consultation to interested parties on 5 April 2023.

The opinions of RAC and SEAC are normally ready within 12 months of the start of the scientific evaluation, in accordance with REACH. However, due to the complexity of the proposal and the extent of information expected to be received during the consultation, the Committees may need more time to finalise their respective opinions. Once the opinions are adopted, they are sent to the European Commission, who together with the EU Member States will then decide on a potential restriction and exemptions to it.

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Further information on the restriction process

REACH Restriction

<https://echa.europa.eu/regulations/reach/restrictions/restriction-procedure>

Restriction on manufacture, placing on the market and use of PFASs

<https://echa.europa.eu/registry-of-restriction-intentions/-/dislist/details/0b0236e18663449b>

ECHA website on PFASs

<https://echa.europa.eu/hot-topics/perfluoroalkyl-chemicals-pfas>

National websites on per- and polyfluoroalkyl substances (PFASs)

Questions and answers on PFASs from the Federal Ministry for the Environment, Nature Conservation, Nuclear Safety and Consumer Protection - BMUV:

<https://www.bmu.de/faq/per-und-polyfluorierte-chemikalien-pfas>

Announcement on the restriction project on PFASs by the German Federal Office for Chemicals:

<https://www.baua.de/DE/Angebote/Aktuelles/Meldungen/2021/2021-08-31-PFAS.html>

Press release of the German Federal Office for Chemicals:

<https://www.baua.de/DE/Services/Presse/Pressemitteilungen/2023/01/pm02-23.html>

Information page of the German Environment Agency on PFASs:

<https://www.umweltbundesamt.de/tags/pfas>

Further information on the BfR website on the subject of per and polyfluorinated alkyl substances (PFASs)

https://www.bfr.bund.de/en/a-z_index/poly_and_perfluoralkyl_substances_pfas_pfc_130146.html

About the BfR

The German Federal Institute for Risk Assessment (BfR) is a scientifically independent institution within the portfolio of the Federal Ministry of Food and Agriculture (BMEL) in Germany. The BfR advises the Federal Government and the States ('Laender') on questions of food, chemical and product safety. The BfR conducts its own research on topics that are closely linked to its assessment tasks.