

# EFCTC Webinar

## *F-gases as PFAS: what is happening and what will come next?*

3 September 2021

Cefic sector group 

The European Chemical Industry Council, AISBL – Rue Belliard, 40 - 1040 Brussels – Belgium  
Transparency Register n°64879142323-90



# Speakers

## Elisa Consoli

*Manager of the EFCTC at Cefic*

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## Nick Campbell

*Environmental Manager at Arkema SA, Chairman of the EFCTC*

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## Mary B. Walsh

*Director Of Government Relations EMEA at Honeywell N.V.,  
member of the EFCTC*

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# AGENDA

1. Welcome & introduction of the EFCTC
2. Why are we here?
  - What is the process, where are we now
3. What is being planned on PFAS and implications for F-gases
  - Why F-gases should not be restricted under REACH
  - Linkage to F-gases Regulation and its upcoming review
4. Questionnaire: How to approach it
5. Conclusions & next steps

**NOTE:**

No live Q&A session during the webinar.

Questions can be sent to the EFCTC Secretariat **by 10 September.**

Answers to the questions and this presentation will be shared with you in the coming days.



## About us

The European FluoroCarbons Technical Committee is a sector group of the European Chemical Industry Council (Cefic) and represents the companies Arkema, Chemours, Daikin Refrigerants, Honeywell and Koura.



# Checklist for meetings – Competition Law



Ensure strict performance in areas on:

## Oversight / Supervision

- Have a Cefic/Sector Group Secretariat representative at each meeting
- Consult with appropriate counsel on all questions which might be related to competition law
- Limit meeting discussions to agenda topics
- Provide each attendee with a copy of this checklist, and have a copy available for reference at all meetings

## Recordkeeping

- Have an agenda and minutes which accurately reflects the matters which occur
- Ensure the review of agendas, minutes and other important documents by appropriate staff or counsel, in advance of distribution
- Fully describe the purposes, structures and authorities of the groups

## Vigilance

- Protest any discussion or meeting activities which appear to violate this checklist
- Ask for those activities to be stopped so that appropriate legal check can be made by counsel
- Dissociate yourself from any such discussion or activities and for the attendees, leave any meeting in which they continue (and have it minuted)



in fact or appearance, discuss or exchange information not in conformity with competition law, including for example on:

## Prices, including

- Individual company/industry prices changes, price differentials, discounts, allowances, credit terms, etc
- Individual company data on costs, production, capacity (other than nameplates capacities), inventories, sales, etc

## Production, including

- Plans of individual companies concerning the design, production, distribution or marketing of particular products, including proposed territories or customers
- Changes in industry production capacity (other than nameplates capacities) or inventories, etc

## Transportation rates

- Rates or rate policies for individual shipments, including basing point systems, zone prices, freight, etc

## Market procedures, including

- Company bids on contracts for particular products; company procedures for responding to bid invitations
- Matters relating to actual or potential individual suppliers or customers that might have the effect of excluding them from any market or influencing the business conduct of firms towards them, etc
- Blacklist or boycott customers or suppliers

*This checklist is for the conduct of Cefic-sponsored meetings. Prohibited discussion topics apply equally to social gatherings incidental to those meetings. The checklist is not exhaustive.*  
*In case of doubt or questions, contact **Nicole Marechal**, Cefic Senior Legal Manager & Governance Officer*  
*- Tel ++322 436 03 24 – nma@cefic.be*



# Why are we here today?

# Background – why are we here today?



- **Mid-2020:** The national authorities of DE, NL, NO, SE and DK launched a **targeted call** for evidence to **collect information** and data on the **uses of PFAS**



- **15 July 2021:** The 5 countries published their intention to **propose a REACH restriction** for PFAS based on the assessment of the information collected (ROI).
- **Launch of a second consultation** to crosscheck the information.



- **17 Oct 2021: Deadline for interested parties** to submit answer and comments for the second consultation.



# REACH

## AIM

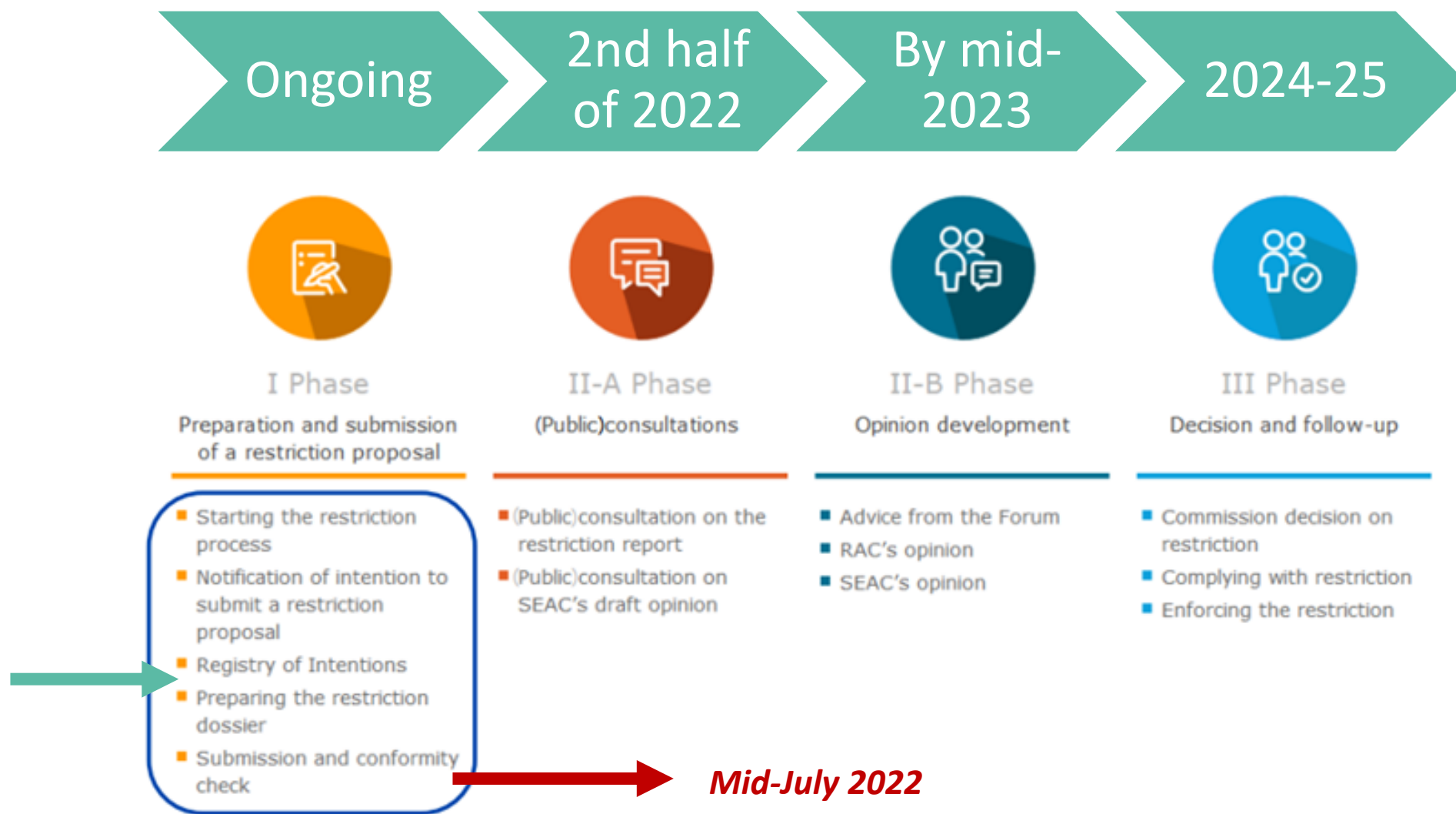
- Protect human health and environment
- Enhance competitiveness of the EU market

## NOVELTIES

- Applies to all substances
- Burden of proof on industry (“no data, no market”)



# REACH Restriction process



[echa.europa.eu/restriction-process](https://echa.europa.eu/restriction-process)

# What is being planned for PFAS and the implications on F-gases

# Per- and polyfluoroalkyl substances (PFAS)

- Synthetic compounds widely used in every-day life
- Up to 9000 substances<sup>1</sup> with unique and useful properties from technical viewpoint → how can they be regulated as one group?
- Concern for some PFAS:
  - *Persistence*
  - *Mobility\**
  - *Bioaccumulation*
  - *(Eco)toxicity*
- According to current definition used by 5 countries in RMOA, F-gases are identified as PFAS



1. [Reconciling Terminology of the Universe of Per- and Polyfluoroalkyl Substances: Recommendations and Practical Guidance](#), OECD, 9 July 2021

\* Mobility is not a criterion for regulatory actions

# Why F-gases are different and should not be restricted under REACH

## 1. They are not like other PFAS

- ❖ F-gases: Degrade completely
  - Produce TFA as byproduct of their degradation (TFA is found naturally)<sup>1</sup>
  - Effects of TFA on human health and environment are negligible

*F-gases contribute to EU Green Deal achievements and decarbonization goals*

## 2. They are already successfully managed by F-gas Reg (517/2014)

- ❖ aims at **reducing F-gas emissions** by two thirds of 2010 levels by 2030
- ❖ **Quota** system
- ❖ **Limiting and phasing down** the total amount of the most important F-gases
- ❖ Banning the use of F-gases in some new types of **equipment**
- ❖ **Preventing emissions** of F-gases from existing equipment

1 . EFCTC Position Paper [\*“Published evidence supports very low yields of TFA from most HFOs and HCFOs”\*](#), 9 August 2021



# F-gas Regulation review → how to improve the legislation

*Some potential changes raised by stakeholders during the EU consultation meeting*

- Possible further restrictions on F-gases uses or GWP-limits
- Changes in the phase-down schedule for F-gases (to align with the Kigali amendment)
- Production controls on F-gases
- Changes to the HFC quota system
- Inclusion of HFOs/HCFOs under the containment/certification/labelling/responsible use
- Increased penalties
- Enhanced import controls (T1 Transit)



# Questionnaire: how to approach it

# What is happening right now? → Call for Action

## 2<sup>nd</sup> Stakeholder Consultation

- The purpose of the 'investigation report summaries' is to present the current knowledge and understanding regarding uses of PFAS held by the 5 initiating countries. The information will feed into the Annex XV dossier for restriction (focusing on both risk assessment and the socioeconomic analysis).
- What: A survey questionnaire and summary expert reports.
- When: Deadline for submission is **October 17<sup>th</sup>** → request for extension pending
- Where: all documents are available on the BAuA website → [Link](#)
- Target audience:
  - ✓ Industry associations
  - ✓ Individual companies (manufacturers, importers, distributors and downstream users)



Adobe Acrobat  
Document



## Most importantly: WHY you should answer!

- Experts reports lacking data → **YOU** have the information needed
- **No data, no market**
- Ensuring information is **complete** and **accurate**



# Questionnaire

- includes 16 sectors, 9 have been identified relevant for F-Gases. Each sector includes:

**F-gases uses**  
**PFAS Production (handling)**  
**Transportation**  
**Waste**

Electronics & Energy  
Medical Devices  
Medicinal Products

**Construction products**  
Lubricants  
Cosmetics



Each sector includes **questionnaire** sections to be completed and **summary expert report(s)**<sup>1</sup>.

The data contained in the **summary expert report(s)** and the **questionnaire** needs to be **validated** → comments on the single **expert reports** can be submitted separately to the authorities

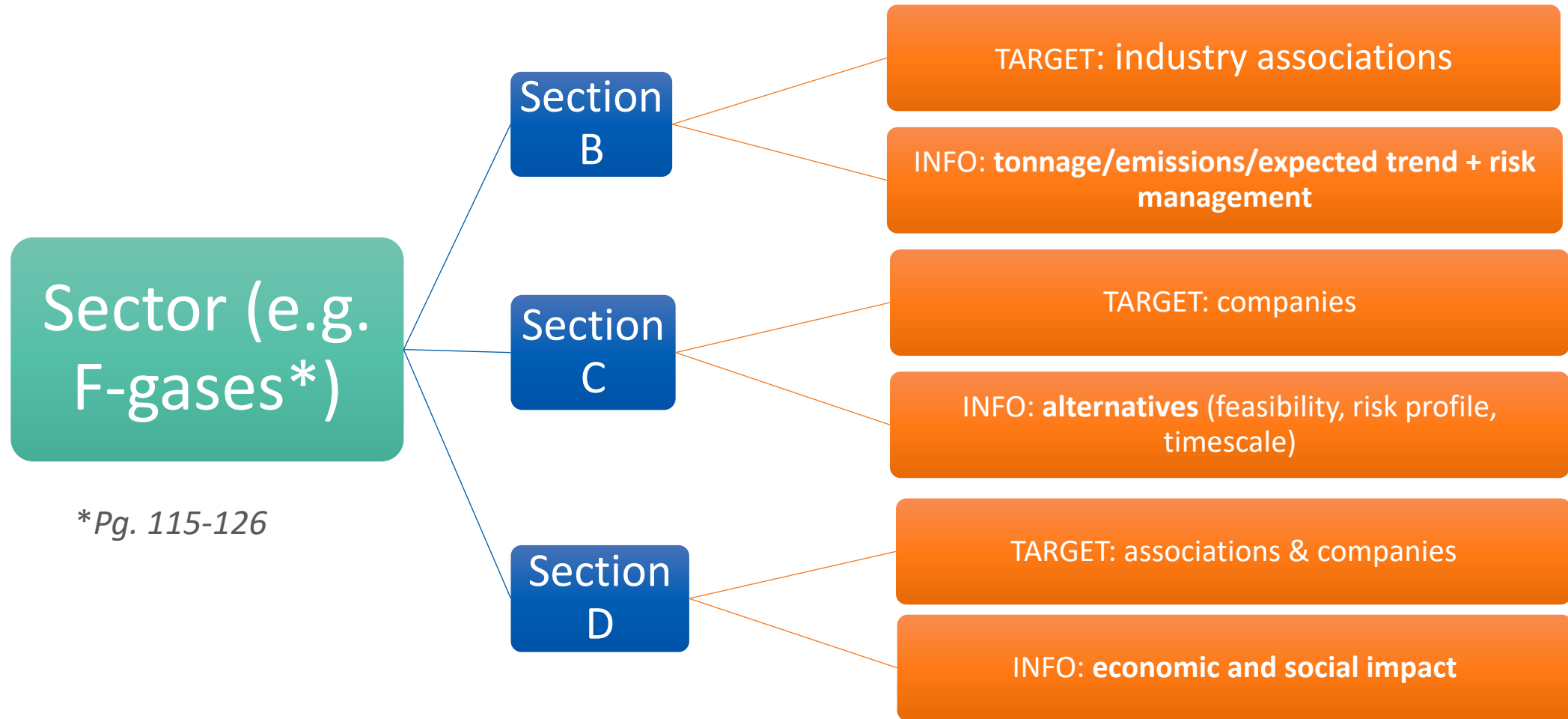


1. Expert reports on F-gases:

- [Report summary F-gas uses- July 2021](#)

- [Application of Fluorinated Gases \(F-Gases\) in the European Economic Area](#)

# It's not as complicated as it seems!



Note: additional information can be found in the slide at the end of the presentation.

# Filling in the questionnaire

Questions on each sectors are divided in sections:

## *Section B – in relation to the use (**mainly for industry associations**):*

- Request for further information on the **tonnage/emissions/expected trend**
- Request for further information on **risk management** measures to minimize the use, human exposure and emissions to the environment for your application of PFAS?

## *Section C – in relation to the alternatives (**mainly for individual companies**):*

- Request for information on specific **application/functionality** of PFAS in your product(s)/processes
- Are the listed non-PFAS **alternatives technically/economically feasible** in your product(s)/processes?
- Request for further information on the **alternatives' risk profile**
- If alternatives have been identified as potentially suitable, which **timescale** do you foresee for a complete transition to those? Please explain.

## *Section D – in relation to impact of legislative measures (**for both**):*

- What is the **economic impact (in euro) and social impact (e.g. jobs)** on your business/company if the use of PFAS is **prohibited**?
- What is the economic impact (euro) on your business/company, if the following measures will become mandatory? Please make your (indicative) calculations transparent.
  - ✓ A **maximum concentration** of e.g. 0.1% (or less) PFAS is set in mixtures and/or articles.
  - ✓ Obligation to **label** your products visibly with "Contains PFAS".
  - ✓ Obligation to **report amount** of PFAS in use and respective **emissions**.
  - ✓ Specific **waste management requirements** with the obligation to collect, treat or recycle PFAS containing waste separately.
  - ✓ In case you are using PFAS polymers: no PFAS processing aids are allowed during polymer production.



# Conclusions & next steps

# A Few Closing Thoughts

Current definition for “PFAS” is **too broad** → it needs to be better focused

## Consultation:

- Opportunity to demonstrate F-gases are already **well-controlled**
- opportunity to **correct** current datasets and **provide** missing relevant data

Ongoing **F-gas Reg. Revision:**  
can include new measures to control emissions of HFOs/HCFOs

## CRITICAL DATES:

- **17<sup>th</sup> October 2021** to respond to the questionnaire.
- July 2022: submission of the REACH restriction dossier to ECHA by the 5 countries (July 2022)

The EFCTC and its members remain committed to supporting you throughout the process



# Questions

- As there has been no live Q&A session, questions about the webinar content can be sent to the EFCTC Secretariat **by 10 September**
- Answers to the questions that you have asked, and this presentation, will be shared with you in the coming days

- **Contacts:**

EFCTC Secretariat: Angelica Candido, [anc@cefic.be](mailto:anc@cefic.be)

Elisa Consoli, [eco@cefic.be](mailto:eco@cefic.be)

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# Thank you.

## About Cefic

Cefic, the European Chemical Industry Council, founded in 1972, is the voice of large, medium and small chemical companies across Europe, which provide 1.1 million jobs and account for 15% of world chemicals production. Cefic members form one of the most active networks of the business community, complemented by partnerships with industry associations representing various sectors in the value chain. A full list of our members is available on the Cefic website. Cefic is an active member of the International Council of Chemical Associations (ICCA), which represents chemical manufacturers and producers all over the world and seeks to strengthen existing cooperation with global organisations such as UNEP and the OECD to improve chemicals management worldwide

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# Back-up Slides

## EU Action on PFAS – Target

PFAS in the scope of the RMOA\* prepared by the 5 initiating countries have the following structural formula:

**$X-(-CF_2-)_n-X'$  with  $n \geq 1$  and  $X, X'$  not being H (thus including  $X-CF_3$ )**

meaning fluorinated substances that contain at least one aliphatic carbon atom that is both, saturated and fully fluorinated, i.e. any chemical with at least one perfluorinated methyl group ( $-CF_3$ ) or at least one perfluorinated methylene group ( $-CF_2-$ ), including branched fluoroalkyl groups and substances containing ether linkages fluoropolymers and side chain fluorinated polymers.



***F-gases fall into the current scope***

# EU and International regulatory activities on F-gas

- ✓ **F-gas Regulation** (EU, 2014): aims to reduce F-gas emissions by two thirds of 2010 levels by 2030
- ✓ **Kigali Amendment** (from 1 Jan 2019): HFCs in the list of controlled substances under the Montreal Protocol.
- ✓ **All 198 Montreal Protocol parties** agreed to take steps to gradually reduce the production and use of HFCs.

