

## Fact sheet

### Euralarm position on ECHA proposal for restriction of PFAS within the EU, submitted by Germany, Netherlands, Denmark, Sweden, and Norway

#### Introduction

On 7th February 2023, ECHA (the European CHemical Agency for the EU and EEA countries of Iceland, Lichtenstein, and Norway) – an agency of the European Union – published a proposal for restriction of PFAS within the EU, submitted by Germany, Netherlands, Denmark, Sweden, and Norway. PFAS are a group of thousands of mainly man-made substances that are used in numerous applications worldwide. The proposal is very broad and covers many different applications of PFAS on 1,780 pages.

Within the proposal, the applications of PFAS re grouped into 14 sectors: TULAC (Textile, upholstery, leather, apparel and carpets) - Food contact materials and packaging - Metal plating and manufacture of metal products - Consumer mixtures - Cosmetics - Ski wax - Applications of fluorinated gases - Medical devices - Transport - Electronics and semiconductors - Energy sector - Construction products - Lubricants - Petroleum and mining. This document serves as brief overview summary with a focus on firefighting gases as part of the sector group 'Applications of fluorinated gases'.

#### What firefighting gases are included in the proposal?

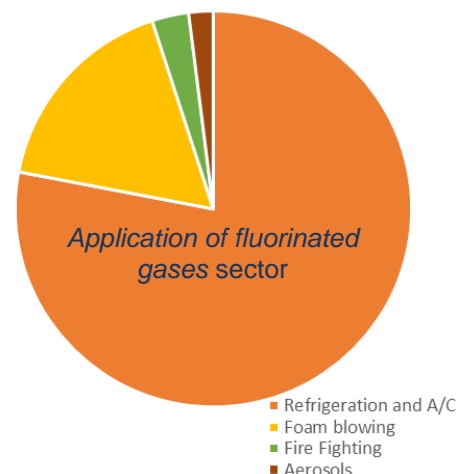
The 'Application of fluorinated gases' sector includes commonly used and new fluorinated gases, as well as part of their blends. The respective firefighting gases are covered by EN 15004 or ISO 14520 under the following designations:

- HFC-227ea, example tradenames: FM-200™, MH227®, FE-227™, Solkaflam®227
- HFC-125, example tradename: Ecaro-25®
- FK-5-1-12, example tradenames: Novec™1230, Dukare®1230, Noah®5112, MH5112®
- HB-55, example tradename: Solstice®Quench 55

#### How are fluorinated gases used in firefighting considered within the proposal?

Within the sector group, 'Application of fluorinated gases', 3% relates to firefighting gases. This is extremely low compared to other applications in this sector group such as refrigeration and foam blowing.

Gaseous extinguishing systems are, by application, non-emissive until required to fight fires; the FSTOC 2022 Assessment Report estimates that annual emissions from the fire protection bank is 3% (i.e., a nominal 3% of 3% of the 'Application of fluorinated gases' sector).



Annex E of the restriction proposal recognises particularities for firefighting applications.

Table E.102 of Annex E sets out the assessment of the costs and benefits of the restriction options for firefighting applications and whilst recognising there are alternatives to F-Gases it notes that there are still applications that will require them stating:

“However, for some applications these alternatives have a range of drawbacks,”  
and therefore concludes:

“A derogation is necessary given the lack of alternatives to avoid significant risk to human life and cultural and other assets. Given the failure of past research into alternatives it is likely that a 5-year derogation would be insufficient, and a longer derogation would be needed. *[sufficiently strong evidence]*”

**Thus, the proposal’s recommendation for firefighting applications is:**

**18-month transitional period after Entry into Force (EiF), followed by a 12-year derogation from ban.**

The rationale behind this recommendation is:

- The need for confidence in fire safety systems, which indicates potential for significant welfare.
- To limit significant risk on human life.
- To avoid potential destruction of valued assets damaged by fire or other fire suppressants.

### What are the latest next steps?

1. Public consultation for the restriction proposal started on 22 March 2023 and closed 25 September 2023.
2. Forming of the ECHA draft opinion, was intended to be approx. 3-6 months\*. This is taking longer and is now subdivided by category, with timelines for the ‘Application of fluorinated gases’, not yet known.
3. Submittal to EU Commission, should follow, with a voting process in European Parliament and Council culminating in Entry into Force (EiF).
4. An 18-month transition period, following EiF, before the general ban affecting all PFAS.
5. Following the transition period, derogations for specific uses e.g. 12 years for firefighting applications.

| Draft | Public Consultation |      | Opinion development |      |      |      | Draft opinion consultation |      | Legislative process |      | Entry into force |      |
|-------|---------------------|------|---------------------|------|------|------|----------------------------|------|---------------------|------|------------------|------|
|       | Q1                  | Q2   | Q4                  | Q1   | Q2   | Q3   | Q4                         | Q1   | Q2                  | Q3   | Q4               | Q1   |
| 2023  | 2023                | 2023 | 2023                | 2024 | 2024 | 2024 | 2024                       | 2025 | 2025                | 2025 | 2025             | 2026 |

Original timelines, see [details here](#). It can be assumed that this timeline will be updated in due course.

\*ECHA had previously stated: However, in view of the complexity of the proposal and the extent of information that is expected to come from the consultation, the committees may need more time to finalise their opinions.

## Conclusion

In light of the current information available, considering the actual proposal and the drafted timeline, it appears that an EiF for legislation is not likely to be implemented before end of 2025. Therefore, in the restriction proposal, fluorinated gases such as FK-5-1-12 or HB-55 which are not restricted by the F-Gas regulation are expected to be available for use at least until mid-2039 (taking into account the above recommendation on transition period and derogation).

Euralarm supports the position from ECHA, during their webinar, that in the current proposal there is no intent to mandate the removal of installed systems.

ECHA reported that by the end of its stakeholder consultation (external link) on the proposed restriction on PFAS on 25 September 2023, it had received more than 5,600 comments from more than 4,400 organisations, companies and individuals.

Of these, 3,313 were from companies, 1,543 from individuals, 552 from trade associations, 61 from NGOs, 42 from academia, 30 from national authorities, 30 from international organisations, 21 from regional or local authorities, and 50 were considered as uncategorized submissions.

The top three countries by number of submissions were Sweden, with 1369 submissions, Germany, with 1298 submissions, and Japan, with 938 submissions. The number of submissions from Sweden included a very high number of individual submissions, due to a public submission campaign in the country.

The Stakeholder comments have fed into ECHA's Committee for Risk Assessment (RAC) and Committee for Socio-economic Analysis (SEAC) for them to prepare the scientific opinions.

Before finalising its opinion, SEAC would submit a draft version of their opinion to a 2-month consultation.

ECHA has given some updates on the next sectors that will be discussed in the following RAC and SEAC meetings;

- March 2024 meetings:
  - Consumer mixtures, cosmetics and ski wax;
  - Hazards of PFAS (only by RAC); and
  - General approach (only by SEAC).
- June 2024 meetings:
  - Metal plating and manufacture of metal products; and
  - Additional discussion on hazards (only by RAC).
- September 2024 meetings:
  - Textiles, upholstery, leather, apparel, carpets (TULAC);
  - Food contact materials and packaging; and
  - Petroleum and mining.

More information about the committees' plans to evaluate the remaining sectors including the '**Application of fluorinated gases**' and about the next procedural steps will be announced as work advances. At the same time, the five national authorities who prepared the proposal, are updating their initial report to address the consultation comments. This updated report will be assessed by the committees and will serve as the foundation for their opinions.

As this is a development process, Euralarm is committed to closely monitor the progress and inform interested parties regularly about changes. See also <https://echa.europa.eu/en/-/echa-publishes-pfas-restriction-proposal>

## DISCLAIMER

The information in this document has been summarized by Euralarm [May 2023] and is intended for informational purposes only. Some of the information may become outdated and may not reflect the most current developments. Full details of the PFAS restriction proposal can be found on ECHA website <https://echa.europa.eu/en/home>. This document is for information purposes only and in no way constitutes a warranty of quality or a statement about the quality of products, services and/or named entities. Any claims arising from this document are expressly excluded.

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*Note: The English version of this document is the approved Euralarm reference document.*

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