2020-05-13
TEGEWA Contribution for Public Consultation on Annex XV restriction report PFHxA

SECTION III. Non-confidential comments

Substance name
Undecafluorohexanoic acid (PFHxA), its salts and related substances

SECTION III. Non-confidential comments

It is possible to provide both general comments on the Annex XV restriction report subject to this Consultation and answers to the specific questions posed. In both cases, it is necessary to provide supporting evidence to allow ECHA's Committees to take your comments into account. It is important not to leave the submission of any socio-economic information until the consultation on SEACs opinion but already submit relevant comments at this stage.
General Comments
Select the relevant boxes that cover the content of your comments and provide your non-confidential comments below, (maximum 9 000 characters)

- [x] Scope or restriction option analysis
- [x] Hazard or exposure
- [x] Environmental emissions
- [ ] Baseline
- [ ] Description of analytical methods
- [x] Information on alternatives
- [ ] Information on benefits
- [x] Other socio economic analysis (SEA) issues
- [ ] Transitional period
- [x] Request for exemption

* [x] I understand that it is my responsibility not to include confidential information in responses to general comments and in any responses to requests for specific information (e.g. company name, email addresses, phone numbers, signatures etc.). ECHA will not be held liable for any damages caused by making non confidential responses publicly available.

General comment

The association TEGEWA supports the intention to restrict the use of C-6 based fluorinated polymers as undecafluorohexanoic acid (PFHxA) related substances for manufacturing of ordinary outdoor apparel for consumers.

For protective clothing within the scope of professional use, medical devices and technical textiles the use of C-6 based fluorinated polymers is essential. Therefore, the list of derogations in the annex XV dossier should be extended.

More robust socio-economic assessment, including assessment of alternatives, is required.

The dossier submitter admitted:

- PFHxA is neither classified as CMR, nor as endocrine disruptor, nor as PBT/vPvB. It is not identified as SVHC, either: No adverse effects have been observed on ecotoxicity for algae, daphnia and fish covering acute as well as chronic toxicity.
- Currently, there is no indication of serious health risks with the use of PFHxA, its salts and related substances inclusive the C-6 fluorinated polymers used for textile finishing.
- Current exposure to PFHxA is unlikely to increase to a level that is critical to human health.
- Potential health concerns with respect to exposure to PFHxA could occur in the long-term if the environmental concentration rises to a critical level because PFHxA may be qualified as persistent. Nevertheless, the dossier fails to provide any evidence.

The association TEGEWA concedes that in order to avoid rising environmental levels

→ Release has to be avoided

→ during industrial manufacturing
→ during industrial use
→ Via articles at the end-of-life

→ Release during manufacturing and use should be avoided by measures in industry, e.g. strict waste water limits in water legislations and a ban in the Industrial Emissions Directive for a removal of residual liquors via waste water treatment plants as it is already implemented in some member states, e.g. in Germany.

→ To avoid rising environmental concentrations via ordinary outdoor apparel for consumers, C-6 fluorinated polymers should not be used for these

applications. Durable water-repellent alternatives based on F-free chemistry are available.

→ For protective clothing within the scope of professional use, medical devices and technical textiles, a sound management of waste products should be developed considering that there is no wide dispersive use but only selected industrial users. E. g. technical guidance to avoid the release of residual liquors is already available.

→ There are a lot of applications, many of them not mentioned in the dossier, for which a combination of water repellence, oil, stain and chemicals repellence is essential. This combination of effects can only be achieved by C-6 fluorinated polymers.

→ Therefore, the number of derogations must be expended. A list of these applications developed together with our customer associations is attached as confidential attachment. The document is intellectual property of associations Textil&Mode and TEGEWA. It should not be used for commercial purposes. The document could be shared with authorities. Further access will be granted upon request and signing a non-disclosure-agreement.

A more robust socio-economic assessment, including assessment of alternatives, is required.

Article 68 of REACH requires to conduct a socio-economic assessment, including assessment of alternatives for any restriction proposal, and to be balanced against its socio-economic implications. The dossier submitter acknowledges that there are uncertainties in the analysis due to knowledge gaps regarding the tonnages of PFHxA, its salts and related substances affected by the proposed restriction and the availability and/or functionality of alternatives.

The dossier somewhat touched upon potential alternatives to PFHxA in some of the identified applications, but the conclusion of the assessment is unclear. It is also not clear what kind of benefits could be achieved by the alternatives, in terms of human health, the environment, safety and performance of products.

One can question whether the socio-economic assessment made in the dossier will fulfil the requirements provided in Article 68 (1).

Specific Information Requests

1:
Additional uses:
In addition to the uses described in the Annex XV dossier, are you aware of any other present or future intentional uses, or uses where impurities are above the concentration limit proposed? The question concerns both uses in the EU and outside the EU involving imports to the EU. If such uses exist, please provide the following:

a. Description of the use,

b. Quantities used and information regarding the potential risks to the environment (e.g. quantified release estimates)

* Compulsory Fields

◉ I have information on this topic

○ I do not have information on this topic

Information on additional uses is provided in a list of these applications developed together with our customer associations. Listed are textile applications that require the use of C-6 based fluorinated polymers to assure the requested effects in standards etc. and that should be derogated. The list is attached as confidential attachment.The document is intellectual property of German Textile and Fashion Association and TEGEWA. It should not be used for commercial purposes. The document could be shared with authorities. Further access will be granted upon request and signing a non-disclosure-agreement.

2:
Emissions of PFHxA from polymers:
PFHxA, its salts and its related substances are emitted from side chain fluorinated polymers. Such emission may also take place from fluoropolymers. The available data describing these emissions is, however, limited. Please provide any additional data you may have on the extent of these emissions.
* Compulsory Fields

○ I have information on this topic

◉ I do not have information on this topic

3:
Textile sector:
The majority of clothing used in the EU is imported from outside the EU. Please, provide any additional data you may have on:

- the share of imported clothing (outdoor and occupational clothing) that is treated with side-chain fluorinated polymers.
- the share if imported clothing treated with fluoropolymers (C6-chemistry integrated in the polymer backbone)
- the share of imported clothing treated with PFHxA, its salts and/or related substances.

- the content of extractable perfluorinated substances and applied fluoropolymers in treated textiles.

* Compulsory Fields

○ I have information on this topic

◉ I do not have information on this topic

4:

Coatings:

Please provide any data you may have on tonnages used in coatings and for the release of PFHxA, its salts and/or related substances from coated building and construction materials.

* Compulsory Fields

○ I have information on this topic

◉ I do not have information on this topic

5:

Fire-fighting foams (all relevant sectors, including defence sector):

a) Have you already shifted from PFHxA, its salts and/or related substances to fluorine-free foams or are you planning to shift to those alternative foams?

- If yes:
  - In which area did you or are you planning to shift to fluorine-free foams (e.g.: seagoing units, storage of fuel)?
  - How long did the transition to fluorine-free foams take you or how long will it approximately take to perform the transition?
  - What are/were the challenges when performing such a transition? E.g., when using the same equipment, are the residues of PFHxA, its salts and/or related substances in the equipment posing a technical challenge in relation to the concentration limit proposed?
- If no:
  - Please, specify whether you have moved from PFHxA, its salts and/or related substances to a foam containing other fluorinated substances.
  - Please, provide information on the volumes and value of the stocks you may have on fluorinated foams in general and more specifically on foams containing PFHxA, its salts and/or related substances.
  - Please, provide information on the volumes of fire-fighting foams containing PFHxA, its salts and/or related substances currently in use in your equipment? Please, provide any information on the handling, release mitigation and waste management instructions relevant for estimating the releases and evaluating the socio-economic impacts.
  - Why did you decide not to shift to fluorine-free foams or, more specifically, to foams free of PFHxA, its salts and/or related substances?

- What changes are necessary to allow the transition to fluorine-free foams from PFHxA, its salts/related substances? Are you already taking measures to achieve such changes? How long will it take until respective measures are in place to allow a transition to fluorine-free foams?

b) Hand-held fire extinguishers: please, provide information on the volumes and concentrations of PFHxA, its salts or related substances you use in the extinguishers, the use sectors using extinguishers containing these substances, current handling, release mitigation and waste management instructions, and any other information which would be relevant for estimating the exposures and the socio-economic impacts of the proposed restriction?
c) Are you using aqueous film-forming foams (AFFF) containing PFHxA, its salts and/or related substances for training purposes? If yes, please specify why.
d) Are you using AFFF containing PFHxA, its salts and/or related substances for testing purposes? If yes, please specify why.
* Compulsory Fields

- ○ I have information on this topic
- ◉ I do not have information on this topic

6:
Other uses (cleaning, cosmetics, waterproofing agents, polishing products, floor waxes, food contact materials, etc.) including uses in consumer products:
Please provide any information you may hold on tonnages used of these mixtures and of the identity of the substances (within the scope of this restriction and/or any fluorinated substance).
* Compulsory Fields

- ○ I have information on this topic
- ◉ I do not have information on this topic

7: Are you aware of any alternative fluorine-free substances or technologies for the uses of PFHxA, its salts and related substances?
* Compulsory Fields

- ◉ I have information on this topic
- ○ I do not have information on this topic

If water repellence, oil, stain and chemicals repellence is essential, this combination of effects can only be provided by fluorinated polymers. Also, for the combination of oil, stain and chemicals repellence there are no fluorine-free alternatives available.

For ordinary consumer outdoor apparel that only requires water repellence, fluorine-free alternatives are available. Depending on specific requests, the following chemical substance groups are in use:

- formulations based on paraffins
- polysiloxanes

- modified melamin resins
- polyurethanes
- dendrimers
- polyacrylates
- others

Combinations of these substances can provide meanwhile good permanencies in laundering.

Products based on inorganic nano-material are available in principle, but are not requested by the textile industry.

8:
For uses where substitution is regarded as being impossible:

- What is the use?
- What are the main obstacles to substitution?
- Please describe the consequences that would result from the proposed restriction and provide information about the costs associated to these consequences.

* Compulsory Fields

(•) I have information on this topic

( ) I do not have information on this topic

Information on additional uses is provided in a list of these applications developed together with our customer associations. Listed are textile applications that require the use of C-6 based fluorinated polymers to assure the requested effects in standards etc. and that should be derogated. The list is attached as non-confidential attachment. The document is intellectual property of German Textile and Fashion Association and TEGEWA. It should not be used for commercial purposes. The document could be shared with authorities. Further access will be granted upon request and signing a non-disclosure-agreement.

The main obstacle to substitution is a lack of substances that provide the necessary properties which are provided by the fluorinated polymers. For the professional users of protective clothing and personal protective equipment (e.g. fishermen, police, armed forces, fire brigade, workers in chemical industry etc.) a ban of the fluorinated polymers would result in a severe decrease of protection.

9:
For uses where substitution is possible now, or uses where substitution is not possible now, but it is expected to become possible within a short to medium timeframe:

- What is the use?
- What transitional period would be needed for this use?
- Please describe the technical and economic consequences that would result from the proposed restriction if the transitional period were as requested, and provide information about the costs associated to these consequences.

- What would be the consequences of a shorter transitional period? What would be the costs associated to that?
- Would investments to enable new processes etc. be needed? If so, please provide information about the costs of these investments.

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○ I do not have information on this topic

For ordinary outdoor apparel of consumers alternative fluorine-free alternatives are already available and are requested from the international brands of the clothing industry.

A transition period should consider that robust analytical methods are needed for industry to demonstrate compliance and for authorities to enforce the regulation.

10:

For uses where substitution would be possible but is expected to lead to a lower quality of products or lower performance:

- What is the use?
- Please describe the impacts on the quality/performance of the products.
- If possible, please provide an estimate of the economic impacts that could be expected on an annual basis.

Uses where we would in particular need the above information in relation to substitution:

- Performance of fluorinated polymers and fluoropolymers within the scope of the proposal, compared to fluorine-free alternatives in various uses of these polymers. What are the cost implications if substitution is required?
- Performance loss of textiles or membranes in case of substitution to fluorine-free alternatives. What would be the impacts of substitution in non-woven textiles used in the automotive and aerospace sectors, medical textiles, textiles for worker protection and membranes for treatment of effluents?

* Compulsory Fields

○ I have information on this topic

◉ I do not have information on this topic

11:

PFAS-based alternatives:

Previously, the PFOA restriction led to the replacement of the 8:2 FTOH technology by 6:2 FTOH. Are you aware of the usability of alternative fluorotelomer substances (e.g. 4:2 FTOH, etc.) or other fluorinated substances (e.g. perfluoroalkyl ether carboxylic acids) in the different processes that now rely on 6:2 FTOH?

* Compulsory Fields

◉ I have information on this topic

○ I do not have information on this topic

As far as we know there are no alternative fluorotelomer substances available to substitute C-6 fluorinated polymers (besides C-8 fluorinated polymers).

12:
Costs

- If for your use/sector the Dossier Submitter has provided a concrete cost assessment, do you agree with the assumptions and costs used? If not, please provide additional data and evidence to support it.
- The Dossier Submitter proposes annual reporting on the use of PFHxA, its salts and PFHxA-related substances in the production of personal protective equipment (PPE), non-woven medical textiles and impregnation agents (see paragraph 10 of the proposal entry) and the quantities and substitution efforts for fire-fighting foams that contain PFHxA, its salts and PFHxA-related substances (paragraph 12 of the proposal entry). Are there costs associated with that reporting requirement?

* Compulsory Fields

○ I have information on this topic

◉ I do not have information on this topic

13:
Analytical methods
Are you aware of a method for chemical analysis of PFHxA, its salts and related substances present in a matrix relevant for the restriction proposal? Do you develop or intend to develop such a method?
* Compulsory Fields

◉ I have information on this topic

○ I do not have information on this topic

The following CEN committees work on standards to analyse fluorochemicals in textiles, leather and footwear. We are not informed about the current status:

- **CEN TC248 WG26** – Textiles test methods for analysis of EC restricted substances
- **CEN TC289 WG1** – leather chemical analysis
- **CEN TC309 WG2** – footwear innocuousness

SECTION IV. Non-confidential attachment

If needed, attach additional non-confidential information (data available in excel format, reports, etc.) below. Do not attach the same information already provided in section III here. If part of the information is confidential, please use section V to share it

Attachment added.

* ☑ ***I have removed/blanked the information I wish to keep/I have claimed confidential from all the attachments in section IV (e.g.: company name, company logo, personal names, email, signatures, other confidential business data).***
I understand that ECHA will not be held liable for any damages caused by making the attachments publicly available.

SECTION V. Confidential Attachment

If needed, attach confidential information below (for example: studies, laboratory tests, additional contact details, business data, etc.). Do not add the same information already provided in the previous sections here. Confidential information will only be used by ECHA, including its Committees, by the Member State competent authorities and by the European Commission.
Confidential Attachment added.

* ☑ I have the following reasons enumerated in Article 4(1) or 4(2) of Regulation (EC) No 1049/2001 regarding public access to documents why the information submitted as confidential cannot be disclosed to persons requesting access to documents (please explain below in the commenting field those reasons; a reason could be that the protection of your commercial interests, including intellectual property, would be undermined).

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