

2020-09-24

Second TEGEWA Contribution for Public Consultation on Annex XV restriction report PFHxA and related substances (version with messages without formalities)

SECTION III. Non-confidential comments

Substance name

Undecafluorohexanoic acid (PFHxA), its salts and related substances

General Comment

The association TEGEWA submitted a first contribution to the public consultation on May 13th, 2020. We would like to complement our input with this document.

Proportionality of limits and of the restriction of uses without fluorine free alternatives

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

But we question the proposed limits and their proportionality in view of the factual hazard of the substances and their actual risk for human health and the environment. In the dossier, no scientific data and reasoning is provided to derive thresholds. The thresholds seem to be copied from the PFOA and related substances regulation. The adoption of an equivalent concern approach for PFOA and PFHxA is not justified. The toxicological profile of PFHxA is much better than for PFOA, e.g. in view of half-life period in human bodies. There is sufficient toxicological data available for PFHxA to derive a suitable threshold. The equivalent concern approach is not necessary and not justified.

For applications with no suitable alternatives for C-6 side chain fluorinated polymers used in the textile supply chain we would question the proportionality of the restriction in principle. Most of these textile uses are essential for protecting, fishermen, police, armed forces, fire brigade, workers in chemical industry and in clinics etc. We want to stress one more time that, without C-6 chemistry, these protective clothes cannot be manufactured and used within the EU any longer. In addition, many technical textile applications are necessary for protecting the environment, e.g. textile filters in chimneys of industrial facilities. These applications are the basis for circularity and sustainability. Regarding these issues and for covering potential risks of such applications, a restriction is not the right legal instrument to apply. There are different, much more suitable legal instruments available or already in place, e.g. strict wastewater limits in water legislations and a ban in the Industrial Emissions Directive for a removal of residual liquors via wastewater treatment plants. Such measures could be refined

in future, e.g. by defining Best Available Techniques for the use of side chain fluorinated polymers in the Textile BREF which is currently under review.

Factual release overestimated

The estimations in the dossier for release of PFHxA and related substances from textile manufacture and use of textile articles significantly overestimate the factual release. Incorrect assumptions lead to false release amounts and to contradictory statements in the dossier. The dossier submitters did not sufficiently consider the measures taken in the textile industry to avoid release in the environment. In their calculations, they did not take into account sufficiently that many globally active manufacturers of apparel are already doing without side chain fluorinated polymers. Even if outdoor textiles are provided with a water repellent finishing, that does not necessarily mean that fluoro chemicals are used. In the carpet sector the change to other types of fibres lead to a significant decrease of the use of side chain fluorinated polymers, which is not considered in the dossier, either.

So, the factual release is overestimated, and the environmental benefit would be overestimated as well. In fact, we could not recognize in the restriction dossier any comparison of the environmental benefits with the socioeconomic costs.

List of derogations in the annex XV dossier should be extended.

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. A list of these applications developed together with our customer associations was attached to our first contribution from May 13th, 2020. Meanwhile the document has been updated. EURATEX already submitted the updated version with their second contribution (September 2020). We renounce to submit the document a second time.

Last but not least, we want to recall that the restriction of PFOA and related substances for ordinary apparel, for technical textiles and personal protective equipment (effective by 2023) was justified with the argument that functioning alternatives like C-6 side chain fluorinated polymers would be available. The dossier submitters of the current restriction proposal do not provide any information on available alternatives for such kind of personal protective equipment that in their view does not need C-6 side chain fluorinated polymers for its functioning.

But the lack of alternatives underlines the necessity that the list of derogations must be extended.

Specific Information Requests

In view of answers to specific information requests please refer to TEGEWA's first contribution on May 13th, 2020.

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