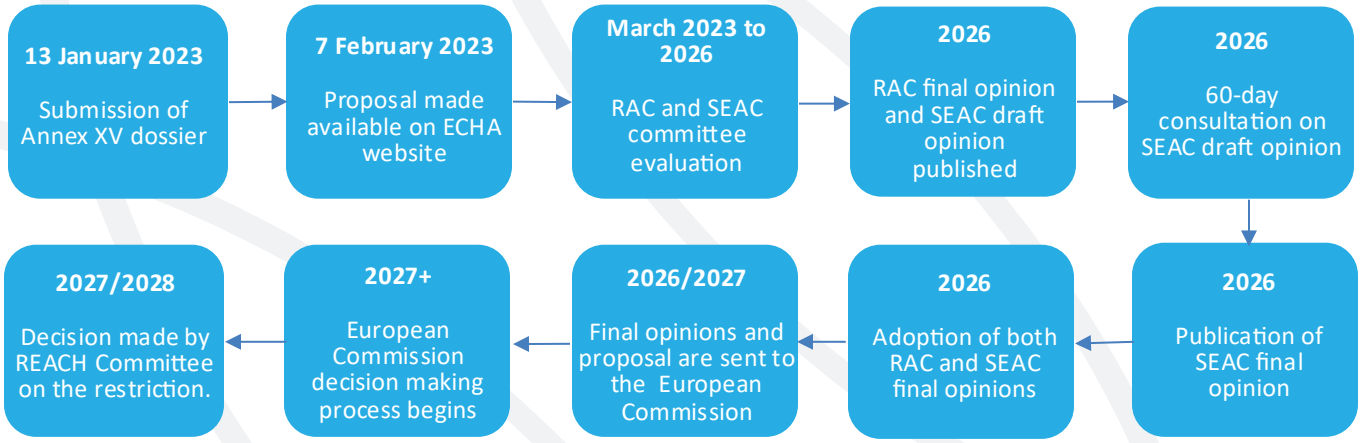
EU REACH PFAS Restriction Factsheet

July 2024

Background

PFAS (per- and polyfluoroalkyl substances) are a group of manufactured chemicals that have been widely used in industry and consumer products since the 1940s. Due to their persistence in the environment and potential health risks, there is a concern and regulatory actions are initiated to restrict their use. On 13 January 2023, a REACH Regulation Annex XV restriction proposal impacting around 10,000 PFASs was prepared by authorities in Denmark, Germany, the Netherlands, Norway and Sweden and submitted to ECHA. The proposed restriction aims to reduce PFAS emissions into the environment and make products and processes safer. Due to the wide scope of the restriction proposal, it is unlikely it will be published in 2025 as the risk (RAC) and socio-economic (SEAC) assessment committees of ECHA continue to evaluate the proposal on a sector-by-sector approach.

Estimated EU Restriction timeline*



*Due to delays from RAC and SEAC going through comments and opinions, there is uncertainty on timeframe for the restriction. An executive for the European Commission stated that they are 'pretty sure' they will not be able to publish its universal PFAS restriction in 2025 as originally foreseen.

Recommended Actions for Industry

Given the uncertainties in both the timeline and potential impacts of the PFAS restriction, RPA recommends that industry stakeholders consider the following actions:

- **Contribute to the Consultation**: Engage in the RAC and SEAC draft opinion consultations when they begin and provide detailed and substantiated information.
- **Monitor Developments**: Keep abreast of updates and developments regarding the restriction.
- **Assess Alternatives**: Evaluate whether substitution to safer alternatives can be made across product ranges.
- **Implement Risk Management**: Ensure that effective risk management measures are in place when using PFAS to limit exposure and emissions (e.g., engineering improvements).
- **Strategise for the Future:** Define your ongoing business strategy surrounding PFAS, considering potential restrictions and transitions.

Feedback when substantiated and submitted to ECHA by stakeholders are required to be considered and will impact and influence ECHA's Committees final opinions on the restrictions, in particular any potential derogations which may allow sectoral uses to continue.

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How RPA can help

RPA can help stakeholders navigate the PFAS restriction process, drawing on our extensive experience working on PFAS for both public and private sectors. We have already assisted with preparing data submitted to authorities on behalf of industry stakeholders for previous Annex XV dossier consultations.

Our Services Include:

- Preparing and submitting data for regulatory compliance.
- Providing strategic advice on risk management and alternatives assessment
- Facilitating stakeholder consultations and feedback processes
- Helping to apply for and obtain specific derogations to allow sectoral uses to continue
- Developing and implementing business strategies for PFAS transition

By leveraging RPA's experience and expertise, you can ensure compliance and strategically manage the transition away from PFAS, safeguarding your business and the environment.

Contact Us:

For expert assistance and to learn how RPA can support your business through the PFAS restriction process, please reach out to us at:

- **Email:** chemicals@rpaltd.co.uk
- **Phone:** +44 (0)2039 884 672

PFAS in Other Legislative Zones

PFAS is also facing regulatory action and restrictions in other legislative zones.

- **UK REACH**: The beginning of a restriction dossier on PFAS in fire-fighting foams; and assessing of potential additional restrictions on further wide dispersive uses of PFAS and PFAS likely to be released from consumer articles. The expected date of submission of the restriction dossier is 4 March 2025.
- **US FDA**: Monitoring phase-out of PFAS in food contact materials.
- **US States**: Maine, Rhode Island, New York, California, Conneticut, Colorado, New Hampshire, and Minnesota have all passed laws restricting the use of PFAS and put in phase-out plans.
- **New Zealand**: Banning of PFAS in cosmetics from the end of December 2026.
- **Global:** PFOS, PFOA, PFHxS have been listed under the Stockholm Convention on Persistent Organic Pollutants (POPs) in recent years.