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Consumer Products

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EU proposes to lower PFOS limits and remove specific exemptions

On December 4, 2023, the European Union released a revised draft of Annex I of the POPs Regulation (EU) 2019/1021 on restricted substances and initiated public review, aiming to reduce the maximum concentration limit requirements for unintentional trace pollutants (UTC) in substances, mixtures, and articles of perfluorooctane sulfonate (PFOS) and eliminate specific exemptions. The review and feedback period for this draft will end on January 1, 2024.

PFOS was the first per- and polyfluoroalkyl compound (PFAS) to be regulated in the EU, and the UTCs were set a long time ago. ECHA did a screening of the REACH registrations dossier and did not find any indication of PFOS being present as impurity in substances and mixtures. Concerning the UTC for articles, PFOS uses were very similar to those of PFOA, Therefore, this proposal is to lower the limit and suggest consistency with the control limit of PFOA.

The comparison between the current control requirements of PFOS and the proposed revised content of the draft is as follows:

| Current (EU) 2019/1021 Control Requirements | Proposed revised draft control requirements |
|--|---|
| <p>Current substance definition: Perfluorooctane sulfonic acid and its derivatives (PFOS) C₈F₁₇SO₂X (X = OH, Metal salt (O-M⁺), halide, amide, and other derivatives including polymers)</p> | <p>Definition of substance to be replaced: Perfluorooctane sulfonic acid (PFOS), its salts and PFOS-related compounds C₈F₁₇SO₂X (X = OH, Metal salt (O-M⁺), halide, amide, and other related compounds including polymers)</p> |
| <ol style="list-style-type: none"> For the purposes of this entry, point (b) of Article 4(1) shall apply to concentrations of PFOS equal to or below 10 mg/kg (0,001 % by weight) where it is present in substances or in mixtures. For the purposes of this entry, point (b) of Article 4(1) shall apply to concentrations of PFOS in semi-finished products or articles, or parts thereof, if the concentration of PFOS is lower than 0,1 % by weight calculated with reference to the mass of structurally or micro-structurally distinct parts that contain PFOS or, for textiles or other coated materials, if the amount of PFOS is lower than 1 µg/m² of the coated material. Use of articles already in use in the Union before 25 August 2010 containing PFOS shall be allowed. Article 4(2), third and fourth subparagraphs shall apply in relation to such articles. If the quantity released into the environment | <ol style="list-style-type: none"> For the purposes of this entry, point (b) of Article 4(1) shall apply to concentrations of PFOS or any of its salts equal to or below 0,025 mg/kg (0,000025 % by weight) where it is present in substances, mixtures or in articles. For the purposes of this entry, Article 4(1), point (b), shall apply to the sum of concentrations of all PFOS-related compounds equal to or below 1 mg/kg (0,0001 % by weight) where they are present in substances, mixtures or articles. Use of articles already in use in the Union before 25 August 2010 containing PFOS shall be allowed. Article 4(2), third and fourth subparagraphs shall apply in relation to such articles. Point 4 in the fourth column is deleted Point 5 in the fourth column is deleted |



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is minimised, manufacturing and placing on the market shall be allowed until 7 September 2025 for use as mist suppressant for non-decorative hard chromium (VI) plating in closed loop systems. Provided that those Member States where PFOS is used report to the Commission by 7 September 2024 on progress made to eliminate PFOS and justify the continuing need for this use, the Commission shall review the need for a prolongation of the derogation for this use of PFOS for a maximum of five years by 7 September 2025.

Where such a derogation concerns production or use in an installation within the scope of Directive 2008/1/EC of the European Parliament and of the Council, the relevant best available techniques for the prevention and minimisation of emissions of PFOS described in the information published by the Commission pursuant to Article 17(2), second subparagraph, of Directive 2008/1/EC shall apply.

5. Once standards are adopted by the European Committee for Standardisation (CEN) they shall be used as the analytical test methods for demonstrating the conformity of substances, mixtures and articles to points 1 and 2. Any other analytical method for which the user can prove equivalent performance could be used as an alternative to the CEN standards.

Original link:

https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13666-Persistent-organic-pollutants-PFOS-limits-and-exemptions_en

Contact us:

Shenzhen Hongcai testing technology co., LTD.

(HCT)

Web: <http://www.hct-test.com/>

Hotline: 400-0066-989T: (86) 755 8416666

Email: service@hct-test.com

Add: 1st, 2nd, and 3rd Floor, No. 30-9 Rhein Road,

Xinsheng Community, Longgang Street,

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