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und Arbeitsmedizin  
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230831 open letter to BAuA

## Open Letter on material misinformation in the Annex XV Restriction Report on per- and polyfluorinated alkyl substances (PFAS) submitted by BAuA

Dear Mrs. Rothe,  
Dear Dr. Heesche-Wagner,

on February 07, 2023, the dossier submitted by you, BAuA, and four other governmental organizations from Sweden, the Netherlands, Denmark and Norway concerning the restriction procedure for so-called PFAS was published by the European Chemicals Agency (ECHA).

The restriction proposal also concerns all fluoropolymers, which are included in the large group of PFASs to be regulated via the definition of the presence of fluorinated carbon atoms (CF<sub>2</sub> and CF<sub>3</sub>).

According to your submission, the background to this proposed regulation, which is intended to ban the manufacturing, placing on the market as well as the use of fluoropolymers, is the **persistence** of these substances, which is assessed as the "**key hazardous property**" in section 1.1.4 of the hazard assessment in the Annex XV Report.

The other potential hazards do not concern the fluoropolymers because they are not volatile, not mobile, not bioaccumulative, not toxic and no endocrine disruptors.

Thus, persistence is the main concern for regulation of fluoropolymers (**see Section 1.1.4.2. Annex XV Restriction Report "persistence as the core concern"**).

In order to be able to enforce an appropriate regulation also for fluoropolymers, alternatives were already asked for in the Calls for Evidence, which were intended to serve for the collection of information for the preparation of the dossier, and some information providers (stakeholders) also named some.

The alternatives for fluoropolymers mentioned in the dossier are essentially non-fluorinated polymers such as polyethylene (PE), polyetheretherketone (PEEK), or in the case of elastomers, ethylene-propylene-diene (monomer) rubber (EPDM).

In the proposed restriction options (RO1 and RO2), reference is made to the possibility of developing alternatives and, in the assessment of proportionality, to the fact that functional alternatives are already available for a large number of applications.

In your restriction proposal, these polymers indicated as alternatives are not subjected at any point to a necessary hazard assessment, which is, however, already absolutely necessary in the preparation of such a dossier in order to determine whether alternatives may be named as such at all.

Exactly this failure leads to the fact in your Annex XV Report that the fluorine-free polymers listed as alternatives may not be used for the substitution of fluoropolymers, because also these non-fluorinated polymers are considered very persistent according to Annex XIII REACH, as their degradation half-lives in marine, fresh or estuarine water are higher than 60 days or in their sediments higher than 180 days.

In this regard, you will find publicly available scientific papers that demonstrate this exceeding of the persistence criteria by named non-fluorinated alternatives. For example, mean degradation half-lives of polyethylene in marine environments range from 3.4 years (LDPE plastic bag) to 1200 years (HDPE pipe) (Chamas et al., 2020).

Since there are de facto no non-fluorinated polymers available as an alternative for fluoropolymers, the seemingly non validated information, provided in the Annex XV Report, represents a serious, unacceptable error.

Since the publication of the dossier, millions of companies, users, consumers and political decision-makers have been burdened with false information.

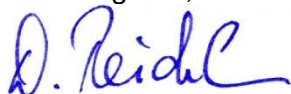
This has resulted in extreme costs and inhibited developments that, as in our case, involve future technologies.

If this process continues unchecked, for example in the field of hydrogen technology only, estimated 30 billions in investments will be destroyed in the next 10 years and millions of jobs will be lost in the long term (Hydrogen Europe Position Paper on PFAS; January 2023).

**In view of the facts at hand and the estimated costs of billions of euros that will be incurred if the process is continued, we call on you to revoke the submitted "Annex XV restriction report, Substance Name: Per- and polyfluoroalkyl substances (PFAS)" in the publication of February 7, 2023 and to exclude the fluoropolymers from the restriction process.**

Hazardous substances with carcinogenic, bioaccumulative, toxic, mutagenic or endocrine properties are not affected by this call and have to be dealt with in a separate, targeted and hazard-oriented procedure.

Best Regards,



Detlef Reichl, Dipl.Ing.(FH)  
FluorTex GmbH

**References:**

Degradation Rates of Plastics in the Environment; Ali Chamas, Hyunjin Moon, Jijia Zheng, Yang Qiu, Tarnuma Tabassum, Jun Hee Jang, Mahdi Abu-Omar, Susannah L. Scott, and Sangwon Suh; ACS Sustainable Chemistry & Engineering 2020 8 (9), 3494-3511

Hydrogen Europe Position Paper on PFAS

The importance of fluoropolymers across the hydrogen value chain, and impacts of the proposed PFAS restriction for the hydrogen sector  
([https://hydrogeneurope.eu/wp-content/uploads/2023/02/Hydrogen-Europe-position-paper-on-PFAS-ban\\_v12\\_FINAL.pdf](https://hydrogeneurope.eu/wp-content/uploads/2023/02/Hydrogen-Europe-position-paper-on-PFAS-ban_v12_FINAL.pdf))