

**PREPARED BY:**

EuRIC - The European Recycling Industries' Confederation



## **EuRIC POSITION**

**on Commission Delegated Regulation on  
amending Regulation (EU) 2019/1021 of the  
European Parliament and of the Council**

**as regards**

**perfluorooctane sulfonic acid and its  
derivatives**



# EuRIC position on EU COM proposal on PFOS limits and exemptions

15 December 2023

The European Recycling Industries' Confederation (EuRIC) strongly welcomes the objective of the European Commission's proposal to protect human health and the environments from persistent organic pollutants (POPs) prohibiting and phasing out, or restricting the manufacturing, placing on the market and use of substances subject to the Stockholm Convention on POPs.

EuRIC represents the recycling industry at a European level. Gathering the vast majority of national recycling federations from EU/EEA Member States, the Confederation represents about 5,500+ recycling companies – from market leaders to SMEs – generating an aggregated annual turnover of about 95 billion EUR by treating various waste streams such as household or industrial & commercial waste including ferrous and non-ferrous metals, end-of-life vehicles (ELVs), electronic waste (WEEE), packaging (paper and plastics), end-of-life tyres or textiles as well as waste from construction and demolition (C&D).

Although EuRIC and its national recycling federations and companies fully support the rationale of the proposal in-question, we would like to point out the importance of aligning any proposal for new limit values with the circular economy to make sure that legacy substances are being phased out without jeopardizing the 'close the loop' concept. The below text outlines EuRIC's position on the proposed Unintentional Trace Contaminant (UTC) values for PFOS and its salts as well as UTC for PFOS-related substances in substances, mixtures and articles.

## Recyclers' concerns on proposed UTC

### Introduction

The PFOS and PFOA substance group is indeed very large and encompasses many compounds, such as PFBS, that can be found in different waste electronic and electrical equipment (WEEE). With regards to Perfluorobutanesulfonic acid (CAS 375-73-5), it has been used as surfactant in plastics, construction materials as well as in textiles in order to **enhance their characteristics** such as durability, oil and water repellency and cleanability. In addition, these substances have also been introduced into other environmental media (e.g. soil) through their use. Their extensive past use shows the incredible complex nature of those substances for which European recyclers have to ensure compliance with relevant regulations (i.e., Persistent Organic Pollutants Regulation (POPs)).

### Concerns on compliance of EU recyclers with Annex I

Regarding the aforementioned POPs Regulation, EU recyclers – should they wish to recirculate the recycled materials (e.g., recycled plastics, textiles, construction and demolition waste etc.) into the market – have to comply with Annex I of the regulation (Annex I). This Annex outlines the acceptable levels of UTCs permitted in recycled materials before their utilisation in the production of new products.

Historically, the 1000 ppm UTC threshold for articles and mixtures facilitated compliance verification through methods like XRF (using the relatively easy to be used EN 62321-2-1 standard). The proposed - by a factor of 1000 - reduction poses challenges, especially for recyclers. Compliance proving via Gaschromotography MS-GC analysis is not only cumbersome (sample preparation) but also costly and time-consuming and cannot be used in the daily recycling practice.

EuRIC would like to stress that while the likelihood of exceeding the proposed threshold is low, the practicality of recyclers having to continuously prove compliance is a substantial concern. This is also connected with the lack of harmonized and – even more importantly validated - testing methods across the different laboratories which might result in slightly diverging results – increasing in that way the level of uncertainty.

In the daily practice of plastics and textiles recycling, the only possible screening method is XRF screening, that is based upon the EN 62321-2-1 standard and even if using Gaschromotography MS-GC analyses would be possible in practice, this method would not be capable to deliver results that are consistent. The only screening method that can be used on a daily basis in the recycling practice is validated on a threshold for all halogens of 1000 ppm. With regards to the recycling of C&D waste, it should be noted that while the analytical detection of individual compounds is standardized, the same is not the case of the sum of PFAS. Due to the large number of unknown PFAS compounds, correct or meaningful determination is not feasible. A threshold that is 1/1000<sup>th</sup> of this value therefore is a very serious problem for the recycling industry.

## Conclusion

EuRIC believes that the proposed reduction in PFOS concentration – although in theory is more than welcome, it will undoubtedly present practical challenges for recyclers. Due to the absence of precise, scientifically validated screening methods suitable for continuous industrial operations, recyclers cannot provide the certainty and assurance needed for their clients regarding the compliance of recovered materials with UTC values lower than 1ppm.

**For this reason, EuRIC recommends a balanced approach, considering both environmental and operational feasibility for industries involved.**