



AFFF Update . . .

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Fire Fighting Foam Coalition

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Proposed PFHxA REACH Restriction in Early Stages of Development

The European Chemicals Agency (ECHA) has initiated a consultation on a proposal by Germany for a REACH restriction on PFHxA (perfluorohexanoic acid) that could impact the future sale and use in the European Union of fluorinated class B foams such as AFFF and FFFP. The proposal is in the early stages of development and a final decision on its adoption by EU member states is not expected until late 2021. If adopted, any restrictions on the sale of class B foams would not be expected to take effect until mid-2023 at the earliest.

PFHxA has never been used as an active component in foam, however, it is a potential breakdown product of the short-chain, C6 fluorosurfactants used in modern fluorinated class B foams. Although PFHxA is classified as a PFAS substance and is persistent in the environment, it is considered low in toxicity and not bioaccumulative. Historically, persistence alone has not been a sufficient justification for restricting a substance under REACH. A previous proposal by Germany to have PFHxA listed as an SVHC (substance of very high concern) was withdrawn due to a lack of support from some EU member states.

The initial PFHxA proposal would prohibit the future sale and use of fluorinated class B foams for most uses other than military and large storage tanks. It is not uncommon for an initial REACH proposal to be extremely restrictive and then for the proposal to be modified once additional information is provided by users. For example, the initial proposal for a REACH restriction on PFOA included a maximum concentration level of 2 ppb that if adopted would have essentially banned fluorinated foams. After receiving information from users on what levels could be reasonably met, the maximum level for PFOA was set at an achievable 25 ppb in the final restriction.

The initial PFHxA proposal does not accurately reflect performance differences between fluorinated and non-fluorinated foams, and significantly underestimates the amount of time needed for a successful transition to alternatives. FFFC and other fire protection industry organizations provided extensive opposing comments and information to ECHA in May in response to the consultation

emphasizing these points. FFFC believes that at a minimum, a REACH restriction on PFHxA should include derogations (exemptions) for high hazard and life safety applications that are critical to society such as refineries, terminals, chemical plants, railways and airports.

Opportunity to Provide Comments

The public consultation on the PFHxA REACH restriction proposal began on March 25. The first deadline for comments on the restriction report was May 13, however, the comment period is open until September 25. The PFHxA restriction report and information on how to provide comments on the report can be found at the following link: <https://www.echa.europa.eu/web/guest/restrictions-under-consideration/-/substance-rev/25419/term>

FFFC would urge users of class B foams to review the report and provide comments to ECHA on their need for fluorinated foams and any evaluations they have done on alternatives.

Within three months after the public consultation closes on September 25, ECHA's Risk Assessment Committee (RAC) will adopt its opinion on whether the suggested restriction is the appropriate measure to reduce risk to human health and the environment. Around the same time ECHA's Committee for Socio-Economic Analysis (SEAC) will also publish an opinion on the proposed restriction that is subject to a 60-day public consultation. This will give foam users an opportunity to review any modifications that have been made to the initial proposal and provide additional input.

Conclusion

Fluorinated class B foams such as AFFF are the most effective foams currently available to fight high hazard flammable liquid fires in applications that are critical to society. Although the initial proposal for a PFHxA REACH restriction includes future prohibitions on the sale and use of fluorinated foams, it is in the very early stages of development and not certain to be supported by all EU member states. If the proposal is ultimately supported, it is possible it could change significantly prior to being finalized. FFFC will continue to provide input to ECHA throughout the development process and would urge users of class B foams to do the same.