



Council of the
European Union

Brussels, 17 October 2022
(OR. en)

13626/22

ENV 1021
CHIMIE 91
COMPET 798
IND 411
PHARM 160
AGRI 543
RECH 545
CONSOM 265
SAN 564
ECO 85
MI 748
ENT 142

NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Findings, obstacles and opportunities in the management of PFAS
pollution
- Information from the Belgian delegation

Delegations will find in the Annex an information note from the Belgian delegation on the above subject, to be dealt with under "Any other business" at the Council (Environment) meeting on 24 October 2022.

Findings, obstacles and opportunities in the management of PFAS pollution

- Information from the Belgian delegation -

As recognised in the Chemicals Strategy for Sustainability¹, pollution from PFAS can cause severe and, in most cases, long-lasting environmental damage, and have adverse health impacts on our citizens. Many Member States, including Belgium, have to deal with this type of persistent pollution. We already brought this important issue to the attention of the Council of 6 October 2021. We would now like to provide additional information on our experience in dealing with the PFAS crisis in the Flemish Region and address some preliminary insights and conclusions to the Member States and the EU institutions.

PFAS is present all over the Flemish Region, and doubtlessly not only there. It is detected in locations where a source is present (emission points, grounds where fire-fighting foams were used, production and use sites), but also in locations considered to be unsuspecting (nature reserves, coastal areas, agricultural zones). We are faced with very diffuse PFAS pollution, the source of which we are not always able to identify. This poses challenges for our environmental policy, as it is often based on tackling pollution at source (emission reduction), prevention, and restoration (remediation of polluted sites, etc.). We would also like to point out, by way of sharing experiences, the major efforts made by the Flemish Region **to tackle the (historical) pollution**. This implies a significant deployment of people and resources.

Furthermore, because these substances are persistent, they are omnipresent in several compartments of our environment and we can observe that the levels of PFAS concentration in surface water, groundwater and drinking water are gradually increasing. Although threshold values have been adopted to ensure a high level of health protection², the techniques available to purify this water to the required low concentrations are still limited.

¹ Doc. 11976/20 + ADD 1 – COM(2020) 667 final + Annex.

² An example would be the threshold value adopted by EFSA for the tolerable weekly intake of 4.4 ng/kg body weight/week.

The **setting of standards for emission values** is determined on the basis of (eco)toxicology and exposure, which must remain the case to ensure the necessary high protection of health and the environment. However, even with the application of the best available techniques, we expect problems in implementing and enforcing these standards.

PROPOSAL: NEED to OBTAIN FAR-GOING RESTRICTIONS FAST, A SYSTEMIC APPROACH, GOOD PRACTICES AND IMPROVED INFORMATION EXCHANGE.

Without prejudice to our international commitments regarding the Stockholm Convention on Pollutant Organic Persistent Chemicals and the EU Regulation implementing it, which strictly addresses issues related to certain PFAS (i.e PFOS, PFOA, PFHxS), we would put forward some critical issues on PFAS and their impact.

To tackle PFAS pollution, we need measures that cover the whole value chain in a systemic way: prevention of production and use, minimisation of emissions in the environment, remediation, management of materials containing PFAS and destruction of PFAS residues.

We believe, therefore, that one of the first measures to adopt as soon as possible to prevent the spread and accumulation of PFAS pollution involves far-going restrictions on the production and use of PFAS.

Additionally, achieving ‘zero pollution’ for PFAS is only possible if, in each relevant piece of legislation, the specific properties of PFAS are considered (as the case may be, persistent, bioaccumulative, mobile and/or toxic), and if a coordinated approach at European level is followed. This systemic approach is intricately linked to a large number of European regulations and initiatives: the current revision of the Industrial Emissions Directive (IED) (BREFs should focus more on dangerous substances and SvHC, including PFAS), the announced tightening for polluting substances within the EU Water Framework Directive (WFD), the expected proposal for an EU Soil Health Law and the proposed approach for contaminated sites (see the various PFAS-polluted sites in our country and in several other EU Member States). It is already clear that the proposals for new environmental quality standards (for PFAS in particular) in the EU WFD will be considerably lowered.

The collection of usable and rapidly applicable knowledge has been partly achieved (e.g. local BAT studies have been developed) but remains an important objective. There is still a substantial need for further exchanges of information/experience on the topics of sanitation methods/approaches and handling of waste containing PFAS (including setting limits for organic biological waste used to obtain soil-improving substances). Since we are gathering knowledge rather fast, we sometimes lack information on their effectiveness.

Furthermore, we would also like to mention issues relating to return drainage, reuse of soil and soil materials, uses of excavated land in accordance with Belgian domestic law and European regulations, such as the POP Regulation.

In relation to the PFAS-approach in the Flemish Region, we intend to share more information in the near future about some envisaged practices and their impact. On this occasion we will focus on (bio)monitoring, remediation techniques, permitting, enforcement, and information sharing regarding polluted sites (see the Flemish “PFAS-Verkenner”:
<https://www.dov.vlaanderen.be/portaal/?module=pfasverkenner>).

In view of the challenges and difficulties that we will all have to overcome, Belgium wishes to initiate an exchange of views on how to ensure full compliance with the soon-to-be-adopted standards and on how we can therefore deal with these legacy PFAS issues in the most appropriate way.

Belgium would like to highlight the need to initiate exchanges of views on the way forward to ensure health safety and environment quality, good water status, safe soil reuse and legal certainty. Discussions on how to overcome technical limitations to do so (e.g. on decontamination of soil and organic matter before re-use) are necessary.