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Report

Tackling PFAS pollution: a pro-active and systemic approach

Date: 1.02.2024

Moderator: Tom Boonen (Flanders Environment Department)
Reporter: Jan Baeten (Flanders Environment Department)

Subject: Best available techniques, innovative techniques and BREF's

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1 BAT, INNOVATION AND PERMITTING

BAT as the minimum for permitting, with two recent Flemish BAT-studies on PFAS abatement techniques as examples. When is BAT not enough? What role for innovation within and beyond the permit to ensure a high level of protection of the environment.

- PFAS treatment in industrial wastewater

Presentation by Annelies Baert – Flanders Environment Department – see annex 1.
During the presentation, there was no possibility to ask some questions, speakers were available after the session, during the coffee break for clarifications or questions.

- Prevent and limit PFAS emissions to air

Presentation by Vicky Demeyer– Flanders Environment Department – see annex 1.
During the presentation, there was no possibility to ask some questions, speakers were available after the session, during the coffee break for clarifications or questions.

2 HAZARDOUS SUBSTANCES AND BREFS - RECOMMENDATIONS FROM THE HAZBREF PROJECT

BREF's and hazardous substances - how to improve the Seville process and output. How can we ensure future BREF's, with impact in all EU member states (and beyond), will be more relevant on addressing reduction of releases of hazardous substances and support the use of less toxic chemicals. How can the updated Industrial Emissions Directive (IED) contribute and have a positive effect on BREF's. What can be done to improve the Seville process (process of BREF making) and how does this affect the update of the BREF Guidance.

Presentation by Kaj Forsius– Finnish Environment Institute (SYKE) – see annex 1.
During the presentation, there was no possibility to ask some questions, speakers were available after the session, during the coffee break for clarifications or questions.

3 PANEL DISCUSSION

- Panel:
    - European Commission, DG Environment (DG ENV) – Camille Siefridt
    - Hazardous Waste Europe (HWE) – Nicolas Humez
    - European Environment Bureau (EEB) – Aliki Kriekouki
    - Finnish Environment Institute (SYKE) – Kaj Forsius
- Moderator: Flanders Environment & Spatial Development Department, Belgium – Tom Boonen

1. Opening statements

DG ENV: the IED is one out of many tools that together manage hazardous chemicals at EU level: REACH and CLP regulations, water framework directive, air quality directives and the strategy for soils monitoring. A decision from the Commission on the proposed PFAS restriction could be taken in 2025-2026.

SYKE: Traditional parameters are covered in the BREFs but we need new ways to address chemicals, hence the new requirements of the IED that highlight the new responsibilities of the operator. The new IED en REACH complement each other.

HWE: The waste sector treats pollution of other sectors including dealing with legacy chemicals. Looking for solutions. The risk of public pressured policy is waste treatment in unofficial circuits. We need data.

EEB: A EC 2019 study on BREFs pointed out that only 15% contain information on chemicals with only 4 sectors with the issue well covered. Only one BREF has quantitative information (FDM). The CAK BREF is a rare example of a direct phasing out (mercury cells).

2. **It is key to collaborate to solve the complex puzzle.**

DG ENV: We need to get more information ahead of the BREF's on SVHC in industrial releases in air and water from various IED activities. The Commission will launch a project in 2025 to collect data on existing literature in 2024, to identify the potential gaps.

EEB: It is important to focus on the most relevant sectors like surface treatment and waste treatment.

3. **As the Seville process is a data driven process, we have to ensure that relevant data is available.**

SYKE: Frontloading is key. Industries are willing to tackle chemicals because of public awareness. Chemicals providers have data. ECHA has a lot of data too, their involvement in the BREFs is needed, as is foreseen now.

HWE: Provisions on handling of CBI (confidential business information) can resolve problems on data from industry perspective but sectors have different views on the issue.

4. **Innovation is very important and can be a driver. The chemical inventory will offer member states information on the need to prevent or reduce the emissions of SVHC through risk assessments and assessments to substitute SVHC. How can we ensure innovation is shared?**

DG ENV: The IED revision strengthens the consideration on hazardous chemicals. An environmental management system (EMS) like EMAS provides public information. A chemical management system (CMS) is a requirement of the EMS. The EMS obligation is not new.

5. **What is zero pollution and is it realistic?**

SYKE: We are talking about a wide variety of chemicals and different measurement methods. When it comes to the most hazardous (toxic, persistent) substances we should aim at zero emissions.

HWE: Zero pollution is the end goal. We should be phasing out certain substances but it probably will never be really zero, always a value below a certain limit.

EEB: Zero pollution aims at detection level. We have to improve techniques with BREF revisions and apply a uniform approach in BREF's.

6. **Question from the audience: industry can be wary of reputational risk when sharing data, how can we prevent this?**

DG ENV: The issue will be addressed in the BREF guidance that will be revised soon.

SYKE: More emphasis should go to the frontloading process.

EEB: Some data is restricted for NGO's. Data providing must be supported.

4 KEY MESSAGE

BAT are considered as a minimum standard for permits (potentially not enough on hazardous substances of concern). And of course BREF's and BAT-conclusions are not the only solution, they are an important part of the puzzle to protect the environment and human health from HSOC.

Availability of information is key for an adequate and proportionate response to safeguard not only the environment, but potentially also public health. As BREF's are used throughout Europe and beyond, they can play an important role in substance awareness and substation.

Information is key both for competent authorities and operators be it in permits/EMS/chemical product information ... To ensure availability of information the IED 2.0 provides some tools, without neglecting confidentiality of specific information or the responsibility of the operator. As the Seville process is a multi-stakeholder collaborative process, all tools are there to tackle the problem in a joint effort using an improved BREF methodology within the updated Industrial Emissions Directive (IED) framework.

5 ANNEXES

ANNEX 1 – Presentations

- Department Omgeving _Annelies Baert_Vicky Demeyer
- Finnish Environment Institute Syke _Kaj Forsius_Emmi Vähä

ANNEX 2 - List of participants

Flemish Government (Departement Omgeving, OVAM, VMM, Departement Mobiliteit en Openbare Werken, Department for Business and Trade), 3M Belgium bvba, ABO nv, ACLAGRO, Advocatenkantoor De Coninck, AECOM Belgium BV, Agoria, Allnex Belgium, Aquafin NV, Atlas Copco, BASF Antwerpen, Bayer Agriculture bv, Belgische Baksteenfederatie, bioMérieux SA, BK-Ecosys, Bond Beter Leefmilieu, Brussels Airport Company, CEBEDEAU, Change Chemistry, CHEM Trust, Chemours, Chemviron NV, CONDR, daa, Dancet Company BV, DEME, Desotec NV, Devagro, DWS, ERM, Essenscia, ESVM for ACEA, European Commission, , ExxonMobil Petroleum & Chemical BV, Fedustria, Finnish Environment Institute Syke, FPS Health, food chain safety and environment, German Environment Agency (UBA), Ghent University, HAZARDOUS WASTE EUROPE, iFLUX, Imec, Indaver, Industrious Law, Ineris, Injectis, InOpSys, IUW Integrierte Umweltberatung, Jan De Nul / Envisan, KoBae Trading & Consulting CommV, KULeuven, LANXESS Belgium nv, Leefmilieu Brussel, Materia Nova, Novartis, Panasonic Europe, Provincie Zeeland, Ramboll, RCS Environmental Solutions, Renewi, Rudy Dams Consulting, Salesforce, Sarpi BeNe (Veolia), Sarpi Remediation, Sciensano, SGS Belgium NV., Sodecon NV, SPAQUE SA, Stad Antwerpen, Tauw België nv, Tectero BV, TotalEnergies, Tractebel Engineering, Universiteit Hasselt, Veolia, VITO, VIVAQUA, VOBAS, Voka - Kamer van Koophandel Antwerpen-Waasland, water-link, Witteveen+Bos