Minority Position on Restriction Dossier on TDFAs

I, the undersigned, take a minority position based on the following arguments/justifications:

Overall I consider that the information on alternatives to the restricted chemicals and on their risk not does not allow SEAC to assess if the restriction is proportionate. Given the lack of information on which alternatives would be adopted and on their hazards and risks, and on the identity of chemicals that are actually at the origin of past human health incidents, it is unclear whether the proposed restriction would increase or decrease the risk for consumers (or create a risk for workers). There is a possibility (of unknown probability) that reported incidents (or part of them) are caused by an alternative that the proposed restriction could encourage. If, as assumed in SEAC opinon, 20% to 40% of incidents are related to exposure of TDFAs in organic solvents, then up to [60% ; 80%] could be related to some of the alternatives that are not in the scope of the proposed restriction.
A robust risk management strategy would have been in my view, to take more time to collect more information on the composition of products that caused the incidents, of products currently on the markets, on the most likely alternatives with more accuracy regarding their chemical identity, and their hazards and risks. This could lead to propose a restriction with a wider scope in terms of chemicals, including several of the chemicals that will remain possible alternatives under the current proposal. Sustainable substitution must be based, in the first place, on an acceptable level of knowledge of the hazards and risks of alternatives, which is not met in this case in my opinion.

More in detail :

- Two of the potential alternatives (alternative application methods, water-based mixtures containing TDFAs) are clearly less hazardous but it is not known the extent to which they have been and/or will be taken up by the supply chains.
- The chemical definition and the hazards of the other alternatives appear to be very uncertain :
    - The Background Document (BD) states that no information is available for human toxicity of TFDAs of other length chain, and it is not unlikely that these alternatives would have some effect. There is no data on which other TFDAs would be used as alternatives (in terms of chain lengths), and the Dossier had to assume that shorter length chain TFDAs would be used. Environmental hazard assessment is based on this assumption,

and even for these shorter length chain chemicals, it is impossible to know if effects would be better or not.

- Regarding non-fluorinated siloxanes, the BD reports they are a complex family, and that it is unknown which will be used as alternatives. The BD assumes that most likely to be used would be linear non-fluorinated siloxanes and that they are the less documented. The BD reports on a conclusion of no risk to using these linear non-fluorinated siloxanes based on an ECETOC report while this report does not appear to have been scrutinized by other experts.
- Other possible alternatives are PFAS, without information on which specific members of that family would be used, whereas it is likely that several of these chemicals are persistent, and might also be toxic. It is unclear and not assessed whether this alternative would have a more favorable PBT profile than the restricted chemicals.

RAC could not explicitly conclude on the hazards and risks of the alternatives, and SEAC opinion endorses the unproven assumption by the Dossier Submitter that they would have a lower impact, while the BD reports the significant unknowns briefly summarized above.

For all the reasons above, the baseline and the restriction scenarios for the proportionality assessment are not sufficiently established, and since they are the basis for costs/benefit and proportionality assessments, I find that SEAC assessment of the proposed restriction is not reliable.

19th of July, 2017

Jean-Marc BRIGNON

SIGNED