

Criteria used to identify Persistent, Mobile and Toxic (PMT) chemicals for protecting groundwater.

1. Background

In Spring 2017 the German Federal Environment Agency announced its intention to establish a new category of “Substance of Very High Concern” (SVHC) under the REACH Regulation, following significant groundwater contamination incidents in Germany (caused by disposal of waste paper sludge to land) and Sweden (from a fire-fighting foam training area). It addresses some types of highly fluorinated chemicals that do not meet the current SVHC criteria outlined in Article 57 of REACH (see appendix), but will have wider applicability. SVHCs are a high priority for risk management at EU level¹.

The proposal suggests that Persistent, Mobile and Toxic (PMT) or Very Persistent and Very Mobile (vPvM) chemicals pose an equivalent level of concern to other SVHCs (in particular Persistent, Bioaccumulative and Toxic (PBT) or Very Persistent and Very Bioaccumulative (vPvB) substances²). The original aim was to protect drinking water sources for human consumption, but the latest iteration includes surface waters too.

The concept and draft criteria have been presented to REACH-related meetings, and there was a stakeholder workshop in March 2018. The Environment Agency has co-ordinated input to these discussions from government officials with responsibility for drinking water and groundwater protection. Formal EU agreement that this concept is a high priority from a policy perspective has yet to be reached, and there has been no detailed technical discussion of the draft criteria either.

¹ REACH Registrants are responsible for demonstrating safe use for the substances they supply. SVHC identification triggers reporting obligations on industry under some circumstances. SVHCs are periodically prioritised for inclusion on the authorisation annex, and regulatory authorities can propose restrictions. Potential SVHCs are the main focus of EU substance evaluation activities. They may also be prioritised under the Water Framework Directive, and have implications for waste handling in the circular economy.

² Regulators assume no safe exposure level exists for PBT/vPvB substances because of the unpredictable nature of their potential effects. Risk management therefore focusses on minimising emissions.

2. Questions for the Committee

HSAC is invited to review the proposal and existing UK responses, to answer the following questions:

- Does a PMT substance pose an equivalent level of concern to a PBT substance?
- Should the risk management response be to minimise emissions, or is a quantitative risk assessment approach based on a threshold of acceptable exposure (e.g. drinking water standard or equivalent) appropriate?
- Should a substance that meets the vPvM criteria be considered in the same way as a PMT substance for risk management purposes, regardless of its toxicity?
- Do you have any views on the draft criteria?

3. Reference documents

HSAC1805_Anx.1

German proposal for Persistent, Mobile and Toxic (PMT) and very Persistent, very Mobile (vPvM) substances registered under REACH.

This can also be found at the link below:

<https://www.umweltbundesamt.de/en/publikationen/protecting-the-sources-of-our-drinking-water-from>

HSAC1805_Anx.2

Response from the Environment Agency on the PMT/vPvM proposal.

HSAC1805_Anx.3

UK CA comment on the proposal for criteria to identify Persistent, Mobile and Toxic (PM or PMT) substances as proposed by Germany.