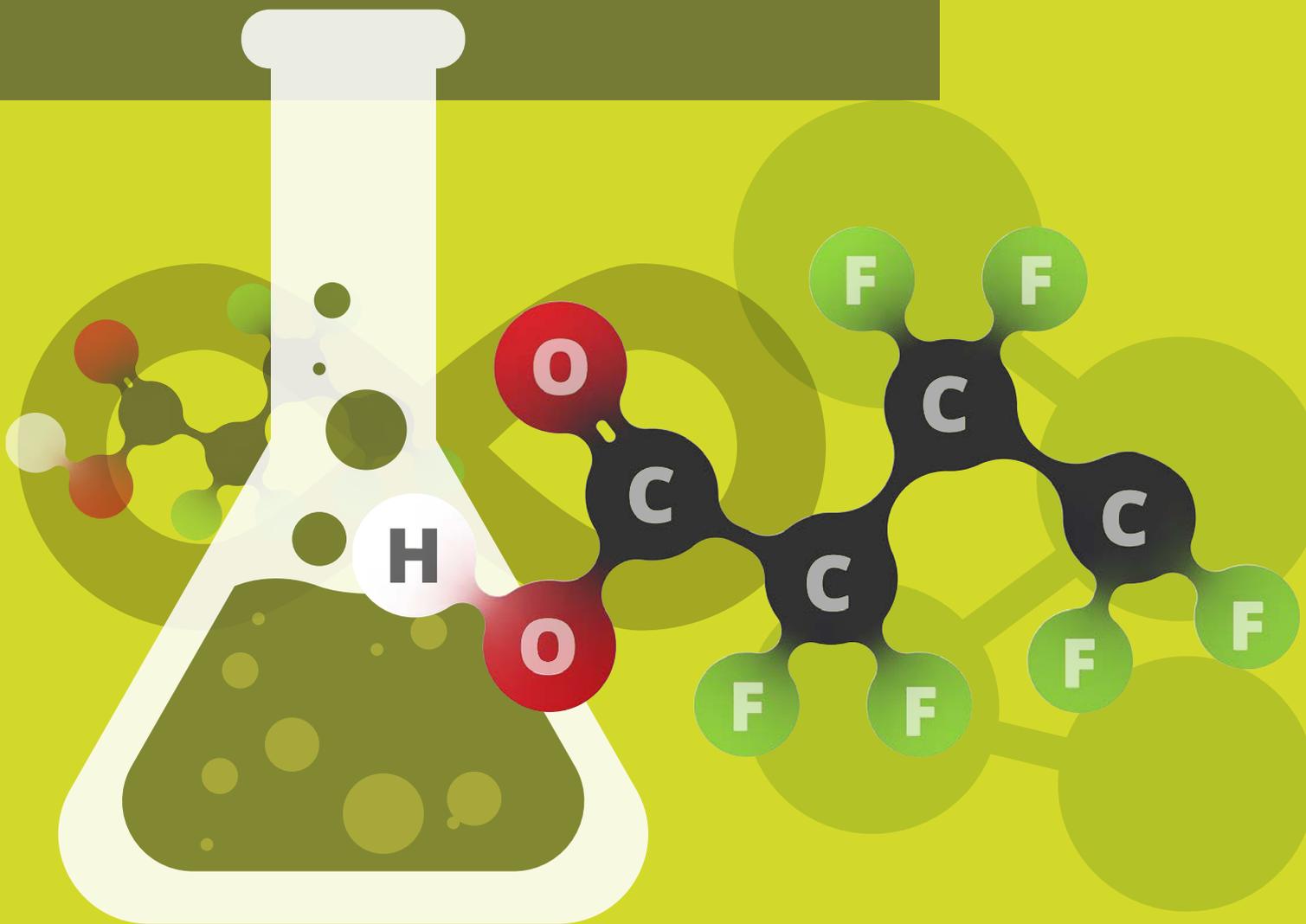


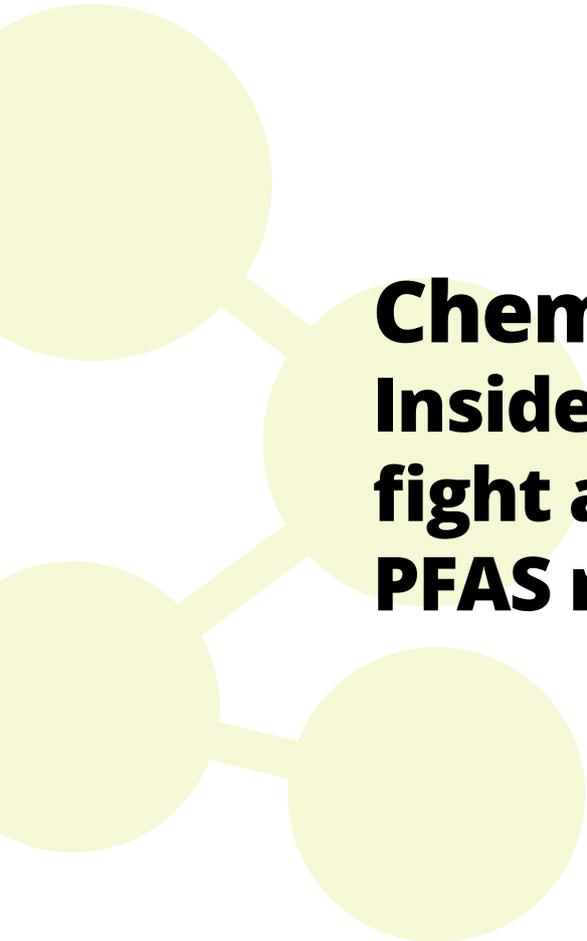


Corporate
Europe
Observatory

Chemical reaction:

Inside the corporate
fight against the
EU's PFAS restriction





Chemical reaction: Inside the corporate fight against the EU's PFAS restriction

SUMMARY

The EU proposal to restrict PFAS – or ‘forever chemicals’ – is at serious risk of being hijacked by corporate lobbying. Today industry lobbies from Europe and across the world are targeting the European Commission to protect their PFAS substances, products, equipment, and profits, despite the overwhelming evidence of the disastrous human health and environmental consequences of the pollution that they cause. And there are very worrying indications that the Commission is planning to deliver what industry wants.

These findings by Corporate Europe Observatory concur with a cross-border collaboration entitled the [Forever Lobbying Project](#) with 46 journalists in 29 media partners from 16 countries exposing the PFAS clean-up costs and massive corporate lobby campaigns underway across Europe to stop an ambitious proposal to ban thousands of these man-made, harmful chemicals.

As well as analysing the biggest and most active corporate lobbies on PFAS, and their lobby tactics, we explore how some at the highest levels of the Commission are actively encouraging corporate lobbies and already offering reassuring indications to them about future decision-making. A survey of 15 Commission directorates-general has revealed that there are no special measures in place to protect its decision-making on the proposed universal PFAS restriction. Instead the Commission largely focussed its responses to our survey on justifying its contacts with industry.

Furthermore it is clear that much of the industry lobbying on the proposed PFAS restriction is based on misleading or hyperbolic arguments. Too often officials and politicians are seen to parrot these.

Overall this corporate lobbying and the Commission's willingness to entertain it risks undermining the scientific process being led by the European Chemicals Agency, in accordance with the REACH regulation, to assess the proposal to restrict PFAS. Indeed the weakening of political support for a strong PFAS restriction within the second Commission led by President Ursula von der Leyen, and the growing political support enjoyed by the PFAS industry, especially in Germany, mean that today the universal PFAS restriction is at serious risk of corporate capture.

This fits the pattern of recent decades whereby the chemicals lobby has derailed or watered down legislation aimed at getting the most harmful chemicals out of the EU marketplace. The strategies and tactics of the PFAS lobby are very reminiscent of the influencing operations of other corporate lobby campaigns, especially from toxic sectors such as tobacco and fossil fuels.

Our conclusion is clear: if we want to protect people's health and our environments, and defend the integrity of decision-making on PFAS, we need to stop this 'forever lobbying'. It is not too late for EU bodies, especially the Commission, to deliver a robust universal PFAS restriction, but it will require a different approach, including new lobby and transparency rules to protect the public interest.

The Forever Lobbying Project

The cross-border investigation '[Forever Lobbying Project](#)' was coordinated by *Le Monde* and involved 46 journalists and 29 media partners from 16 countries: *RTBF* (Belgium); *Denik Referendum* (Czech Republic); *Investigative Reporting Denmark* (Denmark); *YLE* (Finland); *Le Monde* and *France Télévisions* (France); *MIT Technology Review Germany*, *NDR*, *WDR* and *Süddeutsche Zeitung* (Germany); *Reporters United* (Greece); *L'Espresso*, *RADAR Magazine*, *Facta.eu* and *La Via Libera* (Italy); *Investico*, *De Groene Amsterdammer* and *Financieele Dagblad* (the Netherlands); *Klassekampen* (Norway); *Oštro* (Slovenia); *DATADISTA / elDiario.es* (Spain); *Sveriges Radio* and *Dagens ETC* (Sweden); *SRF* (Switzerland); *The Black Sea* (Turkey); *Watershed Investigations / The Guardian* (UK), with a publishing partnership with [Arena for Journalism in Europe](#), and in collaboration with lobby watchdog Corporate Europe Observatory.

The investigation is based on over 14,000 previously unpublished documents on 'forever chemicals' PFAS. The work included filing 184 freedom of information requests, 66 of which were shared to the team by Corporate Europe Observatory. Our requests were to the European Commission directorates-general, the chemicals agency ECHA, and member states' permanent representations in Brussels. For more information on these requests and for links to the documents obtained see annex 1 and 2.

The investigation expanded on the 'expert-reviewed' journalism experiment pioneered in 2023 with the Forever Pollution Project by forming an expert group of 18 international academics and lawyers. The project received financial support from the Pulitzer Center, the Broad Reach Foundation, [Journalismfund Europe](#), and [IJ4EU](#). Website: <https://foreverpollution.eu>.

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Acknowledgements

Annual European health-related costs for exposure to PFAS estimate

€52-84 BILLION

Human health impacts likely to include liver damage, decreased fertility, and cancer

THE PFAS POLLUTION CRISIS

23,000+ contaminated sites across Europe

Annual European environmental PFAS clean-up costs estimate

€100 BILLION+

PFAS pollution found in animals, air, waters, soils, plants

Sources:
<https://foreverpollution.eu/lobbying> and
<https://norden.diva-portal.org/smash/get/diva2:1295959/EUULLTEXT01.pdf>

1. INTRODUCTION

1.1 The what, where, why of PFAS

If you live in Dordrecht, the Netherlands the [advice](#) is to not eat eggs from domestic chickens. If you live in Thornton Cleveleys, UK you must [wash](#) and peel local vegetables before eating them. In Zwijndrecht, Belgium, blood samples from local citizens [showed](#) that 90 per cent contained PFAS at levels likely to affect their health.

What these communities, and others in Europe and elsewhere in the world, all have in common is that they live on the doorstep of major chemicals plants that are producing, or have in the past produced, PFAS (per- and polyfluoroalkyl substances). PFAS are chemicals used in our water-proof coats, cookware, and cosmetics. They are also in fridges, air conditioning, and asthma inhalers, as well as being used in industrial manufacturing.

This large class of more than 10,000 man-made substances, in production since the 1940s, contain carbon-fluorine bonds which are one of the strongest in organic chemistry, and they have huge implications for human health, the climate crisis, and the environment. They are hard-wearing and persistent hence their nickname 'forever chemicals'. PFAS – the original substances and those that they degrade into such as [trifluoroacetic acid](#) (TFA) – [may persist](#) in the environment longer than any other man-made chemical. This persistence property, which explains why so many manufacturers use them (and why so many chemicals companies produce them), also explains the pollution that they create: it is impossible to completely remove them from the environment. As Michael Regan, head of the US Environmental Protection Agency has [said](#): "What started as a so-called miracle, a technological breakthrough thought for its practicality, quickly degenerated into one of the most pressing public and environmental health problems of the modern world".

Today PFAS are everywhere. Literally everywhere. They are in practically [all human bodies](#), even unborn babies. As the Health and Environment Alliance (HEAL) [has reported](#), exposure to PFAS has been linked to kidney and testicular cancer, high blood pressure and pre-eclampsia, thyroid disease, liver damage, lower birth weight and size, immune effects, and hormone disruption. Young children, people who are pregnant, breastfeeding or wishing to become pregnant, immunocompromised people, and the elderly are especially at risk.

PFAS are also found in [animal species](#) across the world. They are found in the ice of the [Arctic](#) and penguins' eggs in the [Antarctic](#). They have contaminated our [food](#) and [drinking water](#). Studies show that PFAS are in most [soils](#) and streams, and the [air](#) we breathe. This problem affects us all, no matter where we live.

In 2023 the groundbreaking investigation [Forever Pollution Project](#) identified 23,000 PFAS-contaminated sites just in Europe, with 20 manufacturing facilities and more than 2,100 sites considered to be "PFAS hotspots". These include military and other sites where fire-fighting foams have been extensively used. There are another 21,500 presumptive contaminated sites in Europe, a

figure that will grow as authorities undertake more [mapping and testing](#). And this situation is surely replicated across the world.

Local communities near PFAS production sites face high-levels of contamination. Also on the frontline of PFAS pollution are the [workers](#) at the plants which make these chemicals. While an under-researched area, studies [show](#) massively elevated levels of PFAS in chemical workers' bodies, with workers who use PFAS in manufacturing or who use PFAS professionally (ie. fire-fighters) also at huge risk of exposure. A [study](#) at a Chinese factory making textiles with PFAS showed an inhalation rate for workers five times greater than for general populations.

1.2 We can't afford to clean up PFAS pollution

We need to act and we need to act now to stop PFAS pollution accumulating further. It is [estimated](#) that a further 4.4 million tonnes of PFAS will end up in the environment over the next 30 years unless action is taken. And there is neither the funding nor the scientific know-how to effectively clean up this pollution at scale.

While the impacts are not easy to quantify, just some health-related costs for exposure to PFAS across Europe have been [estimated](#) at €52-84 billion per year, for potential consequences such as liver damage, decreased fertility, and cancer. And the monetary figures are quite aside from the suffering caused.

The '[Forever Lobbying Project](#)' has calculated the costs of PFAS remediation in Europe. Over 20 years, to remediate 'legacy' PFAS¹ the costs could be approximately €95 billion. But this figure assumes that only PFAS which received the first regulatory attention were a problem and that their emissions would stop immediately. Unfortunately both of these assumptions are incorrect. Instead, to remediate ongoing emissions of forever chemicals, including those of difficult-to-remediate PFAS such as TFA, we are looking at a bill, over 20 years, of more than €2 trillion. Remediation of ongoing PFAS emissions would continue to cost over €100 billion per year in perpetuity. Furthermore these calculations do not include a wide variety of unknown costs due to the lack of knowledge and data sources, meaning they are underestimates. Urgent innovation is needed to lower these remediation costs, but the most economical option is, of course, to turn off the PFAS tap.

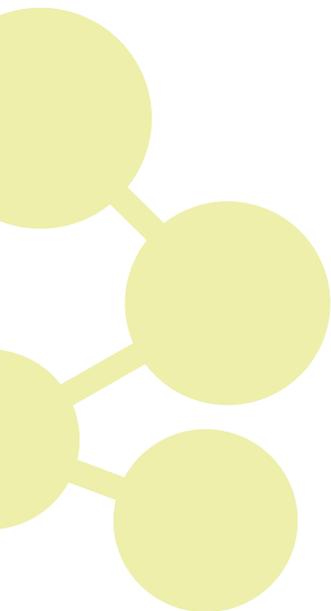
Box A Why we need to stop creating 'forever pollution'

Claudia Marcolungo, a professor of environmental law at the University of Padua, Italy told Corporate Europe Observatory how the PFAS pollution crisis in [Veneto, Italy](#) came about – and how vital it is that we have a universal restriction on PFAS in place as soon as possible to prevent such a crisis being visited upon other regions of Europe.

"The production of PFAS substances here began in the 1960s but disastrously the Miteni chemical plant was located above one of the biggest groundwater deposits in all of the EU. And we can see now the effects of this," Marcolungo says. She works with [Mamme No PFAS](#), a group of local mothers who have endeavoured tirelessly with scientists and academics to map the 'forever pollution' from this plant and to create awareness. Today it is known that more than 350,000 people lived with PFAS-contaminated water supplies and are currently living in a zone with polluted soil, surface waters, air, food, and irrigation. A bio-monitoring project of over 18,000 residents showed high levels of PFAS in their bodies.

Miteni was part-owned by major Japanese company Mitsubishi between 1988-2009 when it was sold for one euro to the Luxembourg-based [International Chemical Investors' Group](#) who managed the site until 2018 when it was declared bankrupt. The local public authority has requested that the previous owners including Mitsubishi provide emergency measures such as preliminary barriers to stop the contamination at the site, but they are not sufficient and the contamination, while reduced, is still ongoing. PFAS production has stopped at the site but, shockingly, the plants have been transported to India where production of the same PFAS is underway.

¹ Legacy PFAS include PFOS (Perfluorooctanesulfonic acid) and PFOA (Perfluorooctanoic acid), both substances which have been regulated under the [Stockholm Convention on Persistent Organic Pollutants](#) and other frameworks, including at the EU level.



Marcolungo says that while the EU's proposal to regulate PFAS will not tackle the existing contamination in the Veneto, it is "absolutely necessary for the future", to prevent history from repeating itself elsewhere. She argues that while some contamination can be cleaned up, it cannot be dealt with completely, including in soils used for agriculture. "Our experiences should encourage everyone in Europe and beyond to push to stop PFAS production as we don't yet know the full adverse affects of PFAS pollution."

1.3 Robust regulation is long overdue

Despite the PFAS pollution crisis, the regulation of these chemicals remains decidedly patchy. A global treaty signed in 2001, the [Stockholm Convention on Persistent Organic Pollutants](#), helped phase out some specific PFAS. But very regrettably corporations substituted these banned substances with other PFAS or products that break down to PFAS. Today many, many other PFAS remain in use including some fluorinated gases (F-gases, used in air-conditioning and refrigeration for example), fluoropolymers ('plastic' PFAS with various industrial uses due to their properties such as temperature resistance, waterproof, non-stick), and perfluoroalkyl acids (used in fire-fighting foams).

PFAS are used in consumer products as well as industrial and commercial settings, and all uses are problematic. Based on past experiences it seems clear that any future PFAS regulations must be fully comprehensive and avoid substitutions with other problematic substances.

Around the world governments are slowly waking up to the need to regulate PFAS, and to do so quickly. In the US, federal regulations are in place for some PFAS found in [drinking water standards](#), while numerous states have or will regulate PFAS in [consumer products](#). It is [not yet clear](#) whether some of this progress will be threatened by the incoming Trump presidency.

Several EU member states are taking regulatory action. In Denmark the [national action plan on PFAS](#) has cross-party support and includes plans for a ban on PFAS in clothing, resources for PFAS clean-up, and other actions. In France a bill to ban the use of PFAS in cosmetics, clothing textiles and ski waxes had been [making progress](#) through the parliamentary system but, according to the [MP](#) promoting the bill, as of November 2024 it is now blocked by political allies of the government.

At the EU level a major regulatory effort is now underway, and this is the focus of this report. Five countries (Denmark, Germany, the Netherlands, Norway, and Sweden) have made a [proposal](#) to introduce an EU-wide universal PFAS (uPFAS) restriction to ban the manufacture, sale, and use of PFAS, including for both industrial and commercial uses. Importantly the proposal groups all PFAS substances with similar properties together in an effort to speed up regulation and to ensure that a banned substance is not replaced with a similar but unbanned substance. This is vital: addressing these substances one-by-one would be [disastrously time-consuming](#).

The uPFAS proposal is being introduced under the existing [REACH chemicals regulation](#)² and is currently being assessed by the scientific committees of the European Chemicals Agency (ECHA). Their reasoned opinions will eventually be passed to the Commission which will draft a revised proposal, upon which member states will make a final decision. This final decision was originally expected in 2025 but that is now highly unlikely.

After adoption, there is likely to be an 18 month transition period for all PFAS uses to be phased out, except for some uses where substitutes are not currently available, which will be granted additional 5 or 12 year 'derogations'. Derogations already foreseen in the current uPFAS proposal include in the medical devices, food production, fuel cell, and natural resource extractive sectors. Some PFAS uses, such as those in pesticides, have been fully exempted from consideration under this proposal and will, [unfortunately](#), remain unaffected, although it is very welcome that the Commission has recently announced plans for a [separate ban](#) on flufenacet, produced by Bayer and BASF, and flutolanil, which are both [PFAS pesticides](#).

² REACH – the EU's flagship chemicals regulation from 2007 – is the registration, evaluation, authorisation and restriction of chemicals. It aims to improve the protection of human health and the environment through the better and earlier identification of the intrinsic properties of chemical substances.

1.4 They knew

This report looks at the lobby battle that is currently underway with the producers and users of these harmful substances fighting to keep their products on the market, in everyday products and industrial processes. In their responses to the ECHA consultation on the uPFAS proposal, and in their wider lobbying, corporations and their allies are effectively asking us to trust them, to trust that they tell us the truth when they say that their use of PFAS are essential to society, the EU's green transition, and European digital transformation. They ask us to trust them when they say that they can prevent future PFAS emissions and that there are few safe, effective alternatives to PFAS. But can we really trust them?

Some companies producing PFAS have known for decades about the toxicity of these chemicals. According to documents analysed by the Dutch documentary show *Zembla*, DuPont (an early producer of PFAS since the 1940s when it first patented Teflon) [knew](#) 30 years ago that it was seriously contaminating the groundwater under the Dordrecht plant in the Netherlands, and in the surrounding area, with large quantities of toxic and carcinogenic PFAS. Similarly [investigations](#) by *France 3 Rhône-Alpes* have shown that [Arkema](#), a major French PFAS producer with a plant in Pierre-Bénite, near Lyon, had been aware of the dangerous nature of PFAS since at least the late 1990s and that it could have limited the spread in the environment as long as 10 years ago.

Academic [analysis](#) of previously secret documents from DuPont and 3M (another major PFAS producer since the 1950s which has more recently [announced](#) that it will cease PFAS production by the end of 2025) showed that companies knew PFAS were “highly toxic when inhaled and moderately toxic when ingested” by 1970, 40 years before the public health community. The analysis further notes that the industry used several strategies also common to tobacco, pharma, and other industries to influence science and regulation, including “suppressing unfavorable research and distorting public discourse”. In 2024 US investigative reporter Sharon Lerner, who has been at the forefront of exposing corporate cover-ups on PFAS, explained to the [The Daily Show](#) what 3M knew and when about its PFAS pollution, while the 2019 movie [Dark Waters](#) starring Mark Ruffalo featured the true story of how lawyer Robert Bilott took on DuPont over its PFAS pollution.

Meanwhile recent [revelations](#) by Lighthouse Reports and newsrooms around the world have provided further evidence about the despicable tactics that the agro-chemicals sector can resort to when trying to influence the regulations which threaten to ban their products.

1.5 Key findings

This report exposes the lobby battle underway at the EU level on the uPFAS proposal. As we shall see, the PFAS industry's lobby tactics include: face-to-face lobbying across the Commission and other decision-makers; mobilising allies and creating echo chambers to amplify its lobby agenda; deploying lobby consultancies and law firms; funding ‘impact assessments’ and other industry-favourable studies; targeting MEPs and regional decision-makers; promoting voluntary schemes as part of its opposition to tough regulation; and most shockingly of all, using spin, and scaremongering in their campaigns. In particular this report will show how:

- **The European Commission's initial ambition to tackle PFAS and other chemical pollution has been downgraded in recent years, with industry arguments being adopted at the highest levels in the Commission.** The wish to support the chemicals sector and other intensive energy users since the 2022-23 energy price hikes has overtaken the Commission's previous ambition to hold the PFAS industry accountable for the toxic pollution crisis.
- **Corporate lobbies have been proactively targetting the Commission**, even though it is only supposed to be an observer at this stage of the uPFAS proposal. Not only does the **Commission not have any special measures in place to protect itself from this corporate influence**, in some cases it is **offering firm encouragement to PFAS lobbyists and reassuring indications** about its future decision-making.
- The **corporate lobby campaign is relying heavily upon spin, industry-funded science, scaremongering, and some unsubstantiated claims.** Worryingly many of these arguments have been repeated by politicians and are now framing the political debate on PFAS.
- **The most prolific corporate lobby on the uPFAS restriction is the major PFAS producer Chemours** (a DuPont spin-off company) with more high-level meetings on this topic with the Commission than any other group. It has more than doubled its declared lobby expenditure in

the past year, and its lobby tactics include mobilising other industry actors to raise the alarm on the proposal; deploying lawyers and lobby consultancy firms; and promoting a weaker scheme as an alternative to a PFAS ban.

- The wider chemicals lobby, led by the industry trade associations CEFIC and Plastics Europe, is clearly very active on the uPFAS proposal. **The biggest PFAS company producers (as a group) have posted an average increase in declared EU lobby spending of 34 per cent just in the past year.**
- Other particularly **active lobbyists include those from the battery; medical technology and pharmaceutical; semi-conductor and other manufacturing sectors.**
- The lobby battle is very hot in Germany and the **smoke and mirrors position of the federal government on the proposed PFAS regulation is a major concern**, especially in the run up to the national elections.
- **Corporate lobbies have found real allies among politicians on the uPFAS proposal, with German regional politicians and MEPs active.** While MEPs only have a role at the last stage of the process (they may veto the final restriction during a three month scrutiny period), they **are being mobilised by corporate interests, largely to put pressure on their national governments.**
- There is some evidence that corporate lobbies have also targetted member state permanent representations in Brussels, but the evidence is patchy and **nearly half of these offices have refused to provide any information about uPFAS lobbying, which ignores the risk of corporate capture.**
- The **European Chemicals Agency's (ECHA) public consultation on the uPFAS restriction was deluged by business responses**, as a strategic tactic used by Chemours, CEFIC (the chemical industry lobby group), and others. Some PFAS producers and other industry interests have also been able to lobby ECHA officials.

The health and environmental impacts of PFAS pollution show us that a robust PFAS restriction is vital. In order to deliver this, the EU authorities need a new approach towards PFAS lobbyists to protect the public interest from corporate capture and industry's primary motive: to protect its profits.



Demonstration against PFAS in Veneto, Italy
Photo credit: Mamme no PFAS

2. THE COMMISSION'S SHIFT IN APPROACH

2.1 From a toxic-free environment to “clarity” on PFAS

The [Chemicals Strategy for Sustainability](#) (CSS) was launched in October 2020 as part of the European Green Deal, the flagship project of the first Commission of President Ursula von der Leyen. While there were many problematic aspects of the Green Deal, the proposals for both agricultural chemicals (the Farm to Fork Strategy) and industrial and consumer chemicals (the CSS) were broadly welcomed by green NGOs as potential game-changers in the EU's approach to chemical pollution. In particular the CSS, framed as “Towards a Toxic-Free Environment”, talked about a “comprehensive set of actions to address the use of and contamination with PFAS.” The CSS promised that “the use of PFAS is phased out in the EU, unless it is proven essential for society.” This indicated a high-level of ambition although it was also known that, inside the Commission, DG Environment officials had had to [battle hard](#) with their industry-leaning colleagues in DG GROW (Internal Market, Industry, Entrepreneurship and SMEs) to secure such a progressive strategy.

Four short years later, and the industry-friendly voices within the Commission are in the ascendancy. The ambition to regulate PFAS has been reduced to achieving “clarity” according to the [political guidelines](#) for the second (2024-29) von der Leyen Commission. In her [mission letter](#) from the Commission President, Environment Commissioner Jessika Roswall, who leads on chemicals regulation, has been told that she should work with principles such as “sustainability, competitiveness, security and safety considerations” in mind, which implies some difficult trade-offs.

2.2 Clean-washing the chemicals industry

These problematic developments in the Commission's approach reflect the growing influence of the chemicals and energy intensive users on the direction of EU policy. In recent years they have been able to shift the dial away from the much-needed proposals in the Green Deal which would have tackled the toxic pollution for which they are responsible, to instead eliciting sympathy from EU leaders as industries affected by the hike in energy costs following the Russian invasion of Ukraine. The industry has somehow managed to clean-wash its reputation.

In February 2024 CEFIC, the chemical industry lobby group, launched the '[Antwerp Declaration](#)', a 10 point plan for direct support and other enabling measures billed as an 'Industrial Deal'. It made no reference to the need to control the chemicals industry's harmful products and tackle the toxic pollution crisis, instead [demanding](#) deregulation, false solutions to the climate crisis such as [carbon capture](#), public funding, and better access to raw materials found outside the EU. [Analysis](#) by Corporate Europe Observatory shows that this 10 point plan has been adopted wholesale by the incoming second von der Leyen Commission.

In May 2024, in the run up to the European Parliamentary elections, the chemicals industry won a major boost with a [joint statement](#) by the French and German governments. It demanded the

Commission maintain “a good balance between our shared environmental and competitiveness ambitions”, and described the chemicals industry as “outstanding”. Specifically the statement came out against “broad product bans”, surely a reference to the uPFAS proposal. The chemicals industry could not have asked for more. This positioning reflected French President Emmanuel Macron’s [growing scepticism](#) about EU green rules; the position of German Chancellor Olaf Scholz is explored further in section 6.

And then along came the [Draghi report](#) by the former European Central Bank President, on boosting European ‘competitiveness’. This report is a profound indicator of, and influence on, the new von der Leyen Commission and includes a number of [damaging inaccuracies](#) about chemicals regulation, the role of ECHA, and the existence of alternatives to PFAS, while totally ignoring the health, environmental, economic, and [litigation](#) costs of continuing to produce and use them. But the report did manage to accurately put forward industry’s arguments. Draghi wrote: “The regulatory framework in the EU can create barriers and uncertainties for manufacturing investment. As an example, EU manufacturers of batteries, electrolyzers and refrigerants for heat pumps encounter barriers to investment linked to uncertainty related to the substances permitted for use in the EU market.” This is a reference to the upcoming universal restriction on PFAS and is debunked in PFAS industry spin alert 1 below. But nonetheless this kind of thinking is part of a growing narrative within the Brussels Bubble and member state governments.

CEFIC and other members of the Big Toxics gang [lobbied](#) Draghi’s team. And it is no surprise that these lines from the Draghi report also [echo](#) what industry has said in its lobbying of the Commission. For example, Chemours (one of the biggest producers of PFAS in the world) has [told](#) EU commissioners that “it is highly likely that all investment in Europe will be impacted (halted or put on hold) until this uncertainty [over the proposed uPFAS restriction] is resolved”. Such industry arguments seem to have been accepted without question by Draghi, while the Commission’s new commitment to provide “clarity” on PFAS seems designed to respond to this specific industry argument.

!PFAS lobby industry spin number 1!



Economic costs and investments are at risk

A number of corporate lobbyists have produced **costly assessments of the impacts of the uPFAS restriction on the European economy**. These figures can capture headlines and the attention of politicians. But analysis by the [Forever Lobbying Project](#) into the economic claims about the impacts of the uPFAS restriction by one of the leading lobby groups, [Plastics Europe](#), shows that they must be seriously questioned. Problems that the Project has identified with Plastics Europe’s claims include: the underlying assumptions used and the limited data basis; the absence of dynamic modelling to assess both the costs for some industry actors and the benefits to others such as alternatives producers; as well as the positive economic consequences for society of having a healthier and more productive society after a uPFAS restriction comes in. As a result, the [Forever Lobbying Project](#) concludes that “we can have little confidence in Plastics Europe’s claims about the economy-wide effects of the ban”. Corporate Europe Observatory explores other industry-funded studies in section 5.1.1.

Nonetheless claims about the costs of the uPFAS restriction help lobbyists to assert that it **will hold back investments in Europe and hurt Europe’s ‘competitiveness’**. As outlined in section 2.2, worryingly this narrative has been accepted wholesale by some politicians. But the issue of investment in the chemicals industry and its downstream industry customers is more complex. A growing number of investors are nervous about investing in PFAS producers and products, because of the growing [risk of litigation](#) from PFAS-affected communities and public authorities. For example, 3M has [agreed](#) to pay US\$10.3 billion to resolve claims that its PFAS had contaminated water supplies in the US. 3M is due to exit PFAS production by the end of 2025 as its liabilities add up. According to [Planet Tracker](#) investors face an estimated US\$20 billion in corporate liabilities from just plastic-related pollution, including chemical additives in plastics, in the US alone. It’s no surprise therefore that in 2022 major investors managing over US\$8 trillion in investments [urged](#) chemical producers to phase out ‘forever chemicals’. Meanwhile the head of stewardship for Europe at BNP Paribas Asset Management [recently said](#): “The widespread and largely undisclosed use of hazardous chemicals in manufacturing represents a significant financial risk for investors in chemical companies.”

2.3 Industry-friendly signals

Regrettably the Draghi report only confirmed what was already becoming pretty clear, that the direction of travel of the Commission (in a shift led by the industry department, DG Grow and the President's coordinating department, the Secretariat-General) is away from the original ambition in the CSS to regulate PFAS as strongly as possible and instead towards towards a far more corporate-friendly position.

As Corporate Europe Observatory has previously [reported](#), in the period immediately after the uPFAS proposal was first submitted to ECHA by the five member states in February 2023, released lobby documents showed that officials were not meeting much with PFAS industry lobbies. As one example, Plastics Europe's lobby firm was [told](#) in February 2023 (just before ECHA launched its public consultation on the uPFAS proposal) by a DG GROW official: "At this moment, I do not foresee to have specific meetings with industry representatives on the uPFAS dossier because each time the message will be the same: not on our desk; please submit information in ECHA's consultation."

Documents released more recently to Corporate Europe Observatory (see annex 1) show that, in the early period of the ECHA consultation, at least some of the Commission's communications with industry lobbyists continued to be purely factual about its role in the process, and neutral in response to industry pleas for temporary derogations and unlimited exemptions. In April 2023, textile producers were [told](#) by DG GROW that "before conclusion of the opinion making in [ECHA's committees] it could not engage in any discussions on the restriction's content and on possible derogations."

Yet in September 2023 in response to a letter sent to numerous commissioners by major US industry lobby group [American Chamber of Commerce to the European Union](#) (AmCham), a far more leading [reply](#) was given. The Director-General of DG GROW claimed that for certain sectors, which were listed, there are "critical applications" of PFAS for which "currently no suitable alternatives [are] available on the market". The problem with this response is that it risks pre-empting the extensive ECHA process which will include an assessment of the availability of alternatives for important PFAS uses, and the costs to society, including to companies, of discontinuing PFAS production. As outlined in industry lobby spin number 4, the argument 'there are no alternatives to PFAS' is a key plank of industry's lobbying on the uPFAS restriction, although there are good reasons to doubt many of industry's claims in this regard.

From this point on, a variety of corporate sectors have been reassured that their particular sector includes crucial or critical uses of PFAS and that the Commission already considers that not all have effective alternatives. This includes Commission correspondence with pharma lobby group [EFPIA](#), [Hydrogen Europe](#), battery lobby group [RECHARGE](#), and others. These leading replies to industry lobbies give the strong impression that the Commission already has some clear views about where derogations or full exemptions may be needed. Some communications to industry in this vein reflected that the Commission must wait for the scientifically-developed opinions from ECHA before drawing final conclusions, but not all.

This worrying situation is crystallised when in April 2024, German Conservative MEP Peter Liese received a [letter](#) from von der Leyen herself, in response to his political group's [lobbying](#) on PFAS. While the Commission President makes clear that she cannot anticipate the outcome of the process, nor provide legal certainty about exemptions, she wrote that "PFAS are currently needed for critical applications for the green and digital transitions and for the EU's strategic autonomy, e.g. in paint conductors, electrolyzers, fuel cells, batteries and in components for many sectors, including defence, aerospace and medicine".

This was enough for Liese to [claim](#) that the Commission's "clear statement" indicates that it "is planning a permanent exemption from the planned ban on the PFAS chemicals for essential applications, e.g. in medicine or in the transformation to climate neutrality".

The Commission appears to be trying to have its cake and eat it: on the one hand making nods to the legal process as set out in the REACH legislation, but on the other hand trying to reassure a very vocal industry. But the Commission is at high risk of pre-empting the restriction process for chemicals such as PFAS. And put in the wider context of growing political sympathy for the chemicals industry, it sends a very worrying message to communities living with extensive PFAS pollution.

As Tatiana Santos of the [European Environmental Bureau](#) told Corporate Europe Observatory: "The lack of accountability for polluters, coupled with the Commission's willingness to placate industry lobbies, is both disappointing and disheartening. This disregard undermines the integrity

of the regulatory process and disrespects the vital work of ECHA's independent scientific experts, who rigorously review every dossier to inform responsible and science-based policy. Selling out the public interest for industry appeasement – especially where industrial chemicals drive major environmental harm – ultimately sacrifices the health of our communities and environment.”

2.4 A helping hand

As well as these powerful signals to industry from the highest levels of the Commission, a close look at the lobby documents released to Corporate Europe Observatory reveals that the Commission has been providing help and advice to PFAS makers and users on how to get their voices heard. It is very alarming to see the Commission helping PFAS lobbyists to do their work: that is simply not their role.

While attending a [‘ground-breaking’ ceremony](#) in May 2023 at an [Infineon site](#) (a German manufacturer of semi-conductors) von der Leyen [asked](#) the company chief executive “to compile a white paper” on PFAS which was duly sent to the Commission. The [paper](#) argued that the proposed 13.5 year delay (1.5 + 12 years of derogation) for semi-conductors would not be enough and that they should be fully exempted.

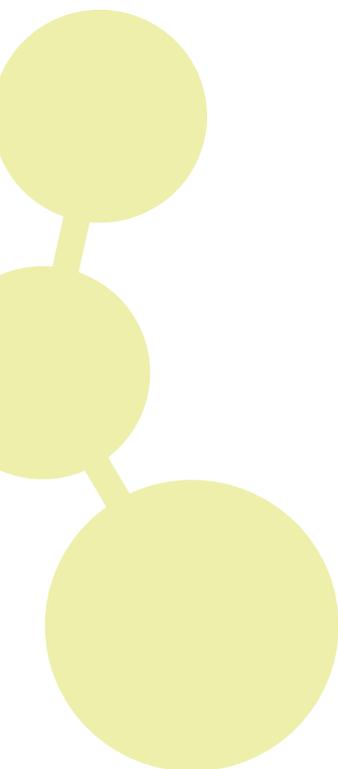
In May 2023 a lobbyist for battery lobby group [RECHARGE](#), who also worked for Saft (the French battery producer wholly owned by [TotalEnergies](#)), had the fortuitous [“opportunity”](#) to have “a short exchange with Commissioner [Thierry] Breton in the Thalys [train] back to Paris”. The lobbyist was able to tell the Industry Commissioner that the proposed uPFAS proposal was “a major concern for the European Battery Industry”. Saft does not seem to have been on the EU lobby register at the time of this exchange; as a result the meeting does not appear on Breton’s published [list of meetings](#).

Another [document](#) from elsewhere in the Commission reveals how the DG for the defence industry (DG DEFIS) brought itself into the PFAS discussions within the Commission following a meeting with [WL Gore](#) (and its lobby firm [SEC Newgate](#)) which manufactures gore-tex fabric and also PFAS for defence applications. Following the meeting in August 2023 a DG DEFIS official reported back on how it had now inserted itself into the PFAS process by contacting DG GROW “to ensure that we are involved” and by holding a follow-up meeting with DG Environment. The official reported that DG DEFIS had also contacted DG CNECT (Directorate-General for Communications Networks, Content and Technology) “to make sure they are aware of this [PFAS] file”.

At DG GROW, the Director-General attended the [board meeting](#) of major technology industry lobby group [Orgalim](#), seemingly held on the fringes of an official EU industry event in Malaga, Spain in October 2023. Orgalim’s follow up message to the Director-General [said](#) that “During the board meeting we discussed PFAS amongst other issues and you suggested that we should organize a workshop together.” Preparations for this workshop [swiftly followed](#) and an official was due to attend Orgalim’s “chemical task force” [soon after](#). The Commission’s released documents are not clear on whether the workshop with DG GROW finally went ahead, although a May 2024 Orgalim [event](#) fits the description.

Over at DG MOVE (Mobility and Transport) a December 2023 [meeting report](#) with battery lobby group RECHARGE shows that an official “suggested they continue to tour COM services” to lobby, as well as providing other advice on which aspects to investigate further, such as the safety of alternatives and other risk management options for PFAS in batteries. Rather than encouraging RECHARGE to work towards a phase out of PFAS, the official’s advice could lead the lobbyists towards focussing on arguments to make the case for a full exemption for PFAS in batteries in the restriction.

These and other documents reflect how industry lobbying of the Commission on PFAS has gone far and wide, and how the Commission has not only been willing to listen, but in some cases to offer a helping hand too. Taken alongside the messaging that some corporate lobbies are receiving from the Commission discussed in section 2.3, and the downgrading of the Commission’s commitment on PFAS to providing “clarity” discussed in sections 2.1 and 2.2, it would seem that the PFAS industry lobby campaign is already meeting with quite some success.



2.5 Where are we now?

As the second von der Leyen Commission settles into its Berlaymont HQ in Brussels, where is the political debate on PFAS today, and what do we know about the Commission's promised "clarity" on PFAS?

During her appointment process in November 2024 Jessika Roswall, the new Environment Commissioner, [told MEPs](#) that she "can already indicate that [she] will seek to ban the use of PFAS in consumer uses, such as cosmetics, food contact materials and outdoor clothing". And of course even a partial ban on PFAS is to be welcomed.

But the largest exposures to PFAS pollution come from industrial applications. On these industrial uses Roswall was far more conciliatory towards industry views saying: "Where adequate alternatives in terms of performance and safety are not available, I would support the continued use of PFAS in industrial applications, in particular critical ones, under strictly controlled conditions until acceptable substitutes are found, accompanied by strict emission and disposal rules to limit their release into the environment, and clear incentives to innovate and develop sustainable substitutes."

Along similar lines, the new Commission Vice-President Stéphane Séjourné, who shares responsibility for the PFAS file with Roswall, [emphasised](#) to MEPs the need to speed things up when it comes to PFAS regulation, and he too indicated that PFAS in personal use products would be banned in due time.

Neither Commissioner has indicated what mechanism they would use to secure a swift ban on consumer or personal PFAS uses, whether consumer uses would somehow be extracted from the current uPFAS restriction process or if there would be a brand new stand-alone regulation. But either way there are some clear risks with this approach.

Splitting consumer uses from industrial ones would be complex and would mean that the important principle of the uPFAS restriction which looks at this whole class of chemicals together would be lost. And it is hard to see how either disentangling consumer uses from the uPFAS restriction, or a new stand-alone regulation requiring an impact assessment and consultation, would be any quicker than the current ECHA process.

Instead there is a high-risk that a strategy to prioritise consumer uses would mean that serious action to restrict PFAS in industrial uses is kicked into the long grass, handing a lobby win to PFAS producers, and leaving the forever pollution crisis to grow further. As a senior DG Environment official reportedly told a recent conference, it would be a "half-baked idea" to have a stand-alone regulation at this stage, when work is already underway by ECHA, following an established, scientific process, that rightly takes a comprehensive approach to cover both industrial and consumer uses.

Despite this apparent push-back from DG Environment these are potentially very worrying signals from the Commission at large and they reflect a number of industry arguments which we explore further in industry spin alerts 3 and 4. Lobbies such as [CEFIC](#) have already been [calling for](#) a step by step approach to PFAS, with some (smaller) uses prioritised first. Meanwhile [Plastics Europe](#), the trade association, has been championing its 'responsible manufacturing' programme which claims that PFAS emissions can be reduced during manufacturing and therefore that fluoropolymers should be fully exempted in the uPFAS proposal (see section 4.2.3 and industry spin alert 3 for more detail).

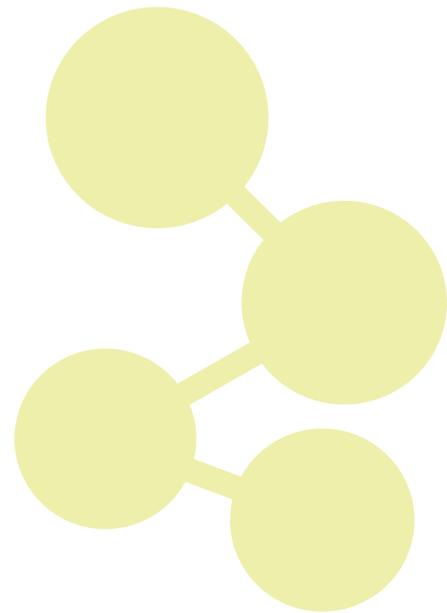
Industry's inside-track with the Commission was made clear in comments by CEFIC's Director-General, [Marco Mensink](#), when he spoke at an event on [PFAS alternatives](#) in Copenhagen on 8 November 2024. He told the audience: "The restriction process will take another 3 or 4 years if I look at the detail that ECHA are going into and the sectors that still need to be done. So you will probably see the new von der Leyen Commission come with alternative proposals already now which is what we are working on with the Commission."

If CEFIC is working with the Commission on alternative proposals on PFAS, behind the scenes, just when the Commission should instead be letting ECHA undertake its scientific analysis of the existing uPFAS proposal, this would be a worrying indication of corporate capture.

Mensink also told the Copenhagen event: "The future restriction most likely will say that you will get a derogation if you handle the waste and reduce the emissions. But the moment there is an alternative you should move out [of PFAS]", while going on to plead for acknowledgement of the transition times businesses need to revamp and update industrial equipment with alternatives.

ECHA has been looking at which derogations and exemptions to the uPFAS proposal can be justified by the evidence. But only a couple of weeks after Mensink's comments, on 20 November, ECHA issued a [statement](#) which indicated that it would also [consider](#) "alternative restriction options". This was [clarified](#) as follows: "Information has been submitted in the consultation that may form a basis for alternative restriction options for e.g. fluoropolymers in manufacturing, service life and end of life, while still adhering to the purpose of the proposal to minimise emissions to the environment." The sectors for which such options will be assessed are those where corporate lobbying has been particularly intense, including batteries, fuel cells, and electrolyzers (see section 5). In response to this statement, PFAS producer and lobbyist Chemours [reported itself](#) to be "encouraged by this positive update".

Is this ECHA announcement that other regulatory options are being considered for PFAS just a normal part of a REACH restriction process or a reflection of the intense lobby and political pressure that ECHA is facing on the uPFAS proposal? Today it is abundantly clear that the industry lobby pressure to weaken the original uPFAS proposal is being felt by decision-makers in Brussels, in Helsinki where ECHA is based, and everywhere in-between. And based on Mensink's comments, CEFIC seems to know exactly what is going on. Corporate Europe Observatory contacted CEFIC to request comment but no response was received.



TIME FOR A TOXICS FIREWALL

It's time to reclaim regulation and to prioritise sustainability and justice over corporate profits.

It's time to ban 'forever chemicals' PFAS and use safer alternatives instead.

It's time to protect PFAS decision-making: the Commission needs to stop meeting with the PFAS lobby industry.

3. UNWILLING TO RESTRICT CORPORATE LOBBIES

Not only is the Commission seemingly already forming opinions, and even draft plans, about the scope and extent of any future uPFAS restriction before receiving the scientifically-evaluated findings of the chemicals agency, it has few protections in place to reduce the risk that corporate lobbying will undermine the outcome of PFAS decision-making. Instead it seeks to justify its contacts with corporate lobbyists.

3.1 Survey of Commission departments

Over the summer and autumn of 2024 Corporate Europe Observatory [conducted](#) a survey of 15 Commission directorates-general, addressed to the top official in each DG³ to discover how lobbying on PFAS was being handled. By way of response, nine DGs supported a [joint reply](#) (drafted by DGs GROW and Environment) and separate responses were also received from [Trade, Energy, and CNECT](#). Two of the DGs surveyed (AGRI and CLIMA) did not provide an answer despite chasing, while MARE said “we are not in a position to answer your questions”. The specific responses can be found in annex 3; content wise they were largely disappointing.

3.1.1 A “robust internal rulebook” on transparency?

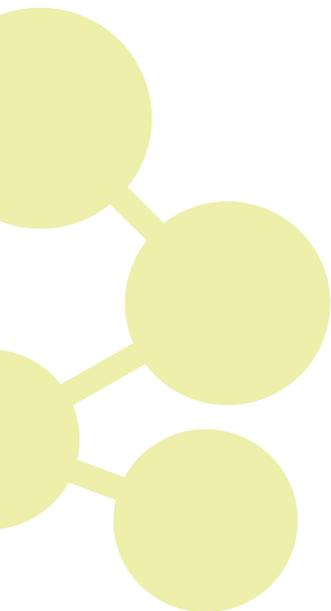
A [joint response](#) from DGs GROW and Environment (the leads on PFAS policy-making) was also supported by seven other DGs (MOVE, SANTE, DEFIS, Competition, RTD, JRC, and the Secretariat-General) but disappointingly it only relied on existing (and largely inadequate) tools or procedures. These included:

- the [lobby transparency register](#) (which is voluntary and contains far-from perfect data)
- the [rule](#) that certain officials should proactively publish a list of their lobby meetings (which only applies to commissioners, their cabinets, and directors-general and, as evidenced in this report, is not always implemented well⁴)
- [advice](#) (which is non-binding) to minute lobby meetings, although only where “these contain important information or may involve action by the Commission”⁵

³ These DGs were: Trade; Energy; Environment; Climate Action (CLIMA); Mobility and Transport (MOVE); Agriculture and Rural Development (AGRI); Maritime Affairs and Fisheries (MARE); Communications Networks, Content and Technology (CNECT); Health and Food Safety (SANTE); Internal Market, Industry, Entrepreneurship and SMEs (GROW); Secretariat-General; Defence Industry and Space (DEFIS); Competition; Research and Innovation (RTD); and the Joint Research Centre (JRC).

⁴ On 4 December 2024, after many years of civil society campaigning, the Commission [announced](#) that these rules would be extended from the 400 or so commissioners, cabinet members, and directors-general, to a further 1,100 or so Commission staff holding “management functions”. This will start on 1 January 2025. While a step forward, there will still be many Commission officials holding meetings with industry lobbyists who are not covered by these new rules.

⁵ The 4 December 2024 [announcement](#) also stipulated that the 1500 or so commissioners and officials holding “management functions” should now publish minutes of their lobby meetings. Again, this is welcome but there will still be many officials who are not covered by the obligation to minute their lobby meetings.



Throughout this report we have indicated examples of where what the Commission calls its “[robust internal rule book](#)” is simply not working well enough.

3.1.2 “Appropriate balance”?

The [joint letter](#) also stressed the [requirement](#) of commissioners, their cabinets, and directors-general to “seek to ensure an appropriate balance and representativeness of the stakeholders’ groups they meet” but gave no indication as to how this is actually implemented and monitored in practice. After a request for clarification, DGs GROW and Environment [said](#) that their senior leaders and Commission services meet with “a representative range of stakeholders” and that “achieving this balance requires a qualitative assessment of the perspectives represented”. No further detail is given about this assessment, including who, what, and how it is carried out. Overall this was not at all convincing. The Commission’s [letter](#) and its [follow-up](#) simply seek to justify its contacts with industry lobbyists.

The DG Trade response followed a similar track [arguing](#) that “we do not differentiate amongst stakeholders”, conveniently ignoring that it is simply not a level playing field if one group of stakeholders are multi-million euro industries with armies of lobbyists, as set out in sections 4 and 5 of this report. DG Trade argued that it has had “limited exposure” to lobbyists on PFAS.

Across the replies little evidence was provided that the “appropriate balance” approach which is supposed to be [policy](#) for the highest levels of the Commission is systematically applied across the lower levels, where the vast majority of lobbying takes place ie with officials who have specific responsibility for chemicals policy. Only one DG (Energy) [mentioned](#) that it had a system in place to register contacts with lobbyists requesting a meeting, which is surely an essential first step for monitoring who is being met.

3.1.3 Positive signs?

DG CNECT in its [initial reply](#) and [further clarification](#) sought to distinguish between its role in “managing, mitigating, and eventually replacing PFAS within semiconductor manufacturing” on which it does engage with lobbyists, and its role in the uPFAS restriction which “as a matter of principle, we do not engage [on] in meetings or discussions”, as it is not in its remit. If DG CNECT is not engaging with lobbying on the uPFAS restriction, but recognises its role in research on replacing PFAS in electronic chips, this is positive, although we note at least [one meeting](#) held with Chemours, a key PFAS producer and lobbyist. We also note that DG CNECT [considers](#) that it should play a role in passing lobby materials onto the DGs directly involved in the matter.

3.1.4 No special measures in place

Of the 15 DGs that were surveyed, almost all have been lobbied by industry on PFAS in recent times. But overall the 12 DGs who made a substantive response to our survey (or who endorsed that of DGs GROW and Environment) showed a real lack of awareness of the risks of corporate lobbying on the upcoming uPFAS file. Crucially the response supported by DGs GROW and Environment, backed by the Secretariat-General and others, defended its approach of meeting industry lobbyists on the uPFAS file. Furthermore there was absolutely no indication of any special measures in place to protect the uPFAS decision-making process. As a minimum, such measures could include: proactive transparency of all lobby meetings held; minuting of all meetings; and, perhaps taking a leaf out of DG Energy’s book, an effective system to monitor who is knocking on the Commission’s door.

But is improved transparency enough? When it comes to the toxics chemical lobby, those manufacturing and marketing PFAS and other chemicals that can cause environmental and health harm, as well as their lobby groups, it is time for a far tougher approach.

3.2 Industry's lobby spin campaign

As detailed in this report, history and more recent experiences show us that the chemicals industry always fights against progressive regulation of their harmful products, and it has a history of scaremongering and 'crying wolf' about the impacts of such regulations. As the [Forever Lobbying Project](#) reveals, industry opposition to the uPFAS restriction relies on several misleading arguments or unsubstantiated claims to try to avoid their responsibilities to stop toxic pollution. This report addresses some of the most prominent industry claims in the PFAS industry spin alerts.

Moreover there is the history of cover up by the chemicals industry. Companies producing PFAS knew for decades about the toxicity of these chemicals, but they chose to do nothing about it, as outlined in section 1.4.

!PFAS lobby industry spin number 2!



Polymers of low concern are safe

The fluoropolymer industry [regularly says](#) or implies that the Organisation for Economic Development and Co-operation (OECD) has developed criteria to identify polymers i.e. plastics that are of '**low concern**'. In fact the OECD has no such designation and has told the [Forever Lobbying Project](#) that "no agreed-upon set of criteria at the OECD level was finalised", and that "the OECD has not conducted an assessment of fluoropolymers".

Plastics Europe did not respond to Corporate Europe Observatory's request for comment on this matter. As detailed in annex 4, Chemours sent us a link to Plastics Europe's Fluoropolymer Product Group's (FPG) June 2024 [statement](#) on this. The statement said that the FPG "has not previously stated that the OECD endorsed fluoropolymers as Polymers of Low Concern". Yet fluoropolymer industry lobbies and their allies imply these OECD criteria are fact. For example a December 2024 Chemours online [presentation](#) said: "Fluoropolymers meet the criteria for polymers of low concern (PLC), the definition criteria set by the OECD - OECD work - who classify the identification of chemical, physical, and biological properties predictive of health and environmental effects which are of low concern."

Industry pushes this argument because it helps it to argue that **fluoropolymers are different from other PFAS and safe** and therefore should not be regulated with other PFAS. Key to making these industry arguments are several scientific articles: [one](#) whose authors included staff from PFAS producers WL Gore and Chemours, both of which also "donated data and employee time to support this work"; and a second [article](#) whose authors "are employed by companies that commercially manufacture fluoropolymers", including Chemours, AGC Chemicals, Arkema, Daikin, 3M, Gujarat Fluorochemicals, and Solvay. Both of these articles have been sent to the Commission or referenced in industry lobby materials on numerous occasions. The [Forever Lobbying Project](#) has found nearly 1000 references to these articles within the ECHA consultation responses and wider lobby documents. The FPG statement above also refers to them.

By contrast independent scientists [show](#) that while there is variety among PFAS substances, ultimately PFAS "do share one common structural feature that makes them highly problematic", that is high persistence. Independent scientists further [argue](#) that high persistence is a sufficient basis for the regulation of chemicals.

3.3 Time for a toxics firewall

We need to learn from this and swiftly put new rules in place to protect decision-making from the toxic lobby's onslaught. And what more important topic could there be to put this in action than the uPFAS proposal?

Aside from measures to boost transparency and accountability of contacts with lobbyists, it is time for a lobby firewall which would protect both decision-makers and the integrity of public interest decision-making from the conflicts of interest that the PFAS industry inevitably bring.

As detailed in section 8.1 the PFAS industry has already deluged the ECHA consultation with thousands of responses which has massively delayed the process. There will be a further consultation after ECHA's Socio-Economic Assessment Committee (SEAC) has drafted its opinion on the assessment of alternatives, related costs and benefits, and need for derogations. There were also earlier calls for evidence by the dossier submitters.

In that case the Commission should immediately stop its contacts with industry lobbyists demanding derogations or exemptions on the uPFAS restriction. There should be no need for further engagement with industry, and meeting industry lobbyists during the ECHA process is bypassing a democratically-agreed process via the REACH regulation. When the Commission receives the opinions of ECHA and drafts its own uPFAS proposal, if it really considers that further inputs from industry are required at this stage, these should be organised in public, transparent fora where there are opportunities for others to dispute spin and scaremongering.

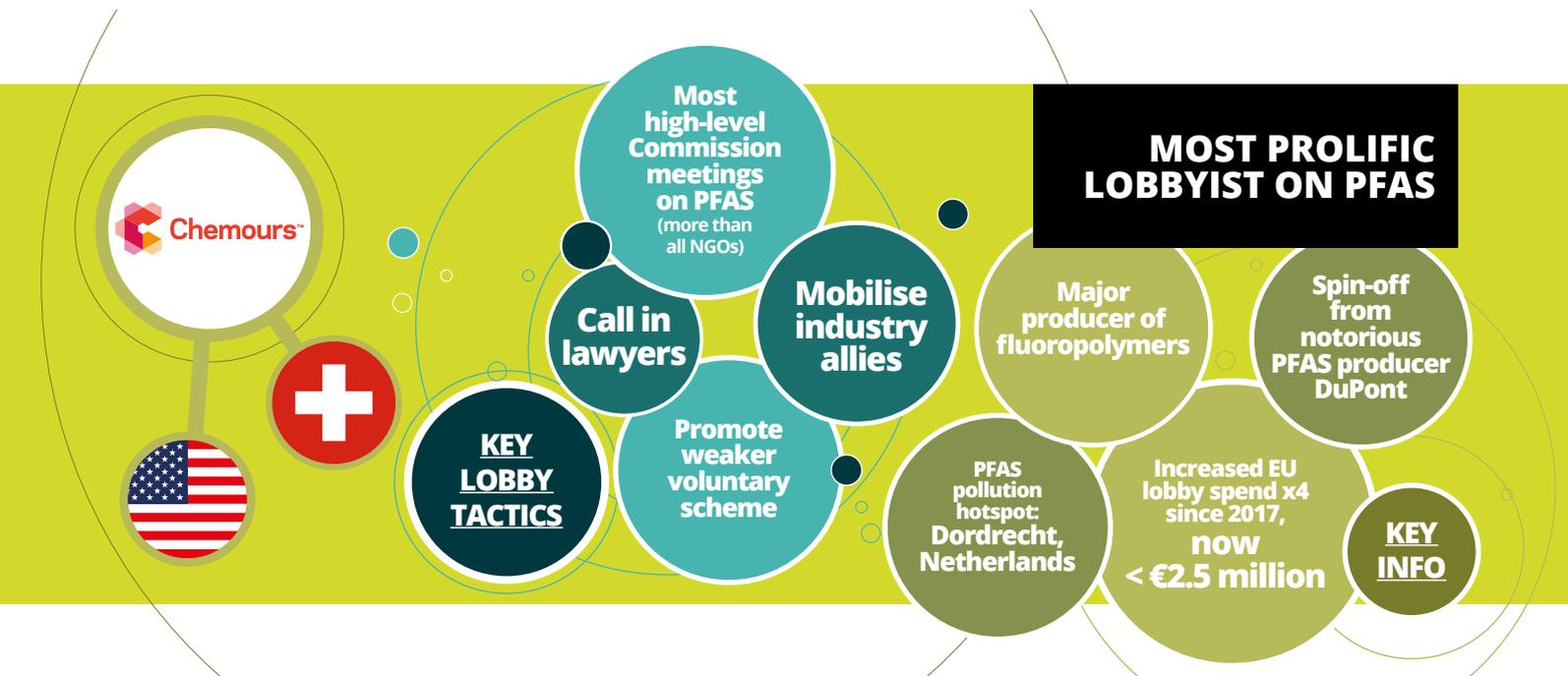
3.4 Protecting alternative SME producers

As part of the cache of lobby documents released by the Commission to Corporate Europe Observatory, a particular email perfectly illustrates why such a firewall approach is needed.

Dated September 2023, the email is from an intermediary representing an SME producing alternatives to PFAS in the area of batteries and it [reports](#) to the Commission that it considered it “especially hard for smaller, disruptive, actors to speak up in the context of the PFAS restriction due to the interests at stake for the other, often much larger, actors who thrive off the status-quo. As such, we have noted a significant amount of comments to ECHA's ongoing consultation claiming there are no suitable alternatives for lithium-ion batteries, despite [the SME's] technology being a suitable and available alternative.” The email expressed a fear that “small sustainable innovators” are facing challenges to participate in the ECHA consultation and as they have “commercial risk, fewer resources to organise input, etc.” this would jeopardise the outcome. See industry spin alert 4 for more on how industry handled alternatives in the ECHA consultation.

Subsequently speaking with Corporate Europe Observatory, the intermediary mentioned above outlined how there are structural reasons why alternative producers find it hard to get their voices heard amongst all the corporate noise around the uPFAS process. These include: the need to protect innovative technology from competitors; the confidentiality of trials of new technology; and risk-averse supply chains which may have sourced PFAS-free products but who still want to keep their PFAS options open. They considered that far more work should be done to create safe spaces for alternative producers, and that while at the policy level there are initiatives to explore PFAS alternatives, at the highest levels of the Commission (and within the ECHA consultation too) the dominant message is “there is no alternative”.

This powerful testimony is a further indication that, unless wider lobby firewall measures are put in place, those with the deepest pockets, defending their existing PFAS products, could skew decision-making in their favour. See section 9 for recommendations in this area.



4. CHEMOURS – MOST PROLIFIC PFAS LOBBYIST

So what does the corporate lobby campaign on the uPFAS restriction look like? Corporate Europe Observatory has analysed more than 600 documents generated by our most recent requests to Commission directorate-generals, ECHA, and member states' permanent representations in Brussels to find out. For more information on these requests and for links to the documents see annex 1 and 2. While we are aware that these requests will not have captured all industry lobbying that has taken place – especially informal contacts – nonetheless it is clear that, despite the fact that the Commission's role in the uPFAS restriction will not formally start until it receives the final opinions from ECHA, the Commission's Secretariat-General and DG GROW (the industry department), among others in the Commission, are the focus of widespread and sustained lobbying by the producers of PFAS and those from supply chains who put PFAS in their products or use them in their manufacturing processes.

4.1 Lobbyist in chief... Chemours

Lobbyist in chief on the uPFAS restriction is [Chemours](#), the US company with a European base in Switzerland, which has PFAS running through its corporate DNA. Chemours is one of the [biggest producers](#) of PFAS in the world and it runs the plant in [Dordrecht, Netherlands](#) near where [750,000 local people](#) have had PFAS-contaminated water and air supplies. In 2023 the Dutch documentary makers at [Zembla](#) reported how local residents fear that their exposure to this pollution has [contributed](#) to local illnesses including cancer. More recently a [stark report](#) by RIVM (the National Institute for Public Health and the Environment in the Netherlands) which surveyed the views of people living in the vicinity of the Chemours plant showed that they want action to reduce PFAS emissions and discharges, and to remove PFAS contamination from the living environment. These residents also had many, many questions about the effects of PFAS pollution including on their local environment and their own health. The minister has [promised](#) urgent follow-up action.

Swedish NGO ChemSec's [SIN \(substitute it now\)](#) list of hazardous substances reports that Chemours produces 69 persistent chemicals such as PFAS. In its 2024 '[ChemScore](#)' rating, the company has the worst rating of all 51 companies studied. As a result ChemSec has [called on](#) Chemours to come clean on the true extent of its PFAS production by identifying all uses, publishing these substances' share of revenue, and to publish a "time-bound plan" to phase out these persistent chemicals.

The [New York Times](#) has reported that Chemours was spun-off from major US chemicals company DuPont in 2015 to create a home for the "liabilities" from some of DuPont's controversial PFAS, explosives, and asbestos operations. As reported in section 1.4 DuPont knew of the environmental and health [impacts](#) of PFAS in the 1970s, but carried on manufacturing them – and building up its toxic pollution legacy. Today [notorious](#) PFAS products such as the fluoropolymer Teflon, used in non-stick frying pans and other cookware, now sit within Chemours.

Last year Corporate Europe Observatory [reported](#) on Chemours' lobby operation to influence the EU's uPFAS restriction, including the ECHA consultation. As an indication of its wider lobby clout, earlier this year UN human rights experts [suggested](#) that "DuPont and Chemours have impermissibly captured the [U.S. Environmental Protection Agency] and delayed its efforts to properly regulate PFAS chemicals." Little wonder, then, that the company remains the most prominent actor in the fight-back against the uPFAS restriction in the EU. Below we assess some of its tactics.

4.2 Chemours' lobby tactics

4.2.1 Tactic 1: Most frequent Commission visitor on PFAS

A key element of Chemours' influencing strategy is to meet as far and wide across the Commission as possible on the topic of PFAS with [demands](#) for an immediate exclusion of industrial and professional uses of fluoropolymers and fluorinated gases from the uPFAS proposal, which would take out of scope very substantial uses of PFAS. According to Corporate Europe Observatory's analysis, Chemours has actively contacted at least seven different Commission DGs and held at least seven meetings. These include the following:

- In April 2023 apparently Chemours held a lobby meeting with then Commission Vice-President Maroš Šefčovič. Chemours subsequently called itself a "constructive partner" in a [follow-up email](#) while warning of "disproportionate consequences affecting the decarbonization of the EU economy" from the uPFAS proposal in a [separate note](#). This meeting does not appear on Šefčovič's [declared list](#) of lobby meetings, nor those of his [Cabinet](#).
- Previous Environment Commissioner Virginijus Sinkevičius, cabinet members, and officials from several DGs [met](#) with Chemours and other industry voices in July 2023 to "listen to their concerns on the PFAS restriction, in particular on their views on alternatives to PFAS". Sinkevičius "committed to ensure that dialogue continues on such a broad restriction".
- At a [meeting](#) with DG MOVE in March 2023 Chemours is reported as saying that it is in favour of the uPFAS proposal, but then proceeds to demand an unlimited derogation for PFAS use in electrolyser membranes used in fuel cells.
- Previous Transport Commissioner Adina Vălean [offered](#) Chemours a meeting in September 2023, set-up by lobby firm [EU Focus Group](#) following a phone call with the Commissioner, where Chemours again [demanded](#) that fluoropolymers and fluorinated gases should be excluded from the uPFAS proposal. A meeting with then Industry Commissioner Breton is also referenced in this [correspondence](#).
- A [meeting](#) with DG CNECT (the digital policy directorate) was held in May 2023. As outlined in section 3.1 DG CNECT has [told us](#) that it does not take meetings on the uPFAS proposal, but the (too-brief) minutes of this meeting do indicate that one of the topics discussed was "Restrictions introduced on PFAS under the REACH Regulation". Chemours also sent various briefing papers to DG CNECT but our appeal to the Commission to receive those documents had not been [answered](#).
- DG RTD (the directorate handling research, science and innovation) [met](#) with Chemours in March 2023 where the company pressed for more derogations from the uPFAS proposal, adding that otherwise it could "jeopardise investment decisions" in green hydrogen, supposedly made from renewable energy. Boosting green hydrogen is a Commission priority but there is a serious risk that [hyped demand](#) simply ends up supporting dirty hydrogen made from fossil fuels. RTD outlined opportunities in its annual work programme and the possibility of Horizon Europe research funding into PFAS-free alternatives. Later RTD [wrote](#) that it is "counting on" industry to be part of drafting the proposal.
- In a meeting with DG Energy on the Net Zero Industry Act in May 2024, PFAS did not specifically come up as a topic according to the [minutes](#) but Chemours discussed its [recent investment](#) in France where it is "pro-actively engaged in rolling out the hydrogen economy, and in particular electrolyser membrane manufacturing." This investment is regularly cited by Chemours as a reason not to restrict its PFAS production.

Overall, of 17 high-level meetings (with Commissioners, their cabinets, and the directors-general, since January 2023) on the topic of PFAS that can be tracked via the EU lobby register and [Lobby-Facts](#), only 2 were with NGOs but 12 were with the corporate sector. Chemours held or attended at least 6 of these meetings (data up to 12 November 2024, available [here](#)). This does not reflect well on the Commission's claim that it seeks "appropriate balance and representativeness" in its

meetings, as discussed in section 3.1.2. A further 3 high-level meetings were held with groups of water operators, including trade association EurEau which has been advocating for a robust PFAS restriction due to the horrific levels of PFAS water contamination, as outlined in Box E.

It is important to note that the Commission's lobby transparency data which it so championed in section 3.1 contains some flaws. High-level meetings are reported on Chemours' EU lobby register [list](#) of high-level Commission meetings (data for which is provided by the Commission, not Chemours) but are not reflected in the lobby documents, and vice versa. Some meetings appear to be reported twice, while some are missing a subject topic, making tracking lobbying specifically on PFAS rather difficult. All of this shows that the Commission's much trumpeted transparency of its high-level meetings is far from perfect. Nonetheless it is clear that when it comes to the uPFAS restriction, Chemours is the Commission's most prolific lobbyist.

4.2.2 Tactic 2: Mobilising industry allies

Lobbying via Commission meetings and correspondence is only the tip of the iceberg of Chemours' lobby efforts.

It seems that Chemours puts great store by mobilising other industry bodies to get active on the uPFAS restriction. For example Dutch company [ASML](#) which provides technology to semiconductor manufacturers told Dutch officials in Brussels in a February 2023 [email](#) that "Chemours has been trying for months to draw us (and [SEMI](#) [a trade association]) into a lobby against the PFAS ban and ... we think it is assumed that our support may change the NL government's mind about the ban." ASML had requested a meeting with the permanent representation, although we have been told that this meeting did not ultimately go ahead.

Last year Corporate Europe Observatory [documented](#) how Chemours had been trying to mobilise its supply chain customers (manufacturers who use Chemours' PFAS in their products) to participate in the ECHA consultation on the uPFAS proposal. Chemours created a password-protected online portal which provided briefings and arguments, some originating from [FTI Consulting](#), (one of Chemours' lobby consultancy firms, which has been previously accused of using [dubious](#) advocacy techniques) to facilitate their participation. In an email to Corporate Europe Observatory, published in full in annex 4, Chemours said that it has "a responsibility to inform its customers of any developments, including regulatory proposals, that may impact their supply chains in the future". It denied intending to slow down the regulatory process.

The portal is still [online](#) and includes additional Chemours materials apparently originating from FTI Consulting. Alongside announcing its own 10 submissions to the ECHA consultation, Chemours has expressed its [gratitude](#) to those responsible for the 500 company responses that covered F-gases in the ECHA consultation (see section 8.1). Chemours' also outlines its [ongoing strategy](#). A key component of this appears to be the age-old industry tactic of promoting a less robust alternative to a ban on Chemours' PFAS: "The EU can seize the opportunity to create a regulatory benchmark for the safe manufacture and use of chemicals that supports innovation and the sustainable transformation of the economy", says a [powerpoint presentation](#).

4.2.3 Tactic 3: Why have a ban when you can have a "benchmark" instead?

Demanding a "benchmark" instead of a legally-binding ban is a very common lobby tactic when industry is faced with new rules that could harm short-term profits. Chemours' support of a "regulatory benchmark" instead of a broad restriction on fluoropolymers also reflects the influencing strategy of [Plastics Europe](#) whose lobby footprint across the Commission can also be discerned from the released lobby documents.

Chemours is one of six corporate members of Plastics Europe's [voluntary scheme](#) (run by its in-house lobby vehicle on PFAS, the [Fluoropolymer Product Group \(FPG\)](#)) which aims to "reduce non-polymeric PFAS emissions" from manufacturing processes and to "inform" the customers of fluoropolymers on their "safe handling". This limited scheme seems designed to give the impression that – despite the fact that some of the biggest [PFAS pollution hotspots](#) include production sites – with these steps, fluoropolymer production can be made safe, industry action is all that is needed, and that therefore they can continue to be used in the EU's green and digital transitions.

In September 2023 [correspondence](#) the FPG told von der Leyen: "Fluoropolymers are safe. We have listened carefully to concerns from stakeholders about possible manufacturing emissions and are working hard to find solutions. We are committed to working closely with regulators and

our value chain to ensure any emissions from fluoropolymers are adequately controlled across their lifecycle.” Ultimately von der Leyen rejected the accompanying request for a meeting but her office [said](#) that the information had been shared “with the competent Members of the College and services.”

Of course efforts to develop cleaner manufacturing are to be welcomed. But such a programme is certainly not an effective replacement for a ban on harmful substances. Corporate Europe Observatory contacted Plastics Europe to request comment but no response was received.

!PFAS lobby industry spin number 3!



Responsible manufacturing and waste management are enough

As detailed in section 4.2.3, one of Chemours' lobby tactics, also promoted by other producers and the trade association Plastics Europe, is to try to avoid a restriction on fluoropolymers by promoting its preferred approach of “**responsible manufacturing**”. But it is no coincidence that, according to the [Forever Pollution Project](#), some of the most PFAS-polluted hotspots in Europe are around PFAS manufacturing sites, after years of dirty production. In order to avoid a wide restriction on the production of PFAS, it seems that industry would be prepared to go further and accept binding PFAS manufacturing emission reduction standards. But that would be far less effective than the currently proposed restriction because, as the experts who have stress-tested the argument for the [Forever Lobbying Project](#) explained, while some reduction of PFAS emissions during production is surely possible, their full elimination remains extremely unlikely. And reducing emissions from production does not solve the problem of PFAS waste.

At the other end of the lifecycle, industry argues that a uPFAS restriction can be avoided by using **waste management** to tackle PFAS pollution. But a European bio-monitoring project [coordinated](#) by NGO Zero Waste Europe, conducted in the vicinity of incinerators in Lithuania, Spain, and Czechia, found “high quantities of PFAS ... in moss, pine needles and backyard chicken eggs”, indicating that PFAS were not being destroyed by the process. This backs-up a recent review study by the French National Institute of Industrial Environment and Risks (INERIS) which reported that only a very high incineration temperature, above 1300°C, guarantees the destruction of PFAS and their by-products, with temperatures of 1000°C or more leading to most but not all PFAS being destroyed. Considering that the average combustion temperatures of conventional household or sewage sludge incinerators are less than this, it seems clear that relying upon incineration to destroy all PFAS is not realistic. Landfill options are also not appropriate as this will likely just exacerbate the problem of PFAS in groundwater supplies. And besides, wide dispersive use means that not all PFAS can be captured at the waste stage anyhow.

The PFAS industry has historically not successfully controlled the emissions from manufacturing, and it would be totally irresponsible to continue to stockpile PFAS-contaminated waste in the vague hope of a future solution to tackle the problem.

Additional signatories to the FPG's voluntary manufacturing programme, alongside Chemours, include other major PFAS producers including [AGC Chemicals](#), [Arkema](#), [Daikin](#), [WL Gore](#), and [Solvay](#), and several have used it as part of their lobbying. Fluoropolymer producer Daikin flagged its membership of the FPG manufacturing programme in its meeting (alongside its lobby firm [Kreab](#)) with DG GROW in April 2024. WL Gore did the same in its [meeting](#) with DG GROW in the same month.

Other lobby groups have adopted FPG's arguments too, with the machinery industry [telling](#) the Commission that “concerns of persistence can be appropriately dealt with through responsible manufacturing and End of Life (EoL) risk-management practices instead of a total ban”.

Box B Plastics Europe: recycling its lobby tactics

[Plastics Europe](#) is the trade association representing the polymer industry across Europe and its [members](#) include many of the biggest chemicals producers such as BASF, AGC Chemicals, Chemours, Dow, ExxonMobil, Ineos, and WL Gore. According to LobbyFacts [Plastics Europe](#) is a major EU lobbyist, the joint 21st highest (declared) spending actor in the EU transparency register in the past year, and the joint 5th highest declaring trade association. Specific spending by Plastics Europe's [Fluoro-polymer Product Group](#) (FPG, its in-house lobby group on PFAS) is not disaggregated.

Plastics Europe has more than doubled its declared spending on lobbying since 2020 when it declared up to €2 million, to its most recent declaration (for the year 2022) of up to €5 million. It uses up to 6 lobby firms, alongside employing the equivalent of 14 full-time lobbyists, with 8 European Parliament passes (data correct up to 15 December 2024). Plastics Europe's [register declaration](#) lacks a lot of detail on the specific files it is working on, referring in the most general terms to the "EU Green Deal", and "EU Chemicals Strategy for Sustainability". PFAS or even fluoropolymers are not specifically mentioned although Plastics Europe has been very prominent in the debate on the uPFAS restriction, including via the FPG.

In 2018 Corporate Europe Observatory [mapped](#) Plastics Europe's cynical lobbying on the Commission's Plastics Strategy. Many of the lobby tactics identified then – outright opposition, heavy lobbying, and weak / late voluntary approaches – are recognisable in its uPFAS lobbying today.

Corporate Europe Observatory contacted Plastics Europe to request comment but no response was received.

4.2.4 Tactic 4: Call in the lawyers

In March 2023, soon after ECHA had received the uPFAS dossier proposal from the five European states, ECHA also received a [legal briefing](#) from law firm [Fieldfisher](#) which set out numerous arguments as to why "the Proposal should not move forward... in its current form, as it contains a series of legal flaws". While the document itself does not refer to any client, a different but similar [document](#) entitled "'Legal flaws of the Proposal' 'Inconsistency of the Proposal with EU Strategic Policies'" was produced by Fieldfisher on behalf of Chemours and submitted to the ECHA consultation. The latter document was received by the [Forever Lobbying Project](#) via *Le Monde* in a cache of documents released by the French Government.

Fortunately ECHA officials dismissed Fieldfisher's March 2023 [legal opinion](#) out of hand, as well as the law firm's request for accreditation to attend the ECHA committees charged with looking at the uPFAS restriction either "directly or through CEFIC or any other stakeholder". But it is clear that even though this legal threat did not deliver any immediate results, lawyers threatening the process so early on raises the threat of future corporate legal action when the uPFAS restriction is finalised. As a rather weary-sounding ECHA official [notes](#): "These law firms will make sure to keep us all busy and influence the process wherever they can along the way".

The second Fieldfisher [opinion](#), which specifically mentions that it was commissioned by Chemours, includes misleading references to the OECD's criteria for 'polymers of low concern' (criteria which don't exist as explained in industry spin alert 2) and it argued that the proposed uPFAS restriction would render policies such as the EU Green Deal, the strategy for hydrogen, and the EU Chips Act, as "obsolete".

As Hélène Duguy of ClientEarth, the environmental law NGO, told Corporate Europe Observatory: "It is worrying to see a law firm reaching out to ECHA in the midst of an official, ongoing scientific review. It speaks volumes about how far some actors will go to in order to derail a process."

Duguy continued: "Meanwhile Chemours has been using all the tricks in the books to disrupt and delay any meaningful action to protect people from harmful chemicals – chemicals that they manufacture. ClientEarth was in court for years against Chemours to get them to acknowledge the toxicity of GenX chemicals – a group of PFAS. Europe's top court ruled several times against the company – but given past form, and financial resources, we can imagine that they will continue to take European institutions to court over chemical regulations, even when the science piles up against them."

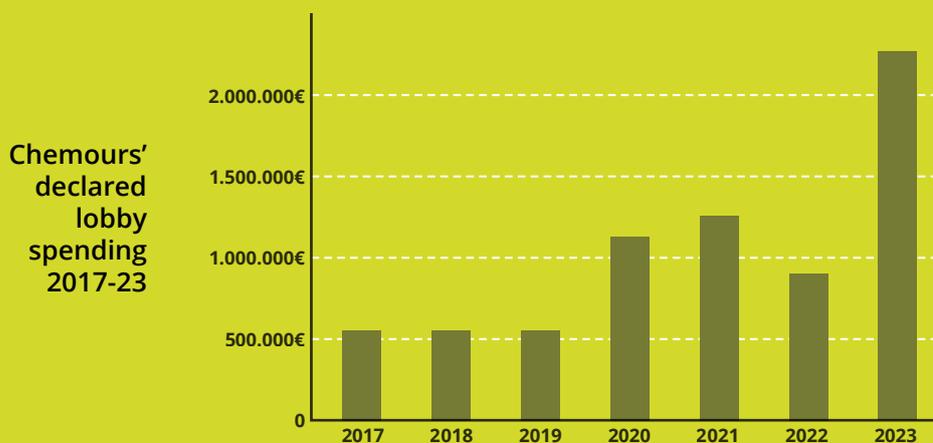
Beyond ECHA, Fieldfisher's legal advice to Chemours has also been used in lobbying the Commission. A third Fieldfisher [briefing](#), specifically prepared for Chemours, outlined the differences between the EU and post-Brexit UK approaches on PFAS: the latter is substantially weaker than the proposed EU restriction under REACH. Of course the corporate lawyers brand the UK approach "more pragmatic and effective" and threaten that companies will be incentivised to move to the UK from the EU if the uPFAS restriction goes ahead. What the lawyers do not dwell upon is whether UK citizens would be happy to host greater numbers of PFAS producers and users. UK campaign groups [demand](#) that their government "transition[s] towards a PFAS-free economy". This is especially urgent as the UK's Environment Agency has recently [warned](#) that it lacks the budget to investigate, let alone tackle, England's rising number of potential 'forever chemicals' contamination sites.

Law firm Fieldfisher is not currently in the EU lobby register, although it was registered until June 2021. According to [LobbyFacts](#), at that point the law firm declared only one client, the lobby firm EU Focus Group. Today, [EU Focus Group's](#) biggest declared client is Chemours, from whom it declared receiving up to €800,000 in 2023.

Fieldfisher is not the only law firm active on the EU PFAS file. Our [July 2023 report](#) on PFAS lobbying identified other active law firms such as Hogan Lovells, Mayer Brown, and Steptoe.

Box C Lobby profile: Chemours

According to [LobbyFacts](#), Chemours is the 20th joint highest declaring spender among all companies in the EU lobby transparency register with a declared lobby spend of €2,250,000 - €2,499,999 in 2023. This declaration represents a 4-fold jump in spending since 2017.



Chemours explains this massive increase in spending [accordingly](#): "The 2023 year has been a growth year for Chemours in the advocacy space, with 2 new people joining the Governmental affairs team. In addition, media campaigns have been run to outline the essentiality of Chemours technologies. An office in Brussels was also opened. Finally, activities in the regulatory space have accelerated, and Chemours has submitted its inputs in the public consultations in the framework of the REACH processes, which required a lot of manpower and consultancy services." Or, to paraphrase: 'we are throwing everything, bar the kitchen sink, at influencing the uPFAS proposal'.

With only 2.5 full-time equivalent lobbyists of its own, in 2023 Chemours spent much of its declared EU lobby budget on intermediary lobby firms:

Rud Pedersen Public Affairs	€500,000 - €599,999
EU Focus Group	€600,000 - €699,999
FTI Consulting	€400,000 - €499,999
Total	€1,500,000 - €1,799,997

As detailed in section 4.2.2 we have clearly seen [FTI Consulting's](#) fingerprints on Chemours' lobby strategy to mobilise its supply chain customers to respond to the ECHA consultation on the uPFAS proposal, with its staff apparently drafting documents for the portal.

Meanwhile Chemours is [EU Focus Group's](#) biggest client by quite some way. The lobby firm declares working on "REACH - FGAS Regulation - Water Legislation" for the chemical company. Confusingly the lobby firm has declared more lobby income from Chemours in 2023 at €700,000 - €799,999 than Chemours itself has declared providing to the firm.

Chemours' third lobby firm [Rud Pedersen Public Affairs](#) declares working on "Chemicals, F-Gases, Critical Raw Materials, Industrial Emissions, Net Zero Industry Act, Water Environmental Quality Standards, Hydrogen, ETS, CBAM, Energy Efficiency Directive, Energy Performance of Buildings directive, Batteries Regulation" for its €500,000 - €599,999 received from Chemours in 2023. Rud seems well versed in chemicals lobbying: its biggest client is major agro-chemical producer [Bayer](#), from whom it received a cool €1 million in 2023.

Chemours' lobby register entry [mentions](#) that it is a member of several of the lobby groups active on the uPFAS file, including CEFIC, Plastics Europe / FPG, and Am-Cham EU. It also mentions that its communication activities have included sponsorship of *Politico's* Playbook newsletters, something which Corporate Europe Observatory had highlighted in its [2023 report](#) when the company was trying to generate submissions to the ECHA consultation, as well as a "media campaign on essentiality of fluoropolymers and fgasses [sic]".

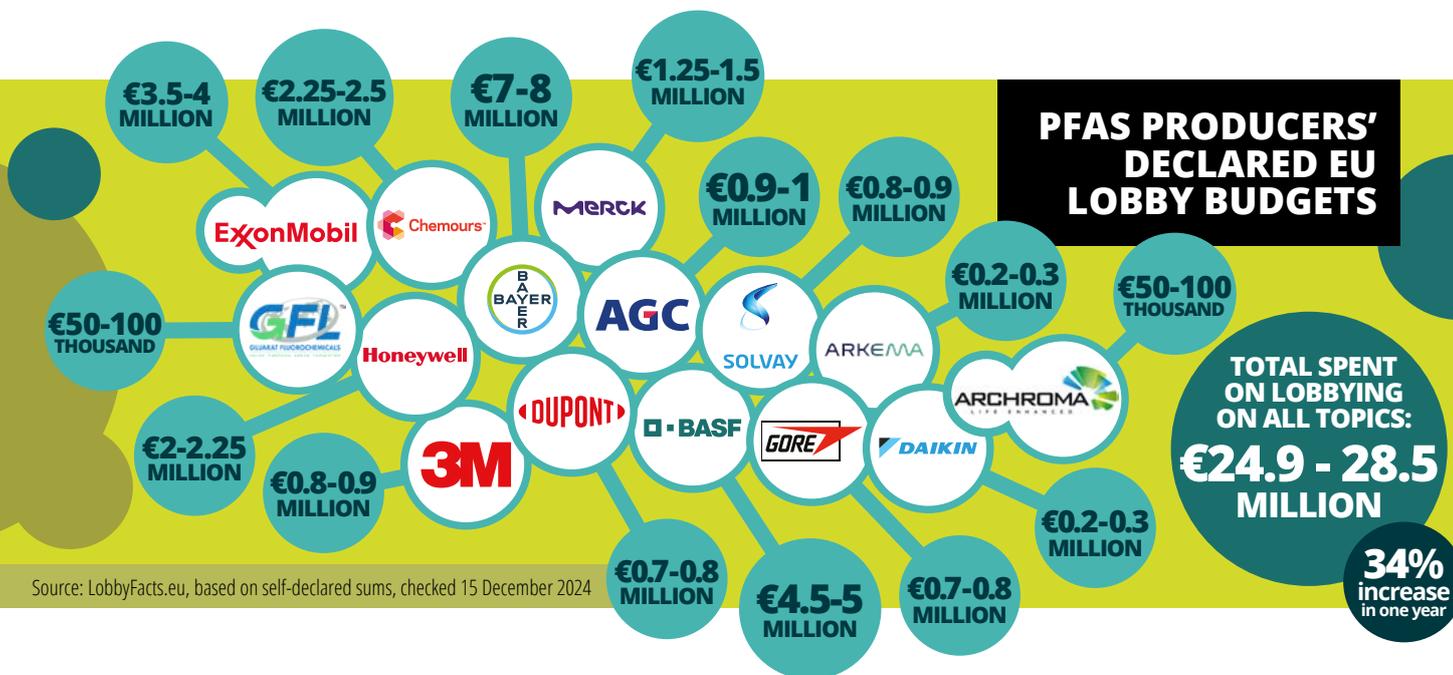
Remarkably the terms 'PFAS' or 'per- and polyfluoroalkyl substances' do not appear on the self-declared elements of Chemours' current lobby register [declaration](#), which is an indication of the flawed nature of the (voluntary) EU lobby register when trying to use it to assess the overall level of lobbying undertaken on this topic.

As discussed in section 4.2.1 nearly all of Chemours' recent high level meetings with Commissioners, their cabinet members, or directors-general were on topics including PFAS. We calculate that Chemours has been the most frequent Commission visitor on PFAS, with at least 6 high-level meetings which is more than all NGOs put together. According to the imperfect European Parliament data, Chemours has had at least [19 meetings](#) with MEPs since 2020, with PFAS, F-gases, and fluoropolymers featuring as agenda topics in some of these meetings.

Chemours is registered in the German lobby register, with a modest [declared](#) spend of €20,001 - €30,000 for 2023. Chemours stated it is "pursuing the goal of Germany opposing a general ban on PFAS". Specifically it [reported](#) that it supported a German parliamentary [motion](#) which sought a "differentiated approach" to regulating the use of PFAS. This motion was promoted by the centre-right CDU/CSU parliamentary group and it included scaremongering elements that are challenged within this report. Lobby firms Rud Pedersen Public Affairs and FTI Consulting also list Chemours in their German lobby register declarations for 2023.

The German lobby transparency register enables insights into Chemours' national lobbying strategy which are not so easy to expose for other countries which lack decent lobby transparency rules. Chemours and its lobbyists, alongside other industry actors, have made an effort to lobby German politicians which, as we will see in section 6, may well be paying off.

All data correct as of 15 December 2024.



5. BIGGEST SECTORS LOBBYING ON PFAS

Alongside Chemours, and its allied trade associations, lobby consultancies, and law firms, there have been a host of other companies and industry lobby groups active on the uPFAS restriction and often deploying misleading arguments and influencing tactics to try to knock this proposal off course.

It's not a precise science to assess which sectors are lobbying the Commission the most on PFAS, due to the lack of consistent, consolidated, and transparent record-keeping by the Commission, but analysis of the hundreds of documents received by Corporate Europe Observatory indicates that the sector most represented within them is of course the chemicals industry itself, defending the PFAS substances it produces and the supply chains associated with them. It is followed by the battery sector; medical devices and pharmaceuticals; and a host of other manufacturers including semi-conductors, those producing manufacturing equipment, and the defence sector. Let's look at these in turn.

5.1 Sector #1: Chemicals lobby

From the lobby documents received from the Commission, it is possible to see that almost all of the big PFAS producers are lobbying the Commission. In addition to the chemicals industry players outlined elsewhere in this report – Chemours, trade association CEFIC (including via its FP-P4EU sectoral lobby group), and Plastics Europe (including via the Fluoropolymer Product Group (FPG)) – we can see that WL Gore, AGC Chemicals, as well as another PFAS producer, [Honeywell](#), are also very active across the Commission.

Box D Honeywell's PFAS lobby blitz

[Honeywell](#), a US company, is one of the [top 12 producers](#) of PFAS with at least [17 persistent chemicals](#) in its portfolio. This PFAS production accounts for its very low score in the [ChemScore ratings](#). Honeywell's wider products and areas of activity include aerospace, energy, and manufacturing, which could explain why it has been knocking on the door of numerous DGs including MOVE and Environment. Its key message? That its PFAS products in the shape of F-gases "do not cause an unacceptable risk to environment and human health", as it apparently [told](#) Commission officials in February 2024. Between 2022 and 2023 Honeywell quadrupled its [declared](#) EU lobby register spend to €2,000,000 – €2,249,999. This included spending up to €1 million on the services of [Teneo](#), a lobby consultancy which worked on "F-Gas regulation, universal PFAS REACH restriction proposal" for Honeywell.

In early 2024 Honeywell kicked off a blitz of lobby meetings with the Commission on PFAS. It met with then Commission Vice-President Maroš Šefčovič in [January 2024](#) which took place in Davos, Switzerland at the margins of the World Economic Forum. Others were with the Cabinet of then Energy Commissioner Kadri Simson in [February 2024](#); DG CLIMA, GROW, and Energy officials in [February 2024](#); Industry Commissioner Breton's Cabinet in [March 2024](#); and DG Environment officials also in [March 2024](#). Honeywell's [presentation](#) makes clear its concerns with the uPFAS restrictions and its impact on its PFAS products.

Considering the lobby campaign that the chemicals industry is running to oppose the uPFAS proposal, it is not surprising that there has been a marked increase in PFAS producers' collective declared EU lobby spend in the past year. In July 2023 Corporate Europe Observatory [reported](#) that the biggest 12 PFAS producers⁶ together with the five other members of CEFIC's [FluoroProducts and PFAS for Europe \(FPP4EU\)](#) in-house lobby group,⁷ some 17 companies in total, declared spending between €18.6 million and €21.1 million on EU lobbying in the 2021-22 period, alongside employing 72 full-time equivalent (FTE) lobbyists, between them.

As of 15 December 2024, the [most recent figures](#) now show that the declared EU lobby spend for these 17 companies has grown to between €24.9 million and €28.4 million, a 34 per cent increase in the past year for which figures are available. FTE lobbyist numbers are also increased to 92, a 28 per cent increase. Of course overall the total spend on PFAS lobbying by active companies and trade associations will be much much higher, but complete figures are not discernible from the EU lobby register.

This large increase in declared EU lobby spending correlates with the recent focus by PFAS producers on the uPFAS proposal, although the data does not enable us to disaggregate the specific spend on PFAS from that spent on other lobby topics. Bayer, BASF, Chemours, Honeywell, and AGC Chemicals have all posted large increases in spending, while several of the lobby players analysed (Archroma and Gujarat Fluorochemicals) have joined the EU lobby register in the past year and started to declare an EU lobby spend for the first time. Two, Dongyue and Synthomer, were and remain outside the EU lobby register.

5.1.1 Beware industry-funded studies

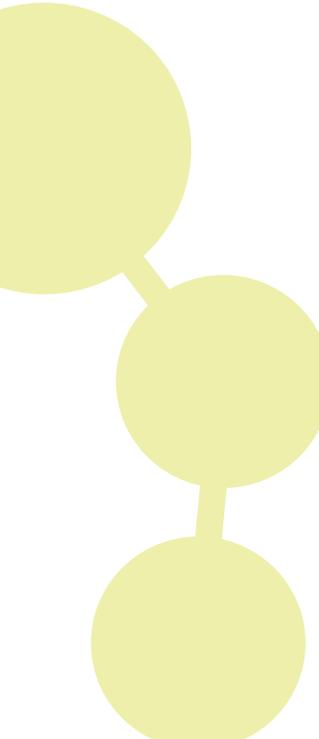
CEFIC, the EU's chemical industry lobby, is consistently one of the [highest declared spenders](#) in the EU lobby register, with over €10 million spent each year. As we have seen throughout this report, CEFIC has been very active in the uPFAS debate, including via its bespoke PFAS lobby group, [FluoroProducts and PFAS for Europe \(FPP4EU\)](#), which includes many of the big PFAS producers including Chemours, DuPont, and AGC Chemicals.

Deploying a tried and tested lobby technique, CEFIC has commissioned several impact assessments and reports on the uPFAS proposal. Corporate Europe Observatory has previously profiled how corporate-funded impact assessments on both the [pesticides reduction](#) (SUR) proposal and on the [REACH revision](#), helped lead to the withdrawal of the former and the lengthy postponement of the latter file. These studies have an appearance of independence and help to create an echo chamber which furthers industry's interests. But in reality they are partial studies which grab the headlines with eye-catching figures of predicted business doom and gloom if certain progressive green rules go ahead, while actively excluding consideration of the benefits to health and the environment that the same regulations would bring. See more on this in industry spin alert 1.

In this case CEFIC's [impact assessment](#) on PFAS, dated September 2023, was conducted by Ricardo consultants and aimed to quantify the business impacts on European manufacturers, importers, and downstream users of PFAS, if the uPFAS restriction were to go ahead. Loss of turnover was estimated at between €2.1 and €2.9 billion per year on average for PFAS manufacturers, and €30.9 billion annually for downstream users, for the period 2024-42.

⁶ In 2023 ChemSec identified the biggest PFAS producers (in alphabetical order) as: [3M](#), [AGC](#), [Archroma](#), [ARKEMA](#), [BASF](#), [Bayer](#), [Chemours](#), [Daikin](#), [Dongyue](#), [Honeywell](#), [Merck](#), and [Solvay](#).

⁷ The 5 other members of FPP4EU are [DuPont](#), [ExxonMobil](#), [Gujarat Fluorochemicals](#), [Synthomer](#), and [WL Gore](#).



These are obviously very large sums but the report did not try to weigh these against any of the health and environmental benefits of the uPFAS restriction. These sums also need to be seen in the context of the very real health costs that society is currently paying, and of the environmental clean-up of emerging PFAS of €100 billion per year in perpetuity, unless something is done, as calculated by the [Forever Lobbying Project](#). As explained in section 1.2 generally speaking these can only be theoretical costs as society does not have the practical ability, nor the funding, to fully clean-up the existing PFAS legacy in our bodies and in the wider environment. It is already too late, the problem is too big, for clean-up and remediation options at scale (although some immediate remediation in areas of intense contamination is crucial and possible), which is why it is so vital to stop adding to this 'forever pollution' at source.

CEFIC also commissioned a [consultancy report](#) from [Accenture](#), focussed on the use of PFAS in manufacturing equipment in chemical plants. A key part of the study was a questionnaire and interviews with CEFIC members which found extensive use of PFAS in chemical equipment, largely fluoropolymers and that, even when PFAS-free alternatives have been identified the replacement time would be more than 10 years due to maintenance cycles, investments, and other reasons. The report says that the implication of the uPFAS proposal would be "profound both for existing plants and new investments". Again we see no evidence of consideration of wider costs to society of these PFAS uses, nor of the benefits of the ban. This report was used in submissions to the ECHA consultation, which the [Forever Lobbying Project](#) has scraped. Accenture also provided a [France-specific version](#) for the French lobby groups [France Chimie](#) and [Ufip Énergies et Mobilités](#), with a similar methodology and results.

Of course, it should not come as any great surprise that the chemicals lobby is fighting back hard against the uPFAS restriction, and the costs that these kinds of regulations will surely bring. Speaking in broad terms to the [Forever Lobbying Project](#) about industry's habit of economic scaremongering, Gary Fooks, a researcher in corporate harm and the commercial determinants of health at the University of Bristol in the UK said, "Businesses have a material interest in the outcome of regulatory proposals and, therefore, an incentive to exaggerate the difficulties of complying with regulation and its costs. Evidence from other contexts suggests that this tendency to exaggerate across industrial sectors is commonplace."

Despite this, and as explored in section 6, the chemicals industry has found numerous political allies to help with the fight. Corporate Europe Observatory contacted CEFIC to request comment but no response was received.

5.2 Sector #2: Batteries industry

Aside from the PFAS producers themselves and the wider chemicals industry, of all the sectors which use PFAS in their manufacturing processes and or products, the battery industry has been perhaps the most active at the EU level. [RECHARGE](#), the trade association of the rechargeable and lithium battery sector, is highly visible in the documents released by the Commission. It has [demanded](#) a full exemption of batteries from the uPFAS, and also that Commissioners Breton, Šefčovič, and others across the Commission intervene to ensure that the ECHA scientific committees prioritise the consideration of the battery sector in their uPFAS workplans. However this kind of interference by the Commission in ECHA's process and deliberations is not foreseen in the REACH procedure, and therefore, highly inappropriate.

The battery sector is one of the biggest advocates of the argument that progress on the Green Deal's climate goals will be jeopardised because of the role of PFAS in battery storage for renewable energy and electric vehicles, for example. This is explored further in industry spin alert 4.

We should strongly question industry claims that PFAS in batteries cannot be replaced, says a provider of PFAS-free alternatives for use in batteries in electric vehicles and other applications. And there can be wider benefits to replacing PFAS too. "We don't see a future with PFAS in batteries for the long term, partly because of PFAS' sustainability issues and also because those PFAS materials limit performance and cost improvements at the product level. To be clear, our PFAS-free solution also substantially improves performance (energy, power, and cycle life) and cost. The inclusion of PFAS in batteries is only a legacy design choice and objectively an engineering issue that has already been resolved as we've shown", the manufacturer has told Corporate Europe Observatory.

5.3 Sector #3: Medical technology and pharmaceutical sector

PFAS in active substances in medical products receive a full exemption from the uPFAS proposal as currently drafted. However, medical devices and the technologies needed to produce pharmaceuticals are not exempted, although some have been given a lengthy 12 year derogation on top of the 1.5 year transition period in the current proposal.

The absence of a complete exemption from the uPFAS restriction led pharma lobby the [European Federation of Pharmaceutical Industries and Associations \(EFPIA\)](#) and [Novo Nordisk](#) the Danish pharma company which also holds the presidency of [EFPIA](#), to emphasise their concerns to Commission President von der Leyen in September 2023. An email, sent following a meeting, [said](#): “As things stand, the grave concern I shared with you on 14 September, that “we will be forced to cease pharmaceutical production operations in Europe,” still applies. I would very much welcome learning that this will not be the case.” The meeting referred to was held in Copenhagen on 14 September 2023 with Danish industry leaders, but it does not appear on von der Leyen’s [list](#) of published lobby meetings.

Like CEFIC as outlined in section 5.1.1, Big Pharma lobby [EFPIA](#) conducted an [assessment of socio-economic](#) costs on the uPFAS proposal via management consultancy and lobby firm [EPPA](#). This report talks in apocalyptic terms of “disproportionate negative impacts” if there is not a full exemption of the pharma sector including for manufacturing, with possible medicine shortages resulting. If pharmaceutical manufacturing is not exempted, it argued, it would have “severe impacts on human health of patients in Europe and outside of Europe, but also on European competitiveness, on the competition in the internal market, on innovation, and on the overall trade balance.”

The [study](#) recommended a long list of time-unlimited derogations to the current proposal. It was based on “information and data gathered from the manufacturers of human medicines that use PFAS ... and the suppliers of PFAS containing equipment”.

When considering an industry’s views on how it will be affected by the uPFAS restriction, it is worth remembering that the dossier submitters have already spent several years analysing alternatives to PFAS in different industries and have suggested derogations where they found there were none. For example, there are [PFAS-free medical](#) inhalers already in widespread use across Europe. And now the ECHA scientific committees are re-assessing all the evidence about alternatives. Industry has been invited to provide evidence about alternatives both before and after the dossier was submitted. This means that scaremongering is totally unnecessary as the scientific process will ensure that important areas, where there are genuinely no alternatives, will be treated accordingly.

Nonetheless there has been a very prominent campaign by the producers of medical devices, notwithstanding the derogations foreseen in the original uPFAS proposal. [SPECTARIS](#), the German industry association for medical technology which also represents producers such as [Carl Zeiss](#) and [Karl Storz](#), and the trade association [MedTech Europe](#), have all been active. Between them they have had contact with Commission DGs SANTE, Environment, GROW, Energy, RTD, and the Secretariat-General. In September 2023 [SPECTARIS told](#) commissioners that the uPFAS would “massively endanger technological sovereignty and security of supply in the EU”. This sector has also received political support from German politicians as detailed in section 6.

5.4 Other sectors

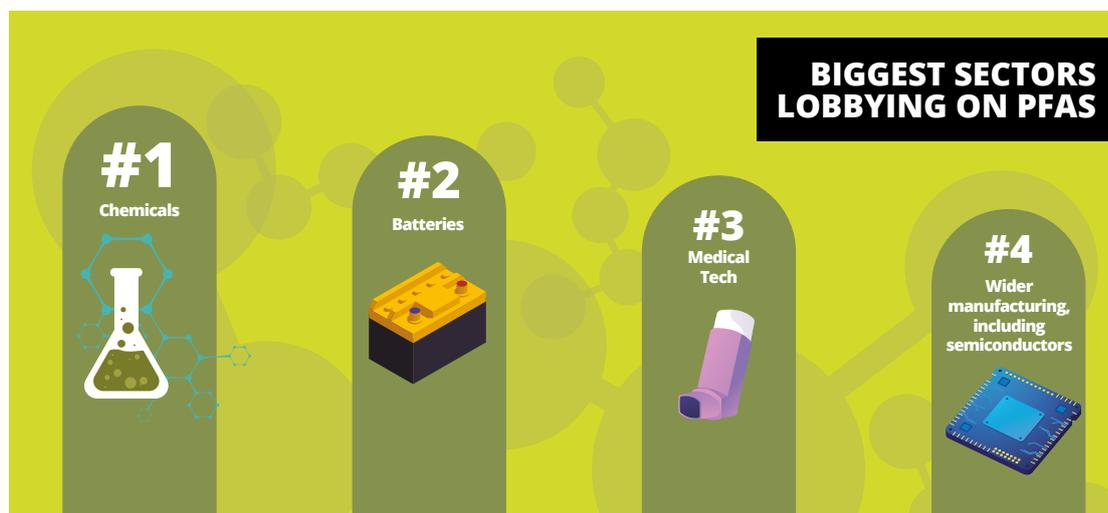
Whether it is semi-conductor or electrolyser producers, vehicle industry, machinery makers, or textile producers, the manufacturing industry has been mobilising hard to challenge the uPFAS restriction.

In May 2023, four machinery industry trade associations [called upon](#) the Commission to intervene to extend the ECHA consultation for 12 months, a proposal which the Commission [rejected](#). The industry also argued that “persistence can be appropriately dealt with through responsible manufacturing and End of Life (EoL) risk-management practices” (see industry spin alert 3). As outlined in section 6.1 the manufacturing sector has also been putting pressure on Chancellor Olaf Scholz of Germany.

The semi-conductor (or chips) industry has also been prominent in the debate, and has been able to use arguments around the EU Chips Act and the EU’s much touted ‘digital transition’ in order to further its cause. Key players include the trade associations [DigitalEurope](#), [SEMI Eu-](#)

[rope](#), and the European Semiconductor Industry Association (ESIA). In October 2023 a [meeting](#) between DGs GROW, CNECT, and RTD, and various industry voices discussed the “need for PFAS and their unique characteristics in the semiconductor industry”; industry demanded a “comprehensive derogation”.

Another industry actively opposing the uPFAS restriction from the manufacturing sector is the arms trade lobby, particularly the [Aerospace, Security and Defence Industries Association of Europe](#) (ASD). In November 2023 it [told](#) the Commission that the uPFAS proposal would have “a catastrophic impact” as it would “bring aviation, space, security and defence to a standstill (no production, no imports, no maintenance) by 18 months after the entry into force”.



5.5 Hyperbole rules

It is hard to think of another topic which has been the subject of so much hyperbolic, pernicious lobbying by industry, especially when the health and environmental justifications for a robust PFAS restriction are so compelling, and when so many replacement substances and technologies already exist or are being developed. If ever there was an opportunity for the EU to champion its favourite buzzwords of ‘innovation’, ‘competitiveness’, and ‘global leadership’, the area of developing [safe PFAS-free alternatives](#) is it.

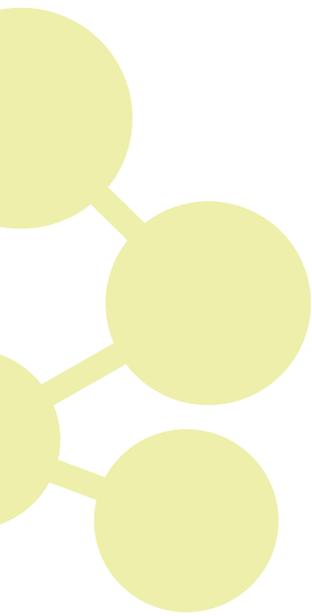
!PFAS lobby industry spin number 4!



There are no alternatives to PFAS and the Green Deal will fail without them

There are no alternatives to PFAS. This is perhaps the most common lobby argument of the PFAS industry lobby. But the Forever Lobbying Project has extensively investigated these claims, based on submissions to the ECHA consultation by fluoropolymer industry producers and users. It has found that despite ECHA’s request for information about research on the testing of specific alternatives to PFAS, of more than 500 “there are no alternatives” statements made by industry actors, only 134 included enough information to identify a precise application being referenced. The journalists then used a [database of potential alternatives](#), developed as part of the EU-funded project [ZeroPM](#), and found potential alternatives for nearly two thirds of the 134 applications. This means that industry is either unaware of these possibilities, or are being deliberately vague to regulators and policy-makers. As a recent [ChemSec webinar](#) explored there are alternatives to fluoropolymers in many different applications, including in some medical catheters, energy applications, and others.

Closely connected to this argument come industry’s efforts to link the uPFAS restriction as being **contrary to wider EU objectives on the Green Deal and the ‘digital transition’, including the EU Chips Act**. The former is used by lobbyists defending PFAS in batteries and renewable energy applications, and the latter by semi-conductor lobbyists. But as Dr Shubhi Sharma at ChemTrust has [said](#): “We should tackle climate change



and PFAS pollution together, not address one by making the other worse ... We know that companies are already embracing the challenge of going PFAS-free and that a ban on PFAS is compatible with the essential clean technologies needed to avert climate change." A ChemTrust [briefing](#) sets out more information on the availability of PFAS-free alternatives to aid the green transition.

There are growing numbers of [alternatives](#) to PFAS in the fields of clean energy, batteries, semi-conductors, and many other areas. As we have seen in section 5.2, some PFAS alternatives can offer enhanced functionality. It is also recognised that some may have weaker functionality. But in the context where 'safety' is already protected as a criterion in the uPFAS proposal deliberations (especially important when talking about medical devices, say), some reduction in functionality is surely an acceptable price to pay for a PFAS-free alternative. Besides, the discovery of alternatives is developing all the time. Many corporations have already [removed](#) PFAS from their products or are working on doing so, and regulations such as the uPFAS restriction are a spur to innovative companies to work harder in this area.

Looking broadly at the corporate lobbying of the Commission outlined above, what makes it even more remarkable and questionable is that the EU executive does not play a formal role in the proposed restriction yet, at this point in the process: it is an observer only. In that case, there is a big question as to whether the Commission should be engaging at all with industry lobbies demanding derogations and exemptions, especially while the deep analytical and scientific work on exactly these questions is still being carried out by ECHA, an agency mandated to deliver rigorous independent scientific outputs. Instead all Commission services should simply refer lobbyists who demand meetings to discuss derogations and exemptions towards the next ECHA consultation process.

Box E EU Commission's work on alternatives, and industry support for the uPFAS proposal

The Commission has been undertaking some work to explore and promote alternatives to PFAS. However, it seems that the strong messages about the availability of safer PFAS-free alternatives are not reaching the upper echelons of the Commission to the extent required to combat PFAS producers' narrative that alternatives are too far off, not adequate, or non-existent (see section 3.4).

We know that DG Environment organised a half-day event on alternatives in January 2024 (the presentations are available [here](#)). According to a DG Energy [summary](#) of the event, "All industry presenters unanimously advocated for a ban on PFAS" and emphasised "the existence of viable alternatives and urging regulatory support". The note also highlighted how participants had referred to "the uneven playing field and expressed confidence that the industry could adapt to PFAS-free solutions with the right incentives, regulation, and access to financing." An [event](#) organised by DG GROW on the "substitution of targeted hazardous chemicals" in March 2024, unfortunately did [not include](#) substantial reference to PFAS.

Both [DG Energy](#) and [DG RTD](#) have mentioned research programmes on PFAS-free alternatives (although it is essential that these are not being used to fund work on false climate solutions such as green hydrogen which Corporate Europe Observatory has called a "[Trojan horse](#) to prolong the use of fossil fuels".) And as mentioned in section 3.1 DG CNECT has told us that it [recognises](#) its role in "managing, mitigating, and eventually replacing PFAS within semiconductor manufacturing".

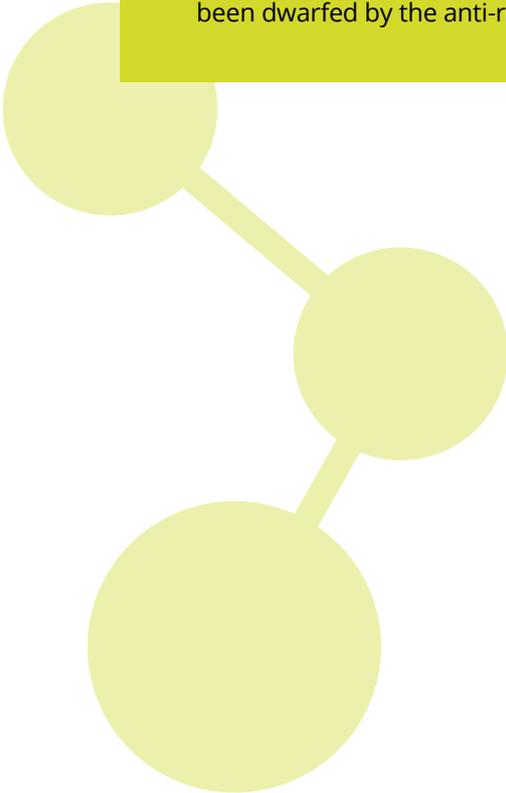
Swedish NGO ChemSec works [extensively](#) with companies which are developing PFAS-free alternatives. Sidsel Dyekjaer told Corporate Europe Observatory that: "Our work with companies has shown that for the majority of PFAS uses, safer alternatives are available, and much innovation is ongoing in the area. Alternatives are continuously developed and improved. Those companies that are able to develop

alternatives will have a huge advantage on the market in the future. Thus, it is a better strategy for a company to turn to the R&D department to find solutions, rather than to turn to the communications department to look for arguments against the uPFAS proposal.”

There is also some evidence of lobbying of the Commission by industry that is supportive of tougher regulation on PFAS. A December 2022 meeting between DGs Environment and CLIMA with German manufacturer Bosch was very [encouraging](#) about the PFAS-free alternatives available for heat pumps and the importance of ambitious regulation. As reported in section 4.2.1, the minute of a meeting between business and then Environment Commissioner Virginijus Sinkevičius in July 2023 [noted](#) that, notwithstanding concerns expressed by some in the room, “A number of participants stressed that there are alternatives to PFAS which can be used in critical applications, and there is support for the restriction”.

And prominent in the debate to support the uPFAS restriction has been trade association EurEau which represents public and private drinking and waste water operators, who have been left with the job of trying to remove PFAS from water and waste water. Not surprisingly it [calls for](#) “the swift and far-reaching ban of these ‘forever chemicals’.” EurEau secured a [meeting](#) with members of von der Leyen’s cabinet in January 2024.

However, despite these encouraging signs, the fact remains that industry efforts aimed at supporting the uPFAS proposal and PFAS-free alternatives have so far been dwarfed by the anti-regulation corporate lobby detailed in this report.





German Bundestag
Photo credit: ©DPA

6. FRIENDS IN HIGH PLACES IN GERMANY

Pressure on the uPFAS restriction is not just coming directly from corporate lobby groups. It is also coming from the political allies of those corporate lobby groups, with numerous politicians, especially from Germany and at various levels of the German state, prominent in this debate. Too often this political lobbying adopts misleading or inaccurate corporate messaging.

Chemical production is among the [largest](#) German industries and it is well-known that [BASF](#) (the largest chemicals company in the world), [Bayer](#), and others have easy access to decision-makers in Berlin and across Germany. Germany, as one of the five European states acting as uPFAS dossier submitters, is expected to remain fully supportive of the proposal that its Federal Institute for Occupational Safety and Health (Deutschland waren die Bundesanstalt für Arbeitsschutz und Arbeitsmedizin, BAuA) has put forward to ECHA. But the political mood music appears to be shifting, and the collapse of the German Government and imminent federal election throws further uncertainty into the mix.

6.1 At the federal level

Pressure has been growing on the federal German Government on the topic of PFAS from industry as the following examples denote. In September 2024, German Chancellor Olaf Scholz addressed a [conference](#) of the [VCI](#), the German chemicals industry lobby (and a major spender on lobbying in both Berlin and Brussels). VCI has made its position on the proposed uPFAS restriction very clear, [claiming](#) it would have “fatal impacts on industrial production in all sectors”.

At VCI's conference Scholz set up ‘a straw man’ argument by saying that he rejected an “undifferentiated total ban” on whole chemical groups such as PFAS (see industry spin alert 5), and saying he was committed to a “practical and balanced” regulation based on a risk-based approach. Risk-based approaches are favoured by industry as they imply that the risks of hazardous substances can be assessed and managed enabling the substance to still be used. However a recent [academic article](#) on US experiences critiques risk assessment approaches saying that they have failed in the area of toxic chemicals by “...paralyzing the regulatory process.”

!PFAS lobby industry spin number 5!



The uPFAS restriction is a total ban on PFAS

Industry lobbies, and some politicians, like to characterise the uPFAS proposal as ushering in **a total ban on PFAS**. This is not the whole story. As this report has made clear, the option being scientifically assessed by ECHA includes derogations for a variety of PFAS uses of either 5 or 12 years, after a 1.5 year implementation process. And some PFAS uses are entirely exempt, such as those in pesticides and medicines. Industry rebrands the restriction as a 'total' or 'blanket' ban as part of its strategy to generate widespread opposition and uproar.

Scholz' speech followed a [major lobby initiative](#) by hundreds of German manufacturers in July 2024, spearheaded by the [Bundesverband der Deutschen Industrie](#) (the BDI, the German member of BusinessEurope) and other trade associations such as medical technology lobby group [SPECTARIS](#), which demanded a "prompt, temporary withdrawal of the restriction proposal" in order for a "fundamental revision" to take place. The letter called for "harmless" fluoropolymers to be removed from the scope of the restriction and dealt with through emissions reduction and waste legislation. Industry spin alerts 2 and 3 show why this approach would be highly unsatisfactory.

But this letter fitted with wider BDI positioning on PFAS. Its 2024-29 programme for the EU [stated](#): "It is imperative that the EU develops a strategy to strengthen the competitiveness and innovation capability of industry in Europe in order to meet the targets set in the Green Deal. This also requires security concerning materials. Regulations such as the proposal to restrict per- and polyfluoroalkyl substances (PFAS) work in exactly the opposite direction." The Director-General of the European Commission's DG Environment [addressed](#) the BDI's event for chief executives in November 2023 where PFAS was an "important topic", and [spoke](#) at a further meeting with the [DIHK](#), the German Chamber of Commerce, in the same month, where PFAS was again a central topic.

6.2 Holding the line... for now

The present German Government has not withdrawn its support from the uPFAS proposal despite the pressure from industry. But even before the collapse of the Government and the upcoming federal elections, it was clear that Scholz' fragile coalition was divided on its approach to the uPFAS proposal, with different views expressed even within the same political party.

In August 2023 Green Environment Minister Steffi Lemke [called](#) the proposal an "important milestone in the EU" and said, "Germany will actively campaign for improvements in the upcoming procedure at EU level to hopefully soon leave the problems associated with PFAS behind us." But Robert Habeck, Economy Minister, Vice-Chancellor, and another Green, has had a rather different emphasis, [warning](#) of the risk of "over-regulation" and calling for exemptions for future technologies.

The parliamentary group of the now-departed federal coalition partner, the Liberal FDP, always seemed far less supportive of the uPFAS proposal. In a meeting in June 2023 it [emphasised](#) to the European Commission that "the German authorities involved in the preparation of the restriction dossier did not act on the basis of an agreement within the Government", which already raised the prospect of a difficult battle ahead.

There has been very worrying messaging about the uPFAS restriction emerging from Scholz' Government; the upcoming election will determine what happens next.

6.3 At the regional level

In lobby documents released by the Commission in Brussels, we can see some prominent political lobbying from German regional governments expressing deep concerns about the uPFAS proposal. The region of Baden-Württemberg, with its manufacturing and export-driven economy, has been especially active.

The Economy Minister and officials were [accompanied](#) by industry at a meeting with DG GROW in June 2023, and a further [meeting](#) between DG GROW and the Environment ministry followed soon after in which the ministry presented a list of PFAS uses which “require discussion”. Later the state government [wrote again](#) to DG GROW to forward its submission to ECHA’s uPFAS consultation.

The state of Baden-Württemberg also provided additional support to industry’s PFAS lobbying, specifically medical technology lobby group [SPECTARIS](#), by [hosting](#) a working breakfast, at its Brussels’ premises, to which SPECTARIS invited commissioners and officials from several DGs. It also [organised](#) a similar event with SPECTARIS at its premises in February 2024 to which it invited ECHA, SPECTARIS members, and Plastics Europe’s Fluoropolymer Product Group. ECHA rejected the invitation.

Baden-Württemberg is not the only German region lobbying for its PFAS industries. The Bavarian State Minister for Economic Affairs, Regional Development and Energy [lobbied](#) DG GROW in February 2023 and sent a further [letter](#) to President von der Leyen and others in the Commission in July 2024 which referred to “hearing more and more voices from companies” warning of “dramatic consequences” from the uPFAS proposal. This letter contained numerous lines of industry scaremongering including around the risk to investments and the non-existent OECD category of ‘polymers of low concern’ (see industry spin alerts 1 and 2).

Meanwhile the Minister for Economic Affairs, Innovation, Digitalisation and Energy from Saarland also [wrote](#) to the Commission in August 2023 and included various industry arguments, including that PFAS should be regulated differentially instead of as one group, and that the risk-based approach should be maintained. And in June 2024 the Prime Minister of the Free State of Saxony [lobbied](#) von der Leyen on behalf of the European Semiconductor Regions Alliance (ESRA) which he chairs. Its position paper [argued](#) that the uPFAS proposal would “jeopardize the industry’s survival”.

In September 2023 DG GROW [met](#) with the German business lobby [Wirtschaftsrat](#) (Economic Council) and its ‘PFAS forum’ to discuss concerns about the uPFAS with [big business](#) such as Covestro, Bayer, SPECTARIS, and Siemens, but also representatives of several German political parties including the conservative CDU-CSU and centre-left SPD, alongside the federal Chancellor, and other officials.

In November 2023 a [German gathering of economics ministers](#) from state and federal levels agreed a resolution on PFAS which again includes several misleading statements including alternatives not being available in various applications, and about excluding “polymers of low concern” (see industry spin alerts 4 and 2). The ministers argue that the uPFAS proposal has led to “Insurance companies no longer [wanting] to insure possible liability claims in connection with PFAS chemicals.” Rather than blame the proposal, shouldn’t that situation instead have given ministers pause for thought about the huge financial implications of the environmental and health consequences of the PFAS legacy?

6.4 Conservative forces on PFAS

While this economy minister gathering was a cross-party one, it is also true to say that German conservatives have been especially active in raising concerns about the uPFAS proposal, surely leaning into von der Leyen’s shared political affiliation and its group’s campaigns against other progressive elements of the European Green Deal such as [pesticide reduction](#) and the [nature restoration law](#). In June 2023 the CDU-CSU group in the Bundestag wrote to the Commission President saying the EU was “undermining” its political goals through its own legislation, citing PFAS, and demanding a review.

Meanwhile in the European Parliament, conservative MEP [Dr Angelika Niebler](#) visited a major chemicals park in her home state of Bavaria after which she also [lobbied](#) von der Leyen on the topic. She described the political signal that the uPFAS proposal was sending to the chemical industry as “simply devastating”.

And then of course there was the January 2024 [letter](#) coordinated by Peter Liese MEP which was signed by 19 other conservative MEPs which elicited the significant, leading [response](#) from von der Leyen which provided reassurance on at least some industry concerns, as discussed in section 2.3.

6.5 Turning MEPs into lobbyists

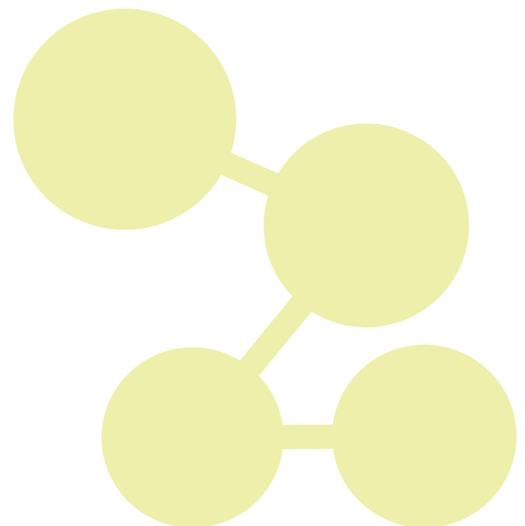
In an interview with Corporate Europe Observatory, [Jutta Paulus](#), a German Green MEP who sits on the Parliament's environment committee, told us about the level of corporate lobbying against the uPFAS restriction directed at MEPs, all of which helps to build the echo chamber of PFAS industry messages.

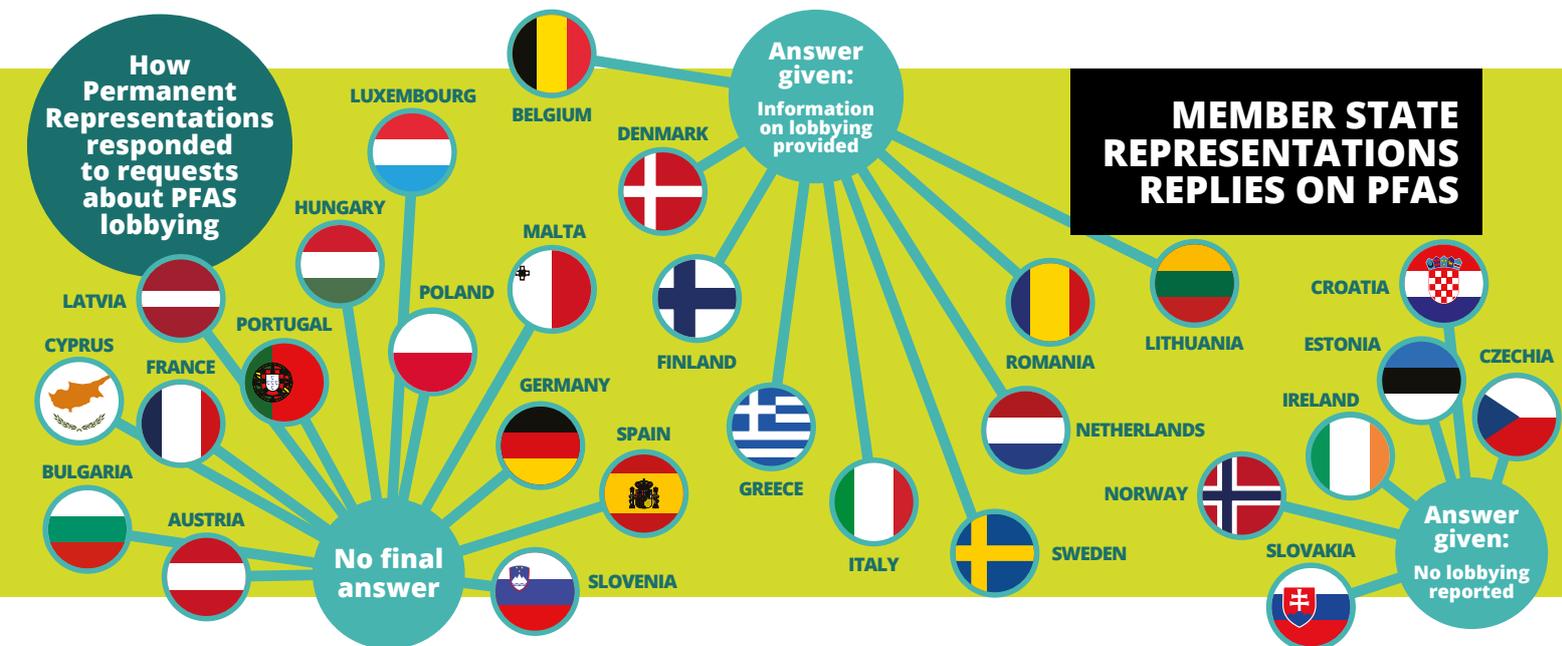
She reported that – even though MEPs have an extremely limited role in reviewing the uPFAS proposal – they are still facing serious lobby efforts. The aim is to mobilise MEPs to become lobbyists themselves on the PFAS issue. “It’s quite remarkable that we see a lot of lobbying inside the European Parliament around this [topic of PFAS] although Parliament doesn’t really have a role in this whole process”, she told Corporate Europe Observatory. This lobbying is aimed at “making as much fuss as possible” and to get MEPs “to approach their regional or national governments in order to weaken that proposal”.

Paulus worried that if her colleagues were not aware of the complexities of chemicals regulations, nor of the health impacts of PFAS, then they might not understand just how important it is to have the uPFAS regulation in place. MEPs are being told that “this will be a complete ban”, “it will be implemented tomorrow”, and “we will all lose our businesses right away”, none of which are true. Paulus told us that downstream PFAS users were especially active, and that she was worried that the drive to innovate to find acceptable alternatives to PFAS would be lost if sectors were given never-ending opt-outs.

It’s not possible to track all lobbying (written, face to face meetings, and [events](#)) involving MEPs, in Brussels and back home, and searches of the published data on MEP meetings are also not completely reliable. But (as of 12 December 2024) it is possible to identify [37 meetings](#) with MEPs or their staff which have been registered with the search term “PFAS” since the beginning of 2023. Overall this is likely to be an underestimate of the total. Two thirds of these meetings (25 out of 37) were with the corporate sector with some familiar names included on the list, including Chemours and medical devices lobbyists such as SPECTARIS and Carl Zeiss.

Whether it is in Brussels, Berlin, or in the German regions, it is clear that German politicians and officials have offered significant support to German industry in their opposition to a uPFAS ban which might affect their products or supply chains. What is especially regrettable is that too many of these actors have parroted misleading industry arguments, thereby further distorting the debate around the proposal. And this is just activity concerning only 1 of the 27 member states. Journalists in the [Forever Lobbying Project](#) have mapped other corporate lobby campaigns across other European countries.





7. MEMBER STATES IN BRUSSELS – TRANSPARENCY FAILURE

As discussed above, EU member states are playing a crucial role in the uPFAS restriction. Not only has the proposal originated with 4 EU states (plus Norway), member states nominate independent experts to sit on the Committee for Socio-economic Analysis (SEAC), and the Committee for Risk Assessment (RAC) at ECHA which assess the proposal and draft a reasoned opinion on it for the Commission. When ECHA finalises its recommendation, the Commission should draft a revised proposal taking the ECHA opinions and the initial proposal into account. This will then be discussed with the [REACH committee](#) whose membership is made up of the 27 EU member states. The REACH committee will vote on the finalised draft from the Commission (on the basis of a qualified majority) and ultimately the Commission must accept that vote of member states. At the last stage the Council (of member states) has a final veto power, although it is unlikely to be used as they will have already voted for the final proposal in the REACH committee.

This power of member state governments to influence various stages of restrictions such as uPFAS contrasts unfavourably with the role of the European Parliament in such processes, which is limited to a final stage veto power (which must be secured by an absolute majority in plenary). As an aside it seems remarkable that the EU's only directly-elected legislature does not have more oversight and power when making decisions on chemicals which aim to protect the health and environmental wellbeing of European citizens. While the Parliament holds this (limited) veto power over proposals to control harmful chemicals, it cannot make any objection to harmful substances entering the EU market.

7.1 Unaccountable permanent representations

This decision-making process which gives so much power to the 27 member states makes it highly important that we understand the lobbying directed at those national governments by corporate lobbies. During 2024 journalists from the [Forever Lobbying Project](#), working across Europe, have tabled over 100 freedom of information requests towards member state governments, recognising that corporate lobbying aimed at influencing the uPFAS restriction will be targeted here. In addition Corporate Europe Observatory tabled over 30 requests to the permanent representations in Brussels of the 27 member states (plus Norway, as a uPFAS dossier submitter) to find out about lobbying at this level.

We know that in general permanent representations can be the target of a large amount of corporate lobbying. A previous study has [revealed](#), for example, that just one such permanent representation, the Netherlands, had over 500 lobby meetings on a wide variety of issues in a one year period, 2017-18. Seventy three per cent of those meetings were with corporate lobbies, and only fifteen per cent with trade unions and NGOs.

Disappointingly our information requests on PFAS lobbying revealed that the state of lobby transparency among permanent representations is extremely patchy, and in some cases, absolutely

dismal. This is documented in more detail in annex 2. At the time of writing, the 28 permanent representations (27 EU member states plus Norway) responded (or didn't) as follows:

- 13 permanent representations, or almost half of the total, did not respond to repeated requests for information about PFAS lobbying, despite efforts to follow-up and resend the requests. This number includes Germany and France, who are often key players on chemicals policy, as well as member states known for their political unaccountability such as Hungary.
- The other 15 permanent representations did respond to our requests. 6 of these said that they had no records of lobbying on PFAS, while the other 9 provided some information. (Some interpreted our requests as not just relating to the uPFAS restriction but other recent rule-making on PFAS including the Water Framework Directive, the F-gas regulation, and the Packaging and Packaging Waste Regulation.)

7.2 Evidence of corporate lobbying

The responses which we did receive indicated that permanent representations are in the sights of at least some corporate lobbyists.

As examples, US company [WL Gore](#) and [SEC Newgate](#), its lobby firm, [met](#) with an official at the Lithuanian Permanent Representation on why its fluoropolymers are different to other PFAS and should be excluded from the scope of the uPFAS restriction. Part of the materials submitted to the official during a meeting included one of the WL Gore-backed [scientific articles](#) discussed in industry spin alert 2 which argued that fluoropolymers should be considered as 'polymers of low concern'. Chemours also lobbied the [Lithuanian](#) and [Belgian](#) representations, and FTI Consulting [lobbied](#) the Swedish representation on behalf of Chemours on PFAS and water management issues.

According to the limited information received from the permanent representations, the Swedish representation faced more lobbying than any other permanent representation, with the details available [here](#) and [here](#). This could reflect the fact that it is one of the five countries behind the uPFAS proposal, but could also simply demonstrate better record-keeping and a more transparent approach to responding to such requests – it is not clear.

The Romanian Permanent Representation released [documents](#) showing that it had been lobbied on PFAS on both the F-gas regulation and the Packaging and Packaging Waste Regulation, with the [European Partnership for Energy and the Environment](#) (EPEE, the lobby group for the refrigeration, air-conditioning and heat pump industry) leading the charge on the former, and [Plastics Europe](#) among the lobbyists on the latter.

The Italian representation told us that it had had two lobby meetings, but would only [reveal](#) the identity of one of the lobbyists, major PFAS producer [AGC Chemicals](#), who it met in March 2024 (see Box F). The Belgian Permanent Representation provided information about its interactions with Chemours and Solvay. At one point an official [refers to Solvay](#) as "our national champion of chemistry!" and invites Solvay to share any useful information, "particularly on the PFAS restriction".

But the overwhelming impression following this exercise is of the lack of transparency among the majority of permanent representations in Brussels. It is plausible to assume that the lack of willingness to answer such requests reflects a similar lack of interest in keeping proper records of meetings and monitoring lobbying by business interests. Overall there is a real failure of accountability and a serious risk of corporate capture, both of which are concerning considering member states' decisive role in REACH restrictions such as uPFAS.



European Chemicals Agency Headquarters, Helsinki
Photo credit: ©Tuomas Uusheimo / MFA

8. ECHA ALSO A LOBBY TARGET

Key stages in the development of a restriction under REACH are the two public consultations held by ECHA. For the uPFAS restriction, the [first consultation](#) was on the original dossier submitted by the five governments. Following the public consultation the submissions are then reviewed by the five states and especially the two ECHA committees, the Committee for Socio-Economic Analysis (SEAC) and the Committee for Risk Assessment (RAC). The SEAC opinion is then submitted to a shorter 60 day consultation with 'stakeholders'. At the time of writing, the uPFAS restriction is still being [reviewed](#) by SEAC and RAC, a process which has been going on since the first consultation closed in September 2023.

8.1 Warning! Industry-heavy consultation

The first ECHA consultation on uPFAS was 6 months long and ran from March to September 2023. It [attracted](#) 5600 responses from 4400 organisations, companies, and individuals, a very high number for such a procedure. But in fact nearly 70 per cent of these contributions came from industry voices, companies and trade associations, while NGOs, academics, and local authorities together only constituted 4 per cent of submissions.⁸ It's clear that ECHA has received a huge number of industry submissions, many of which have opposed at least parts of the proposal to restrict PFAS. Counter-voices supporting the proposal have been far, far less in number.

Corporate Europe Observatory has [previously reported](#) on the industry tactic to deluge the ECHA consultation with responses. As detailed in section 4.2.2, Chemours set up a special portal with information for its downstream customers to help them to respond to the consultation. The chemicals industry lobby group CEFIC also strongly encouraged its members and associated industries to complete the ECHA consultation. Its ["Tips and Tricks"](#) advised to "acknowledge the public interest concern" and to "avoid emotions" when responding to the consultation, while offering suggestions on how to advocate for derogations. A June 2023 [online meeting](#) of approximately 170 industry representatives via CEFIC's FluoroProducts and PFAS for Europe (FPP4EU) "collaboration platform" discussed the consultation process and included a [presentation](#) from the chair of the SEAC committee at ECHA about how stakeholders should feed in.

This tactic has had the consequences of flooding the consultation process and overwhelming the regulator, leading to delays in finalising the uPFAS proposal and a potentially weaker outcome. After all, each consultation response must be assessed as to whether it provides new evidence. In its response to Corporate Europe Observatory, detailed in annex 4, Chemours denies that this was its intention. Rather ironically, in a lobby meeting with the Commission's Deputy Secretary-General in June 2024, CEFIC [was reported](#) as saying that, on PFAS, it has "concerns about the long process and suggestion for prioritising specific uses where progress can be made relative-

⁸ In addition, 27 per cent of submissions came from individuals thanks to a campaign by NGO the Swedish Society for Nature Conservation (SSNC) to encourage individuals to express their support for the uPFAS proposal. We understand these submissions were treated as one by ECHA.

ly quickly". As discussed in section 2.5, CEFIC's "suggestion for prioritising specific uses" is very much in tune with the latest political developments in the Commission on PFAS.

Regarding the many, many industry responses to the ECHA consultation on the uPFAS proposal, it is noted that producers of these harmful PFAS substances could and should have provided complete information about their products during the initial REACH registration process. That they didn't do so and only now provide such information, when producers fear the consequences of a comprehensive restriction, illustrates just some of the many flaws in the EU's current chemical management regime.

ECHA has [reported](#) that in the consultation, submissions originating from Japan, China, and the US were the third, fifth, and seventh largest in number (as explained above Sweden was first; Germany, the home of many chemicals and manufacturing companies, was second). While the cache of lobby documents released to Corporate Europe Observatory do not reveal substantial lobbying of the Commission by Chinese entities (even though China may account for [40-65 per cent](#) of all PFAS production worldwide), it is clear that Japanese and US industries have been very active in lobbying the authorities, as well as responding to ECHA's consultation.

Box F Japanese and US lobbyists

Japan: Japanese PFAS producer [AGC Chemicals](#), part of the Mitsubishi group and owner of the [Thornton Cleveleys plant](#) in the UK, produces or uses 15 persistent chemicals, according to its [ChemScore rating](#), and [declares spending](#) up to a million euros a year in trying to influence the EU institutions. Mitsubishi also owned the Miteni plant in Veneto, Italy in the period 1988-2009 which has caused such widespread contamination of groundwater supplies and massively high-levels of PFAS found in local citizens' blood samples, as detailed in Box A.

Part of the fluoropolymer lobby, AGC has had meetings with [DG GROW](#) and [DG MOVE](#) where it has promoted the weaker UK approach on PFAS (to attempt to control emissions rather than to ban the substances themselves). AGC wanted to know if DG MOVE was planning any "interventions" on PFAS. It has also [met](#) with the Italian Permanent Representation on PFAS.

Alongside AGC Chemicals, another key Japanese producer is [Daikin](#) whose [PFAS operations](#) in Pierre-Bénite, France, share a site with French producer [Arkema](#). The site is the most PFAS-contaminated known in the whole of France and both Arkema and Daikin are increasingly [under pressure](#) on PFAS, facing [legal action](#) and the wrath of local people [experiencing](#) elevated PFAS levels in their blood.

Additionally METI (the Japanese Ministry of Economy, Trade and Industry), and several Japanese trade associations are also active towards the Commission on PFAS. In a June 2023 meeting with DG GROW, METI [informed](#) officials that it "does not support the chosen group approach for PFAS" and that "Fluoropolymers should be considered polymers of low concern." In the same month, the Japanese Business Council in Europe, together with other Japanese manufacturers' associations, [demanded](#) derogations of a sufficient length to transition to PFAS alternatives.

ChemSec has [said](#) that "When scratching the surface to see what's behind the many comments in the PFAS consultation, it is evident that somebody coordinated the flood of [Japanese industry] input." It [points the finger](#) at the Conference of Fluoro Chemical Product Japan (FCJ); this trade association organised a webinar in which it urged companies to oppose the ban "independently" instead of using a "unified voice", so as to strengthen the power of its demands. A number of ECHA consultation submissions also referred to the FCJ's analysis of the uPFAS proposal.

Meanwhile media reports indicate that the Japanese public are ["slowly waking up"](#) to the health risks from PFAS production in their own country.

US: The US chemicals sector is large and as documented above Chemours (see section 4), Honeywell (see Box D), WL Gore, and others have been very active. Cheer-leading for these and other industries is [AmCham](#), the American Chamber of Commerce to the EU, which in July 2023 [wrote](#) to a various commissioners in apocalyptic terms, saying that the uPFAS restriction proposal “and the uncertainty it creates” could “stifle reindustrialisation” which could “drastically [impact] trade with the US and investments into the European economy”.

8.2 Targetting the new Executive Director

Separate to the ECHA public consultation process on the uPFAS proposal, Corporate Europe Observatory asked ECHA for lobby documents concerning business actors since the start of 2022 on PFAS. More than 100 documents were provided (which include at least some covering the separate ECHA process to look at PFAS in [fire-fighting foams](#)), and they show that, in addition to the consultation process, there has also been some lobbying underway of ECHA officials by some industry big-hitters.

In particular, we can see that industry took advantage of the arrival of a new Executive Director at ECHA in December 2022 to request introductory meetings with her, some of which included PFAS on the agenda. Such meetings included those with:

- Major US corporate lobbyist AmCham and its members including Dow, ExxonMobil, 3M, WL Gore, Honeywell, law firm Mayer Brown, and lobby firm Fleishman-Hillard (both of whom [work](#) for PFAS producers). This was a [face-to-face meeting](#) in Helsinki, where ECHA is based, in March 2023.
- Arms industry trade association [ASD Europe](#) and its members Airbus, Leonardo, and the German Aerospace Industries Association BDLI, in a March 2023 [meeting](#).
- The [American Chemistry Council](#), and its members including Dow, DuPont, Croplife America, and Honeywell, in Washington DC in [March 2024](#).

Additional meetings between industry and ECHA staff, discovered within the cache of lobby documents, included those with 3M in [January 2023](#); ExxonMobil in [March 2023](#); RTX Aerospace / defence manufacturer in [April 2024](#); and a [five-hour session](#) with the car industry, organised by trade association ACEA, and including Volkswagen, Toyota, and Renault in April 2024.

It is clear that not all lobby meeting requests to discuss the uPFAS restriction were accepted with several different reasons given, including that ECHA “is prioritizing engaging with wider stakeholder organisations to discuss developments and our strategy, which allows us to reach a wider audience and information sharing” to [ExxonMobil](#), or that “in order to ensure fair treatment and transparency, we have currently decided not to take part in such appointments as the role of our Agency in this case is only to provide procedural support to the scientific committees during the restriction process” to the [government of Baden-Württemberg](#). But it was not always easy to understand ECHA’s approach in accepting some but not all meeting requests on PFAS. ECHA has subsequently [told us](#) that it will “accept visit requests from European/national associations (with preference given to accredited stakeholders)”, while rejecting meeting requests from individual companies, except when “the topic is an ongoing company specific file (e.g., registration, etc.)”

8.3 Up to scratch?

ECHA has procedures in place to warn of undue influence on the deliberations of the RAC and SEAC committees. For example, the documents reveal that the agency [intervened](#) when a “medium-sized medical device manufacturer” was accused of having “violated rules” by trying to “influence the formation of opinion” in the RAC committee by having direct contact with its members. And as discussed in section 4.2.4 the handling of the [legal attempt](#) by Fieldfisher to quash the whole restriction process showed that ECHA is aware of the lobby tactics of the chemicals industry and its allies.

In this context the ECHA document "[Stakeholder engagement approach](#)" is disappointing as it does not dwell on the risk of private lobby meetings with the industry sector. The document says that it will "ensure a balanced representation of interests when inviting input, for example inviting views from industry, NGOs, all relevant sectors and company sizes". But as ECHA's own statistics, cited above, reveal there has been no "balanced representation" in the ECHA consultation on uPFAS, with business interests massively outnumbering others. Of course ultimately the source of submissions to its consultations are out of ECHA's hands. But what is clearly not out of its hands is the fact that 76 per cent of ECHA's [accredited stakeholders](#) are industry associations.

ECHA's proactive lobby transparency is limited, and while meetings with senior managers are publicly [listed](#), the topic of those meetings is not provided which reduces the value of the list. The meetings data for [2023](#) reveals while industry voices met with ECHA's senior managers 25 times, NGOs only had 3 meetings, and trade unions one. CEFIC was present at 8 of the listed meetings. In [2024](#) (data checked to 15 December), industry secured at least 24 meetings and NGOs had only 5. Individual companies such as Dow, BASF, and ExxonMobil have been able to secure meetings with ECHA's leaders; NGOs tend to meet ECHA in large groups⁹.

Considering the political influence of the chemicals industry and its consistent ability to undermine progressive rules to regulate its products, ECHA's stakeholder engagement [approach](#), published in March 2024, already seems to be overdue a revamp to reflect on the risk posed by corporate lobbying and influencing. That could include publishing a full list of lobby meetings held by all staff and reflecting on the high levels of meetings with corporate lobbyists.

⁹ ECHA has now [told us](#) that "We acknowledge the need for further transparency regarding the topics and focus areas of these [lobby] meetings. We are actively exploring ways to enhance clarity and openness in this regard." It has also said: "Industry is also one of our key stakeholder groups as duty holder under the EU chemicals laws. One of our priorities is to "Provide tools, advice, and support to industry" which is why we engage with industry stakeholders, particularly within the context of regulatory processes. That said, we do not prioritise meeting individual companies."

NEXT STEPS FOR THE EUROPEAN COMMISSION ON PFAS

Public recognition that it is vital to protect the public interest from corporate capture in uPFAS restriction

Better rule book

No pre-empting the work of ECHA on uPFAS

Immediate halt to all private Commission lobby meetings on the uPFAS restriction with those industry voices demanding exemptions and derogations

Much improved implementation of EU access to documents rules

Review use of industry-sourced studies and data in chemicals policy-making, and boosting the sourcing of independent science

Scale up Commission work on the substitution of harmful substances with safer alternatives

9. CONCLUSION

Are PFAS the new tobacco? Considering the tobacco industry's decades of covering up the knowledge that their products were harmful; the major lobby campaigns with a variety of tactics including misleading messaging and industry-backed science; and the high-level political access and reach ... the parallels are obvious. But over time decision-makers, anti-tobacco campaigners, and citizens started to realise that they did not need to put up with the political power exercised by the tobacco industry and its lobbyists, and that the industry itself was an absolute obstacle to creating urgently-needed laws to protect public health. Today the World Health Organisation has [rules in place](#), adopted by governments around the world including the European Commission, which aim to stop tobacco industry lobby interference with public health policy-making.

Decision-makers could choose to implement a similar lobby firewall with the producers of harmful chemical substances. That would mean no longer seeing toxic producers as political allies, as an industry that needs political sympathy and financial support, but instead holding it to account for the toxic pollution legacy that it is leaving in our bodies and environments. Just as public opinion increasingly demands accountability from the fossil fuel industry for the climate crisis, so we should do the same for the toxics industry, including those who continue to pump out PFAS 'forever chemicals'.

As outlined in section 3.3 there should be various components to this lobby firewall, and it must be implemented urgently, before it is too late for the uPFAS proposal. In response to this report and the wider findings of the [Forever Lobbying Project](#), we urge President von der Leyen to swiftly provide the promised "clarity" on PFAS and in particular on how the PFAS corporate lobby will be handled going forward.

Our proposals include:

- A public recognition from the Commission that it is vital to protect the public interest in the uPFAS restriction from corporate capture.
- A legally-binding EU lobby transparency register which would drive up the quality of the data being declared by lobbyists.
- An effective system implemented across the Commission to monitor who is knocking on its door on uPFAS and all other topics.
- Revised rules to make all Commission lobby meetings, on uPFAS and other topics, proactively transparent, and minuted, especially for meetings with the producers of harmful chemicals.
- An immediate halt to all private Commission lobby meetings on the uPFAS restriction with those industry voices demanding exemptions and derogations. The private and commercial interests pursued by these industry organisations justify such measures to limit their influence / input. The uPFAS restriction under the REACH process already provides for several formal

consultations which industry can use to submit its scientific evidence, and the Commission should instead direct all requests for meetings towards the next consultation process.

- When its work formally starts to prepare the final uPFAS proposal, if the Commission finds that it needs further inputs from industry, this should be organised in public, transparent fora where there are opportunities to dispute spin and scaremongering. Industry interventions must be limited to only providing evidence / information that is of strict relevance to the regulatory process.
- Beyond the uPFAS restriction, Corporate Europe Observatory calls for a lobby firewall to protect decision-makers from corporations involved in the manufacturing, placing on the market, using, and trading in chemicals and pesticides that can cause environmental and health harm, as well as their lobby groups, which lobby on regulations related to these substances.
- An overall approach by the Commission to the uPFAS proposal which takes care not to preempt the work of ECHA, including the findings of the independent experts in the RAC and SEAC committees.
- On the uPFAS restriction itself the European Environmental Bureau has made recent [proposals](#) to the Commission on what its promised "clarity" should look like.

Other EU institutions and national governments could apply these or similar proposals to their own practice. And as progress towards the uPFAS restriction is slow, member state governments should urgently consider introducing national bans on PFAS, following the lead of Denmark and other countries. In the Netherlands, MPs have recently adopted a [motion](#) calling for "a ban on the discharge of PFAS before the summer", recognising that the EU's uPFAS restriction is still a long way off, but that the risks to health demand "short-term administrative courage" now.

Additionally it is vital that the 'right to know' about lobbying and government action is massively reinvigorated. Citizens, journalists, civil society, academics, and others should be able to ask for information and documents from their national governments and to receive them in a comprehensive and speedy way, not ignored or given only partial or heavily redacted documents. At the EU level, Corporate Europe Observatory has endorsed [recommendations](#) by [Access Info Europe](#) (which runs the [AsktheEU](#) site) on how to tackle the significant challenges faced when attempting to access documents from EU bodies.

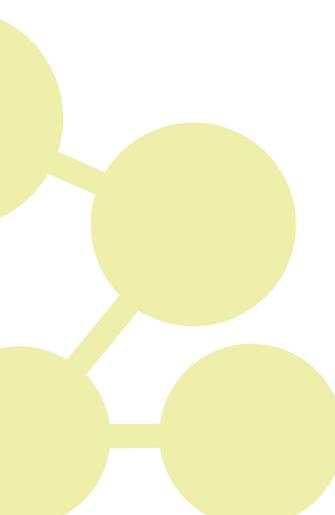
More broadly there are two further, essential areas of work that need progressing, in order to start to restrict the power of harmful chemical producers.

Firstly the Commission should scale up its work on the substitution of harmful substances with safer alternatives. It should recognise the structural reasons why some alternative producers find it hard to speak up, and proactively reach out to such providers. It is not the role of the Commission to protect old companies at the expense of smaller / newer companies which provide more sustainable solutions. And this should be a major component of the upcoming Clean Industrial Deal.

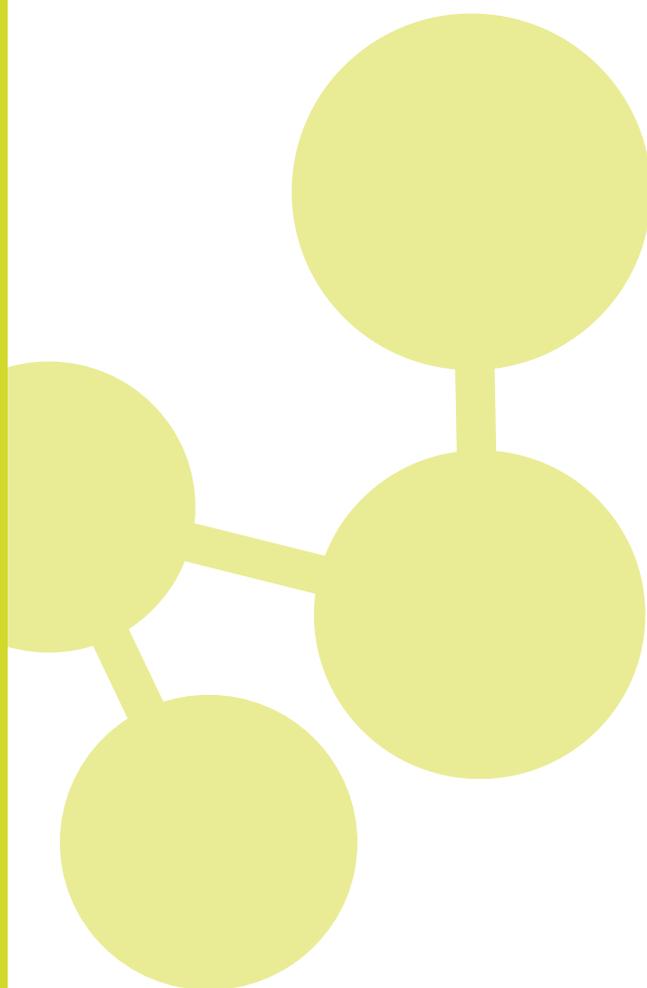
Secondly the EU institutions should conduct a review of the impact of, and reliance on, industry-sourced studies and data in chemicals policy-making, and how to boost the sourcing of independent science when regulating specific substances and passing chemicals legislation. Such a shift could really help to reduce the risk of corporate capture by the chemicals industry.

Responding to real public concerns and challenging vested interests are vital ways to re-build trust in politicians and institutions. Corporate Europe Observatory and many other civil society organisations, academics, affected communities, and indeed many companies across Europe, support a robust uPFAS restriction which phases out as many consumer and industrial uses of PFAS as is safely possible, and as quickly as possible.

But unless the Commission takes strong action now to protect this decision-making process, this will simply remain a forever dream, with PFAS pollution continuing to grow into a forever nightmare.



ANNEXES



Annex 1

Access to documents requests to the European Commission, European Chemicals Agency, and EU Council

The process of gathering information on PFAS lobbying at the EU level started with requests tabled in January 2024 via the [AsktheEU site](#) using a template text, adapted to specific Commission directorates-general and the European Chemicals Agency (ECHA):

Under the right of access to documents in the EU treaties, as developed in Regulation 1049/2001, I would like to request access to the following documents related to lobbying on PFAS, per and polyfluoroalkyl substances. In particular I would like:

- 1. A list of all meetings/ discussions since 1 April 2023 between officials and or Commissioners with businesses, trade associations, or think tanks where this topic was discussed.*
- 2. Any records, minutes, preparatory briefings, or other notes of these meetings/discussions.*
- 3. All correspondence since 1 April 2023, where this topic was discussed, exchanged between officials and or Commissioners with businesses, trade associations, or think tanks.*

To the extent possible, my strong preference is to receive documents in electronic format. I would also be grateful to receive the documents in batches, as soon as they are identified and available to send.

Different requests were tabled to the EU Council of member states and together these 30 plus requests can be viewed [here](#).

Alongside the requests detailed in Annex 2, over 600 documents have been generated. We note that among these documents, there are some duplicates, and some documents which concern other PFAS initiatives such as the F-gas regulation.

Annex 2

Access to documents requests to permanent representations

The process of gathering information on PFAS lobbying at the permanent representation level started with requests tabled in January 2024 via the [AsktheEU](#) site (with the exception of Norway which was contacted by email) using a template text:

I would like to request access to the following documents or information related to lobbying on PFAS, per and polyfluoroalkyl substances, also known as 'forever chemicals'. In particular I would like:

- 1. A list of all meetings/ discussions since 1 January 2023 between Permanent Representation officials and businesses, trade associations, or think tanks where this topic was discussed.*
- 2. Any records, minutes, preparatory briefings, or other notes of these meetings/discussions.*
- 3. All correspondence since 1 January 2023, where this topic was discussed, exchanged between Permanent Representation officials and businesses, trade associations, or think tanks.*

To the extent possible, my strong preference is to receive documents in electronic format.

I would also be grateful to receive the documents in batches, as soon as they are identified and available to send.

Requests tabled to the uPFAS dossier submitters (marked with an * in the table below) were asked for lobbying information since 1 January 2022.

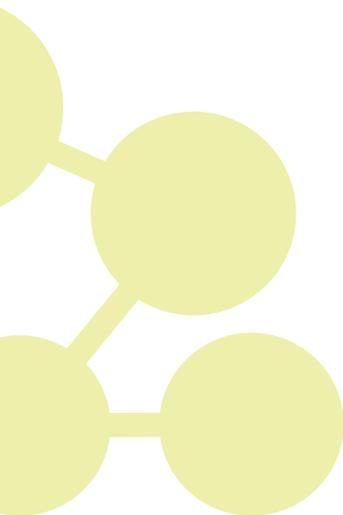
Requests which did not receive a response were chased, including in the national language wherever possible. Non-responders also received an email with the request, and some even received a tweet alerting the permanent representation to the request. Those who responded promptly may have been asked a follow-up request. The information supplied below is correct at the time of writing (11 December 2024) and any specific information on PFAS lobbying that was given can be found at the links provided.

Overall, of 28 countries, nearly half (13 countries) did not answer our request. 15 countries answered one or more of our requests. 6 of these reported no lobbying on PFAS for the specified time period.

Permanent Representation	Outcome	Published links to responses	Temporary link to be deleted
Austria	No final answer	https://www.asktheeu.org/en/alaveteli_pro/info_requests/lobbying_on_pfas_towards_permane_5	
Belgium	Answer given: Information on lobbying provided	https://www.asktheeu.org/en/alaveteli_pro/info_requests/lobbying_on_pfas_towards_permane_6	https://www.documentcloud.org/documents/?q=%2Bdata_collection%3A%22CEO+%7C+2024+%7C+Belgium+%7C+Permanent+representations%22
Bulgaria	No final answer	https://www.asktheeu.org/en/alaveteli_pro/info_requests/lobbying_on_pfas_towards_permane_7	
Croatia	Answer given: No lobbying reported	https://www.asktheeu.org/en/alaveteli_pro/info_requests/lobbying_on_pfas_towards_permane_8	
Cyprus	No final answer	https://www.asktheeu.org/en/alaveteli_pro/info_requests/lobbying_on_pfas_towards_permane_9	
Czechia	Answer given: No lobbying reported	https://www.asktheeu.org/en/alaveteli_pro/info_requests/lobbying_on_pfas_towards_permane_10	
	Answer given: No lobbying reported	https://www.asktheeu.org/en/alaveteli_pro/info_requests/follow_up_pfas_lobbying_czechia	
Denmark *	Answer given: Information on lobbying provided	https://www.asktheeu.org/en/alaveteli_pro/info_requests/lobbying_on_pfas_towards_permane Correspondence moved to email: https://www.dropbox.com/scl/fo/afxsvykroqx3yucf2cfh/ABkofaua6Jj4K-Pg9dOR9v4?rlkey=wmzciokb3uli1209k-ga3d88k6&dl=0	https://www.documentcloud.org/app?q=%2Bdata_collection%3ACEO%5C%20%7C%5C%202024%5C%20%7C%5C%20Denmark%5C%20permanent%5C%20representation%5C%20%7C%5C%20Permanent%5C%20representations%5C%20-%5C%20initiator%5C%20countries*
Estonia	Answer given: No lobbying reported	https://www.asktheeu.org/en/alaveteli_pro/info_requests/lobbying_on_pfas_towards_permane_11	
	Answer given: No lobbying reported	https://www.asktheeu.org/en/alaveteli_pro/info_requests/follow_up_pfas_lobbying_estonia	
Finland	Answer given: information on lobbying provided	https://www.asktheeu.org/en/alaveteli_pro/info_requests/lobbying_on_pfas_towards_permane_12	
France	No final answer	https://www.asktheeu.org/en/alaveteli_pro/info_requests/lobbying_on_pfas_towards_permane_2 Correspondence later moved to email	
Germany *	Answer given: information on lobbying provided	https://www.asktheeu.org/en/alaveteli_pro/info_requests/lobbying_on_pfas_towards_permane_12	
Greece	No final answer	https://www.asktheeu.org/en/alaveteli_pro/info_requests/lobbying_on_pfas_towards_permane_2 Correspondence later moved to email:	
Hungary	No final answer	https://www.asktheeu.org/en/alaveteli_pro/info_requests/lobbying_on_pfas_towards_permane_15	
Ireland	Answer given: no lobbying reported	https://www.asktheeu.org/en/alaveteli_pro/info_requests/lobbying_on_pfas_towards_permane_16 Correspondence later moved to email: https://corporateeurope.org/sites/default/files/2024-11/Reply%20Letter%20FOI%20Req%2024%20209_Redacted.pdf	

Italy	Answer given: information on lobbying provided	https://www.asktheeu.org/en/alaveteli_pro/info_requests/lobbying_on_pfas_towards_permane_16 Correspondence later moved to email: https://corporateeurope.org/sites/default/files/2024-11/Reply%20Letter%20FOI%20Req%2024%20209_Redacted.pdf	
Latvia	No final answer	https://www.asktheeu.org/en/alaveteli_pro/info_requests/lobbying_on_pfas_towards_permane_18 Correspondence later moved to email	
Lithuania	Answer given: information on lobbying provided	https://www.asktheeu.org/en/alaveteli_pro/info_requests/lobbying_on_pfas_towards_permane_19 Correspondence later moved to email: https://www.dropbox.com/scl/fo/2sw64dsa81f9xnjry2ps3/ADUPx2zM4FT7SFxT0Su_OwQ?rlkey=bmsu62ao7ic7s3pcfdohfml1v&d=0	https://www.documentcloud.org/app?q=%2Bdata_collection%3ACEO%5C%20%7C%5C%202024%5C%20%7C%5C%20Lithuania%5C%20%7C%5C%20Permanent%5C%20representations*
	Answer given: no further lobbying reported	https://www.asktheeu.org/en/alaveteli_pro/info_requests/follow_up_pfas_lobbying_lithuani Correspondence later moved to email: https://corporateeurope.org/sites/default/files/2024-11/Lithuania%20cover%20note%20%20232.pdf	
Luxembourg	No final answer	https://www.asktheeu.org/en/alaveteli_pro/info_requests/lobbying_on_pfas_towards_permane_20 Correspondence moved to email	
Malta	No final answer	https://www.asktheeu.org/en/alaveteli_pro/info_requests/lobbying_on_pfas_towards_permane_21 Correspondence later moved to email	
Netherlands *	Answer given: information on lobbying provided	https://www.asktheeu.org/en/alaveteli_pro/info_requests/lobbying_on_pfas_towards_permane_3 Correspondence later moved to email: https://corporateeurope.org/sites/default/files/2024-11/Besluit%20op%20Woo%20verzoek%20inzake%20PVEU%20en%20PFAS_Redacted.pdf	https://www.documentcloud.org/app?q=%2Bdata_collection%3ACEO%5C%20%7C%5C%202024%5C%20%7C%5C%20Netherlands%5C%20permanent%5C%20representation%5C%20%7C%5C%20Permanent%5C%20representations%5C%20-%5C%20initiator%5C%20countries*
Norway *	Answer given: no lobbying reported	Correspondence by email only: https://corporateeurope.org/sites/default/files/2024-11/Norway%20perm%20rep%207.6.2024.pdf	
Poland	No final answer	https://www.asktheeu.org/en/alaveteli_pro/info_requests/lobbying_on_pfas_towards_permane_22 Correspondence later moved to email	
Portugal	No final answer	https://www.asktheeu.org/en/alaveteli_pro/info_requests/lobbying_on_pfas_towards_permane_23 Correspondence later moved to email	
Romania	Answer given: Information on lobbying provided	https://www.asktheeu.org/en/alaveteli_pro/info_requests/lobbying_on_pfas_towards_permane_24	https://www.documentcloud.org/app?q=%2Bdata_collection%3ACEO%5C%20%7C%5C%202024%5C%20%7C%5C%20Romania%5C%20%7C%5C%20Permanent%5C%20representations*
	No final answer	https://www.asktheeu.org/en/alaveteli_pro/info_requests/follow_up_pfas_lobbying_romania	

Slovakia	Answer given: no lobbying reported	https://www.asktheeu.org/en/alaveteli_pro/info_requests/lobbying_on_pfas_towards_permane_25 Correspondence later moved to email: https://corporateeurope.org/sites/default/files/2024-11/Slovakia%20Perm%20Rep%2010.7.2024.pdf	
Slovenia	No final answer	https://www.asktheeu.org/en/alaveteli_pro/info_requests/lobbying_on_pfas_towards_permane_26 Correspondence later moved to email	
Spain	No final answer	https://www.asktheeu.org/en/alaveteli_pro/info_requests/lobbying_on_pfas_towards_permane_27 Correspondence later moved to email	
Sweden *	Answer given: information on lobbying provided	https://www.asktheeu.org/en/alaveteli_pro/info_requests/lobbying_on_pfas_towards_permane_4	https://www.documentcloud.org/app?q=%2Bdata_collection%3ACEO%5C%20%7C%5C%202024%5C%20%7C%5C%20Sweden%5C%20permanent%5C%20representation%5C%20%7C%5C%20Permanent%5C%20representations%5C%20-%5C%20initiator%5C%20countries*
	Answer given: information on lobbying provided	https://www.asktheeu.org/en/alaveteli_pro/info_requests/follow_up_pfas_lobbying_sweden_p	



Annex 3

European Commission survey replies

Over the summer and autumn of 2024 Corporate Europe Observatory conducted a survey of 15 Commission directorates-general, addressed to the Director-General in each DG.

The survey was as follows and the responses, and links to them, are listed below:

Dear Director-general

I am writing to request information regarding the approach taken by the Commissioner, their Cabinet, and the directorate-general to lobbying by 'stakeholders' on the upcoming universal PFAS restriction. You will be aware that the uPFAS restriction is currently with the EU Chemicals Agency but in 2025 a recommendation is expected to be passed to the Commission for a final decision. You will also be aware that there is already significant public interest and corporate lobbying on this matter.

I'd be grateful for your responses to the following questions.

- 1. Do the Commissioner/ Cabinet/ directorate-general meet with all stakeholders who request a meeting on the uPFAS restriction? If not, what criteria do you use to decide whether or not to meet particular stakeholders on the uPFAS restriction?*
- 2. Do the Commissioner/ Cabinet/ directorate-general minute all meetings held with stakeholders on uPFAS?*
- 3. Do the Commissioner/ Cabinet/ directorate-general proactively monitor meetings on uPFAS so as to ensure that they hear from a range of voices including civil society?*
- 4. Do the Commissioner/ Cabinet/ directorate-general proactively approach 'stakeholders' for information or meetings/ discussions on uPFAS and if so, who has been approached in this way?*
- 5. How does the Commissioner/ Cabinet/ directorate-general handle invitations from stakeholders to speak at public or private events on uPFAS? Do they accept them all? Otherwise what criteria do they use to decide whether or not to speak?*
- 6. When the Commissioner/ Cabinet/ directorate-general are sent lobby material by stakeholders on uPFAS what happens to it and is it normally shared with other colleagues, and if so, who?*

7. Do the Commissioner/ Cabinet/ directorate-general keep a systematic record of all stakeholder meetings and written contacts on uPFAS? Does this include contacts via telephone, whatsapp or other platforms, and unscheduled meetings?

8. Has the Secretariat-General issued any pan-Commission guidance on these matters?

DG	Response
Agriculture and Rural Development (AGRI)	No response
Climate Action (CLIMA)	No response
Communications Networks, Content and Technology (CNECT)	https://corporateeurope.org/sites/default/files/2024-10/CNECT%20REPLY%20on%20uPFAS%20lobbying%20from%20ARES(2024)4179347%20-%20Jung.pdf
Competition	See GROW / Environment response
Defence Industry and Space (DEFIS)	See GROW / Environment response
Energy	https://https://corporateeurope.org/sites/default/files/2024-11/Reply_PFAS_25_06_2024%20ENER.pdf and https://www.dropbox.com/scl/fo/fg7Uhjtbgtjorrg6rpqer/AIQ7OIXiQIAbfGaFA-k2ti8?rlkey=01g3d863bwbcdq71xxqnywwx&dl=0
Environment	https://corporateeurope.org/sites/default/files/2024-10/GROW%20Reply_PFAS_04.07.2024_.pdf and follow- up: https://corporateeurope.org/sites/default/files/2024-10/GROW%20follow%20up%20241008%20-%20AS%208146499%20-%20Reply%20GROW-ENV%20HoU%20to%20Ms%20Cann%20-%20UPFAS.pdf
Health and Food Safety (SANTE)	See GROW / Environment response
Internal Market, Industry, Entrepreneurship and SMEs (GROW)	https://corporateeurope.org/sites/default/files/2024-10/GROW%20Reply_PFAS_04.07.2024_.pdf and follow- up: https://corporateeurope.org/sites/default/files/2024-10/GROW%20follow%20up%20241008%20-%20AS%208146499%20-%20Reply%20GROW-ENV%20HoU%20to%20Ms%20Cann%20-%20UPFAS.pdf
Joint Research Centre (JRC)	See GROW / Environment response
Maritime Affairs and Fisheries (MARE)	"we are not in a position to answer your questions"
Mobility and Transport (MOVE)	See GROW / Environment response
Research and Innovation (RTD)	See GROW / Environment response
Secretariat-General	See GROW / Environment response
Trade	https://corporateeurope.org/sites/default/files/2024-10/TRADE%20Reply%20to%20Request%20for%20information%20on%20uPFAS%20lobbying.pdf

Annex 4

Response from Chemours

Below is the response from Chemours' media office to Corporate Europe Observatory's request for comment.

11 December 2024

Hi Vicky,

Thank you for providing us the opportunity to respond.

Chemours is committed to Europe and its future Clean Industrial Deal and has no intention of slowing down the regulatory process. In fact, we advocate for swift decision-making that will restore the regulatory clarity and market certainty in the region that businesses need to make informed investment and growth decisions. Like NGOs and representatives of the civil society, companies and trade associations are also encouraged to submit information, data, facts, figures and positions to regulators and policymakers so they can make informed and data-backed decisions. Chemours also has a responsibility to inform its customers of any developments, including regulatory proposals, that may impact their supply chains in the future. Chemours follows all applicable laws and regulations in the countries where it operates and prioritizes transparency in all aspects of its work. As such, our advocacy work pertaining to REACH-related issues, including the uPFAS proposal, is clearly disclosed in the transparency register.

Regarding your question on OECD and polymers of low concern, please see this [statement](#) from the Fluoropolymer Product Group.

Thanks,

Chemours Media Team

To: Chemours Media

Subject: [EXT] Request for comment: Lobbying on EU uPFAS restriction

Dear Chemours

[Corporate Europe Observatory](#) is working on a story about lobbying on the uPFAS restriction. I am requesting answers to the following questions by the close of Wednesday 11 December.

- I note Chemours' tactic to mobilise other businesses to input into the EU Chemicals Agency (ECHA) consultation on the uPFAS proposal; do you consider that to have been successful as the number of submissions has helped to slow down the ECHA process against the original timetable?

- Did Chemours request and / or pay Fieldfisher to submit a legal opinion to the EU Chemicals Agency in March 2023 saying that the uPFAS restriction proposal was flawed and should not move ahead?

- Why hasn't Chemours included its work with intermediary Fieldfisher on influencing the uPFAS restriction in its EU lobby transparency register entry? Why does the same register entry not specify that Chemours is actively targetting the uPFAS restriction in its lobbying of the EU institutions?

- Why does Chemours [refer](#) to the OECD's criteria for 'polymers of low concern' in its lobbying and communications when such criteria do not exist?

- How does Chemours respond to concerns that its argument that 'fluoropolymers are safe' is overly dependent on scientific articles (Henry et al 2018 and Korzeniowski et al 2022) which were authored by chemicals' industry employees, including from Chemours?

- What is Chemours' evidence base for telling Commissioner Thierry Breton in a letter dated 3 May 2023 that, regarding the uPFAS restriction, "It is highly likely that all investments in Europe will be impacted (halted or put on hold) until this uncertainty is resolved." [translated from the original French]

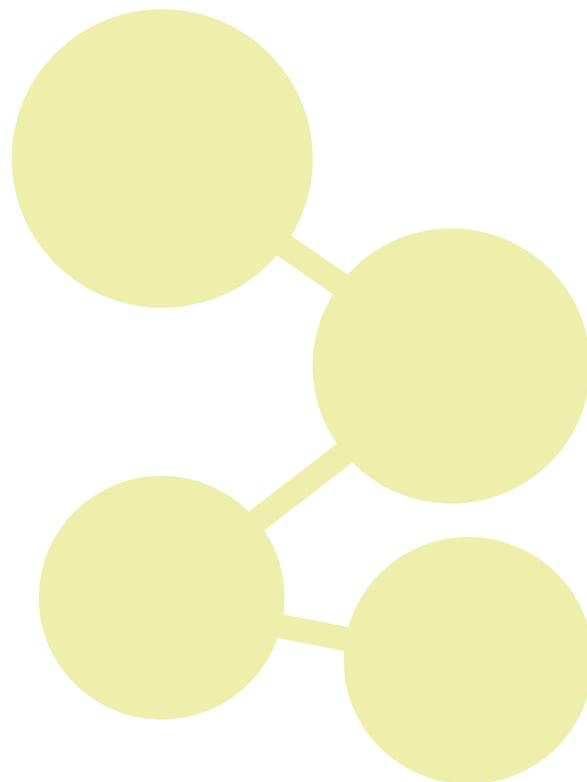
- When Chemours and its predecessor company have known of the serious health and environmental consequences of PFAS manufacturing for years or decades, is it not too little, too late to propose a "regulatory benchmark" for the manufacture of PFAS emissions and to champion Plastic Europe's 'manufacturing programme', as part of its overall strategy to oppose the uPFAS restriction?

If you have any further reflections on Chemours' influencing strategy on the uPFAS restriction I would be pleased to receive them. Thank you in advance.

Kind regards,

Vicky Cann

Corporate Europe Observatory



**Corporate
Europe
Observatory**

Acknowledgements

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Corporate Europe Observatory is registered in the EU lobby transparency register under [identification number 5353162366-85](#).

January 2025



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