



EEB

European
Environmental
Bureau

Legislative flaws related to PFAS pesticides

European Parliament, 25 September 2024



Who are we?

The EEB is **Europe's largest network of environmental citizens' organisations** – and the only one to work on such a broad range of issues.

Our over 180 members from 41 countries have more than 30 million individual supporters.

We have 50 years of EU environmental policy expertise.

Our work areas



Climate



Circular
Economy



Nature



Economic
Transition



European
Institutions and
Governance



Global and
Regional
Policies



Health
and
Environment



Environmental
Law and
Justice



Water Framework Directive

- Adopted in the year 2000, the Water Framework Directive (WFD) is the EU:s main water law
- Its **overarching objective is to achieve good status** of Europe's inland, coastal, transitional and groundwater bodies - and **to prevent their deterioration**
- Thanks to its integrative approach, and if used well, it can serve as a cross-sectoral planning tool to ensure water quantity and quality for generations to come

People care about water

The latest Eurobarometer survey shows that **78% of Europeans want the EU to do more to tackle water pollution**



Current situation

The **principal deadline to reach the environmental objectives of the WFD was in 2015**, but close to a quarter of a century later, Member States are far from delivering on their obligations.

More than half of Europe's waters are not in good status and placed under different kinds of exemptions, such as deadline extensions.

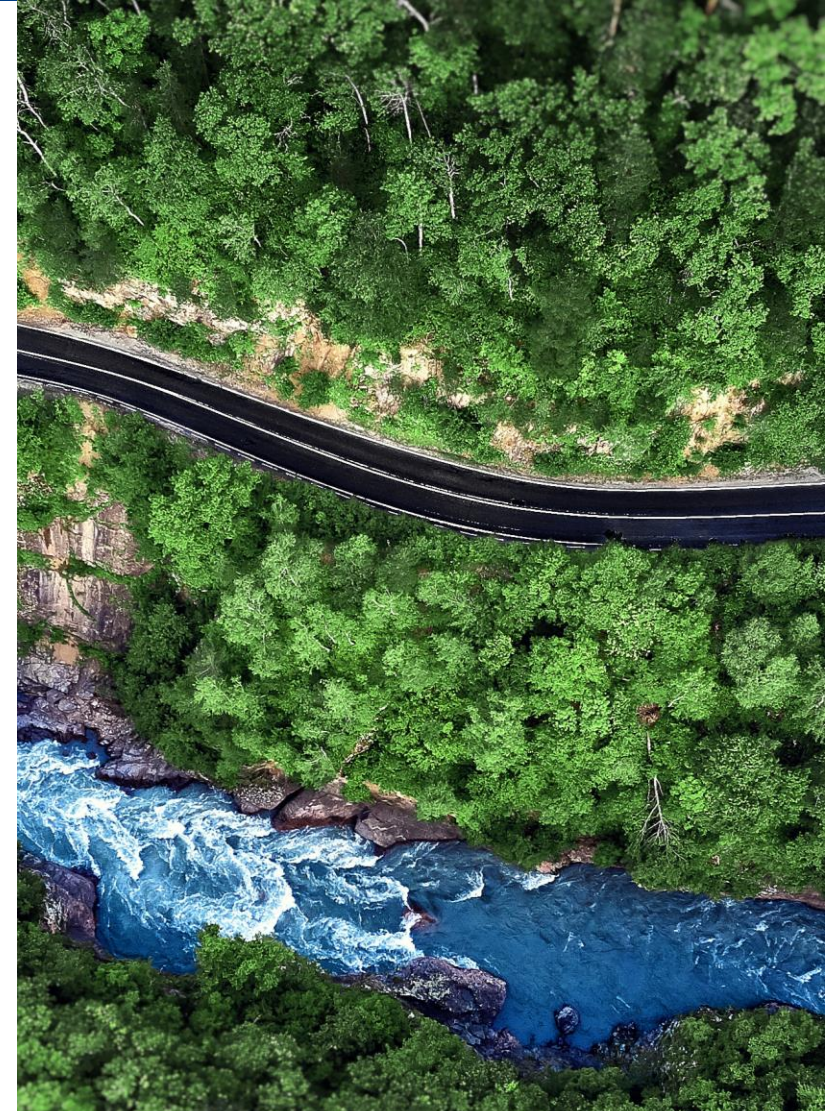
Surface water

- Less than 40% of surface water bodies in good chemical status
- 40% in good ecological status or potential

Groundwater

- 74% groundwater bodies in good chemical status*
- 89% in good quantitative status

* with large regional differences: 80% of groundwater area in Luxembourg, close to 50% in Czech Republic and 27% in Belgium in poor status due to agricultural contamination





What is chemical status ?

Chemical status under the WFD is assessed against a small sub-set of substances and their associated legal thresholds

Surface water (last updated in 2013)

Annex X WFD, Annex I Environmental Quality Standards Directive

- 45 priority substances, including
 - 20 pesticides (including one group)
 - 1 PFAS (PFOS)


Groundwater

Annex 1 Groundwater Directive

- Nitrates
- Pesticides (individual and total generic threshold)

Annex II Groundwater Directive (last updated in 2014)

- Substances where MS can set national thresholds



Member States need to monitor these substances in water and make sure that the associated legal thresholds are not surpassed



Water regulation: PFAS and pesticides

The lists of priority substances and groundwater pollutants are incomplete, out of date and largely overlook the effects of chemical mixtures.

For example:

- 17 of the 20 pesticides listed as priority substances for surface water are already banned
- The generic threshold for pesticides in groundwater (0,1 µg/L) was set based on analytical standards available in the 80s and 90s and has not revised since the adoption of the GWD in 2006
- Quality standards are largely focused on individual substances, which underestimates the real loads of pollutants sensed by aquatic life

An urgent update is needed to offer adequate protection of ecosystems and human health from the risks posed by water pollution.



Consequences

No data, no problem?

Lack of up-to-date EU rules results in inconsistent and uncoherent water pollution monitoring across the Union and even within countries.

Example: The numbers of pesticides monitored in groundwater varies between and almost 100 between different river basins in Spain

Biodiversity loss

In Switzerland, a recent study highlights that insect larvae and other small animals are missing in over 70% of the streams examined due to pesticide pollution

Driver of water scarcity

In Wallonia, 16% of the water abstracted for human consumption is not fit to drink due to pesticide contamination

Options:

- Dilute with clean water
- Treat
- Abandon the abstraction point

Costs

The French environmental Ministry has estimated that the cost to clean up one kilogram of pesticides from a drinking water source to be between €60 000 and €200 000

UNDER THE SURFACE

A DEEP DIVE INTO WATER POLLUTION
MONITORING AND MANAGEMENT PRACTICES

EUROPEAN PARLIAMENT, MAY 24 2023



HOSTED BY:
MEP MILAN BRGLEZ
(S&D)



Conference report available at [the EEB library](#)



PFAS and drinking water

The quality of tap water in the EU is regulated via the Drinking Water Directive (2020/2184/EU)

As part of the 2020 recast of the Directive, limit values for PFAS were introduced for the first time:

- "PFAS total": 500 ng/L applies to all per- and polyfluoroalkyl substances.
- "Sum of PFAS": 100 ng/L applies to a group of 20 PFAS

Member States can choose which of these threshold to apply in national legislation, but in both cases the thresholds enter into force in 2026

The Commission presented technical guidelines to monitor these parameters in January 2024. TFA is included in the 'PFAS total' parameter as it is part of the totality of per- and polyfluoroalkyl substances.

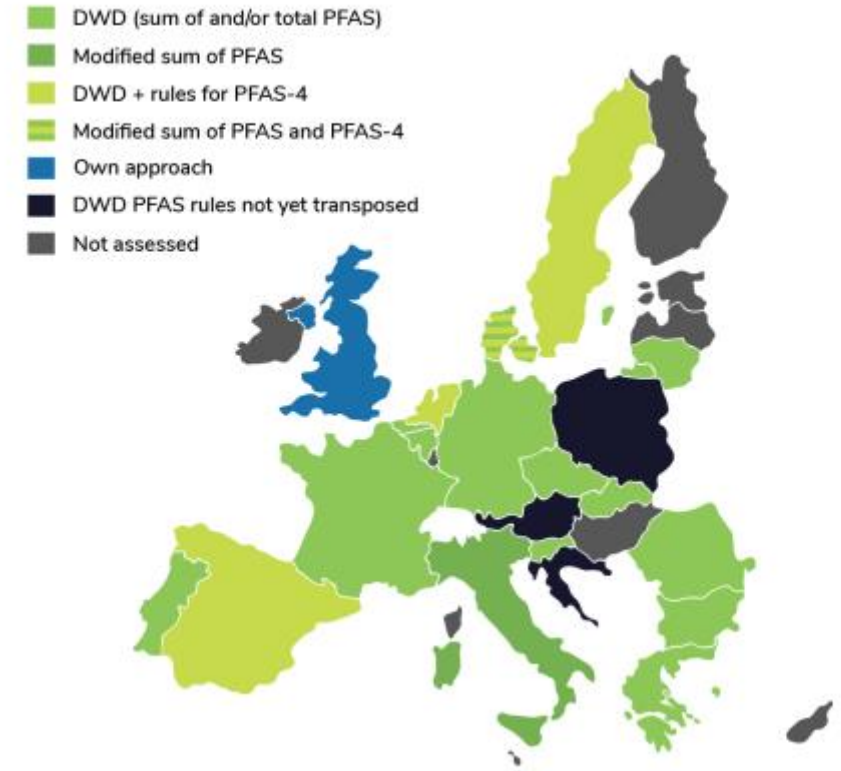


EFSA guidelines on PFAS

In 2020, the European Food Safety Authority (EFSA) issued guidelines of maximum intake of four PFAS that accumulate in the body.

These came too late in the process to be incorporated in the recast Drinking Water Directive.

Several Member States have based their national drinking water legislation on the EFSA guidelines, including Denmark, Sweden, Belgium (Flanders) and Germany



From EEB briefing on national approaches to address PFAS in drinking water across the EU



Update of EU water quality standards

- The lists of EU surface and groundwater pollutants against which chemical status under the WFD is assessed should be updated every 6 years
- The ongoing update is long overdue as the last revisions were in 2013 (surface water) and 2014 (groundwater)
- The European Commission presented its proposal to update the lists of EU water pollutants in October 2022,
- The European Parliament adopted its position in September 2023
- The Council mandate was adopted in June 2024
- Inter-institutional negotiations (trilogues) are expected to start this autumn



What's on the table?

European Commission

Proposed new substances to the lists of surface and groundwater pollutants, including

- Surface water: **19 new pesticide active substances**, including glyphosate (but also 11 that are already banned from the market)
- **A group of 24 PFAS** in surface and groundwater
- A threshold for **'total pesticides'** in surface water
- Generic individual and total thresholds for pesticide breakdown products in groundwater (so called **'non-relevant metabolites'**)

European Parliament

Endorsed the new substances but also wants to see

- A **'PFAS total'** parameter
 - Such a parameter should per definition include **TFA**

Council

The Council mandate weaken the Commission's proposal in several aspects:


- **Rejects** the **'pesticide total'** threshold for surface water
- Wants to **align groundwater PFAS threshold to Drinking Water Directive**
- Introduces **new exemptions to the WFD – outside of the scope of the update**
- Delay **compliance date**:
 - for existing SW substances to 2033
 - for new SW and GW substances to **2039** (with possibility to derogate until **2051**)



Call to MEPs

Call to MEPs for the trilogues

Start the negotiations as soon as possible and defend the Parliament's position, in particular:

- The 'total pesticide' threshold in surface water
 - The 'PFAS total' parameter in addition to the 'sum of PFAS'
 - Strict thresholds for non-relevant metabolites – strict thresholds (could cover TFA)
 - Timelines to tackle pollution
 - Programs of measures in next RBMPs
 - Compliance by 2033, with exemptions only under strict conditions
 - Reject the Councils proposals for new exemptions to the WFD non-deterioration principle
 - Support provisions that requires the Commission to come forward with proposals to phase out Priority Hazardous Substances within 20 years
- 
- Broad PFAS restriction
 - New SUR





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Thanks for listening!

Keep in touch

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