

## Legal opinion: TFA emitting PFAS pesticides must be banned

**Recent research and publications reveal widespread environmental contamination with fluorinated forever chemicals. What they report seems to be only the tip of the iceberg. At this very moment, PFAS pesticides are still widely sprayed on our food and fields. The small and very persistent, soluble, mobile and toxic PFAS breakdown product TFA is polluting our surface, ground and drinking waters at an unprecedented scale. Reports by PAN Europe and members show that it is found all over Europe. Our member organisation Global 2000 asked for the opinion of a professor specialised in EU law. The answer is clear: according to EU law, all pesticide products emitting TFA should be banned by Member States immediately.**

Professor Dr Peter Hilpold from the Faculty of Law of the University of Innsbruck answered the question of whether the Pesticides Regulation 1107/2009 provides a suitable basis for Member States to ban plant protection products that emit TFA into the environment and in particular into groundwater and drinking water. Especially in light of new scientific findings on the widespread and high TFA contamination in the environment and the proposed classification of TFA as toxic for reproduction category 1B. [1]

His answer is clear: “According to the EU Pesticides Regulation, Member States may only authorise a plant protection product if the pesticide or its degradation products do not endanger health or groundwater”; explains European law expert Hilpold: “If it turns out that a degradation product of an authorised plant protection product pollutes groundwater and if there is reason to believe that it also has unacceptable toxicological properties, then the plant protection product in question no longer meets the requirements for authorisation. In this case, the authorisation must be withdrawn or amended in such a way that contamination of the groundwater is excluded.”

The professor adds that “according to the Commission’s guidance on the assessment of the relevance of metabolites in groundwater, the reason to assume toxicity for reproduction is already sufficient for TFA to be considered a relevant metabolite. This makes compliance with a limit value of 0.1 µg/l in groundwater a requirement for authorisation of the plant protection product. As this limit value is exceeded in almost all groundwater monitoring sites according to official test reports, the authorisation of plant protection products that emit TFA must also be amended or withdrawn for this reason in accordance with Article 44(3)(a).” [2]

Angeliki Lyssimachou, Head of Science and Policy at PAN Europe says: “All the pesticide products that contain one of the 37 PFAS pesticide active substances that are approved in the EU should be banned today, across all EU Member States. These substances are either very persistent or they produce TFA. This is a completely unacceptable environmental and health hazard, that violates the legal requirements to protect health and natural resources. Almost 50 years after the ban of DDT and other very toxic and persistent organochlorines, we make the same mistake and still find ourselves in the toxic trap of the chemical industry. This has to end now.”

[Background: Ban PFAS pesticides and TFA – reports by PAN Europe](#)

### Notes:

[1] Proposal by The German Federal Office for Chemicals (Bundesstelle für Chemikalien or BfC) to classify TFA as toxic to reproduction 1B. The dossiers linking reproductive toxicity to TFA, sodium trifluoroacetate and TFA’s other inorganic salts can be found [here](#) and [here](#).

[2] Legal opinion, [unofficial English translation](#) and [original version in German](#).

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**Pesticide Action Network (PAN Europe)** is a network of NGOs working to reduce the use of hazardous pesticides and have them replaced with ecologically sound alternatives. We work to eliminate dependency on chemical pesticides and to support safe sustainable pest control methods. Our network brings together over 45 consumer, public health and environmental organisations and women’s groups from across Europe.

