

## Report

# PFAS-event – Workshop Enforcement in Flanders

**Date:** 1.02.2024

**Moderator:** Sigrid Raedschelders, head of the Enforcement Division, Flemish Department of Environment

**Reporter:** Philip Tanghe

**Subject:** Enforcement in Flanders

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## 1 ENFORCEMENT IN FLANDERS

Presentations were given by members of the Flemish Enforcement Division, on following topics:

- PFAS in water (waste water and groundwater)
- PFAS in waste (recycling of materials, excavated soil, landfilling and incineration of waste with PFAS)
- PFAS in air emissions
- Restriction on PFOA in fire fighting foams

## 2 ENFORCEMENT IN THE NETHERLANDS

Guest speaker Daan Molenaar of the DCMR, the enforcement authority in the Rijnmond area (Rotterdam Harbour) gave an overview of the enforcement campaign around the PFAS-manufacturing plant of Chemours in Dordrecht.

## 3 Q&A'S

20 questions were launched via Slido, see Annex. Part of these questions were answered during the session

Some questions are important to highlight:

- *Was there ever a consideration of using the precautionary principle (environment and health - both) as to Chemours, to implement measures through inspection ?*  
The precautionary principle was used in both Chemours and 3M dossiers, and as far as now, the use of this principle in this enforcement cases stands in the court cases.
- *What do think about the responsibility of the companies like 3M, Chemours, ....? Is there a difference between Netherlands and Flanders?*

In general there is a consensus to try to develop an EPR, extended producer responsibility, for the manufacturers of PFAS-substances. So Flanders strongly support the principle of holding the PFAS-producing companies responsible for the environmental impact/damage.

- *Why is the limit for soil improver 15 microgram/kg for 17 PFAS, while for soil (free reuse) PFAS (total) has to be lower than 8 microgram/kg.*

This is a legitimate concern; 15 µg/kg dm is the actual test value, but as an enforcement division we think it is not logic that this limit is higher than for soil (free reuse). But limit values are still under construction.

- *How do you deal with public opinion versus the sometimes limited options for enforcement action*  
Sometimes enforcement is hindered by limited options for enforcement or missing legislation/limit values, which is difficult for enforcers to explain to the public.

As a general conclusion, the enforcement authorities acknowledge that missing limit values, legislation still under construction, development of analytical methods, etc, was and is a big challenge for the enforcers when confronted with PFAS-pollution and -emissions. But this did not obstruct enforcers to tackle some important PFAS-dossiers.

## ANNEX 1 – PRESENTATIONS

- Departement Omgeving
- DCMR\_Daan Molenaar

## ANNEX 2 - SLIDO

## ANNEX 3 – LIST OF PARTICIPANTS

Flemish Government	Alecto Consulting	De Tijd
<ul style="list-style-type: none"> <li>• Departement Omgeving</li> <li>• Departement Zorg</li> <li>• Kabinet Demir</li> <li>• OVAM</li> <li>• VMM</li> <li>• Department of Mobility and Public Works</li> </ul>	Aquafin	Deloitte
	ARCHE Consulting	DEME Environmental
	Astoria Consultancy	denuo
	BDEW	Desotec NV
3M belgium	Brussels Airport Company	Devagro
ABO nv	Chemours	DuPont
ACLAGRO	Chemviron	DWS
Advocatenkantoor De Coninck	COMMON FORUM on Contaminated Land in Europe	Elegis-Huybrechts, Engels, Craen & Vennoten
AECOM Belgium BV	Common Ground	Essenscia
Agoria	Danish Regions	EURATEX

Europese Commissie	KULeuven	SARPI VEOLIA
ExxonMobil	Lantis (Beheersmaatschappij Antwerpen Mobiel NV)	SGS Belgium NV.
Febev VZW	LANXESS Belgium nv	SMART
Federal Ministry for Climate Action	Leefmilieu Brussel	Sodecon NV
Fedustria	Liedekerke Wolters Waelbroeck Kirkpatrick	SPAQUE SA
Finnish Environment Institute	Marlex	Tauw België nv
FIPRA International	Milieu Consulting (retired)	TerraCorrect bv
FOD Volksgezondheid en Leefmilieu	Minaraad	TotalEnergies
Ghent University	Ministry of Infrastructure and Water Management	UAntwerpen
Growth Inc.	Netwerk Brandweer	US-EPA
Huduma VOF	Novartis	Veolia Environmental Services Belux NV
Imec	OECD	Vewin (Dutch Association of water companies)
Indaver	Provincie Zeeland	VITO
Industrious Law	Ramboll	VLAIO
Ineris	RIWA-Maas	Voka
IUW Integrierte Umweltberatung	Salesforce	Vrije Universiteit Brussel
Jan De Nul / Envisan	Sarp Industries	Witteveen+Bos Belgium nv
		Zwijndrecht Gezond