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Mr Toby Perkins MP
Chair of the Environmental Audit Committee
House of Commons
London
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By email only: eacom@parliament.uk

Dear Mr Perkins,

The Office for Environmental Protection (OEP) welcomes the opportunity to provide evidence to the Environmental Audit Committee on per- and polyfluoroalkyl substances (PFAS). The persistence (extreme longevity prior to breaking down) of PFAS, including their precursors or breakdown products, means PFAS can build up in the environment to reach harmful levels. The use and regulation of PFAS are a matter of health and environmental concern in the UK and beyond.

Globally, there is a lack of hazard, use and exposure data for most PFAS. However, several chemicals in the PFAS group, including long-chain perfluoroalkyl carboxylic acids (PFCAs), Perfluorooctanesulfonic acid (PFOS), Perfluorooctanoic acid (PFOA), Perfluorohexanesulfonic acid (PFHxS), are internationally recognised as toxic to humans and wildlife. As a party to the Stockholm Convention on Persistent Organic Pollutants the UK is required to eliminate the production and use of PFCAs, PFHxS and PFOA; and restrict PFOS production and use. Other PFAS are not subject to the same controls.

PFAS monitoring in the UK is lacking

Our submission focuses on the regulation of PFAS and the duties and capabilities of regulators, other public authorities and government in protecting the environment from the harmful use or release of PFAS and resulting chemical pollution. Few PFAS have statutory limits for their presence in the environment, and most are not routinely monitored by regulators in the UK environment. Testing by a patchwork of organisations including government agencies, the water industry, NGOs and academia reveals high levels of PFAS pollution in UK rivers, residential areas and

wildlife.[1] However, 'Watch List' mechanisms to monitor chemicals of concern such as PFAS have not been updated since the UK's exit from the EU, affecting government's ability to determine new Environmental Quality Standards (EQS) for these chemicals and set maximum allowable concentrations or statutory limits under *Water Environment (Water Framework Directive) (England and Wales) Regulations 2017* (the WFD Regulations).[2]

PFAS are used in a range of industrial processes and consumer products from firefighting foams to food packaging. The known routes to the environment in the UK for PFAS include releases and emissions from chemical production sites and product manufacturing sites, application of pesticides (which can include PFAS as active or inert ingredients), landfill leachate, treated and untreated wastewater discharges, the application of contaminated sewage sludge to land, and military sites and airports contaminated by firefighting foams.[3]

PFAS regulation is slow in Great Britain and covers few uses

Although data are missing for many PFAS, the persistence and known toxicity of some PFAS has prompted regulatory action based on current knowledge. Jurisdictions, including France and Denmark, have concluded there is sufficient evidence of likely harm and significant risks to health and the environment from PFAS to warrant restrictions in various products and uses. The EU is in the process of developing a wide-ranging PFAS regulation.[4] The UK's competent authority for chemicals, the Health and Safety Executive (HSE), is currently considering regulations on a limited number of PFAS outlined in its Risk Management Options Analysis (RMOA),[5] and has initiated one restriction on PFAS in firefighting foams.[6]

The UK Chemicals Strategy is still awaited, with no due date so far as we are aware, which leaves the government's current direction and level of ambition for PFAS, and chemical pollution and regulation more broadly, unclear. Sarah Albon, chief executive of HSE is reported to have written to the Prime Minister and Chancellor that it is ''increasingly difficult" for Great Britain to efficiently regulate chemicals, stating that HSE is ''unable to regulate as effectively as it would like".[7] The National Audit Office has stated that, although budgets have increased, UK regulators have faced operational challenges since EU exit including staff recruitment and expertise.[8]

EU regulations for the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (Regulation 1907/2006) and Classification, Labelling and Packaging (CLP) (Regulation 1272/2008) continue to apply in Northern Ireland (as

[1]The Forever Pollution Project, *The Map of Forever Pollution* <https://foreverpollution.eu/map/> accessed 8 May 2025.
[2] Office for Environmental Protection, *A Review of Implementation of the Water Framework Directive Regulations and River Basin Management Planning in England* (2024).
[3] Environment Agency, *Poly- and perfluoroalkyl substances (PFAS): sources, pathways and environmental data* (2021).
[4] ECHA, *Registry of Intentions* <https://echa.europa.eu/registry-of-restriction-intentions> accessed 8 May 2025.
[5] HSE, *Analysis of the most appropriate regulatory management options* (March 2023).
[6] HSE, *Registry of Restriction Intentions*, <https://www.hse.gov.uk/reach/restrictions.htm> accessed 8 May 2025.
[7] Pippa Neil, 'Brexit means Britain unable to 'effectively' regulate chemicals, warns regulator' *Ends Report* (11 April 2025).
[8] NAO, *Regulating after EU Exit* (18 May 2022).

part of the Northern Ireland Protocol), while assimilated law UK REACH and GB CLP apply in Great Britain.[9] HSE does not have access to data on chemicals held by the European Chemicals Agency (ECHA) to inform regulatory decisions. Regulatory decisions that are being made based on the fuller data held by ECHA are not being incorporated into UK REACH since EU Exit, and no restriction processes have been completed under UK REACH. Under GB CLP, the hazardous properties of persistent chemicals have not been recognised. As Northern Ireland continues to align with EU REACH different approaches to hazard classification, authorisations and restrictions are leading to divergence between Northern Ireland and Great Britain in terms of PFAS and broader chemical regulation.

Action needed on PFAS

PFAS are a current and future concern for the UK environment and health. There is a lack of monitoring and data on PFAS in the UK. There are also areas of regulatory divergence within the UK in relation to PFAS, and little progress on PFAS policy and regulation in Great Britain. The UK's approach to regulating and monitoring PFAS appears limited in scope, which we are concerned will lead to further environmental problems as more chemicals are released to the environment. Only one restriction on one use of PFAS (in fire-fighting foams) has been initiated and it applies to few PFAS. Overall, the establishment of regulatory processes and controls on chemicals has been delayed. It is not clear if no (or slow) updates to chemical regulation, including PFAS, are due to a lack of capacity, data or direction.

We welcome the EAC's inquiry into PFAS and highlight the importance of the following points in particular:

- ensuring there is a coherent approach to PFAS across their life cycle, including in the implementation of UK REACH, GB CLP, WFD Regulations and Environmental Permitting (England and Wales) Regulations 2016 (as amended)
- filling gaps in monitoring new and emerging substances of concern, for example in relation to the 'Watch List' mechanism under the WFD Regulations
- consideration of the precautionary principle, alongside other environmental principles covered by the Environmental Principles Policy Statement, in the development of policy and regulatory frameworks for PFAS and other chemicals
- clarifying the government's direction and ambition in tackling PFAS use and pollution through the Environmental Improvement Plan and UK Chemicals Strategy.

Thank you for the opportunity to provide evidence to the committee's inquiry.

Yours sincerely,

Dame Glenys Stacey
Chair of the Office for Environmental Protection

[9] Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community 2020

Annex: Written Evidence from the Office for Environmental Protection (OEP) to the Environmental Audit Committee Inquiry *Addressing the risks from Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS)*

OEP work in this area

1. The OEP is an independent, statutory body established under the Environment Act 2021. Our principal objective in exercising our functions is to contribute to environmental protection and the improvement of the natural environment. We scrutinise government policy and law implementation, hold public authorities to account against their environmental commitments, and advise on environmental law development in England and Northern Ireland and on reserved matters.

2. The OEP is analysing environmental regulations relating to chemicals in the UK to establish their effectiveness. We have recently reported on the implementation of the Water Framework Directive (WFD) Regulations.[10] [11] This is relevant to per- and polyfluoroalkyl substances (PFAS) as the WFD Regulations includes objectives for waters to achieve 'Good Chemical Status'. We found gaps in monitoring, and a lack of pace, specificity and governance arrangements for practical delivery. We recommended, among other points, that Defra determine how to approach the monitoring and regulation of new and emerging chemical risks. We highlighted the need for Defra to establish processes to replace the former EU 'Watch List' mechanism to monitor substances of emerging concern and for setting new Environmental Quality Standards (EQS) for chemicals where appropriate. These remain gaps in the UK's legal framework since EU exit. Additionally, our WFD report noted possible failures by the Secretary of State for Environment, Food and Rural Affairs and the Environment Agency (EA) to comply with those regulations. We have since launched an investigation to consider those matters further.[12]

3. The Environmental Improvement Plan (EIP) which is currently under review, sets out under Goal 4 a series of targets and commitments relating to 'managing exposure to chemicals and pesticides'. It also includes a target to meet obligations under the Stockholm Convention on Persistent Organic Pollutants. The EIP does not contain any further specific commitments for government action on PFAS. There are no Environment Act 2021 targets to manage chemical pollution. Our annual EIP progress reports shows that although there have been some developments within government on a limited number of specific chemicals and issues, the EIP's focus, coupled with the lack of a UK Chemicals Strategy, make the government's ambition, direction and delivery plans in relation to

[10] Office for Environmental Protection, *A Review of Implementation of the Water Framework Directive Regulations and River Basin Management Planning in England* (2024).
[11] Office for Environmental Protection, *A Review of Implementation of the Water Framework Directive Regulations and River Basin Management Planning in Northern Ireland* (2024).
[12] Office for Environmental Protection, *OEP finds 'deeply concerning' issues with how the laws in place to protect England's rivers, lakes and coastal waters are being put into practice* <www.theoep.org.uk/report/oep-finds-deeply-concerning-issues-how-laws-place-protect-englands-rivers-lakes-and-coastal> accessed 8 May 2025.

chemical pollution, including PFAS, unclear.[13] Alongside the slow pace of regulatory developments in Registration, Evaluation, Authorisation and Restriction of Chemicals (UK REACH), these are major gaps hindering progress and making it difficult for delivery partners and stakeholders to understand their role and enable effective delivery.

4. Overall, we have found a lack of statutory limits and targets, a lack of accessible data, a lack of monitoring for chemicals of concern, a lack of strategy and slow progress on regulation in the UK limiting regulators' ability to control PFAS use and pollution.

Responses to questions

To what extent are UK health and environmental regulators equipped to detect, monitor and understand the risks posed by PFAS?

5. UK regulators are currently not well equipped to monitor or understand the risks from PFAS due to accessibility of data, lack of monitoring, and issues with staffing and expertise.[14] Globally PFAS, like other chemicals, are not effectively assessed for environmental impacts and toxicological risk of harm prior to use. It has been reported that only 2-5% of chemicals produced for use on the market have been assessed, with data lacking for many on acute aquatic toxicity, the extent to which chemicals accumulate in wildlife, and on how long they take to break down in the environment.[15] This lack of data makes regulating risks a challenge.
6. ECHA holds a database containing information on the properties of chemical products and substances including many PFAS. The Trade and Cooperation Agreement agreed between the EU and the UK does not include a provision for UK access to the full information in the ECHA database (which includes the complete registration dossier for each chemical containing detailed information on the hazard, risk and control measures of a substance). Since EU exit, therefore, UK health and environmental regulators no longer have access to these data on chemicals, including PFAS, making it difficult for UK regulators to understand risks posed by PFAS.

To what extent are the Environment Agency, and other relevant UK bodies and research institutions, resourced to understand the current threat posed by PFAS and to monitor their impact going forward?

7. The resources for monitoring of PFAS is limited and most PFAS are not routinely monitored in the UK environment. A Water Quality Stocktake that we commissioned in our review of implementation of the WFD Regulations highlighted PFAS as chemicals of concern and that lack of funding was limiting

[13] Office for Environmental Protection, *Progress in improving the natural environment in England 2022/2023* (January 2024)
[14] Pippa Neil, 'Brexit means Britain unable to 'effectively' regulate chemicals, warns regulator' *Ends Report* (11 April 2025).
[15] Strempel S, Scheringer M, Ng C & Hungerbühler K 'Screening for PBT Chemicals among the "Existing" and "New" Chemicals of the EU' (2012) 46. Environmental science & technology. 5680-7.

the development of evidence for emerging pollutants, and hence reduced confidence in assessments of their risks.[16]

8. Monitoring and resources are focussed on regulated substances such as PFOS. PFOS is a Priority Hazardous Substance under the WFD Regulations, with an EQS set for biota to protect predators and humans consuming fish. Achieving 'Good Chemical Status' under the WFD Regulations requires PFOS to be under the EQS limit by 2063. Defra has described this 2063 deadline as 'a modelling prediction by the Environment Agency on how long it will take for the levels to dissipate'.[17]

9. There is a lack of EQS for other PFAS and other environmental compartments or media, such as soils. The EA monitors two PFAS (PFOS and PFOA) in wildlife and freshwater, with around a further 15 PFAS having some targeted screening in water and sediment.[18]

10. Much of the data on the presence of PFAS in the UK come from a combination of short-term water industry testing of rivers and discharges, academic research and NGOs commissioning testing from commercial laboratories and universities. There is evidence of widespread environmental contamination from PFAS in wildlife (birds, fish, otters, dolphins, foxes), groundwater, soils (with sites in the Cotswolds and North Yorkshire showing very high levels), rivers and estuaries (particularly the Lancashire Wyre, and Mersey) including protected sites.[19]

11. Only one PFAS (trifluoroacetic acid) has been screened through the EA's Prioritisation and Early Warning System (PEWS), which the EA uses to search academic literature for evidence on selected chemicals in the environment. PEWS does not review all data sources and only screens for selected 'nominated' chemicals after they appear in the environment.

How sophisticated is current knowledge of how and where PFAS enter the supply chain?

12. Our Water Stocktake found little is understood about PFAS use, the quantities available on the UK market, or their presence in imported goods. It estimated that more than 100 individual PFAS are in use within the UK. However, there are gaps in understanding of the release of PFAS from goods throughout their life cycle, for example the leaching of PFAS during recycling and waste disposal.[20] The presence of PFAS in sewage sludge applied to land,[21] and other secondary materials (such as compost from PFAS-coated compostable packaging)[22] is not

[16] Atkins and WCA, 'Water Quality Stocktake' (2023) CRO050-02
[17] Defra, 'Coverage on Water Targets and River Basin Management Plans' <https://deframedia.blog.gov.uk/2022/12/24/coverage-on-water-targets-and-river-basin-management-plans/> accessed 21 December 2023.
[18] Environment Agency, *Poly- and perfluoroalkyl substances (PFAS): sources, pathways and environmental data* (2021).
[19] The Forever Pollution Project, *The Map of Forever Pollution* <https://foreverpollution.eu/map/> accessed 8 May 2025.
[20] Atkins and WCA, 'Water Quality Stocktake' (2023) CRO050-02
[21] James Hutton Institute, 'Re-Assessment of Environmental Risks from Sewage Sludge' (2024)
[22] Fidra, '*Forever Chemicals in the Food Aisle*' (2020)

routinely monitored or regulated for PFAS. In the UK, chemical industry representatives have also said that complex supply chains make it difficult to generate data on chemical use and exposure.[23] This lack of information on chemical use and exposure limits the ability of industry to manage risks, and of regulators to assess environmental exposure to chemical substances throughout their production, use, reuse, recycling and disposal lifecycles.

Is the current regulatory regime for PFAS fit for purpose?

13. The current regulatory regime for PFAS is limited and fragmented. To date, PFAS regulation in the UK has been largely based on obligations under the Stockholm Convention and REACH (see Figure 1). REACH is informed by Classification, Labelling and Packaging (CLP) Regulation hazard classification which combined with chemical registration enables regulators to collect data on chemicals to support the assessment and management of risks. REACH controls chemical use through restrictions, a candidate list of Substances of Very High Concern (SVHC) which may face further regulatory action, and authorisations lists which outline chemicals that must be eliminated from use unless exemptions and authorisations apply. REACH and CLP have become assimilated law through UK REACH and GB CLP respectively, while Northern Ireland continues to follow EU Regulations.[24]

14. Some sources of PFAS such as cosmetics, food packaging, pesticides, pharmaceuticals and veterinary medicines also have specific product regulations. However, unlike REACH the overall purpose of most such regulations on these products is not to protect the environment. It is not clear how information on PFAS is shared and communicated across multiple regulators.

[23] Luke Buxton, 'Industry queries focus on 'use and exposure' in UK REACH registration plan' *Chemical Watch* (29 May 2024) <https://product.enhesa.com/1102617/industry-queries-focus-on-use-and-exposure-in-uk-reach-registration-plan> Accessed 17 July 2024

[24] European Union (Withdrawal) Act 2018 (as amended)

Figure 1. Summary of PFAS regulatory initiatives in the UK 2006-2025 (OEP).

15. A suite of inter-connected regulations could apply to PFAS as part of a coherent strategy, including upstream measures which control the production and use of PFAS such as UK REACH and CLP, as well as downstream regulations which control release or presence in the environment such as the Environmental Permitting (England and Wales) Regulations 2016 and the WFD Regulations. Overall, however, our Water Quality Stocktake found many chemicals of concern, including several PFAS, are not well monitored or subject to full control under those regulations or by other means.[25]

16. Since 2021, the responsible authority (HSE) for UK REACH has added no new substances to the candidate list (Substances of Very High Concern) or authorisation list (which ends the use of chemicals except where exemptions or authorisation applies). Three restrictions on chemicals have been initiated, including one on some PFAS in firefighting foam. However, restriction processes have been delayed, and none of the restrictions initiated have been completed. Restrictions on other uses of PFAS, which were due to be part of HSE UK REACH Work Programme April 2024-March 2025, have not been initiated to date.[26]

17. Under the GB CLP regime, hazard classifications have not been updated in line with the latest understanding of hazards, such as persistence and endocrine disruption. This means that PFAS, along with other persistent chemicals, will not be classified as hazardous in Great Britain based on their persistence, limiting the scope to manage and regulate their risks.

18. For chemical regulation to be effective, it must be continually updated in response to the latest data and understanding of hazards, use and exposure. There has been no significant change in chemicals regulation, including for PFAS, since the end of the EU exit transition period in January 2021. We have highlighted, for example, the lack of any domestic replacement for the EU 'Watch List' process for substances of emerging concern, the paucity of PFAS restrictions and the lack of a hazard classification for persistent substances. It is not clear if this slow progress is due to a lack of capacity, expertise, understanding or direction.

19. Changes to UK REACH chemical registration were proposed in May 2024.[27] However, the OEP sees some risks to the environment in these proposals, which would put the onus on regulators to obtain data from industry as the basis for assessments and decisions. Our consultation response highlighted further areas that government needs to consider including how it will handle divergence between the UK and EU, the opportunities to gather more detailed information on substances that are persistent, bioaccumulative, and toxic (PBT), or very

[25] Atkins and WCA, 'Water Quality Stocktake' (2023) CRO050-02
[26] HSE, *UK REACH Work Programme 2024/25* (March 2025)
[27] Defra, 'An alternative transitional registration model (ATRm) for UK REACH' (2024) <www.gov.uk/government/consultations/an-alternative-transitional-registration-model-atrm-for-uk-reach> accessed 8 May 2025.

persistent and very bioaccumulative (vPvB), and how regulatory decisions could be taken based on data.[28]

Is a precautionary approach to PFAS desirable or is an approach that uses regulation to assess their benefits and risks more appropriate?

20. From our perspective, this is not a choice between two mutually exclusive options. A precautionary approach does not necessarily (and in our opinion should not) preclude consideration of information about benefits and risks. Rather, the precautionary approach should entail consideration of such information as well as the uncertainty that surrounds it. This is reflected in the 'precautionary principle' which provides that a lack of full scientific certainty should not be used to postpone measures that are cost-effective and could prevent environmental degradation.

21. Under the Environment Act 2021 there is a duty on ministers, and officials on their behalf, to have due regard to the Environmental Principles Policy Statement (EPPS) when making decisions on policy in England. The EPPS includes the precautionary principle to assist the decision-making process in the face of a lack of scientific certainty.

22. As data are lacking on most individual PFAS, but the suspected risks are high, a precautionary approach has been proposed in regulation in some jurisdictions (e.g. EU). This involves regulating PFAS as a group in a wide range of uses (rather than on a substance-by-substance, or use-by-use approach) to reduce 'regrettable substitution'. Regrettable substitution occurs when chemicals are risk-assessed and regulated individually, with the result that chemicals found to be hazardous are replaced with structurally similar substances that currently lack data, but which are also hazardous. For example, PFOS and PFOA have often been replaced by one of the other ~14,000 chemicals in the PFAS group. In the UK, a group-based approach has been proposed for PFAS in firefighting foam, but the HSE Risk Management Options Analysis excludes many PFAS from regulation, and the restriction has not yet been completed.[29]

What lessons can the UK learn from other countries on how they monitor and treat PFAS?

23. HSE is taking a comparatively narrow view of PFAS which means the regulatory scope is limited, compared to other jurisdictions. In 2021, the Organisation for Economic Co-operation and Development (OECD) published a definition of PFAS that includes a range of chemical structures. [30] HSE's RMOA proposed regulation on a subset of PFAS in only a few uses, it excludes several chemical structures that they believe to be less persistent or less toxic.[31] However, these exclusions do not factor in the persistence or toxicity of precursors and breakdown

[28] Office Environmental Protection, 'OEP response to consultation on UK REACH' <www.theoep.org.uk/report/oep-response-consultation-uk-reach> accessed 8 May 2025.
[29] HSE, *Analysis of the most appropriate regulatory management options* (March 2023).
[30] OECD, *Reconciling Terminology of the Universe of Per- and Polyfluoroalkyl Substances* (2021).
[31] HSE, *Analysis of the most appropriate regulatory management options* (March 2023).

products.[32] Among others, the HSE RMOA excludes PFAS that are fluoropolymers despite the EA previously finding fluoropolymer production, use and disposal resulting in emissions of non-polymer PFAS in the UK.[33] The HSE's proposal in effect reduces the number of PFAS that will be considered for regulation in the future to only a few hundred substances, excluding thousands of other PFAS. To date a restriction on only one use of some PFAS, in firefighting foams, has been initiated under UK REACH. Other uses of PFAS have not yet had restrictions initiated in the UK.

24. The EU is currently considering a restriction proposal from Germany, Denmark, Netherlands, Norway and Sweden that covers the full suite of PFAS outlined by the OECD and a range of uses.[34] In addition, some European countries have taken steps ahead of this restriction. Denmark prohibits PFAS use in paper and board food packaging.[35] While France restricts the use of PFAS in some consumer products, including cosmetics and textiles.[36]
25. More broadly, recent analysis and reports have found that, since EU exit, the UK has been unable to keep pace with chemical regulation and monitoring happening in the EU, lacking the regulatory capacity, oversight and capability of its EU counterparts,[37] including on PFAS.[38]
26. In terms of PFAS remediation and land contamination, the United States Environmental Protection Agency has designated PFOS and PFOA as hazardous substances under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), also known as the 'superfund'.[39] Although the superfund applies to few PFAS it enables enforcement authorities to address PFOA and PFOS releases and aims to ensure that the polluters pay for investigations and cleanup. In addition, the US State of Maine has prohibited the use of sewage sludge on agricultural land due to PFAS contamination.[40] In England, modelling commissioned by the Environment Agency revealed financial costs of between

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[32] *Letter to UK Ministers from PFAS Experts on need for Regulation* <*https://www.su.se/polopoly_fs/1.773372.1729716606!/menu/standard/file/PFAS%20letter%20from%20global%20academics%20to%20UK%20ministers_2024.pdf* > accessed 8 May 2025.
[33] Environment Agency, *Poly- and perfluoroalkyl substances (PFAS): sources, pathways and environmental data* (2021).
[34] ECHA, *Registry of Intentions* <https://echa.europa.eu/registry-of-restriction-intentions> accessed 8 May 2025.
[35]Danish Ministry of Food Agriculture and Fisheries The Executive Order on Food Contact Materials (2020) <https://www.retsinformation.dk/eli/lta/2020/681> accessed 8 May 2025.
[36] France Official Journal Summary LAW No. 2025-188 of 27 February 2025 on the protection of the population from the risks associated with perfluoroalkyl and polyfluoroalkyl substances <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000051260902> accessed 8 May 2025.
[37] Jones LB, Burns CJ, 'REACHing for divergence? UK chemical regulation post-Brexit' (2024) 20(5) Integrated Environmental Assessment and Management,1529–1538.
[38] ChemTrust, *UK/EU differences in regulatory controls on PFAS (per- and polyfluorinated alkyl substances)* <https://chemtrust.org/wp-content/uploads/UK-vs-EU-PFAS-divergence-table-September_2024.pdf> accessed 8 May 2025.
[39] US EPA Designation of Perfluorooctanoic Acid (PFOA) and Perfluorooctanesulfonic Acid (PFOS) as CERCLA Hazardous Substances <https://www.epa.gov/superfund/designation-perfluorooctanoic-acid-pfoa-and-perfluorooctanesulfonic-acid-pfos-cercla> accessed 8 May 2025.
[40] US State of Maine, An Act To Prevent the Further Contamination of the Soils and Waters of the State with So-called Forever Chemicals (2022) < LD 1911, HP 1417, Text and Status, 130th Legislature, Second Regular Session> accessed 8 May 2025.

£31 billion and £121 billion for remediation of between 2,900 and 10,200 high risk sites.[41]

Is there any regulatory divergence across the UK in terms of PFAS? If so, what are the implications, and is there a need for a more joined-up approach?

27. Under commitments made as part of the withdrawal agreement, Northern Ireland (as part of the Northern Ireland Protocol) continues to align with the EU on chemical regulation such as REACH and CLP while assimilated law UK REACH and GB CLP apply in Great Britain.[42] There is increasing regulatory divergence between Northern Ireland and Great Britain as REACH and CLP develop, while in Great Britain updates to UK REACH and GB CLP have not been forthcoming.
28. UK government and devolved administrations proposed to work together on regulating chemicals and pesticides. The Common Framework covers regulations relevant to PFAS such as UK REACH and GB CLP.[43] Other environmental regulation is devolved. In practice, monitoring for chemicals is often led by the public authorities and regulators of devolved administrations, whereas the development of policy and upstream regulations which control the production and use of chemicals is led by Defra and HSE. Provisions affecting Northern Ireland, Scotland, or Wales must respect devolved competence and consider potential cross-border environmental impacts.
29. The different approaches and updates to hazard classification, restrictions and authorisation and candidate lists are leading to divergence between Northern Ireland and Great Britain in terms of PFAS and broader chemical regulation. PFAS in Northern Ireland will be classified as hazardous due to their persistence, but PFAS in Great Britain will not be considered hazardous due to their persistence. This means PFAS will have different labelling, packaging and data requirements with less data and control measures on persistent chemicals, like PFAS, in Great Britain. Further divergence in PFAS regulations could lead to PFAS appearing in products and waste in Great Britain but not in Northern Ireland and differing environmental protections and impacts across the UK.

[41] Jacobs, *PFAS – Evaluating the economic burden of remediating high-risk sites* (2023) <https://www.gov.uk/government/publications/reports-on-perfluoroalkyl-and-polyfluoroalkyl-substances-pfas-eir202413311> accessed 8 May 2025.
[42] Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community 2020.
[43] HM Government, 'Chemicals and Pesticides Provisional Common Framework: Framework Outline Agreement and Concordat' (2022).