

ALERTER

Publication of DEFRA Policy Paper: “PFAS Plan: building a safer future together”

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On 3 February 2026, the Department for Environment, Food & Rural Affairs (“DEFRA”) published a policy paper titled “PFAS Plan: building a safety future together” (the “Policy Paper”). The foreword by the Minister for Water and Flooding notes that “Per- and poly-fluoroalkyl substances (PFAS), often called ‘forever chemicals’, represent one of the most pressing chemical challenges of our time.”

We addressed the general background in our earlier Alserter “[Forever Chemical Litigation: here to stick?](#)”. As we noted, PFAS (“*Per- and polyfluoroalkyl substances*”) is a broad term that describes a family of thousands of synthetic compounds created by replacing hydrogen atoms (the natural bonding partner for carbon) with fluorine atoms. PFAS are not broken down when released into the environment: hence their sobriquet of “forever chemicals”. Looking at a number of international comparators, we suggested that the frequency of PFAS litigation (and potentially regulatory action) in England and Wales was likely to increase in 2026 and beyond. This new Policy Paper supports our expectation that significant regulatory reforms are likely in the coming years.

THE POLICY PAPER

As one would expect from a policy paper, it sets out an ambitious set of general public policy goals including: reducing the risks posed by PFAS through a science-based approach; strengthening the existing regulatory regime; and placing general expectations on industry to be proactive in understanding potential risks. It suggests that there should be a collaborative approach between Westminster and the Devolved Governments and highlights the need for a multi-agency approach involving bodies such as

the Environment Agency, the Food Standards Agency and the Office for Product Safety and Standards.

THE STRUCTURE

The Policy Paper sets out a clear framework for understanding, identifying and responding to the risks from harmful PFAS. This framework relates to three pillars: (i) understanding PFAS sources; (ii) tackling PFAS pathways; and (iii) reducing ongoing exposure to PFAS.

POINTS TO NOTE

Whilst there is a lot to digest, and much of the granular detail will only become apparent in the coming years, the following points are of particular note:

First, the role of Industry. The Policy paper states “The governments of the UK also expect industry to be proactive in improving our understanding of PFAS risks and supporting informed consumer choices. Industry should take steps to manage the risks from PFAS they manufacture and use, and to manage the post-use risks.”

Second, expect reforms in relation to the use of PFAS in fire-fighting foam. The Policy Paper

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states that the Government aims to complete work to consider a UK REACH (Registration, Evaluation, Authorisation and Restriction of Chemicals Regulation) restriction on PFAS in fire-fighting foams.

Third, more PFAS will likely become subject to REACH. The Policy Paper speaks of progress towards the addition of more PFAS substances to the UK REACH candidate list of substances of very high concern (SVHCs), subject to consultation.

Fourth, reforms may be forthcoming in relation to food and there will be a consultation on introducing a statutory limit for PFAS in drinking water. This may lead to increased regulatory intervention by the Food Standards Agency and other regulatory bodies with the potential for enforcement actions against *inter alia* water suppliers.

Fifth, there will be a focus on consumer products. The Policy Paper speaks of not just increased consumer understanding but also of “*Work to consider potential restrictions or regulatory measures on PFAS use in specific consumer product groups.*” As we noted in our earlier article other jurisdictions are already implementing regulatory controls on certain product types such as the Toy Safety Regulations (EU) 2025/2509) which prohibit the intentional use of PFAS in toys (and their components) that are henceforth placed on the market in the EU. Similar measures may be forthcoming in this country

This ambitious Policy Paper should be considered compulsory reading for industry and those who practice in the many areas of legal practice that may be subject to change. For now, it will be important to keep track of the regulatory landscape as it evolves.

ABOUT THE AUTHORS



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Toby Riley-Smith KC specialises in consumer law, product liability, group litigation, consumer finance and regulatory crime. He is recommended as a leading silk in these areas by Chambers UK, Legal 500 and/or international directories. He was short-listed for Group Litigation and Consumer Silk of the Year at the Legal 500 Bar Awards 2023.

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Lucy McCormick

Lucy is a commercial barrister with a particular emphasis on product liability and related areas. A substantial part of Lucy's practice concerns group actions or other multi-party litigation. Lucy is particularly well known for her expertise in matters with a technology element, and contributed to *The Law of Artificial Intelligence* (Sweet & Maxwell 2021 & 2024) and *The Law and Autonomous Vehicles* (Routledge 2019).

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Douglas has a busy practice in group litigation, commercial litigation, product liability, property law, environmental law, and public law. He has experience working on nuisance claims and large environmental group actions, including pre-action matters and issues relating to causation, limitation, and jurisdiction. Before being called to the Bar as a Lord Astbury Scholar, Douglas was awarded a PhD from the University of Cambridge. He has published multiple articles in journals such as *Public Law* and the *Journal of Planning and Environmental Law* on environmental law and related issues.

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