

The end of “whack-a-mole”: Are comprehensive reforms to the regulatory and enforcement regimes concerning PFAS/forever chemicals on the horizon?

INTRODUCTION

On 23 April 2026, the House of Commons Environmental Audit Committee published [“Addressing the risks from Perfluoroalkyl and Polyfluoroalkyl Substances \(PFAS\)”](#) (HC 852) (the “Consultation Response”).

BACKGROUND

What is PFAS? PFAS 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 that are often referred to as “forever chemicals”. For a general background see our earlier article [“Forever Chemicals Litigation: here to stick?”](#) and our article on the first PFAS plan [“Publication of Defra Policy Paper: ‘PFAS Plan: building a safer future together’”](#).

What did the Environmental Audit Committee consider? The Environmental Audit Committee launched the inquiry in April 2025 and has engaged with the Department for Environment, Food and Rural Affairs (DEFRA) throughout the process. The inquiry published written evidence from 121 different individuals and entities and heard oral evidence from 23 witnesses across eight panels. The volume of evidence from a spectrum of stakeholders, interest groups, and industry offers a helpful repository of sources highlighting the complexity that will be encountered if the proposed reforms are enacted.

THE CONSULTATION RESPONSE

What have the Environmental Audit Committee concluded and recommended? The report includes the following helpful conclusions and recommendations which are quoted below:

Issue: UK PFAS Plan

Conclusion: *“Voluntary action on PFAS and self-regulation by industry are not sufficient to ensure transparency, accountability or reduce PFAS emissions.”*

Recommendation: *“The Government must act in line with the environmental principles, taking preventative and precautionary action to reduce cumulative PFAS exposure to both people and the environment. We expect the Government to set out in its response how its approach to PFAS has been developed with due regard to precautionary principle within the environmental principles policy statement.”*

Issue: Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)

Conclusion: *“UK REACH, in its current lagging and slow-moving form, risks leaving the UK behind international best practice and limits the Government’s ability to respond swiftly to emerging scientific evidence on PFAS. This increases the likelihood of further regulatory divergence between Great Britain and Northern Ireland, creating trade barriers both ways, and detrimental consequences for UK goods in the EU market.”*

Recommendation: *“The Government should make use of existing EU-UK dialogue mechanisms to support UK alignment with EU REACH to avoid unnecessary regulatory divergence. Whilst UK Government may choose a different approach in some areas, without such alignment, UK manufacturers risk accidentally being placed at a competitive disadvantage, and the UK public may face greater exposure to PFAS due to the absence of the more precautionary approach being pursued in the EU.”*

Issue: Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)

Conclusion: *“UK REACH must be reformed to enable swifter restrictions on PFAS to ensure the UK can align with emerging evidence to act more quickly on substances of concern.”*

Recommendation: *“The Government should reform UK REACH by March 2027 to avoid further delay in restricting PFAS. The Government should set targets at half the statutory maximum timescales and ensure that the Health and Safety Executive has the resources to meet these accelerated timelines.”*

Issue: Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)

Conclusion: *“The Government should adopt an essential-use approach to regulating PFAS, prioritising the rapid restriction of PFAS in non-essential applications. Clearly defined exemptions should be set for essential uses, with time-limited derogations where substitutes are still being developed.”*

Recommendation: *“The Government should commission the Health and Safety Executive under UK REACH to bring forward restrictions on PFAS in non-essential consumer products (e.g. food packaging, cookware and school uniforms) without delay and begin a phased restriction from 2027.”*

Issue: substitutions and safer alternatives

Conclusion: *“Replacing one PFAS with another can perpetuate long-term environmental and health risks and can lead to regrettable substitutions, whereby banned substances are rapidly replaced by chemically similar and potentially harmful alternatives.”*

Recommendation: *“Due to the impracticality of assessing thousands of PFAS one by one, and the risk that new substances emerge faster than they can be evaluated, the UK’s current approach leaves regulators struggling to keep pace with industry innovation. While the burden of proof currently rests with Government before substances are banned, it is likely that without adopting a more ambitious approach the UK will continue to suffer significant PFAS contamination for many more decades.”*

Issue: substitutions and safer alternatives

Conclusion: *“Without a broad, group-based restriction on PFAS, the Government risks a “whack-a-mole” approach”.*

Recommendation: *“The Government should draw on independent scientific and regulatory expertise in taking a group-based approach for PFAS regulation within three months of the EU’s forthcoming assessment. This should include assessing options for grouping PFAS with similar structures, so that future restrictions can be applied more swiftly, and effectively as new evidence emerges.”*

Issue: Health Impacts

Conclusion: *“While gaps remain in understanding the toxicity of every individual PFAS, the evidence indicates that several PFAS are associated with a wide range of adverse health effects. Studies of highly exposed groups show clearer and more immediate risks, underscoring the need*

for precautionary action, given the extreme persistence and bioaccumulation of PFAS in the body, to protect the public.”

Recommendation: *“The effects of PFAS exposure in the UK population. Within 12 months, it should publish a delivery plan setting out epidemiological studies to assess the cumulative impact of multiple PFAS and the establishment of biomonitoring programmes for groups with higher exposure. For communities and occupations with known or suspected elevated PFAS exposure, the Government should also provide enhanced health screening, enabling early detection of health impacts, identification of trends, and reduced anxiety for affected individuals.”*

Issue: Health Impacts

Conclusion: *“The challenges of managing the risks of PFAS and associated health impacts are not issues faced by the UK alone. Many of the lessons relevant to the UK are already emerging from studies and regulatory processes across the European Union and beyond”.*

Recommendation: *“The Government should draw on international best practice and collaborate with established PFAS research programmes to ensure that the UK is fully aligned with and contributing to this global evidence base. This will enable the Government to make evidence-based decisions more quickly and reduce the cost to the UK taxpayer. A synthesis report summarising the UK’s international engagement, findings and planned actions should be published within six months of this Committee’s report.”*

Issue: Regulation

Conclusion: *“Although the Government has begun setting statutory limits for PFAS in drinking water, which is a welcome step, significant gaps remain in managing and limiting human exposure to PFAS through food and agricultural pathways.”*

Recommendation: *“The Government should set limits on the levels and types of PFAS permitted in food, giving producers, retailers, and regulators a consistent basis for protecting public health. This should include establishing and monitoring limits on PFAS entering the food chain through agricultural processes. The Government should publish these limits within three months of the publication of the Committee on Toxicity’s review to draw on the expertise.”*

“Whilst PFAS-containing consumer products remain on the market, the Government should introduce interim limits on PFAS levels and require standardised labelling to ensure consumers are fully informed. Implementation should be led by the Department for Environment, Food and Rural Affairs, working with the Food Standards Agency and the Office for Product Safety and Standards. This should take effect within six months and remain in place until PFAS are restricted in non-essential consumer goods.”

Issue: Monitoring and enforcement

Conclusion: *“Whilst the PFAS Plan sets out monitoring commitments, it lacks the specificity needed to inform and deliver action. Without clear requirements on what to monitor, the methods to use, and the thresholds for concern, and without adequate funding and laboratory capacity, the Environment Agency cannot enforce limits or identify risks in time to act.”*

Recommendation: *“The Government should provide full detail, in its response, on how its PFAS monitoring strategy will support enforcement and remediation. This should include a clear explanation of how monitoring results will be used to identify risks, guide remediation activity, and underpin regulatory enforcement. The Government should accompany this with an assessment of the resources required for the Environment Agency to deliver their responsibilities outlined in the PFAS Plan and commit to providing the associated funding in its response.”*

Issue: Supply chain and disposal

Conclusion: *“Lack of supply chain transparency fundamentally undermines the UK’s ability to manage PFAS at end-of-life, leaving councils, waste operators and regulators unable to prevent products with PFAS entering landfill, and leading to further pollution of waterways, soil and the wider environment.”*

Recommendation: *“The Government should consult on mandatory PFAS disclosures across supply chains within six months, requiring manufacturers and importers to report the presence and purpose of PFAS in products placed on the UK market to support safe handling and disposal. The Government must set out in its response a timeline to divert PFAS waste from landfill towards safer treatment or destruction technologies to manage increasing volumes of PFAS waste without causing further environmental contamination.”*

Issue: Remediation

Conclusion: *“Remediating PFAS contamination in the environment is expensive and technically complex. The current regulatory approach that permits continued use of PFAS until harm is proven means that these substances can legally continue to accumulate in the environment, steadily increasing the long term environmental and financial burden.”*

Recommendation: *“The Government has not applied the polluter pays principle adequately to deter future PFAS emissions nor has it allocated sufficient government funding to tackle the remediation of PFAS in the environment where liable parties cannot be identified.*

The Government should apply the polluter pays principle to prevent ongoing and historic PFAS contamination and consult by March 2027 on establishing a national PFAS Remediation Fund. The Government should:

- *explore the implications of an emissions levy for PFAS on the*
- *UK REACH candidate list, to deter ongoing environmental contamination and hold polluters responsible;*
- *consider options for extending the polluter pays principle to products manufactured overseas and imported into the UK;*
- *ensure that when the Government extends the polluter pays principle that UK manufacturers are not at a disadvantage to overseas manufacturers of products;*
- *increase dedicated central government funding for local authorities to remediate where no responsible party can be identified; and*
- *ensure that the Remediation Fund and associated enforcement are overseen by the Environment Agency, and ensure that*
- *the Environment Agency has the necessary resources and*
- *skills required to implement any monitoring and enforcement responsibilities.”*

Issue: Remediation technologies

Conclusion: *“Existing PFAS contamination in the environment must be addressed alongside prevention. Even with strong restrictions on future PFAS use, the UK already faces significant legacy contamination. Without action now, this legacy burden will pose long-term risks to public health and the environment, and mounting costs will continue to fall on government (and taxpayers) and water companies (and water bill payers).”*

Recommendation: *“Industry urgently needs clear direction and Government approval on viable remediation methods so that contaminated materials can be treated safely and at scale. The Government should support the development and deployment of scalable, cost-effective PFAS remediation technologies by directing investment through UK Research and Innovation into research, innovation and practical support. The Government must publish formally approved guidance for PFAS remediation to provide businesses, local authorities and regulators with the certainty needed to deliver timely, safe and effective remediation.”*

Issue: Destroying PFAS

Conclusion: *“PFAS contamination cannot be addressed without reliable destruction capacity. Current UK incineration capacity is insufficient to treat the increasing volume of PFAS containing waste diverted from landfill, and significant gaps remain in the availability, scalability, and verification of other destruction technologies”*

Recommendation: *“The Government should assess the volume of PFAS containing waste expected from forthcoming restrictions and determine whether UK high-temperature incineration capacity is sufficient. The Government should write to the Committee with its findings and proposed actions within six months. The Government must commit, within six months, to funding the research and development of non-incineration PFAS destruction technologies through UK Research and Innovation and Innovate UK”*

NEXT STEPS

Much of the granular detail remains to be worked out, and the challenges of securing sufficient funding for regulatory bodies and legislative time appear significant. However, the Consultation Response could represent a watershed moment for the UK's regulatory and enforcement regime on PFAS. It is important for practitioners and industry to stay informed of how events unfold in the UK and to keep track of recent and future developments in the EU, as regulatory alignment appears likely. Furthermore, the Consultation Response and the written and oral submissions made to the Environmental Audit Committee underline the legal complexity of regulating PFAS and the practical and legal challenges that the proposed changes might pose.

If you would like to discuss legal issues concerning PFAS and the Consultation Response, please contact clerks@hendersonchambers.co.uk

Toby Riley-Smith KC

Lucy McCormick

Douglas Maxwell

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