

# THE LONG ROAD TO REGULATING PFAS IN THE EU AND UK

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## Images

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## INTRODUCTION

**P**EFAS are a very large family of chemicals with a strong carbon-fluorine bond making them persistent in the environment. Sale of one of the most harmful PFAS, called PFOS, was restricted in the EU in 2006 but it will be more than 20 years later before the bulk of PFAS are restricted, some of which break down into PFOS. Why has this taken so long?

Ever since first being manufactured in the last century, PFAS have continued to accumulate in the environment. Every delay in restricting them increases the amount of PFAS that will eventually have to be removed at great cost. The realisation that PFAS are not only persistent but also mobile through soils, without being 'adsorbed' as some chemicals are, make them a threat to groundwater used for drinking. Recent estimates in EU and UK put the cost of remediating PFAS pollution in the billions of Euros and this may not be possible in all cases.

This report combines a timeline of regulatory steps taken in the EU and UK to restrict PFAS with a discussion of the reasons for the lengthy time it is taking.

An earlier version of the timeline was submitted in November 2025 to the Environmental Audit Committee (EAC) of the UK House of Commons for their inquiry into PFAS and was published on their website. It has since been revised to bring it up to date and, most importantly, to include reference to the work done by the Umweltbundesamt (UBA) – the German Environment agency – on the mobility of certain chemicals which led to the concept of PMT (persistence/mobility/toxicity) to supplement the existing concept of PBT (persistence/bioaccumulation/toxicity) which defines the criteria in REACH for restrictions. PMT may prove particularly important for restricting many PFAS which may not be particularly bioaccumulable.



# THE TIMELINE

**The timeline is divided into three periods defined by the legislative regimes then prevailing in the EU and UK.**

## Part A: Under the pre-REACH regime – 1993 to 2007

### 1994-2000

The EU's 'Existing substances' Regulation 793/93 (ESR) required manufacturers of chemicals to submit existing data, relevant for evaluating risk, to the Commission which then drew up priority lists of chemicals to be assessed in more detail. Restrictions could then be made under the earlier Directive 76/ 769.

Between 1994 and 2000 four priority lists totalling 140 chemicals were issued, none of which included PFAS. This implies that PFAS manufacturers cannot have raised sufficient concern to trigger restrictions.

It was because of the slow pace in obtaining information from manufacturers under ESR that the Commission decided to review chemicals legislation in 1998. This led to the REACH Regulation 1907/2006 being adopted in 2006. REACH placed stricter obligations on manufacturers to supply useful information based on the concept of 'no data, no market'.

### 2000

Following concerns raised in the USA, 3M (the world's largest producer of PFOS based in the USA) announced in 2000 that it was phasing out production of PFOS voluntarily from 2001. This stimulated discussion within the OECD's Taskforce on Existing Chemicals. Several countries agreed to work informally to produce a hazard assessment with the lead being taken by the US and UK.

### 2001-2004

As a result of the OECD discussions the Environment Agency in UK (EA) started work in 2001 on an 'Environmental Risk Evaluation Report' on PFOS. It was carried out in tandem with a 'Risk Reduction Strategy' commissioned by DEFRA also published in 2004. Both were conducted following the requirements of the ESR and were therefore intended to stimulate a restriction by the EU. The OECD hazard assessment concluded that PFOS was persistent, bioaccumulable and toxic to mammals.

## 2003

The EA published a 41-page document *Managing Chemicals for a Better Environment – the Environment Agency’s Strategy*. It listed chemicals to be studied in the coming years including perfluorinated chemicals now known as PFAS. It also linked the EA’s work on assessing chemicals with its better-known work of managing the quality of rivers, managing waste sites, and authorising discharges from industrial plant.

## 2004

**June:** The UK Government said it proposed to ban PFOS unilaterally, and on 18 October issued a Press Release ‘UK Acts to ban hazardous chemical’ announcing the start of consultation which “*will inform the UK negotiating strategy in Europe*”.

**October:** WWF (UK) announced that it had tested the blood of several Ministers for the Environment in the EU (including Alun Michael from the UK) and found the presence of many chemicals including PFOS.

## 2005

A major explosion took place at a group of oil tanks in Buncefield, Hertfordshire. Fire-fighting foam reached a source of groundwater which became unusable for drinking water. This focused the attention of the EA and others on the widespread use of PFAS in fire-fighting foam.

## 2006

EU Directive 2006/122 added PFOS to the list of substances already restricted under Directive 76/769 (restrictions on marketing and use). The UK’s unilateral initiative had been effective. This was the first of the PFAS family to be restricted in the EU (and the last chemical to be restricted before Directive 76/769 was replaced by REACH). The preamble noted the existence of the OECD hazard assessment and of a risk assessment (presumably the UK one) as the basis for the restriction. It also noted that the EU’s Scientific Committee on Health and Environmental Risks (‘SCHER’) had concluded that PFOS “*fulfil the criteria for classification as very persistent, very bioaccumulative and toxic. PFOS also have a potential for long range environmental transport and have the potential to produce adverse effects and therefore fulfil the criteria for being considered as persistent organic pollutants (POPs) under the Stockholm Convention... With regard to fire-fighting foams, SCHER agrees that health and environmental risks of substitutes should be assessed before a final decision can be taken*”. (The reference to fire-fighting foams probably refers to another PFAS called PFOA which was also used in fire-fighting foams as well as PFOS).

Directive 2006/122 did not restrict PFOA, but the preamble noted that it must be kept under review. This was because manufacturers argued that PFOA did not meet the bioaccumulation criteria, so that restriction of PFOA had to be delayed by many years until REACH was fully operational.

## Part B: Under the REACH regime – 2007 onwards

(EU chemicals legislation adopted from 2021 onwards is not binding in GB but only in NI – see [Part C](#) for more information.)

The REACH Regulation 1907/2006 was exceptional in creating a specialised agency – the European Chemicals Agency (ECHA) in Helsinki. Only chemicals registered with ECHA can be marketed in the EU. Registration requires the manufacturer to submit an assessment of risks to human health and the environment. ECHA examines these assessments in conjunction with the Member States and can decide whether chemicals pose a risk requiring a restriction. The final decision on restrictions is taken by the Commission.

One feature of REACH inherited from ESR is that chemicals are assessed one by one. This has posed a problem when dealing with PFAS which is a group of many thousand different chemicals sharing some characteristics but not others.

The creation of ECHA inevitably resulted in work on restrictions being delayed while the new Agency was built up in Helsinki. PFOA, which had been identified as being of concern in the Directive restricting PFOS in 2006 was not restricted until 2017.

### 2009

PFOS listed as a Persistent Organic Pollutant (POP) under the Stockholm Convention 2001 requiring it to be eliminated.

### 2009–2015

UBA in Germany carries out research on criteria to identify chemicals which have intrinsic properties – solubility and mobility – that indicate hazard to sources of drinking water. This led to the formulation of the concept of PMT (persistent/mobile/toxic) (see [2015](#) below).

### 2011

EU Regulation 10/2011 restricted certain PFAS in food contact materials.

### 2012

Centre of Environment, Fisheries and Aquaculture Sciences (CEFAS – a UK Government agency) began monitoring PFOS/PFAS in harbour porpoises. (In its evidence to EAC (May 2025) the UK Health Security Agency (UKHSA) said it is developing capacity to assess human biomonitoring but has apparently not itself conducted human biomonitoring for PFAS in the UK).

### 2015

M. Neumann *et al.* publish the concept of PMT. This was first presented orally in 2015 at the Society of Environmental Toxicology and Chemistry (SETAC). (For a discussion of PMT's relevance to regulating PFAS in a UK context see the 2025 entry under [Part C](#) below.)

## 2017

PFOA restricted by EU Regulation 2017/1000.

## 2018

CHEM Trust published its report *From BPA to BPZ: a toxic soup?* sub-titled *How companies switch from a known hazardous chemical to one of similar properties, and how regulators could stop them*. The solution proposed was to group similar chemicals and restrict them together. The main example given was the group of bisphenols. Once BPA was restricted manufacturers switched to another harmful bisphenol such as BPS. The report noted that 'grouping' had long been discussed and that Annex XI of REACH gives guidance on the use of grouping. One example of the previous use of 'grouping' was the restriction in 2013 of four reprotoxic phthalates in consumer products. The report encouraged more systematic use of grouping and mentioned PFAS.

## 2019

EU Council called on the Commission to develop an action plan to eliminate all non-essential uses of PFAS.

ECHA started to base assessments more on groups (see ECHA news item in [2021](#))

PFOA listed as a POP under the Stockholm Convention.

EU Regulation 2019/1021 ensured that the restrictions on POPs under the Stockholm Convention are applied consistently within the EU including PFOS, PFOA and PFHxS.

EA report on PFOS: *Perfluorooctane sulfonates (PFOS) and related substances: sources, pathways and environmental data*. This mentioned an unpublished overview of PFAS in the UK by S Martin and J Lyme, and also some 2006 monitoring of PFOS and other PFAS in ground and surface water.

## 2020

[Following the Brexit referendum in 2016 the UK formally left the EU on 31 January 2020. However, it remained bound by EU legislation adopted during a transition period ending on 31 December 2020. NI remains in the EU single market and continues to be bound by all EU chemicals legislation. See [Part C](#) below]

**October:** EU published its *Chemicals Strategy for Sustainability* as part of the EU's 'Green Deal'. One of its 6 'core themes' is to implement a grouping approach to chemicals rather than targeting them one by one. One of its 70 'actions' is to phase out the use of PFAS in the EU.

EU Drinking Water Directive 2020/2184. PFAS (total and sum, as defined) must not exceed minimum requirements for drinking water.

## 2021

ECHA issued a news item headed 'First assessments of regulatory needs for groups of chemicals published'. This stated: "As part of ECHA's Integrated Regulatory Strategy, ECHA and EU Member State authorities have assessed the regulatory needs for groups of chemicals since 2019. Authorities decided to address structurally similar substances in groups to accelerate the identification of substances that need to be regulated".

**July:** A group of four EU Member States (Germany, Denmark, Netherlands, Sweden) and Norway told ECHA of their intention to propose a restriction of PFAS giving the following clear and powerfully worded explanation of the PFAS predicament:

*"PFASs are, or ultimately transform into, persistent substances, leading to irreversible environmental exposure and accumulation. Due to their water solubility and mobility, contamination of surface, ground- and drinking water and soil has occurred in the EU as well as globally and will continue. It has been proven very difficult and extremely costly to remove PFASs when released to the environment. In addition, some PFASs have been documented as toxic and/or bioaccumulative substances, both with respect to human health as well as the environment. Without taking action, their concentrations will continue to increase, and their toxic and polluting effects will be difficult to reverse."*

## 2022

PFHxS (another PFAS) listed as a POP under the Stockholm Convention.

## 2023

**January:** The five States who had announced their intention to restrict all PFAS submit their proposal to ECHA.

EU Regulation 2023/915 on maximum contaminants in food banned certain PFAS (PFOS, PFOA, PFNA and PFHxS) above certain levels.

EU Commission Regulation 2023/707 adds PMT to the list of hazard classes and criteria to the preexisting EU legislation on classification, labelling and packaging of chemicals.

## 2024

**November:** ECHA issued 'Progress update on the PFAS restriction process'.

## 2025

**January:** EU Regulation 2025/40 EU on Packaging and Packaging Waste bans PFAS from food packaging above certain levels from August 2026.

**May:** ECHA announced a public consultation on classifying Trifluoroacetate (TFA) – another PFAS – as a persistent, mobile and reprotoxic chemical.

**September:** ECHA described progress on their proposal for a ‘universal’ restriction on PFAS (with exemptions) in a report *Scientific evaluation of the proposal to restrict per-and polyfluoroalkyl substances (PFAS) – Current status*. ECHA stated it expects to submit a proposal for decision by the Commission.

**October:** EU Regulation 2025/1988 restricts PFAS fire-fighting foam from October 2030. The 42 items in the preamble justifying the Regulation describe many dated steps leading to its adoption, not all of which are listed in this timeline.

## 2026

**March:** ECHA issues final Risk Assessment Committee (RAC) opinion and draft Committee on Socio-Economic Analysis (SEAC) opinion on the proposed ‘universal’ PFAS restriction.

## Part C: Under the UK REACH regime – January 2021 onwards

Following the Brexit referendum of June 2016 the UK formally left the EU on 31 January 2020. However, there was a transition period ending on 31 December 2020 and all EU legislation applying on that date were retained, and most then ‘assimilated’ into UK law. NI remains in the EU single market, and all EU chemicals legislation applies in NI. Since January 2021, all new EU legislation such as the restriction on fire-fighting foam does not apply in GB, hence the proposal in 2025 for similar UK legislation.

### 2021

The UK REACH Regulation took effect in GB largely replicating EU REACH. HSE, advised by EA on environmental effects, took over the task formerly carried out by ECHA of registering chemicals and proposing restrictions. However, HSE had difficulty in keeping pace with restrictions proposed by ECHA, so UK and EU legislation began to diverge.

EA report on PFAS: *Poly- and perfluoroalkyl substances (PFAS): sources, pathways and environmental data*. This stated that the EA has been doing PFAS monitoring since at least 2014. It also says that EA did some work on perfluoro surfactants in fire-fighting foams that was finalised in 2003. This perhaps refers to the work described above under 2001-2004 Drinking Water Inspectorate Report *Guidance on the Water Supply (Water Quality) Regulations specific to PFOS and PFOA concentrations in drinking water* but also mentions the wider PFAS family.

### 2023

HSE (with EA) published a ‘Regulatory management option analysis’ (RMOA) of PFAS considering the most appropriate option.

### 2024

HSE/EA began work on UK REACH restriction proposal on fire-fighting foam.

### 2025

**June:** Defra published a report: *Interim approach to the PMT concept to support UK REACH risk management of PFAS*. The report says the PMT concept was developed over several years (without mentioning its German origins). It says that under the PMT concept, mobility aims to describe the particular concern associated with the movement of chemicals through the terrestrial environment to water bodies. The report also says the precautionary principle may justify the need for risk management measures despite the lack of toxicity data. The report further explains that whereas the PMT concept is not mentioned in REACH, unlike PBT, “it may be possible under Article 57(f) to demonstrate that a persistent, mobile, and toxic substance has an equivalent level of concern (ELoC) as the recognised hazard presented by PBTs”.

HSE consultation started on a restriction on fire-fighting foam with deadlines very similar to those of the adopted EU restriction.

HSE's work programme suggested scoping work on restrictions on dispersive uses of PFAS in coatings and cleaning agents and consumer articles.

## 2026

**February:** The Government published its *PFAS Plan*. Although the Minister, in her forward says: "*PFAS... represent one of the most pressing chemical challenges of our time*", which suggests some urgency, the UK plan does not propose a universal phase out of PFAS similar to the EU plan.

**April:** The Common's Environmental Audit Committee issued its report on PFAS. It criticised the Government's PFAS Plan as "*short on decisive actions to prevent the harmful build-up of these chemicals in the environment*". Its many conclusions and recommendations included prioritising "*the rapid restriction of PFAS in non-essential applications*"; and supporting "*alignment with EU REACH to avoid unnecessary regulatory divergence*". In oral evidence, the Minister and Defra's Deputy Director in charge of chemicals policy stated that UK REACH would be amended to speed up restrictions and to stay aligned with EU restrictions. There are omissions in the report. It does not recognise the significance of the PMT concept, nor the potentially important role of the UK Health Security Agency (UKHSA) in informing itself of the risks to health of PFAS nor conducting human biomonitoring.



## DISCUSSIONS AND CONCLUSIONS

**Readers can draw their own conclusions from the timeline above, which may well be incomplete. It is an attempt at an objective catalogue of events related to regulating PFAS. The discussion and conclusions which follow are the personal views of the author.**

### The EU story

1. The EU restriction on PFOS in 2006 stemmed from discussions within OECD which led to a UK initiative to introduce a unilateral restriction.
2. It was not until 2019 that a political impulse at the highest EU level recognised the PFAS family as being a particularly serious problem. First the EU Council called for a plan to eliminate PFAS. Then the Commission responded with the EU's 2020 *Chemicals Strategy for Sustainability* (part of the EU's 'Green Deal') calling for the phase out of PFAS. An even sharper political impulse was given one year later, when four Member States, and Norway, declared their intention themselves to propose restrictions on PFAS, rather than leaving the initiative to ECHA. They ended their declaration with these strong words: "Without taking action, their (PFAS) concentrations will continue to increase, and their toxic and polluting effects will be difficult to reverse".
3. The first legislative EU response to the political calls of 2019 to 2022 was not a 'universal' restriction but was pragmatically limited to PFAS in fire-fighting foam. This is an obvious priority since such foam accounts for large releases to the environment which can reach groundwater. But ECHA says it is now well advanced with its proposal for a 'universal' restriction on PFAS. The risks in a 'universal' approach come from difficulties in agreeing exemptions for essential uses in any one field holding up agreement in other fields.
4. How do we explain the long delay before the seriousness of the PFAS predicament was recognised? There are at least two reasons of a 'technical' character that may have impeded action: ECHA had to be created after REACH and had to find its feet, and there had to be acceptance that 'grouping' had to supplement the established approach of restricting chemicals one by one. Dealing with the many hundreds of PFAS at once was unprecedented, while dealing with them one by one would take many years.
5. Another difficulty, after PFOS had been restricted, was in demonstrating convincingly that PFOA and then other PFAS met the 'bioaccumulation' criterion of PBT. This delayed restriction of PFOA till 2017 despite its use in fire-fighting foam. The development of the PMT concept put forward in Germany in 2015 (then embedded in Regulation 2023/707 on

classification, labelling and packaging) has opened the possibility of using the provisions of Article 57(f) of REACH on 'equivalent level of concern' as PBT to overcome this difficulty of lack of certainty on bioaccumulation. The 'universal' EU proposal, when it appears, will show the extent to which PMT is being relied upon. Where there is lack of data to show that every PFAS is sufficiently toxic to meet the PBT or PMT criteria, reliance can be on the precautionary principle to restrict all PFAS. Several chemicals have already been restricted in the EU based on the precautionary principle, but to restrict many hundreds of PFAS at once would be unprecedented. The 'universal' PFAS restriction could therefore involve the simultaneous reliance on PBT, PMT and the precautionary principle.

6. During the period from 2006 to 2019 several items of legislation, other than REACH, were being developed to restrict some PFAS in such fields as food contact materials, food, and drinking water. These will have been based on increasing understanding of harmful effects and of exposure. But there was no Europe wide monitoring campaign to test for PFAS in humans similar to that carried out in the late 1970s and early 1980s under Directive 77/312 on biological screening of the population for lead. The lead screening was very influential when lead was later removed from petrol. More published monitoring could have better informed public opinion about PFAS which could have provided the pressure for an earlier political impulse.

## The UK story

1. The restriction of PFOS in 2006 shows that the UK was highly motivated in the early years of the century and a Minister (Alun Michael) spoke out publicly. Once REACH was adopted the responsibility for further action moved to the newly formed ECHA and the UK presumably exerted its influence behind its closed doors. Discussion became technical rather than political.
2. In 2010, following the financial crisis, a new Government introduced a policy of austerity and the budget of organisations such as the EA was cut and their ability to speak publicly was diminished. The Royal Commission on Environmental Pollution was abolished in 2011. The EA's chemicals strategy of 2003 lost momentum, despite the EA having a statutory duty 'to contribute to the attainment of sustainable development' which must involve thinking about future generations.
3. By the time the EU Council made its call to phase out PFAS in 2019 the Brexit referendum had taken place and the UK Government was distancing itself from the EU. By 2021 when four Member States and Norway made their powerful statement on the PFAS predicament (quoted above) the UK had formally left the EU so it could not have joined in that declaration, even had it wanted to. No Minister took the opportunity to support the declaration or to say it would adopt a similar approach. The UK lost its claim to be a leader.

4. As recently as May 2025, when PFAS was being so widely discussed in the media, the Government had still said very little, the fullest published statement being this: PFAS “are a global challenge, and their persistence unfortunately means there are no ‘quick fixes.’ Government have been working for over two decades domestically and with international counterparts to monitor, ban or highly restrict certain chemicals and address issues caused by their historic use. This government recognises the need for further action on PFAS as we are committed to protecting human health and delivering a better environment now and in the future.” (An extract from written evidence from Defra to the EAC’s PFAS inquiry). The commitment to deliver a better environment for the future implies that PFAS already released into the environment will have to be remediated rather than just being left where it is. Discussion of the financial implications have hardly begun.
5. UKHSA, potentially a key player in UK PFAS policy, given that the effect on human health is the biggest driver for eliminating PFAS, conceded in their evidence to EAC that they have not themselves been conducting human biomonitoring for PFAS but are developing capacity for assessing biomonitoring. It is not clear who will be conducting human biomonitoring in UK.
6. HSE has already proposed a restriction on fire-fighting foam which is similar to an EU restriction. What happens next is less clear. If the EU succeeds in adopting its ‘universal’ restriction on PFAS, doubtless with many derogations for ‘essential’ uses and time delays, it would be open to the UK simply to align itself using whatever powers it then has. Some powers already exist in the Product Regulation and Metrology Act 2025, and the Government told EAC that it was amending UK REACH to speed up restrictions and so enable it to stay aligned with EU REACH. Further powers were promised in the King’s Speech on 14 May 2026 which foreshadowed a ‘European Partnership Bill’. Previously, HSE’s work programme had suggested that its chosen way forward was to continue restricting PFAS one by one. If there is divergence between UK and EU legislation there is a risk that PSAS is dumped on the UK market.



## Is the PFAS saga another 'late lesson from early warnings'?

**In 2001 and 2013, the European Environment Agency in Copenhagen published two reports both called *Late Lessons from Early Warnings* (ed. David Gee) which between them discussed 34 case studies of technologies being applied despite early warnings of adverse effects. Some of the case studies related to chemicals including asbestos, PCBs, CFCs, bisphenols, tributyltin and lead in petrol, all of which had to be restricted after widespread harm had already been done. Is PFAS another example? Is the PFAS saga a major failure of chemicals policy?**

We have seen how PFOS was identified as a problem in the early years of this century and was fairly quickly restricted. PFOA was then also identified as posing threats, but it took some time for that to be restricted. In looking at documents relating to PFOS and PFOA I found none which raised early warnings about other PFAS or indeed mentioning PFAS as a very large family of persistent chemicals needing attention. The term 'PFAS' seems not to be in general use until after PFOA was restricted in 2017. The issue of PFAS as a group was placed on the political agenda in 2019 when the EU Council called for them to be phased out. If readers know of earlier calls, I would be glad to be told of them, and it is quite possible that individual scientists either working in universities, official agencies, or industry were raising concerns. One would expect discussion of PFAS to have taken place within ECHA's closed circles long before the EU Council raised the issue, but ECHA's role is to fulfil its duties placed on it by legislation and not to be speculating publicly. Its role is technocratic and not political. The governments of each EU Member State have their own advisory bodies, and some may well have been raising concerns. In the UK the Environment Agency (EA) had adopted a wide-ranging chemicals strategy in 2003 and had identified 'perfluorinated chemicals' as ones to be studied. As we know the EA is only one of several bodies responsible for aspects of chemicals policy and is not primarily concerned with protecting public health which is threatened by PFAS. We also know that its budget was later cut.

When in 2021 I wrote a paper calling for the creation of a UK Chemicals Agency, one of my arguments was that chemicals policy is divided among many uncoordinated bodies none of which is charged with "*considering the whole commercial and environmental life cycle of chemicals and forming a view of the most serious problems in the long as well as the short term for the human population as well as for the environment*". With the benefit of hindsight, one can say that had such a body been created to implement REACH it would surely soon have had PFAS high on its list of priorities and so could have sounded the alarm and so stimulated earlier action.

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