

Insights

PFAS, CUNLIFFE AND BRITISH WATERS

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The Cunliffe Report (“The Report”) was published in July 2025 following an independent investigation of the water supply, specifically the supply of safe drinking water and the treatment of wastewater in England and Wales.

The Report made several observations about PFAS as well as recommendations for how to address the chemicals moving forward. Specifically, to limit PFAS concentration in water, the report calls for monitoring PFAS levels, reviewing treatment methods of waste water and for tighter regulations on the spread of sludge to limit PFAS concentration in water. These recommendations could result in several consequences for the treatment of wastewater in the future and for the water sector in England and Wales overall.

PFAS IN BRITISH WATERS

Per- and polyfluoroalkyl substances (“PFAS”) are man-made substances which bear the nickname “forever chemicals”, as many of them do not easily break down in nature. In the last 50 years, they have been used in a diverse range of products, due to their water, grease and stain repellent properties, ranging from fire-fighting foam to anti-stick clothing, which makes the chemicals extremely common.

The effects of PFAS on the environment has been under increasing scrutiny from legislators and regulators over recent years. This has led to certain PFAS being phased out or their use being banned or restricted. One example is PFOS (an ingredient in aqueous firefighting foam (AFFF)) which is banned over certain thresholds under the Persistent Organic Pollutants Regulations 2019.

It is not clear how high the concentration of PFAS is in British waters, as previous surveys show varied concentration levels in different locations. However, a recent report from the Environment Agency has stressed that they are difficult to remove from water using the conventional wastewater treatment processes.

RECOMMENDATIONS TO ADDRESS PFAS IN THE REPORT

The Report stressed that current wastewater treatment standards in the UK are not required, under current legislation, to account for microplastics, micropollutants and PFAS, which are becoming

increasingly present in our water system. One of the four main issues identified in the report was the increasing concerns about emerging contaminants such as PFAS. The Report therefore recommends:

1. That a review considers whether there is a need for stricter treatment requirements of waste water to remove PFAS and other micropollutants;
2. That a review evaluates the effectiveness of current treatment methods for removing PFAS and other micropollutants;
3. Subject to the findings of the above that the government should consider whether further intervention is necessary to strengthen its action on the pollutants. Such actions could include reporting on concentrations of PFAS and developing a monitoring framework for pollutants overall, along with enhanced treatment of waste water to remove micro-pollutants and PFAS;
4. Enabling cost-sharing for the additional treatments required through implementing Extended Producer Responsibility schemes for products and sectors that are major sources of pollutants; and
5. Tighter regulations of sludge spreading on farmland. Sludge is commonly used as fertilizer, however, the Report concluded that such sludge may contain PFAS or other harmful substances. Although there are limits on heavy metal application to soils, there are not yet similar provisions for PFAS.

Overall, the Report recommends that the government consider various legal mechanisms to ensure ongoing surveillance and assessment of PFAS in the British water environment.

The recommendations mentioned above are some of the 88 recommendations set out in the Report to reform the water sector in the UK. The Report acknowledges their widespread nature, which practically means that it will take time before any of the recommendations can be implemented.

If you have any queries regarding the impact of the potential reforms on your business and its needs, or any queries related to PFAS, please reach out to BCLP's environmental law team.

This article was written with the support of Camilla Kristensen, trainee solicitor.

RELATED CAPABILITIES

- Environment
- PFAS

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