

Legal consideration of PFAS

On 9 April 2025, the Climate Academy (*Académie du Climat*) organized a conference on PFAS (per- and polyfluoroalkyl substances), serving as a forum to examine the legal complexities and health implications of these so-called persistent chemicals. Recent regulatory developments in both France and across Europe were analysed. The full program can be found here. Below a summary of what was discussed during this conference[1].

1. Introduction to PFAS

PFAS are defined as molecules formed by a chain of carbon atoms of varying length, linear, branched or cyclic, and containing at least one fluorinated group, either methyl or methylene, saturated and completely fluorinated.

Their exceptional stability in the face of heat and their ability to make surfaces non-stick have led to their use in a variety of sectors: from Teflon in the 1940s to applications in kitchenware, food packaging, batteries, and textiles.

2. Health Impact and Remediation Challenges

Studies indicate that long-temps exposure to certain PFAS could be linked to a range of health issues, such as:

- Cancers
- Immune system disruptions
- Thyroid and liver diseases
- Altered responses to vaccines

According to the speakers, one of the primary pathways for exposure is through ingestion – via food and water – as well as environmental contact, especially in and around industrial areas. They highlighted that this makes source-based remediation critical for reducing health risks.

It was mentioned that the only reliable way to fully destroy PFAS is incineration at temperatures above 1,400°F, while, in reality, most current incinerators only reach 800-900°F, which makes effective treatment highly energy-intensive.

For water purification, reverse osmosis would stand out as one of the most efficient technologies, capable of removing nearly all contaminants – including PFAS.

3. Legislative and Regulatory Framework

- **European Legislation:** The European Union has taken assertive steps to control PFAS mainly through the REACH Regulation, which targets specific sub-groups of these persistent chemicals. In a significant development, the European Commission recently implemented new restrictions on undecafluorohexanoic acid (PFHxA) and related substances – compounds that we can find in consumer textiles, food packaging, cosmetics, and numerous other products.

  To implement additional regulation, the national authorities of Germany, Denmark, the Netherlands, Norway and Sweden have proposed a restriction covering a vast spectrum of PFAS applications. Submitted to the European Chemicals Agency (ECHA) in January 2023, this proposal is currently under scientific evaluation and signals a potential sea change in European chemical regulation.

- **French Law on PFAS:** France has emerged as a front-runner in the fight against PFAS with a law enacted on **February 27, 2025**. This legislation establishes a framework to shield the public from PFAS exposure by prohibiting the manufacture, marketing, importation, and exportation of PFAS-containing products – with certain exemptions and monitoring protocols.

  The French approach follows a progressive timeline: beginning in 2026, the ban will target cosmetics, ski waxes, clothing, footwear, and waterproofing agents, before expanding to encompass all textiles by 2030 – creating a roadmap for industry transition.

  The legislation also mandates monitoring of PFAS in drinking

1 This is a personal summary which is not aimed at being exhaustive and expresses views shared by some of the speakers at this conference as we understood them.



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water by health authorities. This surveillance will initially focus on PFAS compounds specified by decree but can be expanded to include additional PFAS when quantifiable by laboratories and justified by local environmental circumstances.

Implementation details are forthcoming, with implementing decrees expected within six months of the law's promulgation.

4. Legal Rights and Responsibilities

Litigation has emerged as a significant mechanism for addressing PFAS and seeking financial compensation from industrial actors. In France, the law has established the "polluter-pays" principle, with penalties set at 100 Euros per 100g of PFAS released in the environment. However, enforcing this principle remains challenging, particularly regarding precise source attribution in complex industrial ecosystems.

The Lyon region has witnessed coordinated legal initiatives since 2022, involving residents, associations, trade unions, and local authorities. These actions encompass various legal strategies – from summary environmental proceedings to administrative challenges of prefectural permits. This diversity of approaches reflects the multifaceted nature of PFAS-related concerns.

According to legal experts, individual lawsuits are often hard to pursue in PFAS-related cases, as establishing a direct causal link is complex (and even impossible), and personal damages – beyond financial loss – are difficult to quantify. As a result, the speakers argued that collective legal action would be a more effective route.

5. Social Reactions and Economic Considerations

The industrial landscape exhibits diverse perspectives regarding PFAS regulation.

While certain essential sectors, such as pharmaceuticals and medical equipment, still require the use of these substances, other sectors like cosmetics or clothing are under scrutiny. Employment considerations are significant, with manufacturing workforce communities expressing legitimate concerns about economic stability in response to regulatory changes. Additionally, technical contradictions exist between certain PFAS restrictions and climate transition objectives, exemplified by their presence in advanced battery technologies necessary for renewable energy storage.

Another consideration involves measurement and assessment: public funding for comprehensive PFAS data collection remains limited, creating information gaps that complicate evidence-based regulatory approaches. This uncertainty affects both environmental monitoring and the development of proportionate regulatory frameworks.

Conclusion

The PFAS regulatory environment involves complex legal, scientific, and economic intersections.

While recent legislative developments in France and Europe establish new regulatory parameters, several substantive considerations require attention: technically feasible remediation methodologies, equitable distribution of responsibilities across stakeholders, and evidence-based evaluation of exposure scenarios and alternatives assessment.

The implementation phase of these measures will be particularly consequential for balancing environmental stewardship with technological innovation and economic sustainability. This is especially important as scientific understanding of these diverse substances continues to develop.

Constructive dialogue among regulatory authorities, industry stakeholders, scientific experts, and community representatives will be essential for developing balanced approaches to PFAS management that address legitimate concerns while supporting continued innovation and economic vitality.

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