

3.5 Deputy J. Renouf of St. Brelade of the Minister for the Environment regarding the Draft Water Law (Jersey) Amendment Regulations 202- (P.26/2026) (OQ.41/2026):

Will the Minister state what discussions, if any, he had with the Council of Ministers and with Jersey Water prior to lodging the Draft Water Law (Jersey) Amendment Regulations 202- (P.26/2026); and what work, if any, was undertaken to understand the potential cost to Jersey Water of the legal requirements proposed in the regulations?

Deputy S.G. Luce of Grouville and St. Martin (The Minister for the Environment):

Throughout 2025, the Council of Ministers were kept updated with the opportunity for discussion on the emerging recommendations set out in report 4 of the independent P.F.A.S. (per- and polyfluoroalkyl substances) Scientific Advisory Panel. Steering Group meetings on P.F.A.S. remediation work involving Jersey Water and my officers have been taking place monthly since May 2025. However, I lodged my amendment in February without formal consultation with C.O.M. (Council of Ministers) or Jersey Water because I was conscious that there were very few opportunities to debate this important matter before the election. I am now certainly very aware that, had I not done so, another 6 months would have passed while a new Minister took office, was then briefed, and then had to bring forward a proposition on their own. I was aware that Jersey Water presented the independent P.F.A.S. Panel with its preferred solution for P.F.A.S. in March last year, adapting the 2 existing water treatment plants at an estimated cost of around £40 million. The panel drew on this when making its recommendations, which I am asking Members to support later in this sitting. If the company's plans have been revised, I am yet to be presented with the detail. My role as regulator is to set the standards for mains water, not to establish how Jersey Water should meet the standard or how it should be funded. Setting a firm enforceable limit sends a message the public that we are taking P.F.A.S. seriously.

3.5.1 Deputy J. Renouf:

The Ministerial Code says that Executive Members should adopt a no-surprises approach regarding announcements, and it also says the Chief Minister must be notified of the intention to make significant announcements. Can the Minister therefore confirm that he did not follow the Ministerial Code, and can he explain why he acted with some contempt, I would say, for his colleagues in not consulting with them before making an announcement?

Deputy S.G. Luce:

It is clearly going to be a moot point between myself and the Deputy whether I consulted with C.O.M. or not, but throughout last year and this year I have said, and I quote actually: "I plan to introduce the standard in this term of Government." I have been absolutely clear throughout this work that I intended, during my time as Minister, to bring forward limits. I worked with the panel on that. Everybody was completely aware of that: C.O.M., Jersey Water, all people concerned. It should be no surprise, if the Deputy wants to accuse me of things because I did not formally inform C.O.M. the week before I set this, he is welcome to do so.

3.5.2 Deputy H.L. Jeune of St. John, St. Lawrence and Trinity:

The Minister, in his first answer to the Assembly, talked about the preferred ... in March, that the steering group was aware that Jersey Water had put £40 million, and that the treatment works and the current treatments works was the preferred option.

[10:00]

Could the Minister confirm whether he received any communications, advice or cost estimates from Jersey Water since March and prior to lodging his proposition regarding the potential need for a new treatment work and what the scale of costs would be involved?

Deputy S.G. Luce:

Certainly, I was conscious, and I am sure everybody would be aware, that during discussions during last year a whole range of options were discussed and put on the table. One of the reasons for that is that during the year the panel indicated that 4 nanograms per litre might be a limit they would go for, but they would also consider reducing that limit further to 2 nanograms, if the results of the food testing indicated that that was necessary. It was clear to me, and I am sure to everyone else, that one of the options on the table was a new treatment works, that it would be expensive. But the information was very clear also that that was something that would come with a level of 2 nanograms, which was clearly not going to be achievable at the existing treatment works. But the panel, once the food had been analysed and the results had been published, were very clear they were going to stick with 4 nanograms. All the way through Jersey Water, although they said the word “challenging” - it might be challenging - that certainly does not mean to me it is not possible. But they said it might be challenging. The indication was that the 2 treatment works could be fitted out to reduce P.F.A.S. in drinking water to that level.

3.5.3 Deputy H.L. Jeune:

I think at our P.F.A.S. hearing on Friday, Minister, you reiterated what you were saying is that you saw that the current 2 treatments works were where the treatments could happen. Of course, the panel has received a letter from Jersey Water saying that that will not be possible. I was wondering if the Minister has met with Jersey Water, since the lodging of the proposition, to discuss these concerns raised by Jersey Water.

Deputy S.G. Luce:

I am aware that the panel have received a letter from Jersey Water, but that is since and after I lodged my proposition,. I certainly, despite their attempts to meet me, have not found it possible to meet with Jersey Water since I lodged my proposition, and I would repeat what I said to the panel on Friday. It is very disappointing that all the way through this process the official numbers I have had from Jersey Water have indicated that they would work with 4 nanograms in 5 years. The moment I lodged my proposition, Jersey Water have been coming out with an alternative proposition. It is disappointing that that has been the case, but the official and the recommendations, the representations made to the official scientific panel by Jersey Water, never changed, and the scientific panel’s recommendations is what I have proposed.

3.5.4 Deputy L.K.F. Stephenson:

I find it extraordinary that we have got 3 separate proposals from 3 different Ministers on this subject, none of which appear to have been developed in consultation with one another. Will the Minister please provide some clarity about the Government’s long-term strategy on this matter, as without it how does he expect the public to have any confidence in any new legislation or the ability to meet the requirements that it will set?

Deputy S.G. Luce:

I am tempted to ask the Deputy to repeat that question, it is quite a long one. But I think what I will say is this. It is an interesting scenario where the regulator appointed by Government comes up against the shareholder and also part of Government. It is certainly something that happens very, very rarely. In this instance, I have been quite clear that my position as regulator means that I should regulate. I have said all along that we engaged a scientific panel to do this work for us, and they gave recommendations on the basis of best public health. I think it is my job, pretty much irrespective of what I might think personally, as regulator, to put forward the recommendations of the scientific panel. I have done that in the knowledge that other people, including Ministers, including any States Member, may not feel happy about that. But I feel that it is my role to put forward these recommendations and if others, regardless of where they come from, seek to amend that, that is what the States Assembly is for, and we will debate the options.

3.5.5 Deputy L.K.F. Stephenson:

I think I know the answer to this next question, but I will ask it anyway. Does the Minister have any intention to consider withdrawing his proposition pending further collaborative work between Ministers, Jersey Water and other stakeholders to find a pragmatic way forward on this important subject so that this Assembly does not get itself into potentially a bit of a mess here today?

Deputy S.G. Luce:

Absolutely not.

3.5.6 Deputy Sir P.M. Bailhache of St. Clement:

There seem to be a number of extraordinary things about this proposition, but I would like to ask the Minister: given that Jersey Water cannot afford to implement the legal obligation which it is proposed to impose upon it, who is going to pay for it?

Deputy S.G. Luce:

As unpalatable as it might be to hear, I have said already in my answer that my role as regulator is not to concern itself with the cost of the recommendations I might put forward. I say that quite flippantly, and I do not mean that I do not consider it, but the P.F.A.S. Panel have been very clear. They have come out with a level that they think is acceptable from a public health perspective. Jersey Water have indicated all along they feel that they can do the work necessary to get to that level at their 2 existing works at a level of cost of around £20 million per works. That has always been the position. I do not feel, or rather if I could say it this way, I think I would feel that as regulator, if I was taking more concern of the cost of doing the work and less concern of the public health implications, I might find myself in very deep water.

3.5.7 Deputy K.L. Moore:

Given, as Deputy Stephenson described, the great differences of views from Ministers, what mediation or discussion has taken place with the Minister and his colleagues since he published the Draft Water Law Amendment, as surely his Ministerial colleagues would have voiced their concerns about it at the time?

Deputy S.G. Luce:

Absolutely, we have had a number of discussions privately and in the Council of Ministers about this. But I reiterate that my position as regulator has always been clear, and I was going to put forward the recommendations of the P.F.A.S. Panel. We have to remember, and we will come to it in the debate later, that the P.F.A.S. Panel are hugely respected experts in their field, they are dealing here with chemicals and all sorts of stuff, which is way beyond my comprehension, and I rely on them entirely to come out with recommendations about safe levels for public health. That is what they have done and, as regulator, I am putting forward those to the Assembly. I am perfectly comfortable with the potential for every Member of this Assembly to vote against me, and if that is what Members want to do that is fine. But I see my job, as regulator, to put forward the recommendations of the panel who we have employed. As I say, they are global experts in their field and I feel bound to put forward their recommendations to this Assembly.

3.5.8 Deputy K.L. Moore:

I applaud the Minister for trying to do the right thing in the face of such adversity. Just a question about those conversations. At what point or has any discussion been had about the polluter pays concept and whether Ports should be involved in finding some funding for this?

Deputy S.G. Luce:

The situation with Ports and the airport fire training ground, indeed the airport itself, is a bit of a separate conversation inasmuch as the fire training ground at the airport is a pollution hotspot; that is the reason why we have a plume area below in St. Ouen's Bay. That is being addressed through a separate steering group made up of Government officers, Jersey Water and Ports of Jersey. They will very shortly have concluded the work they engaged with 7 or 8 months ago, which will come up with the recommendations and their preferred way of remediating the pollution that is happening on that site. At that stage, I would expect Ports to be having discussions with Government. At the end of the day, Government owns Ports of Jersey entirely. But certainly, the other side of the argument would be that Ports took on the responsibility - liability, if you like - for P.F.A.S. when it was incorporated back in 2014, I believe.

3.5.9 Deputy J. Renouf:

Last week I went to the public meeting that launched the latest interim report from the P.F.A.S. Panel, and in response to a question from me about the situation with regard to Jersey Water's objections, if you like, or

stated views about the costs, they admitted that they had not taken into account Jersey Water's views when they published the interim report, and the reason for this was because they ...

The Deputy Bailiff:

Can you get to the question please, Deputy?

Deputy J. Renouf:

I will, Sir, but it is the context of the question.

The Deputy Bailiff:

I know, but it is conveying quite a lot of information.

Deputy J. Renouf:

The question is: given that the P.F.A.S. Panel have said that they have not taken account of Jersey Water's comments in their recommendations, does he not think that this is a reason why he should revisit the timetable and the proposition that he has brought?

Deputy S.G. Luce:

As I have said previously, I would like to repeat 2 things. The first thing is that the level of 4 nanograms per litre is a level being recommended by the panel on public health grounds. They have analysed food, they have agreed that 20 per cent of your intake of P.F.A.S. comes through water and when you analyse the food it leaves you with a calculation which then says where the safe level of P.F.A.S. and water is set. In this case it is going to be 4 nanograms per litre. As for the timing, we have not spoken about derogations but I have always said that, as they do currently have a derogation for nitrates in water, Jersey Water would be very much at liberty to come forward in the future if they cannot quite make the timescale for getting this work done, that derogations would be available to them from any Minister. I am very comfortable with that.