

STATES OF JERSEY



DRAFT WATER LAW (JERSEY) AMENDMENT REGULATIONS 202- (P.26/2026): COMMENTS

**Presented to the States on 24th March 2026
by the Environment, Housing and Infrastructure Scrutiny Panel**

STATES GREFFE

COMMENTS

Introduction

The Environment, Housing & Infrastructure Scrutiny Panel (the Panel) welcomes the intention behind [P.26/2026](#) to introduce statutory Per- and polyfluoroalkyl substances (PFAS) limits into the [Water \(Jersey\) Law 1972](#). The Panel recognises the public interest in establishing a clear regulatory framework for long-term PFAS reduction and notes the significant work undertaken by the independent PFAS Scientific Advisory Panel, Government of Jersey, Jersey Water, and other stakeholders.

However, based on the scrutiny undertaken to date, including quarterly public hearings with the Minister for the Environment and direct engagement with Jersey Water, the Panel has identified several areas requiring further clarity to support informed decision-making by the Assembly.

Limit Standard

The Draft Water Law (Jersey) Amendment Regulations 202- ([P.26/2026](#)) (draft Regulations) will introduce a new statutory limit of 4 ng/l for the sum of four PFAS chemicals in drinking water, to be achieved within five years. It aims to “future-proof” Jersey’s water quality in response to the scientific recommendations made by the PFAS Scientific Advisory Panel and the widespread environmental presence of PFAS, including historic contamination sources such as firefighting foam use at Jersey Airport.

The Panel supports the work of the Independent PFAS Scientific Advisory Panel and its recommendation to strengthen Jersey’s drinking water standards. The Panel further acknowledges that the proposed 4 ng/l limit aligns with the PFAS Scientific Advisory Panel’s [interim findings](#). However, due to the timing of the political cycle, there has been no parliamentary scrutiny to date of the PFAS Scientific Advisory Panel or its recommended standard.

The Panel also notes that several stakeholders, including Ministers, referenced the ongoing work of the World Health Organisation (WHO) to develop global PFAS drinking water guidelines, expected in 2027–28. The Panel highlights that some stakeholders are concerned that setting a Jersey-specific standard now could risk misalignment with future international benchmarks.

Technology

At the time of writing, the technological options for achieving the standard are unclear, with Jersey Water stating in a [submission to the Panel](#), that further outputs from both the PFAS Scientific Advisory Panel and the Hydrogeological PFAS Steering Group will be required before the selection is made. They also advised that there are a considerable number of steps involved in choosing the appropriate technology, including a 12-to-18-month pilot scheme.

The Panel is aware of discussions around potential treatment options, however, there is divergence between Government and Jersey Water regarding the availability and practicality of treatment options.

During a quarterly public hearing, the Minister referenced that “*We have been told by Jersey Water that they prefer the granule-activated carbon and they can do that at both their Augrès and Handois treatment centres.*” However, following the hearing Jersey Water contacted the Panel, noting that retrofitting granule-activated carbon and ion exchange would be extremely challenging at existing sites due to spatial and engineering constraints.

Moreover, [in a letter received from Jersey Water](#) on 18th March, the Panel were informed that “*Jersey Water’s work to date indicates that consistently achieving a statutory limit of 4ng/l would require the construction of major new infrastructure that does not currently exist in Jersey*”.

However, the [Minister subsequently informed](#) the Panel that Jersey Water had made it “*very clear*” that Granular Activated Carbon and Ion Exchange technologies could be implemented within existing facilities at a cost of £20 million on each site. The Panel heard that the Minister was “*surprised*” to learn of Jersey Water’s concerns about the challenges associated with retrofitting these technologies within existing water treatment facilities.

This raises concern around the proposed timeline and funding implications of the draft Regulations.

Timeline

The Panel notes the Scientific Advisory Panel’s recommendation that drinking water treatment should be implemented “*as soon as is reasonably practicable, ideally within five years*”, but also that the Panel acknowledged that Jersey-specific constraints could extend delivery to five years or more.¹

However, [evidence provided by Jersey Water](#) indicates that this timeline is not achievable. In its submission dated 2nd March, Jersey Water stated that a five-year deadline would be “*highly ambitious*”, noting that essential steps, including 12 to 18 months of pilot trials, site selection, planning, funding approval, procurement, construction and commissioning, would require a minimum of seven years.

This position has since been reinforced and expanded in Jersey Water’s [letter of 18th March](#), which confirms that pilot trials alone would run until mid-to-late 2027 and that meeting a 4 ng/L statutory limit is likely to require the construction of a major new Island-wide treatment facility, which would require significant network reconfiguration and multi-year build time, far exceeding the timeline set out in the draft Regulations.

When asked directly whether the Minister was confident that the target could be met, [he stated that](#) “*provided they [Jersey Water] were working properly and hard enough at the solutions...derogation by a future Minister would always be a possibility which would be one that would allow them that little bit of extra time if they needed it.*”

The Panel further notes that the Minister for Treasury and Resources has brought forward an amendment ([P.26/2026 Amd.](#)) which proposes an alternative delivery

¹ [Draft Interim Fourth Report of the Independent PFAS Scientific Advisory Panel for Jersey.pdf](#), pgs. 172-173

pathway consisting of a two stage statutory limit: an interim limit of 10 ng/L from 31st October 2027, followed by the final 4 ng/L limit from 1st April 2033.

According to the Minister's report, this amendment is intended to create a more realistic and deliverable timeframe in light of the constraints highlighted by Jersey Water and to allow sufficient time for Government and Jersey Water to reach consensus on the optimal treatment solution-²

The Minister for the Environment has [stated a number of](#) options available if the 4 ng/L target is unlikely to be achieved. The Minister reiterated that a derogation could be granted by a future Minister to Jersey Water and that *"There is no intention here to set a timeline which is unachievable"*.

The Panel [learned that if a new water treatment facility](#), or *"an extension"* to an existing water treatment facility is required, this may trigger a *"public inquiry"*, given the significant public interest in developing the Islands water infrastructure. In such a scenario, the Minister has informed the Panel that this would involve an *"independent inspector from the U.K"* to undertake a process of public inquiry into such works, with recommendations made to a future Minister.

However, the Panel understands that support for Jersey Water's development of the Islands water infrastructure could be embedded into a future Island Plan. The Panel has [heard that the Government](#) would be *"working with Jersey Water we would be developing ideas"* as part of the development and review of the next Island Plan.

Amendments

The Panel notes that three amendments have been lodged to P.26/2026: one by the Minister for Treasury & Resources, a further amendment to that amendment by Deputy Tom Binet, and one by Deputy Kristina Moore.

The amendment from the Minister for Treasury & Resources maintains support for the anticipated recommendation of the Independent PFAS Scientific Advisory Panel to introduce a statutory limit of 4 ng/l. It proposes a phased approach, introducing an interim 10 ng/l limit from 31st October 2027, followed by the 4 ng/l limit from 1 April 2033, with the aim of providing a more achievable delivery horizon and allowing time for additional technical and financial work to be completed.

The amendment brought by Deputy Tom Binet, lodged independently of his role as Minister for Health & Social Services, adopts a different approach. In his accompanying report, Deputy Binet refers to his involvement in the Water Quality Board, which is a [role he held as Minister](#), and through which he was directly engaged in the development and consideration of PFAS policy proposals.

Deputy Binet's amendment proposes a single statutory limit of 10 ng/l from 31st October 2027, removing any requirement to introduce the 4 ng/l limit. The amendment references uncertainties regarding the scale of investment required, the ongoing development of international guidance, and the need for further evidence before committing to long-term infrastructure solutions.

² [P.26/2026 Amd.](#), pgs. 3-5

While the Panel does not comment on the merits of any of the amendments, it observes that the existence of differing positions among Ministers, alongside amendments lodged by individual Members who also hold Ministerial office, may create uncertainty for stakeholders. The Panel notes that clarity of Government policy direction is important, particularly given the scale, cost, and long-term implications associated with PFAS management. The Panel therefore highlights the importance of establishing a coherent and collectively agreed pathway for regulating PFAS levels in Jersey's drinking water.

Funding

The Panel notes that the draft Regulations include no financial implications and that significant uncertainties remain regarding:

- the capital cost of delivering 4 ng/L,
- the long-term operating costs,
- who will fund the necessary works, and
- the potential impact on customer bills.

In the [Draft Fourth Report from the PFAS Scientific Advisory Panel](#), capital expenditure for the proposed water treatment facilities had been roughly scoped at £20 million per treatment plant from discussion with Jersey Water. However, [in its submission dated 2nd March](#), Jersey Water estimates early costs of £140 million to £210 million and a projected an increase in customer bills of approximately 70% to 110%.

Jersey Water [subsequently clarified](#) that the earlier figure of £40 million referenced in the PFAS Scientific Advisory Panel's draft report was a concept-level estimate produced more than a year ago and related to a granular activated carbon retrofit option that has since been deemed not viable due to space constraints, engineering integration challenges, high operating costs, and concerns over the effectiveness of existing pre-treatment processes.

Jersey Water [explained that its revised estimate](#) of £140 million to £210 million reflects a fundamentally different scope of work, namely the construction of a new Island-wide water treatment facility, extensive network reconfiguration, and the need for resilient, future-proofed infrastructure capable of reliably achieving a statutory limit of 4 ng/L.

There appears to be a difference in understanding between the Minister and Jersey Water regarding the feasibility of retrofitting the existing treatment works and the potential need for a new treatment facility.

The Minister [informed the Panel that](#), at the point he lodged the proposition, his understanding was that upgrades to the two existing treatment works would be sufficient to accommodate the proposed PFAS treatment processes, with refurbishment work anticipated but no indication that a new facility would be required.

Jersey Water has subsequently clarified to the Panel that, through a series of technical briefings provided to Ministers and officers throughout 2025, it had outlined the limitations of retrofitting the current works and the likelihood that a new treatment facility may ultimately be required, together with indicative cost ranges. Jersey Water has also advised that it has sought to ensure a shared understanding of these matters since the proposition was lodged.

The Panel does not consider it appropriate to comment on the detail of this difference in perspective. However, the Panel emphasises the importance of establishing a clear, shared, and transparent evidence base across Government, Jersey Water, and other stakeholders to support informed and robust decision-making.

The Panel questioned how the cost would be met, with the Minister for the Environment confirming that there is no agreed funding mechanism, that he expected “someone else to bring forward the cost implications” and that shareholder considerations complicate the Government’s role.

However, the amendment lodged by the Minister for Treasury & Resources notes that *“Jersey Water has indicated that it would be unable to borrow the funds needed for this investment and would require Government investment”* and *“that would likely require Government borrowing to fund the project”*, however no definitive decision has been made on how the treatment works will be funded.³

Monitoring & Enforcement Measures

Finally, the Panel examined whether the draft Regulations include monitoring arrangements or enforcement measures.

At a [public hearing, the Panel heard](#) that whilst water quality testing would continue within the Government’s Environment Department, including with *“a few more little sites”*, the Government is engaging with a third party about the possibility of *“some more monitoring as and when necessary”*.

The Panel asked whether the Government’s monitoring of PFAS levels would continue, or if there would be a *“step-up”* in monitoring. The Minister [stated that](#) *“we have done a huge amount of monitoring”* and a *“huge amount of testing”*, and that areas of importance to Jersey would continue to be tested, and that this included levels of PFAS contamination in food such as in Jersey potatoes.

The Panel understands that monitoring and testing for levels of PFAS contamination in Jersey is a *“matter of resource”* and would be considered in the context of the level of risk associated with a particular site. However, the Panel also understands that monitoring and testing for PFAS may be required if the use of a site changes or is repurposed and involves for example the large extraction of soil from an urban or built-up area.

The [Minister highlighted the importance](#) of taking preventative measures to stop PFAS from entering Jersey’s water courses and systems, particularly from the PFAS ‘plume area’ identified in the vicinity of Jersey Airport. The Minister stated in relation to the control of PFAS from Jersey Airport that *“We will shortly have a plan to come up with to see how we can stop that happening”*.

The Panel notes that the Independent PFAS Scientific Advisory Panel’s Draft Fourth Report, which the Panel supports, contains 31 recommendations. The Panel considers that these recommendations support the need for a whole-Island approach to PFAS management.

³ [P.26/2026 Amd.](#), pg. 4

However, the Panel recognises that Jersey Water is required to extract all the water it processes from the Island's natural environment, and that there are a broad range of stakeholders that can impact this process. The Minister [highlighted the](#) "*dispensations for nitrates*" used in agriculture, previously granted to Jersey Water and the Panel note this as an example of how agricultural activity can impact on the Island's water quality.

The Panel is of the view that the control of PFAS levels in Jersey requires a whole-Island approach, with Government taking action when concerns about PFAS levels and specific PFAS "*hotspots*" are raised, and the importance of engaging with stakeholders to help Jersey Water reach the standards of PFAS management expected by the public.

Conclusion

The Panel strongly supports the objective of reducing PFAS levels in drinking water and agrees that establishing a statutory limit is an important step toward long-term public health protection. The Panel also recognises the need for timely action and acknowledges the considerable work already undertaken by Government, Jersey Water and the Independent PFAS Scientific Advisory Panel to advance this agenda. The Panel further notes that the Scientific Advisory Panel's work highlights the need for a whole-Island approach to PFAS management. The Panel supports the direction of travel set out by the Independent Scientific Advisory Panel and considers its work central to the development of an effective long-term regulatory framework.

However, while supporting the principles underpinning the proposition, the Panel is concerned that key elements required for sound decision-making are not yet fully available to the Assembly. The Government itself notes that its position remains provisional pending completion of the Independent Scientific Advisory Panel's work, and further refinement will be required once the final report and additional Jersey-specific evidence are available.

Moreover, funding arrangements remain uncertain. No agreed mechanism has been identified to meet the substantial capital and ongoing operational costs associated with achieving a 4 ng/L standard.

The Panel also observes that the amendments lodged to the proposition reflect differing views on the appropriate regulatory pathway. This includes the amendments from Ministers who have had access to more detailed information through their departmental roles than has been available to the Panel at this stage, particularly given that the Panel has not yet been able to launch a full review to scrutinise these differing positions. This reinforces the need for further work before a clear and coherent direction is settled.

The Panel wishes to emphasise the importance of coordination with stakeholders in relation to the monitoring and testing of PFAS contamination. A whole-Island approach is essential, given the range of activities and land uses that influence Jersey's water environment and the challenges associated with a legacy contaminant such as PFAS.

Finally, the wider system impacts of the proposed standard have not yet been assessed in full. Potential implications for customer affordability, water resource resilience, competing infrastructure priorities and long-term investment planning across the water sector remain unclear.

The Panel also wishes to note that it made every effort to scrutinise the proposition in the time available, including holding a public hearing on the Friday before the debate. However, the Panel was still receiving substantive information from stakeholders on the Monday ahead of the debate in response to that hearing. This late material has raised further questions and introduced new issues that the Panel has not had sufficient opportunity to fully explore. In these circumstances, and in order to act as responsible and thorough scrutineers, the Panel considers that calling in the proposition is the only sensible and proportionate course of action.

Given these uncertainties, the Panel wishes to make clear that, although it supports the principle of establishing statutory PFAS limits, it has no choice but to call in the proposition. The timing of the proposition means it will fall away automatically at the end of the current term; however, the Panel considers this work to be of significant ongoing importance. The Panel therefore strongly encourages Members to support the principles of establishing a robust statutory framework for PFAS reduction and encourages the next Government and next Minister for the Environment to bring forward proposals early in the new term that reflect the work of the Independent Scientific Advisory Panel and can be subject to comprehensive, evidence-based scrutiny.

Comment under Standing Order 37A

These comments were submitted to the States Greffe after the noon deadline as set out in Standing Order 37A due to the timing of Panel's PFAS Public Hearing with the Minister for the Environment which took place in the afternoon of 20th March 2026. The delay therefore reflects the intention to include further information gathered during that session.