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States of Jersey
States Assembly



États de Jersey
Assemblée des États

Environment, Housing and Infrastructure

Scrutiny Panel

Public Hearing

Witness: The Minister for the Environment

Friday, 20th March 2026

Panel:

Deputy H.L. Jeune of St. John, St. Lawrence and Trinity (Chair)

Deputy T.A. Coles of St. Helier South

Deputy D.J. Warr of St. Helier South

Witnesses:

Deputy S.G. Luce of Grouville and St. Martin - The Minister for the Environment

Ms. K. Whitehead - Group Director, Regulation

[14:30]

Deputy H.L. Jeune of St. John, St. Lawrence and Trinity (Chair):

Thank you and welcome to this public hearing of the Environment, Housing and Infrastructure Scrutiny Panel. Today is 20th March 2026 and this is our P.F.A.S. (per- and polyfluoroalkyl substances) public hearing with the Minister for the Environment. I would like to draw everyone's attention to the following. This hearing will be filmed and streamed live and the recording and transcript will be published afterwards on the States Assembly website. Please ensure all electronic devices, including mobile phones, should be switched to silent. I would ask that any members of the public who have joined us in the room today to not interfere in the proceedings and as soon as the hearing is closed please leave quietly. If there is any interruptions, I will stop the hearing and

stop recording and require those who are interrupting to leave the meeting. So maybe if I start with introductions, my name is Deputy Hilary Jeune and I am Chair of the Environment, Housing and Infrastructure Scrutiny Panel.

Deputy T.A. Coles of St. Helier South:

Deputy Tom Coles, Vice-Chair.

Deputy D.J. Warr of St. Helier South:

Deputy David Warr, panel member.

The Minister for the Environment:

Deputy Steve Luce. I am Minister for the Environment.

Group Director, Regulation:

Kelly Whitehead, Group Director for Regulation.

Deputy H.L. Jeune:

Thank you, Minister. To just put this into context, today's hearing is focused specifically on questioning you about the P.F.A.S. Scientific Advisory Panel's fourth report that was published yesterday and the Government's response to this and readiness to implement the recommendations made to date. We will also examine the draft Water Law (Amendment) Regulation that you have lodged towards the States Assembly tomorrow and the amendment that you have lodged for the States Assembly next week. Just to be clear about setting the parameters, this session will not examine the scientific basis of P.F.A.S., nor the work of the P.F.A.S. Advisory Panel. Our questions are centred solely on Government action, progress and planning. We have covering questions over 5 areas around the report, the environmental monitoring and data quality of the report, for Government response to interim report 4, P.26/2026, interdepartmental co-ordination and, finally, that future-looking risk planning and long-term environmental management. So, kicking off, Minister, the panel would like to begin with this broad overview. So there has been a significant amount of work that has been undertaken to date in relation to P.F.A.S. in Jersey. Could you outline your overall assessment of the progress made so far and how effective you believe the Government's response has been up to this point?

The Minister for the Environment:

Thank you, Chair. Interesting question. Let us go back maybe to a time when I first became Minister for the Environment, and I would include the Minister for Health and Social Services became the Minister for Health and Social Services. I think very shortly after that time he and I decided that we were going to take action on P.F.A.S. It has been a subject which has been discussed for a great

deal of time. We knew we had an issue at the airport and I think the Minister for Health and Social Services and myself were resolved to do what we could within our 2-year period, knowing that our 2 years plus was going to be quite short to actually get anything meaningful done. So it was a question of really getting stuck in. The panel were engaged. They were selected and I cannot say how pleased I was to have such a reputable small group of people working on our behalf. I was particularly pleased with the fact that everything was done in public. I was almost surprised that they did as much work in public as they did. All their deliberations, as you know, were done in public or for the public to witness, and their engagement of other experts literally around the entire globe where people had experience of treating P.F.A.S. or all walks of the P.F.A.S. area, chemists and geologists, everybody was consulted about every feasible part of this programme. Originally, I think - and I know this because I am thinking back to my own declaration of wanting to do something and when I was going to announce - the original intention was to be completed by before last Christmas. Because they wanted to do a little bit of additional work, we agreed to continue to work with them into 2026, but because I wanted to move forward on water specifically, I requested that they came forward with an interim report 4, which I thought was very important. I wanted to know specifically about water well ahead of June this year, so they agreed to do that. As you know, they had a number of interim reports, the last draft we have had published yesterday, 5 weeks' consultation with the public, and the panel will look at those responses before finally issuing their final-final-final report, if you like, after that. But in response to your initial question, Chair, I can say that I am delighted with the way we have moved forward. The Island is taking this absolutely seriously; people can see that. We have had top people on the job. For my own part in this, we have some recommendations from the panel which I am pleased in general to accept. Specifically, the Minister for Health and Social Services is not here today but the other thing we must realise is a lot of the early work was done on health and we have taken those recommendations from the panel as well. We are moving forward. We are now in the process ... we have started the process of helping those with high levels of P.F.A.S. in their blood. We are making proper, meaningful progress - it is not just words, this is actions, deeds - with getting on and doing something. So I can say in a short 2-year period I think we have done exceptionally well.

Deputy H.L. Jeune:

Thank you, Minister. You talked about the fact that though the draft fourth report was published yesterday, of course there has been these 2 interim reports that already provided a lot of recommendations. I know the recommendations that were drafted yesterday there are new ones in there, but a lot you have known about for a while from those 2 interim reports. So maybe a question is around how did you go about assessing those findings and recommendations, even when you started seeing those interim reports? What were the immediate considerations that jumped out that you felt that Government could respond to quickly?

The Minister for the Environment:

Well, obviously the most significant one, if you like, affects the mains drinking water supply. There was always going to be a recommendation of some sort from the scientific panel about where we might want to go with that. Very early on, I pressed them to make sure that we were getting some indications of where they wanted to go and they have been pretty much consistent all the way through about their level of 4 nanograms per litre. I was determined that I wanted that level decided on and published so that everybody knew what was coming. As I said before, my initial intention was to have all this decided before Christmas but because of the way things fell about the panel wanted to continue their work. But I did ask them to publish their interim report before Christmas and they did that. Yes, I think we have seen those indications coming first as an indication and then a more formal and then cemented in and what have you. But there are certain parameters that were going to be consistent. The 4 nanograms was always a consistent one. The only thing that might have changed was they might actually - and they told me they would consider it - have gone lower. They did spend some time considering whether 2 nanograms would have been a level they wanted to get to or they would recommend that we get to, but they wanted to finish the work on analysing food before they did that because we are now ... and this is something I have realised during the course of the 2 years. One initially thought that water was the important issue here and, of course, it is important, but when it comes to daily intake 80 per cent of your P.F.A.S. intake comes from food, 20 per cent from water. So analysing food was right, vitally important, before deciding on the level of water.

Deputy H.L. Jeune:

Yes, and I think we will go a little bit more into that questioning around the amendment to the Water Law later, focusing on that one, but of course that is only one recommendation of 31 now recommendations.

The Minister for the Environment:

Yes, there are 31.

Deputy H.L. Jeune:

The question is really: is there any significant adjustments or reprioritisation, apart maybe from the water you have mentioned ... but there are 30 other recommendations that stand out to say that needs to come before ... in the interim 2 reports you saw those recommendations already and said we need to act quickly on those and you have put in measures already or started to. Now, since yesterday, is there anything to go actually this really does need attention?

The Minister for the Environment:

I do not think there is, Chair. As you said, there are 31 recommendations; 7 have been added into this last version which came out yesterday and one has been revised on what we do with waste material from P.F.A.S., if you like, for want of a better word, where the panel have added the possibility of regenerating or recovery of those materials. I think a lot of that is to do with the ability to incinerate on Island and whether we might look to send it away, get it treated and then bring it back again. Of course, if you are going to recycle or recover it is much easier to export knowing that you are bringing it back again because waste licences for export are quite challenging. So that is the new one. The others have just been updated ... sorry, there is one that has been updated and 7 new ones have been added. Certainly, one that is going to jump out in the media quite clearly is the recommendation on sea foam. I think that is in some ways a real positive for us because sea foam comes from the sea and the analysis that we have done is that the sea is not a problem. It is consistent with levels of P.F.A.S. in sea water in other jurisdictions, so nothing to be concerned about over there. We are not a particular hot spot in Jersey when it comes to P.F.A.S. in sea water. But foam, not just for P.F.A.S. but lots of other materials, collects, if you like, chemicals because of the way chemicals are attracted to surfaces. I think it is right that we highlight that playing in foam, whether there is P.F.A.S. in it or not, is a possible contaminant.

Group Director, Regulation:

I could just support the Minister in terms of that. I think that was a really key important point coming out the end of the report 4 was the broader environmental monitoring. So while water and mains water is a focus of the first report, the second report did focus on food but also some really key recommendations around soil, when we did lots of soil testing, the soil testing indicating that P.F.A.S. levels in soil were exceptionally low and below background levels in the majority of our fields. Also, a lot of recommendations around intervention technologies and destruction technologies and quite a lot of detailed science that came out from those areas. But as the Minister said, the broader environmental in terms of ground water, surface water, bathing waters, sea foam, sea weed, there was quite a wide range of environmental factors, really looking at the fact of how does Jersey compare as a jurisdiction overall. I think the key conclusion from the P.F.A.S. panel is besides the area of known contamination around the airport, which is not uncommon because a lot of airports have used firefighting foams that have a particular contamination in that area, the remainder of Jersey was all within very normal levels, nothing that jumped out of concern.

Deputy H.L. Jeune:

Thank you. Of course, this is the draft fourth report so there is ... open to now consultation and the panel will potentially meet again, they said last night, to compile the consultation and then respond accordingly. Of course, that could potentially change some of those recommendations. So I was just wondering do you see that really we have to do a bit of a pause before the Government starts

going into how these recommendations can be implemented until that report or is there areas that you can just be going ahead whether there is consultation or not?

The Minister for the Environment:

Well, I think the thing to say, Chair, is that I do not think there will be any pausing because this is an important issue and I would like to feel that the next Minister, whoever that is, takes up the ... well, it is not a challenge, takes up the baton and continues to run with it. But certainly when the final report is published following the 5 weeks of consultation there will be some guidance issued. I think we can see through the way the other recommendations come out that there is a lot more work for Government to do. There are a lot of things to consider and there is a lot of guidance to be issued. But the important piece, the 4 nanograms if you like, the drinking water legislation, I think is one bit that is potentially going to be set in stone. We do not know but it will be for debate in the Assembly next week. Whereas a lot of the other recommendations will result in officers doing work on what we might and might not do, which paths we might take or might not take. There is a lot of guidance about levels of P.F.A.S. in land and soil and how we might treat contaminated material, whether that is fields or what have you. There is a lot more sampling of food to be done, particularly potatoes. There is a lot more analysis of other foods that are grown. There is lots more work to do.

Deputy H.L. Jeune:

I think focusing on that, maybe the monitoring, how does that ... maybe we could talk a little bit about that monitoring because that is a first step. Kelly, you talked about that, is that monitoring ... there is quite a lot of recommendations. Is that continued monitoring?

Group Director, Regulation:

I could ...

The Minister for the Environment:

The water team ... I will just ...2 seconds.

[14:45]

Group Director, Regulation:

Yes.

The Minister for the Environment:

We have a team inside the Environment Department who do water quality monitoring, and of course the water quality monitoring that they do will continue. They are adding a few more little sites. We will continue to speak to Arcadis about potentially coming to do some more monitoring as and when

necessary. Evidence is everything for us in the department and we need to carry on monitoring these sites on a regular basis to get the levels because it is always important at the very least to do at least 12 months' monitoring because chemicals in ground water vary depending on the season. Of course, in the winter you get more rain. The levels vary.

Group Director, Regulation:

Absolutely, Minister. Just for the specifics, that is the water quality in ground water, so borehole testing, but if I could just return to the previous question for a point of clarification in the way that the panel work in terms of their report, the panel's report is not open to consultation. It is a clear distinction that the P.F.A.S. panel make. It is open for Islander input. What they are seeking are points of clarification, things that they miss, things that are not well understood because it might be too technical. They are looking for experience to add to the report. What they were very clear with and what they made the point last night in the public meeting is that the recommendations that are grounded on international evidence and scientific research and the evidence base would not be recommendations that they would change due to Islander input. So the Islander input is really questions, clarifications, where they have read it ... so what they do, if you have a look at reports 1, 2 and 3, is they have a table format of all the Islander input and the questions and they draw where that recommendation or where that evidence is within the body of the very large 500-page report. Or if they make additions or clarifications it is usually to the discussion points within the body of the text. So while we cannot rule out that there could not be changes to recommendations, on the whole the Islander input is about clarification points. Where it is grounded in international science, they have said that it is unlikely to change.

Deputy H.L. Jeune:

Thank you for that clarification. That is really helpful.

The Minister for the Environment:

Yes, I should have added, Chair, and, of course, Kelly is absolutely right, what the panel are not doing with their final report is consulting, if you like. They are inviting responses ...

Deputy H.L. Jeune:

No, that is really clear and that is good to get the terminology right. I suppose just turning back to the monitoring, because that is the basis of everything both from the water perspective but obviously the recommendations also include soil, around biosolids, around many other ... and the food, specifically around eggs in certain areas and potatoes. So there are a number of monitoring areas that the Government would need to set up. Do you see then that there is a clear step up that you are currently monitoring some of those things or is there a gap and where would that gap be, not

only in, I suppose, the amount of reporting but maybe the geographical area? Do you see that there needs to be a wider scope?

The Minister for the Environment:

Well, I think it is clear we have done a huge amount of work in a very short period of time, but as we move ... and what we have had to do during that time is resist the calls from some Islanders to take their individual cases differently. We have had to focus on the plume area and the areas outside of the plume. I think as we move forward the panel are quite clear we continue to need to monitor water sources, whether that is streams or what have you, and it may be in the future that we detect ... and we are not seeing it at the moment because outside of the plume area we do not see ... apart from 2 out of the 40-odd, 38-odd, we do not see elevated levels of P.F.A.S. But if we do it may be incumbent upon us to start testing other areas, but at the moment we are concentrating on the plume. We are concentrating on the Pont Marquet areas and the other areas where Jersey Water cannot extract at the moment because the levels are high.

Group Director, Regulation:

I would also just add that potentially it is not a step up because the team have been monitoring annually since 2022. So for quite a number of years we have a large dataset, which is also included and published in the panel's report. So in terms of testing I think the only new testing that we started to initiate last year was comprehensive food testing, but that was specifically to provide a Jersey context to this report. In terms of the single recommendation of testing for potatoes, we have done another potato run obviously for this season.

Deputy H.L. Jeune:

So the interim reports describe exposure scenarios but they do not necessarily focus on the Jersey specific modelling, so stepping back out of the plume area and seeing whether there are different pathways of building up P.F.A.S. over a number of different things and not just water but, as you said earlier, Minister, about the food, about ...

The Minister for the Environment:

We could ...

Deputy H.L. Jeune:

Do you see the need to do a full modelling assessment?

The Minister for the Environment:

I think we need to be very clear, Chair. We have the potential, if we wanted to, to analyse food consumed by people in Jersey ad nauseam. That would be hugely expensive. The first thing we

would have to do would be to go out to the public and do a proper analysis of exactly what type of diet they eat, what is the average consumption. We would then have to work out what proportion of that comes from England, what comes from Europe, what comes locally. Trying to build up a really accurate, detailed study of the P.F.A.S. in food for Jersey residents would be quite a challenge, not just financially but time and effort. So what we have done here is we have analysed local production of food. We have accepted most of it comes from the U.K. (United Kingdom). We have taken the results from U.K. food that has been analysed over the years, accepting as well the fact that actually P.F.A.S. in food is dropping. Over the decades it has fallen and continues to fall, so that is great news. But we have had to take some assumptions; the panel have had to take these. The panel advise me, advise us, that they have had to make some assumptions on the basis that doing a really detailed analysis of what the Jersey public eat would take years and a lot of money and a lot of resource.

Group Director, Regulation:

Minister, that would also be risk based. So at the moment in terms of sampling we have done, the levels of P.F.A.S. are so low and almost negligible in some cases that it would not merit further studies. I would say that that would potentially cover the environmental monitoring as well. Where we would see things that are very low risk, it would not justify a significant survey or future monitoring. So it is about making sure you take that proportionate approach. The area of known contamination is obviously the focus. What we have done is had a broad sweep and we have not found anything else significant to merit the future.

Deputy D.J. Warr:

I just really want to get some reassurance ... apologies for my voice here. So those Islanders who have been tested for P.F.A.S. who have raised levels of P.F.A.S. in their bloodstream, can they be reassured that ... I am trying to think. That is possibly coming from food, it is not coming from water? Why are we still seeing these raised levels? Why are we not seeing lower levels? What reassurance can be offered to them that the current actions are the right actions?

The Minister for the Environment:

I think the reassurance is that the first thing is that we are on it, so we are looking at the problem. So we have some issues. If you really have raised and you can find yourself on the medical pathway, there are things we can do to help. The other thing I would say, which is not necessarily of a reassurance, but food generally is dropping, levels are falling because of the awareness of the challenge. The difficulty we have with people who live outside of the plume, if they have had blood testing done, is from a medical point of view and from an evidence-based point of view. We are not 100 per cent sure how those tests were done, where they were done, which laboratory analysed them, because that is important as well. Of course, the other problem we have on our side is that

we have no idea of the history of these individuals, what they have done, where they lived, what type of food they have consumed during their lifetime.

Group Director, Regulation:

Occupation.

The Minister for the Environment:

There are a number of things within a household, for example, where there is levels of P.F.A.S. in just doing everyday tasks within the home. It is very difficult to say to an individual: "We can say just off the top of our heads why you have high levels of P.F.A.S." There may be any number of issues. It may be they have had a really good diet or not such a good diet, I do not know. I do not know if you want to add anything there, Kelly.

Group Director, Regulation:

I think you are absolutely right, Minister. To do a clinical investigation on the history of an individual's life and all the points of exposure that may have occurred is obviously really complex and complicated. It is not a single point for a whole population. I think that is what the conclusions are coming to. But as the Minister said, those that we can have a definitive link which ... say, for example, the residents who are drinking borehole water in a known area of contamination, there is the clinical service that is now up and running with blood testing as part of the health response.

Deputy H.L. Jeune:

So I suppose just coming back to just finalising on the environmental monitoring, because that is the ... going forward, the report did highlight that there is caution with the data because there are uncertainties in certain areas. There is not that widespread monitoring. Just to clarify, am I hearing that ... I know that the recommendations say that there should be monitoring, but to say that that is already happening and there will not be a step up in monitoring in the areas that ... especially some of the pathways, maybe not ... well, the food, they already are saying eggs and potatoes, so there is some recognition that there needs to be continued monitoring. But is that all a step up and which is it? Is it continuing monitoring that is happening already or is there a recognition that there has to be actually a step up on monitoring as the recommendations say?

The Minister for the Environment:

I think it is fair to say we have done a huge amount of monitoring. We have done a huge amount of testing. Some areas I think we will continue to test that are important to the Island. Potatoes, for example, are something we are going to continue to monitor. But other foods we have looked at where levels have been non-existent or negligible or have not been able to detect P.F.A.S., as Kelly said, it is going to be a matter of resource. Where the risk is very low, we have done a certain

amount of testing and we have found nothing in this area, why would we continue to test there when we could go and look somewhere else? It may well be, Chair, that we identify certain water courses or what have you or certain ... for whatever reason elevated levels of P.F.A.S. in ground or water or what have you that we might decide are significant enough to warrant further investigation on a different site. Because the panel are quite clear that if we do identify other hot spots I think we should be doing something about it. At the moment, as I said, we have concentrated on the plume area. We have a lot of work to do there. The remediation of the hot spots at the airport fire training ground or the airports generally is something ... the work we are continuing to do. We will shortly have some sort of proposal from ports as to how they propose to remediate that. Once we can stop the P.F.A.S. escaping from the site, that is a really important step for us because what we need to do is to go back to source and try and ... we can make all the filtrations and all the different types of processes you like further out, but if you can stop the source that is a really good start. So we know we have a hot spot at the airport. We will shortly have a plan to come up with to see how we can stop that happening. We address that area. We may then move on to other areas if we find ... but I would like to think that if we do find other hot spots there will be a single specific reason for that, which may be easier to remediate and easier to deal with. It may be that it is diminishing over time, as they all are, and we do not need to. I do not know, we will have to see, but that for me would be the only significant step up in monitoring, if you like, I think. Because unless we identify some other food which we have not thought of, I do not know where else we would go to monitor.

Deputy D.J. Warr:

So moving on to Government response to the interim report, the Government's interim response outlines a number of actions already under way in relation to the panel's draft recommendations. Could you begin by explaining the overarching principles guiding the Government's approach to implementing the panel's advice and how you intend to ensure decisions remain evidence led as the research evolves?

The Minister for the Environment:

Certainly, I would for me like to continue in the same vein that we have done so far. As I said, the panel have worked in public all the way through. All their discussions with other experts around the globe, other areas in Europe and what have you, have always been done in public. People can tune in and watch the discussions happening live in front of them. The panel have had meetings, as I have done, as they did last night, with the general public where anybody could turn up and speak to us. Certainly, the Minister for Health and Social Services and myself have had a number of meetings that started off really with the residents of the plume area. I am thinking back; it is some time ago now. It was at the rugby club and those meetings developed. We got to the point where we needed more space because more people were turning up. I would like work to continue in that vein where at all possible because it is important that we are not hiding anything here. I know there is people

out there believe we have secret stuff that we are not saying. There is nothing that is not on the website. I might actually at this point, Chair, just mention the work that the team have done has been phenomenal. What we did early doors is to make sure that all the information we had was put on a specific website for P.F.A.S. for the public to go on. Every question we have been asked has received an official answer. Every question and answer has gone on the website. There is a huge ... I cannot say how much information there is on the website, all publicly available. We are not hiding anything. The good, bad and the ugly is all there. That is the way I would like to continue if we can.

[15:00]

Group Director, Regulation:

Also just to add to that, Minister, all of the meetings for the P.F.A.S. panel have been online and also video recorded and they are all available as well. So the full video recording as well as the summarisation and minutes that are published, again full transparency across the board.

Deputy D.J. Warr:

I know this came up in the Assembly last week but what is the Government's plan for households using private supplies with high P.F.A.S. levels? Will mandatory P.F.A.S. testing be introduced for private supplies?

The Minister for the Environment:

Well, I am not going to say that mandatory levels in private supplies are going to be ... we are not going to test everybody and what have you, but we do have some recommendations from the panel about how we deal with private supplies. I think there are 2 different ways to do that. Obviously, we could have a borehole or a private supply supplying a number of different properties. There is recommendations for that. If you have a single borehole supplying a single property, there is recommendations for that. Certainly, all the single borehole on one property, the panel are recommending that the occupants, the owners of the property, might want to look at some sort of under-sink filtration system. But what they are very specific about is there is a number of different things you could do, but more generally I think they feel that a number of individual or a number of different processes lead you to a better result rather than a single jug which filters. They would recommend R.O. (reverse osmosis) and potentially U.V. (ultraviolet) ...

Deputy D.J. Warr:

Really, to carry on with that, does the Government intend to remediate contaminated ground water used by private wells?

Group Director, Regulation:

I could answer that, if that is okay. So there is abstraction in part of a different piece of legislation and within Jersey it is not the same obligations. So it is really down to the individual landowner. We have a registry of boreholes but to that extent it is not licensed so it is not that legal end framework. So one of the recommendations from the panel is around getting better information. So when the panel were asking information about boreholes and what they are used for, is it drinking water, is it showering, is it swimming pools, is it gardens, we do not have that information because there is no legal requirement and people do not offer that information voluntarily. So one of the recommendations is to try to do an encouragement to those private landowners who do have private water supplies, boreholes or wells and springs, to come forward with information so we can get better data on it. But with the absence of a legislative structure you cannot compel people to do that, necessarily. But what the panel did not do ...

Deputy D.J. Warr:

About whether Government ...

Group Director, Regulation:

The panel did not recommend that that should move into an enforceable regulatory legal requirement. They said, okay, in Jersey you do not have the same legislation in the U.K., you do not have that requirement on private landowners that do have private water supplies to have an enforceable limit, so it is an advisory limit and there is some advice around coming forward with information so the Government has that data. There are also recommendations around the public authority providing up to date information to inform individual householders on private supplies about all the options that are available to them, and we will be coming forward with that information on gov.je in the upcoming months. So that is a piece of work that we will continue to do irrespective of the election.

The Minister for the Environment:

There is already a recommendation as part of the rented dwellings that if you are renting a unit, a property which uses a borehole, I think there are some recommendations on treating water that you should do if that property is rented. Obviously, if you are living in it yourself there is no obligation, but I think there are some obligations if you are renting.

Deputy D.J. Warr:

Okay. We will move on to biosolids. So the response notes broad support for recommendations relating to biosolid use and crop types. When will Government provide updated guidance to farmers?

The Minister for the Environment:

Well, I think, Deputy, that is one of the things we will wait for the final report. It will be interesting to see what comes out of it, if there are any changes. But certainly the use of biosolids to land, we have a number of different sources of biosolid but certainly one of the main ones would be coming from Bellozanne. We know from the work that we have done that the levels of P.F.A.S. in those biosolids have improved dramatically since the work of the steering group identified that there was some P.F.A.S. in water that was leaving the airport and making its way to Bellozanne. So we know through testing the biosolids coming out of Bellozanne that P.F.A.S. levels have reduced a lot since then. Obviously, there is also biosolids from Jersey Water's treatment works, but again the panel have come out with some recommendations on where they feel we should move. We will certainly look at those and issue guidance, but the general message is everything is really okay and it is only in certain circumstances that you would seem to maybe have a think about it or change tactics. Where we put biosolids back to land there is very few tests which are showing elevated levels. So at the moment I think the message on biosolids is okay.

Deputy H.L. Jeune:

When we questioned the Minister for Infrastructure on this related to Bellozanne and also La Collette in the sense of receiving biosolids or receiving from that, they said they have stopped, so they do not receive that anymore. So we asked where does it go before ... they now do not receive it, and they were unable at that time to answer. Is there something that you have had a discussion with the Minister for Infrastructure to understand the pathway?

The Minister for the Environment:

I can say that I have not had any detailed ... in fact, I cannot remember having a discussion with the Minister for Infrastructure on the subject, but clearly it was a concern to me when I anecdotally - and I stress anecdotally - heard that La Collette might refuse to take materials with P.F.A.S. in it, given the fact that P.F.A.S. appears in just about everything these days. I had a sort of a nightmare scenario where everything turning up at Bellozanne was being turned round and sent away. In some ways that is not really good news because it goes somewhere else and in a lot of cases what do you do with it? You take it back to where you ... you do not want to go there, really. The panel have come out with some recommendations on various levels where you might want to treat, and I think generally speaking La Collette should be a lot more comfortable now because, as I say, the panel have said there will be a very minute background level of P.F.A.S. in materials but we are just going to have to get used to that in a way.

Deputy D.J. Warr:

So it comes on to trigger levels. So the Government broadly supports using land type specific trigger levels for P.F.A.S. in soils. What is the process for translating those triggers into an operational assessment framework and who will be responsible for follow-up action?

The Minister for the Environment:

Well, I think that is something that very clearly will have to come out of discussions with the panel after their last report. Guidance will have to be developed within the department as to how we deal with that. There is some semi-complicated stuff there, and trying to work out when you might want to even test alone is the first question and then what do you do with the results, and then depending what the results are the guidance will have to reflect that.

Group Director, Regulation:

Yes, absolutely, Minister. I think it is a policy decision potentially for the new Government but at this stage the P.F.A.S. panel is purely advisory. So they are saying that it is an indicator that it is unreasonable to consider zero P.F.A.S. generally. So their point being that one microgram per kilogram of dry weight within soil would be background levels and so therefore levels of 4 micrograms per kilogram for very sensitive growing crops or water abstractions would be a trigger that we would say below that is not P.F.A.S. affected. So that would be levels ...

Deputy T.A. Coles:

Can you just repeat those numbers for what you ...?

Group Director, Regulation:

Yes. So the point being is that P.F.A.S. is ubiquitous across the environment and it is not reasonable to consider zero to be the threshold. So background levels within all sources, the environment, woodlands, rainfall, sea water, everywhere, would be ... particularly for the environment in terms of soil, one microgram per kilogram would be considered background level. So anything less than that is not considered P.F.A.S. affected. There we are saying a trigger level for possible investigation on sensitive crop production land where you might be growing in the soil could be around 4 micrograms per kilogram and if it was less than that you would not consider that P.F.A.S. affected. So you would only look at it if it was above that threshold. The thresholds then go up, so 8 micrograms per kilogram is for residential or any sort of human contact based use, and then for other land is up to 20. So if we look at all the soil testing, there was only one specific field that would reach over the 20 that would be considered P.F.A.S. affected and you would potentially then start to do a risk-based assessment on that particular land about possible intervention and investigation. All of the other soil testing across the 40 or 45 that we did would not have any of those trigger levels. So they would be deemed not P.F.A.S. affected.

The Minister for the Environment:

The scientific panel also talk about soil washing. So if you found something which was over the level what would you do, and they talk about soil washing. Again, I think we wait for the final report. I am not sure, I think they feel technology might help us in the future, something we need to look at. It is not something we need to act on immediately but we certainly need to consider that and how we might do it.

Deputy D.J. Warr:

It leads me on to the next question, really, about incineration and getting rid of P.F.A.S. So the Government acknowledges limited access to appropriate scale incineration technology in Jersey. What practical alternatives have been considered for P.F.A.S. treatment residue? So you have talked about soil washing. Is that it or ...?

The Minister for the Environment:

Thanks, Deputy. I think there was always a realisation that the energy from waste plant might not get up to a level of heat sufficient to destroy P.F.A.S. So there was discussions, and we have not heard or discussed this subject lately, but there was discussions about medical incineration going to a much higher level of heat and whether that level would be sufficient, whether we in the future would need to build a new medical incinerator in any case; could we incorporate it and do that, use that for incineration? But I think the other one is that we might find that incineration is not obviously the only option and it may be sending the material off Island to be remediated and returned again once it is cleaned through a specialist operator in the U.K. most likely would be another option. But just looking forward, we do need to consider the methods of destroying or getting rid of P.F.A.S. very carefully and very seriously. Because we have spoken already about a single borehole, single unit, and having an under the sink filter, but if you have multiple filters and people start ... they all get disposed of in the regular waste cycle that goes to the energy from waste plant. Is that getting destroyed? So we need to think really carefully about the route that we go down because any process which filters - and I use the word lightly - filters out P.F.A.S., at the end of it you have a very heavily P.F.A.S.'d material that then needs to be dealt with. So just because you are taking it out over here does not mean it is disappearing into thin air, unfortunately. So there will be continued work to be done on the most appropriate route, and how we deal with the P.F.A.S. after the filtering is a part of that discussion, clearly.

Deputy D.J. Warr:

I will just ask one more here. So the response states the Government is undertaking maintaining a Jersey-specific testing and monitoring programme to strengthen the local evidence base to ensure recommendations can be considered in a Jersey context. Could you outline what this testing and

monitoring programme will involve and how its findings will feed into the final decision-making process?

The Minister for the Environment:

Well, I will let Kelly deal with that in specifics, but I think in general, as I said, potatoes are a particularly important crop to the Island for a whole range of reasons. That is one particular food or one crop that we would want to test. Obviously, as we have mentioned, we will continue to test boreholes and streams and stuff because, as I said before, the important thing is to get baselines for over a period of time so that you know where your level is, you test the same every time, same place every time. Then you can build up some evidence and some data to indicate to show you where we are. If you want to talk a bit more about ...

Group Director, Regulation:

That line in the response talks about what we have already spoken about in terms of the ongoing monitoring that is already under way, yes.

Deputy H.L. Jeune:

Just to be clear, because I know with the recommendations the scientific panel said these are Island wide, it is not specifically focused on the contamination area.

Group Director, Regulation:

Yes.

Deputy H.L. Jeune:

But, of course, we have just talked ...

The Minister for the Environment:

Well, there is another one ...

Deputy H.L. Jeune:

But of course ... what do you mean, there is another contaminated area?

The Minister for the Environment:

No, sorry, I thought you ...

Group Director, Regulation:

There is another recommendation.

The Minister for the Environment:

Another recommendation specific to the plume area.

Group Director, Regulation:

Specific to the area of known contamination.

The Minister for the Environment:

That is what I meant.

[15:15]

Deputy H.L. Jeune:

Yes, exactly. With these discussions around soil washing and filtration and if there is need for, I suppose, infrastructure like an improved incinerator or off Island, have you weighed up the ... because, of course, these recommendations are of that wide Island but there is that specific plume area. Do you see that there ... when we are assessing this, the kind of responses here, would that just be for that Island wide when there are spikes with P.F.A.S. or this, what we are discussing now, soil washing, et cetera, it is for the plume area, too? Where I am saying is, of course, we all talk about not having finite resources and ... is there a finite resource to send ... how much will we send off Island? Will we be focusing first on the contaminated area and second everywhere else? Do you see what I mean? Has there been kind of this cost analysis in trying to understand ...?

Group Director, Regulation:

I can respond to that, Minister. I think what the P.F.A.S. panel was clear on is leaving it quite open to areas of responsibility. This is not meant to be recommendations for Government. It could be recommendations for individual companies or landowners or things like that. So that is an important point, and an important point that the public have raised in the public meetings is this is their scientific evidence on what could happen if triggers are met and investigations are found and that land needs to be remediated or water needs to be remediated. What type of technologies are out there that would be most suited? It was not pointing to that being undertaken by a particular body. So I think that is where, no, there has not been a cost analysis for soil washing or a particular type of removal on the public because it would only be in a particular circumstance. The point of the panel's recommendation is just the question of all the technologies across the world that deal with the remediation of P.F.A.S. in soil, deal with the remediation of P.F.A.S. in water, what would they recommend as the best type of technology? There are whole chapters on the technological readiness of different types of technologies and interventions and things like that, so it was a global landscape analysis of if you were going to go down ... if anyone proposes to go down the route of types of remediation for P.F.A.S., what could they look at? So I would say that the recommendations

were not pointed to a body of responsibility. It is a question that has been raised by the public repeatedly: who is going to do this? Who is responsible for this? I think it is quite clear in the Government response: that is not where we are at this stage.

Deputy D.J. Warr:

Just to follow up on that one, obviously we have this proposition coming in next week. So with all of that uncertainty and all of that waiting for knowledge and more information, et cetera, why bring the proposition in next week?

The Minister for the Environment:

Well, there are a number of reasons for that. The first one is that I am going to be consistent in what I have said all the way through, that right from the outset I have told everybody that I am determined to make some positive and actual proper changes during my time in office. I have indicated all the way through I was going to do it before Christmas and I have never changed my view that I was going to take action before I parted company with my Ministry. So that would be the first thing. The other one is the scientific evidence very clearly shows through the work that the scientific panel have done that P.F.A.S. is something that accumulates in your body. There is a targeted amount that you can tolerate on a weekly basis. They have done the calculation, given the amount of food that we eat and the type of food. They have analysed this and everything else and they are very clear the level in water should be 4. I am satisfied as the Minister for the Environment who in this instance is the regulator ... I have to take a lot of hats off here and put my regulator hat on and say I have the evidence. I have asked this team of experts to do the work for me. They have come up with a recommendation. I am satisfied very clearly that it is the right level. I am going to put it in place. I have not changed my view. This is what I have said all along.

Group Director, Regulation:

Could I also add that just in terms of my response it was not uncertainty in the scientific background of the technologies or the recommendations. The point was around the responsibility of who would carry it out. That is for policymakers and it would be for a new Government to determine as its advice develops. So I do not believe that I said that there was uncertainty in the basis of the recommendations.

Deputy H.L. Jeune:

I think now we can carry on because that was the areas that ...

The Minister for the Environment:

I was going to come back to the soil testing, which I think is just something I wanted to clarify.

Deputy H.L. Jeune:

Yes, let us finish that.

The Minister for the Environment:

If we have 10 fields here and we have tested one over there and one over here, and they are both good and fine and we have not found it, why would we want to start testing the one in the middle unless something transpires? However, if somebody is about to do a large development where they need to extract a lot of soil from underneath and it is in the middle of a built-up area where there may be unknown things that happened in previous generations, you may well want to test that because ...

Deputy H.L. Jeune:

Does that happen that we have 2 sites potentially in an area that is ...?

The Minister for the Environment:

I am not ...

Group Director, Regulation:

I can say.

The Minister for the Environment:

Well, Kelly might be able to. I am not aware.

Group Director, Regulation:

In terms of a number of large planning applications, they have done testing and those results are on the planning register available for anyone to view the levels. Where appropriate the planning officers have put conditions. Some have been discharged because the levels are so low they are not P.F.A.S. affected sites.

The Minister for the Environment:

Well, I think the point I am trying to make here, Chair, is we are not going to be out there analysing every field that we are going to grow potatoes in next year because at the moment there is absolutely no need to do that. The testing shows it is fine. However, if you have a specific site you are going to dig a big hole in the ground, it is only right that planning now say, well, okay ... because we ask what you do with the waste material that comes off any site, as Deputy Coles will know. It is part of the planning application so it is only right that we say: "Okay, we will test that" because we need to know ... if it is going to La Collette or if it is going wherever we need to know what it has in it.

Group Director, Regulation:

Again, you are absolutely right, Minister, that would be dependent on a desk-based analysis as well as to whether it is proportionate and appropriate to test depending on the circumstances of the site.

Deputy D.J. Warr:

Sorry, it has just triggered one more question. That is you were talking about where P.F.A.S. comes from so it is not just simply water, we recognise it comes from food and all sorts of other areas. So your proposition next week is about water in particular, and yet you acknowledge there is a lot of other sources of P.F.A.S. in terms of food. I get why you want to focus on water. You want to be seen to be doing something and carrying out some action, but there is a sense that you are picking on water as opposed to all the other areas and we are not quite clear what those other areas might be contributing to that.

The Minister for the Environment:

I am certainly not picking on water because we need to ...

Deputy D.J. Warr:

So that is why I am just ...

The Minister for the Environment:

If this is the amount of P.F.A.S. you can put in your body in a week without causing effects, there is 20 per cent at the bottom is water. I cannot get away from that.

Deputy D.J. Warr:

No, I get that.

The Minister for the Environment:

So I am not picking on water. It is 20 per cent of the way that people take P.F.A.S. into their bodies. The important thing here is: how much P.F.A.S. is there in the food? We have done the analysis. Therefore, you come to a calculation which says what is the level of P.F.A.S. in water that you can only allow to make sure that this glass does not have more than that amount of P.F.A.S. in it in your daily/weekly intake. That is what the panel did. They went away, they analysed the food. In different circumstances, if the food had come back differently they may well have turned round ... and they did warn us they could do this. They said: "We are not going to increase the level of 4 to 6 or 8 or 10, but we might decrease it to 2 if the amount of P.F.A.S. coming from food is not where we expect it. Because the body can only tolerate a certain amount before it starts to accumulate.

Deputy D.J. Warr:

That is helpful.

The Minister for the Environment:

If the amount of P.F.A.S. you are getting out of your food increases, the amount you can allow in your water to keep your toleration levels at where they should be is less. So it was important to test the food to find out where the water level should be in order to get to a weekly tolerable level.

Deputy D.J. Warr:

Okay. Thank you.

The Minister for the Environment:

Or tolerable weekly level, whatever they call it.

Deputy H.L. Jeune:

Deputy Coles, we are finished with water.

Deputy T.A. Coles:

Yes, as has been alluded to, we are going to hit on to P.26/2026 and the drinking water readiness. So first couple of questions have kind of been gone through already. Can you update the panel on the current stages of discussions with Jersey Water about the feasibility, cost and delivery times and operational impacts on achieving the 4 nanograms per litre?

The Minister for the Environment:

Well, I have a lot of information from Jersey Water here. We have been talking to them, obviously, as you would expect, regularly for a number of years, not just about P.F.A.S. but about all sorts of water issues. I certainly cannot ... I cannot recollect doing it officially but I know in discussions with them right at the beginning of this P.F.A.S. journey, if you like, I said to them: "I want you to get on with P.F.A.S. work because I cannot tell you where it is going but we are definitely going to do something and you will need to do something in the future. So please start work, even before there is any instruction as to what to do or how to do it." So Jersey Water have been with us on this journey all the way through. As I said, I have a lot of evidence here where they have made representations, not just to us but to the panel, about their views. Certainly, all the way through last year we were very consistent about where we were going, and apart from mentioning that the timeline might be challenging - that obviously depended on where we went and what we did - they have always been very comfortable with the level. Now, whether they are not comfortable or they are I am not sure, but certainly since I lodged my proposition it is clear from talking to other States Members that Jersey Water are not happy with me. That is their ... but as I say, I have been extremely consistent with my views all the way through, and for myself I can say as far as I was

concerned Jersey Water knew where I was going, they knew my intentions. They should have known my intentions; I spoke about them often enough or indicated publicly what I intended to do. Very recently, Jersey Water appear to be saying - and, of course, it is evident from the amendments that are being brought forward and the discussions that we are having in private and in public - they are looking for treatment works costing anything up to £220 million. That is a multiple or multiples more expensive than any indication I have had previously from them. Up until now we have spoken about G.A.C., we have spoken about ion exchange at the 2 existing treatment works ...

Deputy D.J. Warr:

What does G.A.C. stand for?

The Minister for the Environment:

Sorry ...

Deputy T.A. Coles:

Granular activated carbon.

The Minister for the Environment:

Sorry, granular activated carbon and ion exchange being 2 processes which could work together and putting those facilities into both their existing treatment works at £10 million a go, so potentially £20 million on each site. That is where we were as far as I was concerned. I have had no information. It is clear that Jersey Water did not expect me to lodge a proposition in the States Assembly. They have made that very clear to me. They have made it clear to other people as well. I am surprised that they did not realise that. I have never indicated anything other than I would be coming to the States Assembly in my time in office with something. The panel have been very clear throughout last year, especially as we got to the end of the year, about where the level was going to be. They said they would not be changing that level, especially after they did the food work. That was important. We are where we are.

Deputy T.A. Coles:

Jersey Water has recommended waiting for the upcoming W.H.O. (World Health Organisation) P.F.A.S. drinking water guidelines, which are expected in around 2027-28, to avoid Jersey adopting a limit which may quickly become obsolete. Was this considered before lodging?

The Minister for the Environment:

Well, certainly I have discussed W.H.O. recommendations with the scientific panel and they have been very clear with me how that process will work. I think the World Health Organisation are what they say on the tin; they are a world organisation. They have made it very clear that they will be

having to put recommendations in place for all countries around the world and very many of those countries will be less advanced than we are here. Many of them will have P.F.A.S. levels which will be more difficult to solve because they do not have the technology or the means or the resources to do that. I think it will be no secret that the World Health Organisation recommendations will have to be significantly higher because they will hope that many of these under or less developed countries will then be able to get to those levels. But I think imposing a level, if you like, of 2 or 4 nanograms a litre on a large number of countries around the world would be an impossible target.

Group Director, Regulation:

If I could add, the World Health Organisation guidelines for drinking water quality says that member states should strive to achieve concentrations in drinking water that is as low as reasonably practicable. So that is also what the P.F.A.S. panel have acknowledged and recommended in their report. So for Jersey they feel that it is a practicable level to get to 4 nanograms and we should strive to achieve that as a precautionary and ambitious target because it is not necessary, as the Minister said, to wait for the W.H.O. which is considering a vast global landscape when actually we could protect the population by achieving a different level specifically tailored to Jersey.

Deputy T.A. Coles:

You used the word there “practicable”. In my experience with health and safety over the years, “practicable” is normally a thing of risk versus time and cost. So Jersey Water have advised that it could be anywhere between 12 and 18 months for a pilot scheme to determine which is the most appropriate treatment technology to achieving the 4 nanogram limit. So there are questions in that that come about: so who is going to fund that pilot work, the agreements and decisions to be made, and also obviously what this would do for the timeline that is imposed within P.26/2026?

[15:30]

The Minister for the Environment:

Well, the first thing to say, Deputy, is I fully support Jersey Water in their trial work. We spoke about trial work all the way through last year. I applaud the effort they are making. They have allowed a certain amount of money in the recent allocation of funds for ongoing expenditure for P.F.A.S. and I believe is specifically to do this trial work. They are importing a lab at scale that will allow them to test water. I absolutely understand the need to analyse water over a long period of time. As we said right at the beginning, the amount of P.F.A.S., the amount of chemicals that we find and other things we find in our water, they vary depending on the time of year, the levels of rainfall. It is really vital to do a minimum of 12 months, ideally longer, to analyse where your water levels are. I also understand absolutely that we need to make sure we know what type of water we have in Jersey and of course that sounds like a strange thing to say. I am no expert but the differences in the type

of organics in your water make a difference to the way you treat water to eliminate P.F.A.S. This trial work needs to be done; I absolutely accept that. It should be no surprise to me or to Jersey Water that they need to do the right thing and I absolutely want them to come up with the best process. Everybody wants to get the best process for all the number of reasons, whether that is most effective, most cost effective, productivity, you name it. Where we differ is on timeline. The panel were very clear they spoke to a number of people, experts in this field, people who had installed these processes on other plants around Europe and outside of Europe. A number of people said they had managed it in less than 3 years. The panel were very receptive to the argument from Jersey Water that the physical challenges of both Handois, Augres less so but particularly Handois, would make it difficult. The panel allowed them another 2 years to allow for the practical challenges of maybe having to have specialist bits of equipment built and installed. What I want to go and focus on now is that the other reason why I do not see a fundamental problem with the timeline where it is, is the word dispensation. All the time I have been Minister, going back to 2014, Jersey Water have always asked for dispensations. The one that I remember the most is nitrates. I have gone to Jersey Water dispensations for nitrates in the past. They are currently working under a dispensation which I gave them for nitrates now. I am absolutely clear and have been absolutely clear if we move forward, as I propose, we will get 3½, 4 years into this process and it is clear that there are some challenges somewhere which are going to make it difficult to achieve 4 nanograms in the prescribed time. You turn up and make your case, come to the Minister and sit down and the Minister will seriously consider granting a derogation. Why would you not wish to do that? There is no intention here to set a timeline which is unachievable with a goal of getting at the end of it and coming down heavily on Jersey Water because they have not achieved it. Provided we are all working together and working as hard and as quickly and as practicably as we can for the best solution, that is what we need to be doing.

Deputy H.L. Jeune:

I think, Minister, then I suppose it comes back to the Minister at the time making that dispensation and weighing that up with obviously the public trust in the water that we are drinking. The same thing I would say that maybe there is not that awareness that there is that on nitrates, for example. Maybe how would a Minister go about making sure that the public still would trust that there is going to be still that guideline to go down to 4 if that dispensation has to keep happening because the timeline was set unrealistically in the first place? I would be worried that 3 years down the line and we are nearing the 5 and Jersey Water have only managed to get down, say, to 10 and saying it is going to be very difficult, it is going to be another 5 years until we get to the 4. How would the Government ... because then that is a Government really responsibility for that trust ...

The Minister for the Environment:

We have always worked really closely with Jersey Water. I see no reason why that relationship should not continue. We want it to continue. It is in nobody's interest not to work together on this and provided Jersey Water are treating the subject as seriously as we are we are moving forward together. They can say: "Look, we have done this; that is how long it took. We have done this, we have done that." If we are getting close and they are not where they need to be, you apply for a dispensation. I want to talk very quickly about appeals on dispensation. One has an appeal and one does not and if the Minister refuses to give a dispensation, Jersey Water could appeal that to the Royal Court. I absolutely understand the rogue Minister or worst case scenario and it is important we consider that.

Deputy H.L. Jeune:

Or pressure from the public.

The Minister for the Environment:

But in any case, if a Minister in the future refused to grant a dispensation and Jersey Water felt they had been particularly hard done by, there is another authority at the other end of this building where they could go and all the evidence will be put on display. If the judge feels that Jersey Water have done what they could do and they have not acted unreasonably, there is an appeal process. The other one is, of course, there is no appeal against a dispensation being given.

Group Director, Regulation:

The grant, exactly, by a third party.

The Minister for the Environment:

Yes, once the Minister gives the dispensation there is no appeal against that.

Group Director, Regulation:

I think it is also an important point in terms of the dispensation process in terms of trust to the public that there has to be a consultation with the Minister for Health and Social Services in terms of safe levels. So there is a process built within the law that says with this dispensation is there going to be an impact on public health? To have both Ministers then arrive there I think would build the argument in terms of trust.

Deputy D.J. Warr:

There is just some really interesting wording which has been brought to my attention called wholesomeness. Jersey Water is supposed to by law provide drinking water that is wholesome.

The Minister for the Environment:

Yes.

Deputy D.J. Warr:

Would you say Jersey Water currently provides drinking water that is wholesome and meets that remit at the moment?

The Minister for the Environment:

Absolutely.

Group Director, Regulation:

Yes, I do.

The Minister for the Environment:

No question about that whatsoever.

Deputy T.A. Coles:

Some of the other challenges that Jersey Water will face is the implementation of treatment works at these sites because you are also the Minister that is responsible for planning. Do you feel there is any sort of tension between your role as the person who is responsible for planning and seeing that Jersey Water get through in line with the Island Plan?

The Minister for the Environment:

No, no, I mentioned the number of hats I wear before and of course this is one that is a bit contentious if you like. But quite often people say to me: "Minister, what about this planning application or that?" I have to say to them, and it amazes them sometimes: "As Minister, the last thing I do is get involved in planning applications." Because, ultimately, most of them could end up on my desk for determination and it is important I do not even look at them. It may well be. My gut feeling would be - and I know Kelly is jumping at the bit here - that there would be a likelihood that there might well be a public inquiry on something as significant as a new treatment works or even an extension to treatment works, in which case we would have an independent inspector from the U.K. to go through the whole process in public of inquiring into this application. That inspector would make a recommendation to the Minister. Generally, it is quite difficult to go against a recommendation and, of course, then there is an appeal to the Royal Court again ...

Group Director, Regulation:

Again, absolutely. You are saying again the rules of the public inquiry is the Minister can call a panel. It could be the Minister, the Assistant Minister and the committee chair that determines a public inquiry, just not the Minister alone. But absolutely, Minister, the perfect answer in terms of it

goes through a public inquiry; that is a very high level of scrutiny with an independent inspector. A potential new treatment works that might be outside of the Island Plan but is in the Island's whole population interest of a substantial departure, that could be, potentially, a public requirement.

The Minister for the Environment:

The other thing I would add to that, of course, is that we are about to have an election, surprise, surprise. We will also in the not too distant future have an Island Plan review and I would have thought by that time that working with Jersey Water we would be developing ideas about what might be happening. There is every opportunity within the policies of the Island Plan that is going to be re-debated to allow for that. When an application came to the department to be determined probably by the committee, it may well be there will be policies in that new Island Plan which would make that a lot easier but that is yet to be determined. But that is the way it would normally work, where you are about to debate a new Island Plan, anything really significant which is likely to come forward is considered so that there is policies put in so that it does not challenge the Island Plan.

Group Director, Regulation:

Absolutely. The current Island Plan also talks significantly about water resources into the future.

Deputy T.A. Coles:

Is there any requirement with this move towards the 4 nanograms per litre for Jersey Water to annually report? If not, was it considered to embed it within legislation?

The Minister for the Environment:

There was consideration given to a number of options and it will not be a surprise. But I do know that the panel considered - I am trying to think of the word to use - a grading of levels over a period of time and whether that would be a preferable way of doing it. But they came out in the end and I am trying to remember the reason why. But they certainly considered grading, so that the proposition I had lodged could say after 2 years this level and then a lower and a 10 and an 8 and a 6. I cannot remember the reason. It was considered but it was decided to stick with the 4 at the end of the period.

Group Director, Regulation:

Yes, that is a recommendation from the panel around keeping an eye on a target of 10 nanograms for the sum of 48 P.F.A.S. Just to come back to the question in terms of within the Water Law, there is a requirement for Jersey Water to provide an annual report. They do that, they do that regularly. In fact they have voluntarily for a number of years now reported on the 48 P.F.A.S. compounds even without the requirement in the law. I think that is a really positive step from the water company

recognising the importance of the issue, that they already provide that information. That is all in the public domain as well on their website.

Deputy T.A. Coles:

Okay. What are the regulatory consequences if the deadline cannot be met due to operational delays or challenges, subject to you not giving dispensation, of course?

The Minister for the Environment:

I am trying to think what the answer would be. My straight answer is I hope we would not get into that situation because the Minister would grant a derogation which would allow Jersey Water to exceed any of the requirements in it. It would be they exceed the 4 or exceed the 5 years and that is the way it works. That is the way it worked when they came to see me about nitrates. There was a lot of pressure on me to resist giving them a dispensation for nitrates when I did that most recently. But Jersey Water make the case, they explained the rationale behind and the reason why they wanted dispensation. If it is legitimate and it makes sense and they are genuine, that is the way it works. I cannot envisage a situation where Jersey Water would be falling foul of any law because I would expect them to work with us and us to work with them, to a situation where we are getting down to that level as quickly as practicable.

Group Director, Regulation:

I would also just say that just in terms of the law, I believe it is Article 30 that has the Minister may instruct the company to carry out surveys and make reports in terms of the water. Where the Minister feels after the inquiry if the company has failed to provide an adequate supply of water, then the Minister would declare the company in default. There is a range of Articles within the law that goes into Royal Court rules and appeals. Obviously it is incredibly serious at the very far end of the 4 Es of enforcement. But the Articles are set out in the Water Law.

Deputy H.L. Jeune:

Great, thank you.

Deputy T.A. Coles:

Okay. Obviously there is an amendment that has been lodged by the Minister for Treasury and Resources. Do you have any broad comments around your views on ...?

The Minister for the Environment:

Obviously the Minister for Treasury and Resources has got her view and I have had my view and I have told other Ministers and the Council of Ministers and anybody else who wants to listen and I have said it again here today. I started this journey 2 and a bit years ago and I have been very clear

all the way through that I would bring a proposition to the States Assembly before the end of my term of office. I told the P.F.A.S. panel at the beginning of last year I wanted some recommendations on water. They issued the interim report before Christmas and my intentions have been clear all the way through.

Deputy T.A. Coles:

I did have another question here around funding but I think you have been quite clear already that obviously Jersey Water said that it can be anywhere between £140 million and £210 million. But you say that the panel made suggestions that there could be solutions in and around the £40 million figure. Is there anything ...

[15:45]

The Minister for the Environment:

Yes, there is a number of documents I could refer to where we have had correspondence with Jersey Water. I am not going to go back on what I said earlier about the change of direction, but I do not believe that the bringing of the proposition has any really serious analysis. There is a massive difference between £220 million, £130 million, all these numbers getting bandied about. I am not sure or aware that we had done any serious analysis on any of that. In any case, as far as I am concerned, while a brand new treatment works has been mentioned, nothing that I have seen from Jersey Water up until I lodged my proposition indicated there was any problem with the 2 treatment works that we are using at the moment. There is some refurbishment work to be done, I accept that. But the indications have always been, right until I lodged my proposition, that they could cope with granular activated carbon and ion exchange at their 2 current treatment works. For redundancy purposes they need to do both and that the levels were in the low tens of millions of pounds.

Group Director, Regulation:

Could I add ...

Deputy H.L. Jeune:

Just 2 seconds because it may help with it. Was that indication of those technology to get to the 4? Just to link that up, that technology that were being put that Jersey Water were doing to reduce the P.F.A.S. level, did they communicate to you that that technology would be able to help them get to the 4?

The Minister for the Environment:

Yes. There is other ways of reducing P.F.A.S. which have been discussed. Powder-activated carbon is one, which I believe is currently being used now. There is a lot of waste material, for want

of a better word, which comes out of that which needs to be dealt with. It is seen as a short-term measure but not recommended by the panel as a medium or long-term measure. But Jersey Water have indicated in the past granular activated carbon and ion exchange were their preferred methods of getting to 4 nanograms, given of course that the work is to be ...

Group Director, Regulation:

I can clarify. Sorry, just in terms of the timescale, the very, very early indications which were in the tens of millions was in March 2025. To answer the question, it was before the panel proposed the number of 4 nanograms per litre, which was in August 2025. Just in terms of Deputy Coles, the questions around the panel, the panel have not passed a statement or judgment on Jersey Water's indications of cost. What they have indicated is that they have had evidence from other countries, that other countries that were taking progressive approaches for the targets of 4 nanograms and 2 nanograms have installed treatment plants from start to finish in 3 years at the range of £14 million, or there was £20 million in a different example. They were saying that from other examples around the world what the evidence is showing them is the cost within the range of tens of millions is what they are seeing. That even in countries that have particular physical constraints, 3 years was a timescale that had been achieved. It was not to say that the panel were passing a country that ... Jersey Water, in terms of the timescale that they would need and the costs they would need, is not necessarily a conclusion that the panel have drawn specifically per se and then they said those original estimates were early in 2025.

Deputy H.L. Jeune:

The technology that the panel looked at ...

Group Director, Regulation:

The technology, yes.

Deputy H.L. Jeune:

... was the same as what the Minister is saying, it was a similar ...

Group Director, Regulation:

Yes. I think at this point Jersey Water, also we are at this point in agreement with the best type of technology being granular activated carbon and ion exchange, as opposed to other technologies, such as foam fractionation or reverse osmosis ...

The Minister for the Environment:

There is nanofiltration.

Group Director, Regulation:

... and nanofiltration, so those are the 2 primary ...

The Minister for the Environment:

The other one, of course, is reverse osmosis. Of course, the one about reverse osmosis is you put a certain amount of water in, you only get a percentage of that out and a certain amount of it goes to waste. The last thing we need to do in Jersey is to develop a process where you chuck a litre of water into a process and you only get whatever ... I cannot remember what the numbers are but there is a reasonable amount of water goes to waste.

Deputy H.L. Jeune:

Minister, you said that your decision of going to the 4 within that timeframe was based on the understanding that that technology that you have mentioned was the technology that could do it. I was just assessing that the scientific panel also basically came to that conclusion.

Group Director, Regulation:

Yes, exactly, that is right. The 2 proven technologies worldwide at scale, for example, Sweden put very inaccessible places across their whole network in a very short period of time. The 2 proven technologies is granular activated carbon and ion exchange. They work for particularly constrained sites, as we understand it, and that is the evidence that the panel have presented. That is in the backdrop of a wide range of technologies and that is what we asked them to do: can you tell us out of 20 different types of technologies what is the best, the most practical, the most ready, the most proven, the most effective and efficient? That is the advice and, as I understand it at this point, Jersey Water is in agreement with those types of technologies is best.

The Minister for the Environment:

They debated and argued these options in a public forum online with experts from all the way round the globe, all these various ways they could have done it.

Deputy D.J. Warr:

Can I ask where does the £60 million gap come from, the £60 million gap between your £40 million and their £210 million? It is more than that, sorry, it is £160 million gap.

The Minister for the Environment:

As I said previously, there is one ...

Deputy D.J. Warr:

No, but have you had a conversation with Jersey Water which says this is why we believe it is going to cost this much, as against the amount that you are quoting and obviously your figures are based on?

The Minister for the Environment:

I have not had a specific conversation with them around that. But what I would reiterate is up until the time I had lodged my proposition I was under the impression - and I had seen nothing to the adverse effect, other than Jersey Water starting to indicate towards the end of last year - that maybe 5 years might be a time challenge. But I dealt with that absolutely by saying there is derogations and that is what they are there for. The £230 million new plant is clearly a complete replacement of both Handois and Augres; that has never been indicated to me that that was necessary. I am not saying a discussion was not had about the possibility at some point we might have to have a completely new treatment works, right, but when it came to the treatment of P.F.A.S. we have always been under the impression working with Jersey Water that granular activated carbon and ion exchange, while it would be a challenge physically, especially in the valley below Handois - and there might be ways of getting over that, I do not know - we were moving forward on that basis.

Deputy H.L. Jeune:

Thank you, Minister. I am just conscious of the time. I think we would move on to more of that interdepartmental co-ordination. I talked before that the panel has always asked questions around P.F.A.S. of yourself but also the Minister for Infrastructure and then also you have, of course, talked about the Minister for Health and Social Services within this. Looking at these recommendations, but also you have the 3 reports from before as well, how will you recommend, I suppose ... because I know we are coming to the end of this Government but how do you see - and I suppose still looking really to Kelly - that the work will continue in this way? How would that co-ordination happen to ensure that the recommendations within the 4 reports are all working together and ensuring that we can move on and ensure that the recommendations are being implemented by the many stakeholders? How will all that happen together?

The Minister for the Environment:

Democracy is the process that we work under. We are all going to the polls in June and there is no guarantee that any or all of us will be in and some of us may or some of us may not. Politicians are elected on manifestos, which they then try to implement. It may well be that the next Minister for the Environment has a completely different view to me. But they will have to deal with or work with the officers in the department in the same way that I have. I am sure Kelly will be saying: "Minister, here is the work we have done previously. These are the recommendations of the panel. They are global experts, they spent 2 years with us and these are the conclusions we came to. Would you like to take a look and do you have a particular view?" It may well be that the new Minister says: "I

am not very happy about this” but they will have to have a justification for doing that. Because if next week’s debate in the Assembly comes out with a conclusion, there will be something there to move forward with.

Group Director, Regulation:

Absolutely, Minister, to the point about the water quality and safety team, the programme team working in the background, we will be continuing with our work and our co-ordination. We have a programme team that brings forward officers from the Natural Environment Directorate, the Regulation Directorate and food testing, as well as pollution control and regulatory improvement and ops and transport and the communications unit and public health, a variety within different departments. Myself, as senior responsible officer, leads in that team and we will continue to meet and co-ordinate. It helps ensure that we are efficient and we are co-ordinated, that we are not duplicating work and we keep the emphasis on progressing this as well.

The Minister for the Environment:

The other one thing that will not change is that we will still have a hotspot of P.F.A.S. at the airport. Regardless of who the Minister is after the summer, the hotspot will still have P.F.A.S. there and it will still be leaving the site. That remediation work will have to happen because, as a regulator, regardless of who it is, there is an obligation there. The pollution has been identified; we know where it is. Work has to be done. Remediation has to take place. Ports of Jersey are doing that work and coming up this year. But regardless of who it is and what they think, the remediation of the airport will have to continue because it is a legal obligation.

Deputy H.L. Jeune:

I think that is important, yes, there is 2 steps and it was just to make sure that there is that consistency and maybe ...

Group Director, Regulation:

There is the consistency ...

The Minister for the Environment:

There will be a consistency at the airport because we know there is pollution. We know the pollution is leaving the site. Officers within the Regulatory Department have identified that. They have issued instructions to Ports, they have a timeline to work to, they have a remediation strategy to present in a timely manner, and they will have to move forward and do something about it.

Group Director, Regulation:

We will continue to work on those areas and the monitoring. Obviously the department officers are available for the public for continuing their questions, answers, comments. We provide information as best we can. We talk to people on a regular basis to alleviate any concerns or anxieties they have. We will be there and available to continue that work. I suppose the key thing really for the new Government is key policy decisions and that will be really for the next Minister's ...

Deputy H.L. Jeune:

Yes, and I think that is probably quite key and something we are trying to get to because the response, it is highlighted in this work that their policy readiness is different in different areas.

Group Director, Regulation:

Yes.

Deputy H.L. Jeune:

I was trying to draw out how that is going to make sure that we could see ... this time next year this panel can sit here and maybe have an update, or a specific panel looking at P.F.A.S., and say has that policy readiness come to all of the different areas that these reports have highlighted, from report 1 to report 4?

Group Director, Regulation:

It is a very good point, Chair. I think that there are points of new policy that could, potentially, emerge but that will have to wait for the direction of the new Government and the new Ministers.

The Minister for the Environment:

I think I would go back to my analogy of the 10 fields and if you have analysed one over here and one over there, we do not have enough time and resources to do a whole load of other stuff. Why would we start analysing stuff where we are fairly sure it is okay? I think that might generally apply across the whole P.F.A.S. area. We have not got enough time. We have not got enough officer time or money in the department or money in government to do a whole load of research and stuff where we do not think there is a problem. We do not want to go looking for it. We can address issues as they come to us or we identify them. But I do not think we need to start going out deliberately looking for trouble, so to speak.

Deputy H.L. Jeune:

No, but I think this is specifically trying to make sure that there is that interdepartmental co-ordination.

Group Director, Regulation:

Yes.

Deputy H.L. Jeune:

Make sure that maybe there is not so much political interference at some of those levels to ensure that there is this consistency and that the public feel that there is things that are going to be ...

Group Director, Regulation:

I can confirm that my team will continue.

The Minister for the Environment:

My big thing is consistency, I like to treat everybody the same. Setting precedent is really important for me or not setting precedent, depending on what you are looking at. Consistency is important and I want all departments to be taking this equally seriously. I think we have highlighted to those relevant departments and certainly Health are taking it seriously. We have got a whole team there now up and running and helping people with their blood. We are talking to Infrastructure about La Collette. We are talking about levels of P.F.A.S. and all sorts of things moving around the Island and it is ...

Group Director, Regulation:

I would like to just say as well just there is a large group of officers from lots of different departments who have come together to try to bring this issue really to central, to Government. I would also just like to thank them. They have put a huge amount of work in in the past years to get us to where we are.

[16:00]

Particularly, I would also like to thank the regulatory improvement team, Terry and Matt, who have just co-ordinated and organised this absolutely brilliantly. We are really in a good position because of the work of officers, lots of overtime, lots of commitment, and we would just like to say thank you for that.

The Minister for the Environment:

Notwithstanding what is happening at the moment, and we mentioned the airport, but we have a steering group, Government regulatory department, Ports of Jersey, Jersey Water, I thank them all for their work. We have some arguments over this but let us look at that. Jersey Water have worked fantastically well with us and with Ports in addressing in a collegiate way how we are going to tackle this problem. It is in everybody's interest. Ports want it resolved; Jersey Water want it resolved. They want to be able to carry on pumping water out of Pont Marquet or down in St. Ouen for that matter sometime in the future. It is in everybody's interest to work together and people have worked

together really well on this problem and in 2 years we have achieved a lot, there is no doubt in my mind.

Deputy H.L. Jeune:

Thank you. As we are wrapping up, the last question for me is that future risk planning. How does the Government intend to embed that future risk planning? Because of course this is still an emerging area of science and policy, as we hear Jersey is one of the first to look at this with the setting up of the scientific panel and looking at those. But even at the meeting last night the scientists there were saying: "Some things are still developing and there is a lot of areas to still consider." How is the Government going to make sure that this is also ... that longer lens is being looked at with the work, not just implementing these recommendations and trying to contain the plume area even more and keep that under control? As the science emerges, there may be suddenly we find other areas that we had not tested before we have ...

The Minister for the Environment:

I think we are getting into an area of known unknowns and unknown unknowns.

Deputy H.L. Jeune:

It is the last question.

The Minister for the Environment:

But certainly this is one of known unknowns, and let us go back a number of years before we thought that nitrates were a problem in water. Let us go back 12, 13 years when we did not realise obviously Dacthal had such a long half-life and was something we had sprayed on potatoes. Asbestos, P.F.A.S., what we do not know is what is coming next but we can be fairly sure there will be something coming next. We are looking at long-term P.F.A.S., short-term P.F.A.S., we are looking at T.F.A.s (trifluoroacetic acids). We know there is stuff coming down the line and we need to be aware of that. What it is I cannot tell you exactly but we are going to be absolutely sure that there will be further challenges as we move forward. While we do not know what they are, we are going to have to at least try to put something in place to at least allow us to work towards those challenges when they come forward. I do not know what that is but I think it would be very foolhardy to say these particular P.F.A.S. are the last challenges we are ever going to have. Because whether it is in air, whether it is in water or whether it is in soil, it is clear we live in a world of manmade products; something is going to come and bite us.

Group Director, Regulation:

Also to say, Minister, that also the public keep us honest and I would also like to thank the public who bring this to our attention. Some of the continual efforts, particularly for the residents who are

in the area of known contamination around the airport, have done a huge amount to also bring Government to a point where we are taking action now. We speak regularly with them and it is credit to them as well that we are in a position as a Government and as a community where are right now. I would hope that that public engagement continues and that will also be part of Government's ongoing commitment.

Deputy H.L. Jeune:

Thank you. Just turning to my panel to see if there any other questions. We have reached the time of the end of the hearing, Minister. I would like to thank you for your time and for officers' time as well in preparing for this. I would also, again, like to also thank the community who have inputted into the Scrutiny Panel's work as well to make sure that we are also up to date and knowledgeable about P.F.A.S. It is a complicated issue we have heard. We really have not done it all completely justice in an hour and a half but this is something that we know we have already agreed that we would recommend within our legacy report that the next panel will either take it on or there will be a standalone panel that will look at P.F.A.S. in the round to ensure that on our side, from scrutiny's side, that that will continue to monitor the recommendations and monitor that implementation and the areas that you have raised, Minister. Thank you very much.

The Minister for the Environment:

Thank you, Chair. I have got very little to add. I think that Kelly has particularly thanked the residents who live in the plume area and I would add my thanks to them. The meetings that I have had with them have been challenging on myself for lots of reasons and I am grateful that they have been so courteous in the way they have treated me and the Minister for Health and Social Services in the meetings we have had and so I am grateful for that. I have got nothing very much more to add but you are right, there is more work to be done and I am confident that we will carry on.

Deputy H.L. Jeune:

Thank you. That ends our hearings for this panel for this term of office. Thank you very much, Minister.

The Minister for the Environment:

Thank you.

[16:05]