The Persistent Organic Pollutants (Amendment) Regulations 2026

Lead department	Department for Environment, Food and Rural Affairs
Summary of proposal	Amend the Persistent Organic Pollutants (POPs) Regulation to list 5 substances for prohibition with time-limited exemptions, set/update unintentional trace contamination (UTC) limits, and make technical Perfluorooctane sulfonic acid (PFOS) amendments.
Submission type	Options Assessment – 25 February 2026
Legislation type	Secondary legislation
Implementation date	16 December 2026
RPC reference	RPC-DEFRA-26138-OA(1)
Date of issue	8 April 2026

RPC opinion

Rating	RPC opinion
Fit for purpose	The OA presents a reasonable rationale, proportionate options longlist with non-regulatory and regulatory variants, and reasonable justification for selecting Option 1: prohibit with time-limited exemptions and UTC limits. Evidence is transparent on costs and uncertainties. The SaMBA is proportionate, with sensible reasons for not exempting SMBs. The final IA would benefit from reviewing certain assumptions, such as the number of downstream Medium-Chain Chlorinated Paraffins (MCCP) users, and strengthening evidence that the proposed UTC thresholds are workable and enforceable. It should explain more clearly the consequences of doing nothing and why Option 1 is preferable, despite largely unquantified benefits.

RPC summary

Category	Quality	RPC comments
Rationale	**Green**	The problem is framed through changes to the Stockholm Convention, to which the UK is a party, and domestic legal obligations, with a reasonable theory of change. The OA summarises human harms.
Identification of options (including SaMBA)	**Green**	A transparent options longlist covers do-nothing, the preferred option of prohibition with exemptions, prohibition without exemptions, non-regulatory, two-year deferral, and SMB exemption. No SMB exemption is justified given international obligations and SMB prevalence. The OA systematically narrows to a shortlist using objectives.
Justification for preferred way forward	**Green**	The selection of Option 1 is supported by quantified EANDCB and NPSV. The final IA should strengthen evidence that proposed UTC thresholds are workable and enforceable in practice. It should explain more clearly the consequences of doing nothing, and why Option 1 is preferable given largely unquantified benefits. It should clarify the treatment of unquantified production-phase GHG emissions from alternatives.
Regulatory Scorecard	**Satisfactory**	The OA quantifies business impacts, EANDCB about £9m, NPSV -£121m. The final IA would benefit from confirming certain assumptions, such as the number of downstream MCCP users, and clarifying the treatment of unquantified production-phase GHG emissions from alternatives in the overall welfare assessment.
Monitoring and evaluation	**Satisfactory**	A five-year review timed to exemption expiry is reasonable, supported by annual stockpile notifications and targeted surveys. The final IA could identify named datasets/owners and evaluation questions.

Summary of proposal

The United Kingdom is a Party to the Stockholm Convention, a global treaty which lists 37 chemical substances known as POPs. POPs have four main criteria: they are persistent, toxic, bio-accumulative, and have the potential for long-range environmental transport, including across borders. Parties to the Convention can, by consensus, agree to add a chemical substance to the list of POPs.

Previously, the UK's participation in Stockholm Convention business was as an EU member state, with the European Commission acting as a Party to the Convention. Since EU Exit, the UK acts as an individual Party to the Convention and our international obligations under the Convention are primarily met through the POPs Regulation. The POPs Regulation applies to England, Scotland, and Wales. Under the Windsor Framework, the EU POPs Regulation applies directly in Northern Ireland (NI).

The UK, in order to reflect changes to the Stockholm Convention, intends to add Medium-Chain Chlorinated Paraffins (MCCPs), Long-chain Perfluorocarboxylic Acids (LC-PFCAs) and chlorpyrifos to Annex I of the assimilated POPs Regulation and reinstate prohibitions for UV-328 and Dechlorane Plus, aligning domestic controls with recent decisions by the Parties to the Convention. Time-limited specific exemptions will be included, where internationally agreed, and relevant to UK supply chains. The instrument updates UTC limits to ensure enforceability and avoids disproportionate disruption where trace contamination is unavoidable.

The Department describes why non-adoption would leave GB out of alignment with international obligations and peers, creating regulatory divergence, legal and reputational risk and continued environmental and health harms from persistent, bioaccumulative chemicals. The EU has already introduced legislation to implement Convention decisions for UV-328 and Dechlorane Plus, proposed amendments for MCCPs, LC-PFCAs, and Chlorpyrifos, which they plan to implement ahead of the Convention implementation date. The UK proposal implements the prohibitions, with proportionate exemptions, to support orderly transition and regulatory clarity. The Department expects this will be the approach taken by most other likeminded Parties to the Convention, and therefore the intervention will improve alignment with these other Parties, including the EU.

The OA proposes technical amendments to PFOS (harmonising UTC phrasing and removing obsolete test-method references) to reflect scientific and technical progress. Implementation for the three 2025 Convention listings is set against the treaty deadline of 16 December 2026, with devolved consent and World Trade Organisation notification envisaged, as part of the legislative process.

Rationale

Problem under consideration

The OA reasonably states that exposure to POPs can cause serious health impacts and long-term environmental damage, with bioaccumulation across food chains. Recent Convention decisions list UV-328, Dechlorane Plus, MCCPs, LC-PFCAs and chlorpyrifos for global elimination, with time-limited exemptions. Without domestic implementation, production and use would continue in GB for relevant substances, sustaining health risks and undermining treaty compliance.

The Department notes previous prohibitions for UV-328 and Dechlorane Plus were temporarily reversed to avoid supply risks, while evidence and exemptions were finalised. The OA proposes reinstatement with the full set of specific exemptions and UTCs, reflecting updated international positions and domestic engagement across affected sectors, including MedTech and automotive supply chains.

Argument for intervention

The OA reasonably argues that markets underprice POPs' externalities and supply-chain complexity diffuses responsibility, justifying regulation. International alignment reduces compliance ambiguity. Prohibitions, combined with specific exemptions, are presented as the least disruptive way to achieve elimination, while maintaining essential uses during transition.

The Department notes that regulation provides clarity and preserves innovation incentives toward safer substitutes. It addresses long-range transport of POPs and avoids reputational and legal risks from non-implementation. The approach mirrors post-EU-exit practice for Annex I amendments, and integrates consultation to provide clarity for regulators and industry.

Objectives and theory of change

The OA sets out two policy objectives. The first is to prohibit the five substances, in line with the UK's obligations as a Party to the Stockholm Convention, thereby reducing exposure risks and providing regulatory clarity. Time-bound exemptions and UTCs are intended to mitigate disruption and enable orderly substitution toward safer alternatives. A second objective is to amend the POPs Regulation to adapt it to scientific and technical progress.

All amendments will satisfy one or the other of these objectives; some amendments are derived directly from changes to the Stockholm Convention, while others are amendments which are being made to existing POPs because of a change in understanding of these substances and the enforceability of the prohibition.

The theory of change is credible: SI → compliance and transition → reduced production/use →reduced exposures and avoided remediation. Long-term outcomes emphasise health and environmental gains, and alignment with trading partners.

Identification of options inc. SaMBA

Identification of longlist

The OA presents a comprehensive longlist:

- Option 0 – Do nothing
- Option 1 – Prohibit with time-limited exemptions and UTCs (preferred)
- Option 2 – Prohibit without exemptions
- Option 3 – Non-regulatory (voluntary transition)
- Option 4 – Prohibit with two-year delay
- Option 5 – Prohibit with SMB exemption

Option 0 (do nothing) would avoid immediate costs, but fails legal obligations and sustains risks. The Department describes why Option 1 best balances proportionality and enforceability while meeting Convention deadlines. Option 2 is reasonably described as excessively stringent, Option 3 cannot deliver legal compliance, Option 4 creates reputational and legal risk, and Option 5 conflicts with the Convention's scope. The longlist therefore spans credible regulatory and non-regulatory choices, and timetables.

Consideration of alternatives to regulation

The OA considers a voluntary, information-led approach, but explains this cannot satisfy binding obligations, nor provide enforceable clarity across complex supply chains. Given global trade in chemicals and articles, voluntary measures would create uneven incentives and risk continued use with harms.

The Department retains non-regulatory elements as complements (guidance, engagement, consultation) within a regulatory framework. UTCs and exemptions minimise disruption while preserving clear legal boundaries.

Justification for shortlisted options

The OA sets out three SMART objectives for the shortlisting process:

- Prohibit the newly listed persistent organic pollutants, in line with international obligations, thus minimising risk to the environment and human health
- Ensure these prohibitions are implemented proportionally to protect against adverse impacts on industry
- Ensure that the POPs Regulations and this amending instrument provide clarity to industry and regulators

Shortlisting, by rating against these objectives clearly, retains Options 1, 2 and 4 alongside the baseline, reflecting trade-offs between environmental protection, growth impacts, and enforceability. Option 1 meets obligations while cushioning disruption through exemptions and UTCs. Option 2 over-corrects, and Option 4 delays compliance and creates regulatory misalignment.

The OA discusses costs and implementation risks, including producer transition, downstream reformulation, potential greenhouse gas (GHG) increases from some substitutes, and the risk of regrettable substitution. It also recognises household impacts are largely indirect via passthrough and currently unquantified.

SaMBA

The OA identifies very high SMB prevalence amongst affected businesses and explains why a blanket SMB exemption is not feasible under the Convention, and would undermine elimination goals. Time-limited exemptions serve as the proportionate mechanism to smooth transition while preserving legal clarity.

Familiarisation, reformulation and alternative-input costs fall disproportionately on smaller firms; the OA mitigates these via staged transition and market-available substitutes, with supplier engagement and consultation to refine UTCs and exemptions.

The Department recognises competition and capacity issues in specific value chains e.g., metalworking fluids, specialist polymers. Evidence is improving, but some user counts and price inputs are proxy-based. Targeted engagement for SMB-heavy subsectors and guidance on compliance pathways will reduce burden.

Justification for preferred way forward

Identifying impacts and scale
The OA estimates an EANDCB of £9m and NPSV of -£121m for the preferred option, with business costs concentrated in MCCP producer losses, reformulation/testing, and use of more expensive substitutes. Non-monetised benefits include avoided health and environmental harms, avoided remediation and reputational gains from compliance. The OA includes a switching-value comparison estimating that avoiding 170–245 incidences of disease would offset business impacts. Actual disease incidences under do-nothing are uncertain, but a relatively small number of avoided cases would generate large benefits.

Household impacts are mainly indirect via passthrough and unquantified. Wider environment/natural-capital benefits are described qualitatively. The quantified producer profit-gain from alternatives partially offsets losses, with uncertainty on market share retention for substitutes. The OA identifies potentially material GHG emissions from the production of alternative chemicals, but excludes these from the quantified analysis. Given the suggestion these emissions could be substantial, and much of the relevant production serves the European market, the final IA should explain how this uncertainty affects the interpretation of the welfare case.

Counterfactual and baseline
The counterfactual recognises likely EU and other-party implementation, with GB non-action creating misalignment and regulatory divergence. The OA treats do-nothing as an analytical baseline. The IA should add international evidence from EU implementation experience as it emerges.

Evidence and data
Evidence triangulates international assessments, UK calls for information and consultancy support. Key parameters include MCCP production/use, downstream user counts, substitute prices and GHG factors. Some inputs rely on proxies or single-source estimates; the OA transparently flags limitations. The Department should review the main assumptions in the final IA.

Administrative data from Environment Agency notifications and consultation responses will refine the evidence base. The OA positions UTCs against international practice and commits to review, with PFOS housekeeping improving clarity and enforceability.

Uncertainty and risk
Principal uncertainties concern substitute GHG footprints, regrettable substitution risks, producer transition pace, and downstream reformulation costs. There are sectoral competitiveness risks from energy prices and global imports. The OA uses ranges and sensitivity tests and sets review points via exemptions. Enforcement hinges on workable UTC thresholds and regulator capability; consultation will test

feasibility. The timetable aligns with treaty deadlines to avoid legal/reputational exposure, while allowing managed transition in critical sectors.

Selection of the preferred option
The OA provides a mainly qualitative case for the preferred Option 1 over do nothing. It explains that doing nothing would mean the UK did not implement Convention decisions, retain ongoing harms and not provide regulatory clarity, while Option 1 offers a proportionate route through exemptions and UTCs. However, the OA does not appear to identify any penalties or trade restrictions from non-alignment, and the final IA should more clearly articulate what would happen in a do-nothing scenario.

Regulatory Scorecard

Part A

Overall impacts on total welfare are uncertain when non-monetised environmental and health benefits are considered against monetised business costs. The OA reports a negative NPSV on business-centric monetisation, offset in part by producer gains from alternatives and avoided future remediation.

Business impacts are negative in the short-to-medium term, driven by MCCP producer losses, reformulation/testing and more expensive inputs; EANDCB is estimated around £9m. Administrative burdens are modest and largely one-off, with small recurring reporting for stockpiles and exemptions.

Household impacts are largely indirect through potential passthrough; environmental benefits are long-term and unmonetised but assumed to be material. The IA should include household passthrough scenarios.

Part B

Business environment: alignment with the Convention and EU practice supports a level playing field. Transitional pressure sits with specific GB producers and SMB-heavy supply chains; exemptions and UTCs mitigate disruption.

International considerations: the OA explains that the measure aligns with Convention controls it expects most likeminded Parties to implement, but it gives the EU as the only concrete example. Given the importance of non-EU trade, the final IA should say how wider international alignment affects trade exposure. Impacts on GB-NI trade are expected to be limited under the Windsor Framework given time-limited exemptions and clear thresholds.

Natural capital & decarbonisation: some substitutes have higher lifecycle GHG intensities; the OA transparently accounts for this. However, avoided POPs harms to ecosystems and long-term remediation avoidance are expected to dominate on welfare grounds over the appraisal horizon.

Monitoring and evaluation

The OA proposes a five-year PIR in 2031, aligned with the expiry of many MCCP exemptions, supported by annual EA stockpile and use notifications, wider reporting under the Convention and the POPs Regulation, the POPs MMEI programme, and targeted survey work.

To strengthen the final IA, the Department should identify the principal datasets and responsible owners, set out key evaluation questions, and explain how evidence on transition, continued exempted use and UTC feasibility would feed into any future adjustment of exemptions, UTCs or guidance.

Regulatory Policy Committee

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