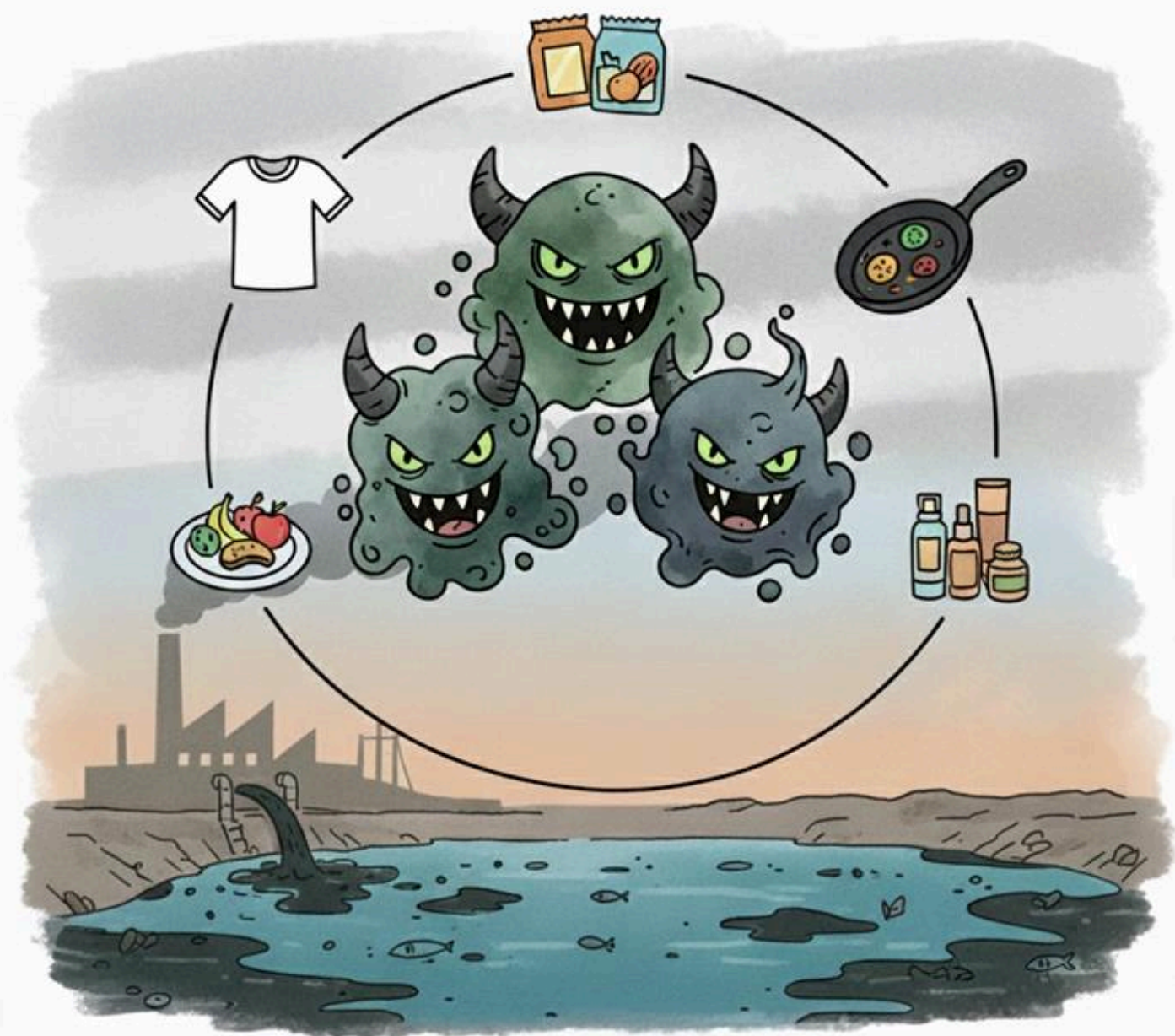


Regulating the Irreversible

Forever Chemicals - PFAS



Wednesday Wisdom
31-12-2025

Background and Introduction[1]:

They say your body is temporary, but the soul remains forever. Well, we don't know about the soul, but these chemicals are certainly going to be there forever.

A lot of products used in our daily lives, contain 'Perfluoroalkyl and Polyfluoroalkyl Substances' (PFAS) especially non-stick cookware, water resistant clothes and even skin care products and cosmetics[2]. The widely appreciated characteristics of these products such as non-stickiness, water repellence or anti-grease come from their property of being resistant to biodegradation. PFAS are actually a range of several individual substances. They are also referred to as 'Forever Chemicals' because of their tendency to remain in the environment for a longer period since they are resistant to biodegradation[3].

The popularity of PFAS infused products also makes the environment highly vulnerable to the Forever Chemicals. They have a tendency to remain in animal and human systems over many years. Their widespread use, coupled with growing evidence of contamination in water sources and ecosystems, has prompted regulatory responses in multiple jurisdictions worldwide. The recognition of the risks posed by PFAS is still evolving in India. India is yet to proactively catch up on the legislation governing PFAS. Some of the current legislative endeavours and regulatory framework around PFAS in India, are as follows:

[1]The article reflects the general work of the authors and the views expressed are personal. No reader should act on any statement contained herein without seeking detailed professional advice.

[2] [Common household products loaded with forever chemicals \(PFAS\) - Times of India](#)

[3] <https://www.dwi.gov.uk/pfas-and-forever-chemicals/#:~:text=per%2Dand%20poly%20fluoroalkyl%20substances>

FSSAI:

In 2025, the Food Safety and Standards Authority of India (FSSAI) took significant regulatory steps in response to health and environmental concerns associated with PFAS. On 6th October 2025, FSSAI published the draft Food Safety and Standards (Packaging) Amendment Regulations, 2025[4] under its statutory powers conferred by the Food Safety and Standards Act, 2006, proposing to prohibit the use of PFAS in the manufacture of food contact materials.

The draft adds a new sub-regulation stating that

“Poly- and perfluoroalkyl substances (PFAs) shall not be used in the manufacturing of food contact materials”,

This reflects growing concerns about PFAS persistence, potential toxicity, and the risk of chemical migration into food from packaging. This regulatory proposal also includes a parallel ban on Bisphenol A (BPA) and its derivatives in polycarbonate and epoxy resin-based food contact materials, underscoring FSSAI’s broader focus on harmful chemicals in packaging.

Stakeholders and the public were invited to submit comments and suggestions within a 60-day consultation period following the Gazette publication, after which FSSAI will consider feedback before finalising the regulations.

FSSAI’s draft amendment appears to be India’s first step in PFAS governance, especially in the absence of dedicated central statutes specifically regulating PFAS across sectors.

[4]https://fssai.gov.in/upload/uploadfiles/files/Draft%20FSS_Packaging_Amendment%20regulations2025.pdf

By targeting food contact materials, a primary route of human exposure, the draft seeks to align Indian packaging standards with emerging global best practices and prioritise preventive regulatory action to protect consumers and the environment. Though not yet in force, the draft amendment signals a shift from general chemical management towards substance-specific risk mitigation, with implications for food manufacturers, packaging suppliers, and regulatory enforcement bodies.

- **National Green Tribunal:**

Over the past year, both the Principal Bench (Original Application No. 548/2024) and Southern Bench (Original Application No. 122/2024) of the National Green Tribunal (NGT) have taken proactive judicial notice of the potential environmental and public health risks posed by PFAS.

The Southern Bench of the NGT registered a Suo motu case on the basis of media reports and scientific studies, including research indicating the presence of PFAS in water bodies in and around Chennai[5]. These persistent synthetic chemicals, widely used in consumer products and industrial applications, resist degradation and have been linked to serious health concerns such as liver toxicity, hormonal disruption, and increased cancer risk. The Tribunal observed that although conventional treatment plants are currently unable to remove these forever chemicals their presence in surface and groundwater, including treated sources, raises significant concerns for environmental quality and human health. In directing regulatory authorities to respond, the NGT underscored the urgency of establishing national standards, monitoring mechanisms, and remediation strategies to address PFAS contamination.

[5] <https://economictimes.indiatimes.com/news/india/chennai-lakes-contaminated-with-forever-chemicals-linked-to-cancer-and-liver-damage/articleshow/108993106.cms?from=mdr>

In its orders, the NGT has emphasised the need for institutional accountability and data-driven action. The Tribunal has directed pollution control boards and water resource departments to conduct systematic sampling and analysis of water bodies for PFAS compounds and to report their findings back to the Bench, noting that current Indian policy lacks specific benchmarks for assessing PFAS levels. In the recent hearings, state pollution control authorities informed the Tribunal that available testing infrastructure is limited and that PFAS remediation technologies are not yet deployed at scale in municipal and industrial treatment systems. This exchange highlighted the regulatory and technical gaps in India's response, prompting the NGT to call for enhanced inter-agency coordination and preparation of comprehensive plans to safeguard water quality and public health.

The Principal Bench has disposed of and transferred the case to Southern Bench of the NGT which is next listed on 13.01.2026 for completion of pleadings, post the matter.

Current Situation and Conclusion

The growing scientific evidence around Perfluoroalkyl - and polyfluoroalkyl substances (PFAS) underscores an urgent need for strong and targeted legislation in India. France[6] and Denmark[7] seem to have taken the lead in passing legislations to ban use of PFAS in certain industries.

These chemicals are highly persistent, bio-accumulative, and linked to serious health and environmental risks, yet India's current regulatory framework addresses them only indirectly and in a fragmented manner. In the absence of clear statutory limits, monitoring standards, and use-based restrictions, PFAS continue to enter water bodies, soil, and consumer products with limited accountability for manufacturers and users.

The absence of regulation has a shocking impact. While legislations for avoidance of use of PFAS might be in the pipeline, there is, on the other hand, the disturbing news of a company that has acquired assets of an Italian PFAS manufacturer which went bankrupt in Italy and has commenced manufacturing in Lote MIDC in Maharashtra[8] .

[6][France Bans PFAS on Consumer Products](#) | SGS

[7][Europe - Denmark - PFAS Ban in Clothing and Footwear Publish](#) | TÜV Rheinland

[8] <https://www.theguardian.com/environment/2025/oct/31/miteni-factory-pfas-plant-italy-india#img-2>

The devil lies in the detail. In this case involving the Italian Company, Miteni which produced PFAS chemicals for decades. During investigations, it was first noticed that the Company was contaminating groundwater and caused pollution through industrial discharges containing PFAS. The pollution alleged to affect 350,000 people. According to prosecutors, the Company was aware of the pollution risk and the harmful effects of PFAS but continued operations without adequate environmental protections[9]. The Italian court ruled that managers had knowingly discharged toxic substances into the environment over a period of decades. Criminal proceedings were brought against executives and managers of Miteni and its parent companies. On 26 June 2025, the Italian court delivered its judgment, holding the Company liable for deliberate contamination of water sources, environmental damage, and offences arising from pollution.

[9] [PFAS Contamination Case in Veneto: Vicenza Court Delivers Historic Judgement in Pollution Trial - Centro di Ateneo per i Diritti Umani](#)

International view-

The European Union is moving towards one of the regulatory efforts globally to restrict PFAS due to their extreme environmental persistence and potential health risks.

EU REACH Restriction Proposal: A coalition of EU Member States Denmark, Germany, Netherlands, Sweden, and Norway submitted a proposal for restriction of PFAS under the EU's REACH regulation (Registration, Evaluation, Authorisation and Restriction of Chemicals) that targets virtually all PFAS rather than individual substances. This proposal, if adopted would restrict the manufacturing, placing on the market, and use of more than 10,000 PFAS across multiple sectors, making it a near-total ban in scope. The proposal has been under technical review by ECHA's scientific committees and the public consultation process, with final regulatory decisions expected in 2026–27. The current draft covers PFAS in industrial and consumer applications, with possible exemptions or transition periods for critical uses where no alternatives currently exist[10].

As Indian courts and tribunals increasingly recognise the public health implications of toxic industrial chemicals, it is imperative for the legislature to move beyond reactive enforcement and adopt a comprehensive legal framework that regulates PFAS at the source, applies the precautionary and polluter-pays principles, and prioritises long-term environmental and public health protection. The persistent violations must attract criminal consequences.

It is worth remembering the classical case of Municipal Council, Rathlam vs Shri Vardhichand and others passed by CJI Krishna Iyer, who had upheld the rights of district magistrate to remove any factors which lead to public nuisance.

Can PFAS and this factory which is apparently generating pollutants be acted against under the existing laws?

[10] [All news - ECHA](#)

How to identify if the product contains PFAS[11]?

Here are ingredient names to look out for, according to the EWG[12]?

- **Perfluorononyl Dimethicone**
- **Perfluorodecalin**
- **C9-15 Fluoroalcohol Phosphate**
- **Octafluoropentyl Methacrylate**
- **Perfluorohexane**
- **Pentafluoropropane**
- **Polyperfluoroethoxymethoxy Difluoroethyl Peg Phosphate**
- **Methyl Perfluorobutyl Ether**

[11][EWG-AvoidingPFCs.pdf](#)

[12] [How do I know if my personal care products contain forever chemicals? Experts weigh in. - CBS News](#)

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