Putting out fires: Phase 1 of the Government of Canada's risk management approach for PFAS

October 24, 2025

The federal government has initiated consultation on its proposed risk management approach for PFAS. This article outlines what you need to know about the plan, anticipated timelines and how to engage. This information will be of particular interest to those involved in the manufacture, import, sale or use of firefighting foams – a key focus of the proposed management plan.

If you have questions about how the regulation of PFAS, including the proposed regulatory developments, may impact you or your business, please reach out to any of the authors or key contacts listed below.

Overview

On Sept. 26, 2025, the federal government published a Consultation Document on Phase 1 of its proposed risk management approach for per- and polyfluoroalkyl substances (PFAS), proposing to tighten existing regulations and ban the manufacture, import, use and sale of PFAS containing firefighting foams for those types of PFAS not already captured by the existing *Prohibition of Certain Toxic Substances Regulations, 2012*. The focus on PFAS-containing firefighting foams (also known as Aqueous film-forming foams or AFFFs) targets one of the key entry pathways for PFAS into the environment.

This is the latest in a line of steps taken by Canada to regulate PFAS. Earlier this year we reported on the federal government's publication of a Final State of PFAS Report, in which it concluded that the entire class of PFAS, excluding fluoropolymers (a subset of PFAS with lower exposure risks), are toxic, and recommended that they be added to Part 2 of the List of Toxic Substances found in Schedule 1 to the *Canadian Environmental Protection Act, 1999*. Among other things, the addition of PFAS as to the List of Toxic Substances (which is still pending) would allow the government to introduce new (and stricter) regulations targeting PFAS as a class (rather than the prior type-by-type basis).



- **Tighter restrictions on firefighting foams:** The federal government is proposing to further expand and broaden existing prohibitions on the import, use, and sale of PFAS in firefighting foams to include those types of PFAS (excluding fluoropolymers) that are not already regulated under the existing *Prohibition of Certain Toxic Substances Regulations, 2012*.
- **Limited exemptions:** The proposed prohibition would be subject to proposed transitional periods (exemptions) ranging from 18 months to 6 years from the coming into force of the regulations for certain uses and sectors (but not for sales, manufacture, or import) **in emergency situations**:

Use/Sector	Transitional Period
Portable fire extinguishers	18 months
Municipal fire services	18 months
Civil aviation	3 years
Other industries	3 years
Civilian ships already in service at the coming into force	6 years
Defence (military aviation, ships and other applications)	6 years
Installations belonging to the offshore oil and gas industry	6 years
Facilities in high-hazard scenarios (*i.e.*, those facilities where large quantifies of flammable liquids are present, subject to prescribed thresholds)	6 years

-

- **Permits in exceptional circumstances:** Further time-limited exemptions would only be considered in exceptional circumstances to accommodate critical applications that are unable to be immediately phased out. This may include time-limited permits to allow for the continued use of certain types of AFFF where technically and economically feasible PFAS-free alternatives aren't available and the use is required to protect human life.

- **Sales only permitted between mutual aid partners:** The proposed approach would restrict the sale of PFAS-containing firefighting foams to sales between mutual aid partners (*i.e.*, emergency response agreements between neighbouring municipalities, townships, or facilities to provide resources or personnel during emergency firefighting operations), but even then, only for cost recovery purposes flowing from an authorized emergency use. All other sales would be banned, even if falling within one of the uses/sectors described in the transitional periods above.
- **Possible ban on use of PFAS-containing foams for training purposes:** The prohibition may extent to the use of otherwise exempt PFAS-containing firefighting foams for training purposes, notwithstanding any transitional period.
- **Disclosure and warning label requirements:** The proposal also includes plans to introduce disclosure and labelling requirements, requiring:
    - manufacturers and sellers to disclose in writing the types and concentrations of PFAS added to each product, as well as other prescribed information; and
    - that all PFAS-containing wastewater, firewater, and fluorine-free foams bear warning labels when above prescribed thresholds.
- **Site-specific management plans and record keeping:** The federal government is also considering imposing additional conditions to minimize exposure, including a proposal to require, no later than 18 months after the coming into force of the regulations, that facilities with AFFF firefighting systems, AFFF-related waste in stock, or PFAS cross-contaminated firefighting equipment prepare site specific management plans addressing various items aimed at achieving this goal, and to maintain records concerning same.
- **Planned timelines:** The timing of the proposed regulations is subject to the proposed Order Adding PFAS to the List of Toxic Substances being approved, with draft regulations expected to be published in **Spring 2027**, and the coming into force of final regulations expected to occur in **Spring 2029,** at the earliest.

The federal government is seeking feedback on the Consultation Document **until Nov. 25, 2025**. As part of the feedback, they are seeking the voluntary disclosure of additional information to address perceived information gaps regarding the use of PFAS-containing firefighting foams that remain after its recent mandatory information gathering notice, the availability of PFAS-free alternatives, and the potential re-use of "decontaminated" firefighting systems. We saw examples of this voluntary disclosure resulting in exceptions for certain uses and sectors with the exclusion of medical devices and other categories essential to health, safety, and the environment from the federal government's plans for Phase 2 of its risk management approach announced in March of this year (which are slated for further consultation in 2027) in response to industry feedback. This highlights the utility and importance of providing the requested information.

Implications

While the proposed timeline suggests that the impact of any new regulations may not be felt for several years, the federal government's proposal makes clear that it intends to follow through with its proposed class-based and phased approach to address the risks posed by PFAS.

Notably, the federal government's proposal is aligned with recent actions (or proposed actions) by other regulatory bodies targeting the use of PFAS-containing firefighting

foams. For example, in the transportation sector (which has been identified as a key user of PFAS-containing firefighting foams), the International Maritime Organization's Marine Safety Committed adopted a resolution in June 2023 banning the use of perfluorooctane (PFOS), a type of PFAS already banned in Canada, in firefighting foams, as of January 2026. Similarly, in September 2024, the United States Environmental Protection Agency (EPA) introduced restrictions on the discharge of PFAS-containing firefighting foams from fire protection equipment on vessels under the *Vessel Incidental Discharge Act*, prohibiting the use of such foams except for emergency situations or where compliance would compromise the safety of the vessel.

Significantly, the EPA elected not to ban the use of PFAS in firefighting foam entirely due to the lack of available alternatives based on feedback received from industry. Those potentially impacted by the proposed regulations may therefore wish to consider providing feedback to the Government of Canada on the Consultation Document to try to achieve a similar result.

More generally, several of the increasing number of PFAS-related claims being brought in Canada have targeted contamination or exposure resulting from the use of firefighting foams. This included the first reported PFAS class-action brought in Canada,[1] and more recently a claim against Transport Canada concerning contamination surrounding a site previously used for firefighting training purposes.[2] Accordingly, notwithstanding any potential exemptions or delays in the implementation of new regulations, businesses will want to carefully consider the litigation risk associated with the continued use of PFAS-containing foams.

Conclusion

PFAS are officially an emerging contaminant of concern that all businesses operating in Canada ought to be aware of from both a compliance and risk-management perspective.

BLG's national environmental team has significant experience advising clients on PFAS-specific issues (including comprehensive risk assessments of products, services or waste disposal options; responding to, or disputing the application of, mandatory information gathering notices; product compliance concerns; and preparing consultation submissions) in addition to a wide variety of environmental and compliance matters, including complex civil and regulatory disputes and class actions.

Footnotes

[1] *Egan et al. v. National Research Council of Canada et al*., 2021 ONSC 4561, leave refused 2021 ONSC 7265

[2] *Edward Louis Sheerr et al. v. His Majesty the King, as represented by the Attorney General of Canada*, Federal Court File No. T-3254-24; *Edward Louis Sheerr et al. v. His Majesty the King, as represented by the Attorney General of Canada*, Supreme Court of Newfoundland and Labrador, General Division, File No. 2025 01G 3071 CP.

By

Rick Williams, Gabrielle K. Kramer, Braeden Stang

Expertise

Environmental, Environmental Disputes, Products Law, Municipal Law, Energy - Oil & Gas

---

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

blg.com

BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2026 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.