

# Forever chemicals, forever liability? The rise of PFAS class actions in Canada

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## Key Takeaways

- The Canadian government has classified PFAS as toxic substances and introduced new regulations effective June 30, 2026.
- Class actions related to PFAS contamination are being initiated against government and private entities across various provinces, including Ontario and British Columbia.
- Organizations handling PFAS should evaluate their litigation risk and compliance measures as the regulatory landscape evolves.

Per- and polyfluoroalkyl substances (PFAS) litigation is becoming increasingly common in Canada. Following a wave of class actions in the United States, Canadian courts are now grappling with claims over alleged contamination from these “forever chemicals.” In this Osler Update, we discuss certain of the latest developments related to PFAS litigation.

### What are PFAS?

As discussed in [previous Osler Updates](#), PFAS are a group of more than 4,700 synthetic chemicals valued for their resistance to heat, oil and water, making them common in consumer products such as non-stick cookware, cosmetics, textiles and paints, as well as in the manufacturing of electronics, plastics, metals and fire-fighting foams.

Despite their useful properties, PFAS are bioaccumulative and environmentally persistent. PFAS do not readily degrade under normal conditions, which has led to their designation as “forever chemicals.” They are also capable of transforming into stable, toxic end products that are persistent in the environment. These characteristics, combined with their potential for long-range transport through the atmosphere and oceans, have resulted in PFAS being detected in wildlife, environmental media and humans.

As we have [previously discussed](#), given the prevalence and potential risks of PFAS, the Government of Canada has designated PFAS as a class of toxic substances under the *Canadian Environmental Protection Act, 1999* (CEPA) and has introduced additional regulatory restrictions on the manufacture and use of PFAS through recent publication of the *Prohibition*

of *Certain Toxic Substances Regulations, 2025*, which come into force on June 30, 2026.<sup>[1]</sup>

In addition to these regulatory developments, courts are now confronting a growing number of class actions claiming against government entities and private parties for their role in alleged PFAS contamination and associated harm(s) to human health and the environment.

Egan v. National Research Council of Canada

In *Egan et al. v. National Research Council of Canada et al.*,<sup>[2]</sup> an Ontario court certified a class action brought by 69 owners of properties adjacent to the National Research Council of Canada (NRC) National Fire Laboratory Facility in Mississippi Mills, Ontario. The plaintiffs allege that from 1981 to 2016, the NRC conducted fire safety research at the laboratory that involved burning building materials onsite and testing aqueous film-forming foam (AFFF) containing PFAS.

In 2015, the NRC informed residents near the laboratory of the potential risk of PFAS contamination in the drinking water supplied to the nearby homes by drilled wells. The plaintiffs' claim involves strict liability for the spread of PFAS under the rule in *Rylands v. Fletcher*, nuisance, negligence and liability under the Ontario *Environmental Protection Act* (EPA) and CEPA, as well as damages for the diminution of the value of nearby properties.

Recently, the plaintiffs in *Egan* were granted leave to amend their pleading to add a claim for punitive damages.<sup>[3]</sup> The Ontario Superior Court of Justice certified a claim for \$2 million in punitive damages based on allegations that the NRC knew or ought to have known that there was possible PFAS contamination of drinking water two and a half years prior to issuing the warning to nearby homeowners.

The plaintiffs presented substantial evidence supporting their amendment, including reports indicating that the NRC was aware as early as 2009 of groundwater flow toward the class members' lands and PFAS contamination risks, that the NRC had no controls to prevent offsite PFAS migration as of 2014 and that the NRC discharged 100% of PFAS chemicals directly into the environment from 1981 until 2014.

The Court noted that in order to be awarded punitive damages, the conduct at issue must be malicious, oppressive and high-handed, offending the Court's sense of decency. The Court concluded that the NRC's alleged failure to warn neighbouring residents that their drinking water was or may have been contaminated could (if proven) meet this threshold, and that the proposed amendment was worthy of trial and not legally untenable.

Other developments in PFAS litigation

Class action litigation concerning PFAS contamination in water has also been commenced in British Columbia. On September 16, 2024, a proposed class action was brought on behalf of well owners in Canada whose well water contains PFAS against various major chemical manufacturers who manufactured, sold and used PFAS since the 1940s. The claim alleges that the defendants knew or ought to have known that PFAS were dangerous for human health and alleges nuisance, negligence, conspiracy and breaches of the *Competition Act* and environmental legislation in relation to the contamination of well water. In addition, the plaintiffs seek punitive damages as a result of the defendants' alleged efforts to suppress unfavourable research and the alleged delay in informing the plaintiffs of the health risks associated with PFAS. This proposed class action has not yet been certified.

As we have previously discussed in an [Osler Update](#), on June 21, 2024, the Government of British Columbia also filed a proposed national class action against PFAS manufacturers,

seeking to recover costs associated with detecting and removing PFAS from drinking water systems. The class action was brought on behalf of all provincial and territorial governments and all municipalities, regional districts and other governance authorities and other persons in Canada that were responsible for drinking water systems. The claims involve the alleged failures of manufacturers to warn the public of the risks posed by PFAS and the alleged concealment and contradiction of known PFAS dangers in public statements and marketing campaigns allegedly designed to enrich themselves at the public's expense. This proposed class action has not yet been certified.

A similar proposed class proceeding in British Columbia is being brought by Doig River First Nation on behalf of Indigenous groups that have alleged PFAS contamination in their drinking water systems.

Class action proceedings have also been commenced against the Attorney General of Canada in relation to drinking water wells allegedly contaminated from AFFF containing PFAS in Newfoundland and Ontario.

In Newfoundland, the class action commenced in April 2025 alleges that PFAS contamination from a federal fire-fighting training facility impacted drinking water wells in the southeastern portion of the Town of Torbay. The class action was commenced on behalf of all owners and residents of property within the defined geographic area.

In Ontario, the same law firm that commenced the *Egan* class action commenced class proceedings in October 2025 against the Attorney General of Canada and the City of North Bay, seeking compensation for all persons owning real property on or after January 1, 2017, with private drinking water wells within a three-kilometre radius of Canadian Forces Bases 22 Wing North Bay and the Jack Garland Airport. The claim alleges that AFFF containing PFAS contaminated these lands during firefighting training activities and equipment testing, maintenance and transfer at both the Canadian Forces Base and the airport.

## Conclusion

The recent wave of PFAS litigation in Canada signals a growing effort to pursue claims against both government entities and private parties for their roles in alleged contamination caused by these forever chemicals. In an environment where regulatory scrutiny is intensifying and litigation is proliferating, companies should stay abreast of PFAS-related risks.

As proposed class actions continue to advance across multiple provinces, organizations that manufacture, use or handle PFAS (or historically did so) should consider their litigation risk and carefully evaluate document retention policies, compliance programs, monitoring practices and notification protocols to ensure that they can sufficiently defend themselves should claims arise and can remain compliant with changing regulatory requirements.

For assistance in navigating the evolving regulation of PFAS in Canada, please contact a member of Osler's [Environmental](#) group, which has considerable experience advising clients on PFAS-related regulation, reporting, compliance and litigation.

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[1] See the federal government's [primer on the Prohibition of Certain Toxic Substances Regulations, 2025](#).

[2] 2021 ONSC 4561.

[3] 2026 ONSC 1429.