



DRINKING WATER INSPECTORATE

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Wynne Jones
By email: cj-editor@biggeesblog.cymru

Our ref: EIR2021/24511
12 October 2021

Dear Wynne Jones,

REQUEST FOR INFORMATION: Use of Graphene Oxide in potable water filtration

Thank you for your request for information of 2 October 2021 about the use of Graphene Oxide in potable water filtration. We have handled your request under the Environmental Information Regulations 2004 (EIRs).

The EIRs apply to requests for environmental information, which is a broad category of information defined in regulation 2 of the EIRs. Public authorities are required to handle requests for environmental information under the EIRs. They give similar access rights to the Freedom of Information Act 2000 (FOIA).

Your information request and our response are set out below.

- 1. Details of applications submitted for your consideration for use of "Graphene Oxide" in potable water filtration in the UK, in accordance with Regulation 31, and*
- 2. Details of any approval [with conditions] by the Secretary of State for use of "Graphene Oxide" in potable water filtration in the UK, pursuant to Regulation 31 paragraph 4 [a].*

We can confirm that: 1) there are currently no applications for the use of Graphene Oxide products in accordance with Regulation 31 under consideration; and 2) there are no such products approved. Additionally, there is no work in the standardisation committee responsible for treatment chemicals and products (filter media) to develop standards based on this substance.

The information is therefore exempt under regulation 12(4)(a) of the EIRs, which relates to information which is not held at the time when an applicant's request is received. Regulation 12(4)(a) is a qualified exception, which usually means that a public authority is required to conduct a public interest test to determine whether or not information should be disclosed or withheld. However, the Information Commissioner's Office (ICO), who is the independent regulator for requests made under the EIRs, takes the view that a public interest test in cases where the information is not held would serve no useful purpose. Therefore, in line with the ICO's view, Defra has not conducted a public interest test in this case.

In our obligation to provide help and advice under regulation 9 of the EIR's, we can advise that Water companies can only use products that meet the requirements of Regulation 31 of the Water Supply (Water Quality) Regulations, failure to meet these requirements is an offence.

There is a section on our website which lists products that are either approved (in the List of Approved Products), being considered for approval or covered by a BSEN standard (Annex 2). This can be viewed at the link below:

[Approved & Considered Products - Drinking Water Inspectorate \(dwi.gov.uk\)](https://www.dwi.gov.uk/Approved-Products)

The Drinking Water Inspectorate (DWI) do not decide which products the water industry uses, but our role, as operator of the Approval process under Regulation 31 of The Water Supply (Water Quality) Regulations 2016 (as amended) in England and Wales, is to ensure that the requirements of the legislation are met.

Regulation 31 applies to all chemicals and construction products used by water undertakers, from the source of the water, up to the point of delivery to the consumer's building. It sets out how approvals can be given to such construction products and materials that do not prejudice water quality and consumer safety. This is a rigorous process, and additional information such as extended leaching tests and toxicological data may be required for any application submitted that is considered to represent a potentially higher risk to drinking water quality and the health of consumers.

Information disclosed in response to this EIRs request is releasable to the public. In keeping with the spirit and effect of the EIRs and the government's Transparency Agenda, this letter and the information disclosed to you may be placed on [GOV.UK](https://www.gov.uk), together with any related information that will provide a key to its wider context. No information identifying you will be placed on the GOV.UK website.

We attach Annex A, explaining the copyright that applies to the information being released to you, and Annex B giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter please contact me.

Yours sincerely

Judith Bibaud
DWI FOIA and EIR team
dwi.enquiries@defra.gov.uk

Annex A

Copyright

The information supplied to you continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs or logos) can be also used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

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Annex B

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 11 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Andrew Mobsby, Head of Information Rights via email at InformationRequests@defra.gov.uk and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our website.

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner's Office (ICO) for a decision. Please note that generally the ICO cannot make a decision unless you have first exhausted Defra's own complaints procedure.

The ICO can be contacted using the following link:

<https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>