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Chemicals in food contact materials (FCM) - it's a mess

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About CHEM Trust

- A charity working mainly at EU level to protect humans & wildlife from harmful chemicals
- Working with scientists, technical processes and decision makers, in partnership with other civil society groups
- Focus on identification of, and action on, endocrine disrupting chemicals
- See our blog & twitter for more: www.chemtrust.org.uk

The screenshot shows the CHEMTrust website header with the logo and navigation menu. The main content area features a news article titled "Laws regulating chemicals in food packaging are not good enough, European Parliament says" by Michael Warhurst, dated October 6, 2016. The article text states that the European Parliament has backed a report calling for improvements in laws covering chemicals in food packaging and processes, and also called for a ban on the hormone-disrupting chemical Bisphenol A. Below the article is a "Share this:" section with buttons for Twitter, Facebook, LinkedIn, Pocket, Email, and Google+. To the right, there are sections for "LATEST CHEM TRUST NEWS" featuring a quote from The Guardian: "Home is where the toxins are – the hidden poisons we live with" and "POPULAR POSTS" listing other articles like "Medicines in the Environment: A Growing Threat to Wildlife and Drinking Water" and "Laws regulating chemicals in food packaging are not good enough, European Parliament says".



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EU Regs on chemicals in FCM

- 2004 regulation “*on materials and articles intended to come into contact with food*” [1]
 - Created a general safety requirement:
 - “*Materials and articles, ... shall be manufactured in compliance with good manufacturing practice so that, under normal or foreseeable conditions of use, they do not transfer their constituents to food in quantities which could:*
(a) **endanger human health;...**”
- Provision for more detailed daughter legislation, including positive list of chemicals etc
 - In place for “*plastic materials and articles intended to come into contact with food*” (2011) [2]
- **No EU harmonised regulations for paper, ink, coatings, adhesive & board (PICAB) food contact materials**



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Pizza boxes full of surprises

- **Pizza boxes often made from recycled paper/card**
- **Problems from recycling:**
 - Chemicals from ink, glue, paper, coatings in the recyclate can contaminate recycled materials
 - E.g. Pizza Boxes in Denmark found to contain Bisphenol A (from thermal paper?, Phthalates, Mineral Oils, Nonylphenol, Perfluorocarbons (PFCs) [4]
- **May also be deliberate use of PFCs:**
 - A wide range of PFCs have been deliberately added to paper & card packaging
 - They break down into persistent pollutants, many known to be toxic [5]





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A system full of holes

- There is a positive 'Union list' of chemicals used in plastic FCM, risk assessed by EFSA
 - **There is no EU level list of safety assessed chemicals for PICAB materials** [*nor in almost all Member States*]
- Processes to recycle plastic in new FCMs (e.g. bottles) must be approved by EFSA
 - **There is no EU approval system for checking processes that recycle paper and card into a new FCM (e.g. pizza boxes)** [*nor in almost all Member States*]
- **Human health risks of chemicals in PICAB materials are largely unregulated**
 - Not part of REACH Chemical Safety Reports & Authorisation



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Some other problems

- **Lack of overlap between REACH & FCM legislation**
 - A chemical can be identified as a substance of very high concern (SVHC) in REACH, but creates no automatic action in FCM uses
 - Lack of an effective link between data gathered in REACH & FCM processes
 - See notes from a CHEM Trust workshop on REACH & FCM [3]
- **Major scientific and technical challenges**
 - NIAS: what is really coming out into the food?
 - Exposure to mixtures: the real world
- **Enforcement**
 - Is anyone checking the rules are being followed anyway?
 - Are cuts in public budgets making the situation even worse?
 - Lack of enforcement = rewarding those who don't make an effort



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Not a pretty picture

- **The public would be very surprised by what is being talked about today**
 - They expect the EU & governments to provide protection.
 - The fact that this area is not under control is a potential scandal in the future, even if it's not visible at the moment
- **Lack of regulation and investigation means we are only seeing the tip of the iceberg**
- **European Parliament passed a detailed report calling for improvements in October 2016 [6]**
- **Lots of resistance to action by Commission in recent years, but....**



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Signs of action...

- **Promising comments from a Santé official quoted in Chemical Watch just before Christmas 2016 [7]:**
 - *“Mr Schupp said that DG Sante will evaluate the 40-year-old framework Regulation to see if it is “efficient and sustainable”, and will take “a close look at” which substances used in FCM are regulated.*
 - *He said there were approximately 10,000 substances used in FCMs, and it would take “one or two centuries” for the European Food Safety Authority to risk assess them all, as required under the current Regulation.”*
- **A detailed & very critical report from the Commission’s Joint Research Centre was published in January 2017 [8]**
- **Slides from a meeting with Member States on 30th January 2017 [9]:**



Evaluation of FCM

- **Backwards looking at 40 years of FCM legislation**
- **How well does the present legislation function?**
- **Focus on framework, but includes all legislation in force, including recycling and A&I**
- **Output: staff working document**

printed FCM

- **Forward looking**
- **Output: New Regulation**

Studies on compliance info in the

- **Backward and Forward looking**
- **Feeds partially into the other two**
- **is also part of the other two act**
- **Output: staff working document**

Why evaluate?



40 years old legislation, never evaluated

Doubts on correct functioning

- **Non-harmonised**
- **Risk Assessment**
- **Information exchange in supply chain**
- **Difficulties with implementation and drafting of new legislation → e.g. how to risk assess 8000 substances**

Very little concrete evidence

- **JRC study provides clear evidence on non-harmonised**
- **Otherwise it is difficult to substantiate perceived problems**



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The CHEM Trust view



Policy
Briefing

**Chemicals in food contact materials:
A gap in the internal market, a failure in public
protection**

1 Executive summary

Food packaging, factory equipment, food utensils - almost everything we eat has been in contact with one or more of these items. The EU's laws should ensure that chemicals used in these materials are safe, but they do not go far enough and contain holes.

These holes - for example a lack of harmonised rules on paper and card, inks, coatings and adhesives - mean that public health is not properly protected, and also lead to disruption of the internal market.

This briefing outlines the key problems, and proposes some solutions.

1.1 Key problems and recommendations:



For many food contact materials - including paper, board, coatings, inks and glues - there is no harmonised EU legislation on the chemicals that can be used. There are harmonised rules on food contact plastics and some other materials.

- There is also no obligation to assess the health impacts of uses in food contact materials in the EU's main chemicals legislation REACH.
- Research has found that chemicals identified as being of very high concern (SVHCs) in REACH are used in food contact materials.
- Public health is not being effectively protected.



Regulation of chemicals in non-harmonised materials is dependant on national legislation. This is inefficient and disrupts the EU's internal market.

- It's estimated that more than 5000 chemicals are used in inks, and Germany is working on an inks ordinance. If Germany bans inks used in other EU countries, how will this affect the internal market in food products?



In addition to thousands of deliberately used chemicals, a wide range of other chemicals migrates into food from food contact materials.

- These 'Non Intentionally Added Substances' (NIAS) come from impurities in chemicals, and reaction and degradation products. They are often of unknown structure, and can be at levels far higher than pesticide residues.
- NIAS add to the complexity of the mixture of chemicals we are exposed to, and need to be addressed with urgency.

It's clear that the current situation is not tenable, either for public health or for the food industry. The European Commission - led by DG Santé - must now work on a harmonised system, that will provide a high level of protection for human health, and also facilitate the effective working of the internal market.

Without a new approach the risks to public confidence in Europe's food system and food manufacturers are high. There is no scientific justification for inaction in this area.

<http://www.chemtrust.org.uk>

Twitter: @CHEMTrust

CHEM Trust briefing:

“Chemicals in food contact materials: A gap in the internal market, a failure in public protection”

Recommendations include:

- Harmonised regulations for chemicals in paper, card, inks, adhesives, coatings
- Action to substitute SVHCs and EDCs with safer alternatives
- Assessment of NIAS

<http://www.chemtrust.org.uk/foodcontact/>



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Conclusions

- **Not an acceptable situation**
 - From the point of view of public and most of the industry
- **We need protective, EU harmonised, regulation of all chemicals in Food Contact applications**
 - Including for recycled materials - EU law obliges recycling of packaging, but does not address chemical content
- **Commission is going to do something**
 - DG Santé do not have a good record.....
- **How to make sure the new approach is good enough?**
 - Particularly given DG Santé's resistance to civil society!



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