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Protecting humans and wildlife
from harmful chemicals

Addressing chemicals of concern in food contact materials - including those made from recycled materials

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- Introduction to CHEM Trust
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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 with the following content:

- Navigation:** About, Our Work, Chemical Problems, Health Impacts, Wildlife Impacts, Chemicals Policy, Take Action
- Main Article:**
 - Title:** Laws regulating chemicals in food packaging are not good enough, European Parliament says
 - Author:** by MICHAEL WARHURST on OCTOBER 6, 2016 EDIT
 - Text:** The European Parliament has today overwhelmingly backed a [report](#) calling for substantial improvements in the laws covering the chemicals that are used in food packaging and processes, and which can leach into the food we eat. They also called for a ban on the use of the hormone disrupting chemical [Bisphenol A](#) in all food contact materials. [\[read more\]](#)
 - Share this:** Twitter, Facebook, LinkedIn, Pocket, Email, G+ Google
 - Teaser:** Dust: Not only a nuisance, but also a source of hazardous chemicals
- Right Sidebar:**
 - LATEST CHEM TRUST NEWS:** "Home is where the toxins are – the hidden poisons we live with" in The Guardian
 - POPULAR POSTS:**
 - Medicines in the Environment: A Growing Threat to Wildlife and Drinking Water
 - Commission proposal on EDC criteria means human harm almost certainly needed before action
 - Laws regulating chemicals in food packaging are not good enough, European Parliament says
 - Chemical pollution and microplastics: a present danger to marine life
 - Chemicals in food contact materials: notes from a workshop on regulatory gaps



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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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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 logical overlap between REACH and 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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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, 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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More on Bisphenol A (BPA)

- BPA is an endocrine disrupting chemical, banned in baby bottles in the EU
- **BPA is used in thermal paper (e.g. till receipts)**
 - This then enters the recycled paper stream
 - Recycled paper & card - like pizza boxes - are then contaminated with BPA [4]
- **Solutions:**
 - Stop recycling thermal paper with other paper?
 - *Impractical for the public*
 - Restrict BPA use in thermal paper?
 - *EU is doing this, slowly [6]*
 - Regulate recycled paper use in food contact
 - *Done for plastics, but not Paper & Card*





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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 at the start of this month [7]
- But is anything going to change?



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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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Is anything happening?

- **The European Commission is in charge of initiating legislation**
 - Often after pressure from Member States
- **There has been no commitment from the Commission to act**
 - They will soon publish a review of the situation produced by their Joint Research Centre
- **Why no action so far? - my guesses:**
 - DG Santé, where any new policy must come from, is understaffed
 - The issue is not a priority for the Commission as a whole
 - It's not in the work programme, and hasn't been given extra resources
 - Action would go against the tendency for 'better regulation' to mean 'less regulation' (& are some companies lobbying against it?)
- **Pressure is needed....**
 - European Parliament vote is an important start, but more is needed



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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 – inconsistent that EU law obliges recycling of packaging, but does not address chemical content
- ***How to get action? (in order of preference):***
 - (1) Commission decides to act**
 - (2) National governments disrupt the EU Internal Market through national controls, then Commission acts.**
 - (3) Scandals lead to public pressure on Governments and companies, then Commission acts**



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References

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