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

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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
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
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
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
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]
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*
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?
The CHEM Trust view

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/
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
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
References


