

Revising European FCM regulations: Efforts from an NGO coalition

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Food Packaging Forum 2020 workshop, 23 October 2020

EU regulations on FCM: straightforward?

Regulation 1935/2004. Purpose (art.1):

“ensure the effective functioning of the internal market ... whilst providing the basis for securing a high level of protection of human health and the interests of consumers.”

General safety requirement (art.3):

*“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;...”*
- (b) bring about an unacceptable change in the composition of the food; or*
- (c) bring about a deterioration in the organoleptic characteristics thereof.”*



EU regulations on FCM: limitations



- Harmonised regulations for 5 types of materials only
- Specific measures for other materials still awaited...
- High focus on starting substances. Individual substance approach.
- Migration limits for certain constituents.
- No positive list of authorised substances for all materials.
- No assessment of recycled inputs for all materials.
- No routine testing for sensitive endpoints (eg ED, neurotoxicity).
- Risk assessment details? Information and enforcement details?



Significant gap with the reality

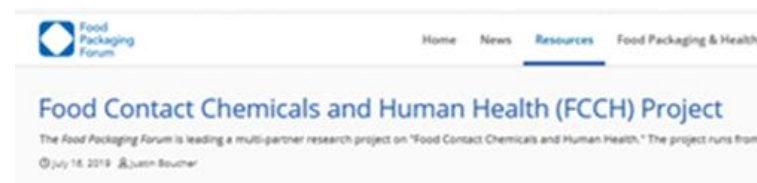


JRC SCIENCE FOR POLICY REPORT

Non-harmonised food contact materials in the EU: regulatory and market situation

Conclusions

Overall the entire sector of FCM suffers to a certain extent from the current situation, which exhibits a lack of harmonisation of materials listed under the framework regulation and is the object of issues relating to mutual recognition.



Introduction

It is well known that food contact materials (FCMs) and food contact articles (FCAs) are a source of human chemical exposure, since food contact chemicals (FCCs) migrate from packaging and other FCAs into food. But how relevant are these exposures to human health?

There are several aspects within this topic that are currently less understood, namely the different

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The EU needs rules on chemicals in coffee cups, straws and other paper food packaging, consumer test shows

PRESS RELEASE - 30.07.2019

A new lab test shows that food packaging made of coloured paper and cardboard - such as coffee cups and straws - may contain and release chemicals originating from the inks used for printing. Paper is the second most used food packaging material after plastic. Unlike plastics, however, there are no EU rules governing paper's use as a food contact material.



Concerns calling for change

Muncke et al. *Environmental Health* (2020) 19:25
<https://doi.org/10.1186/s12940-020-0572-5>

Environmental Health

COMMENTARY

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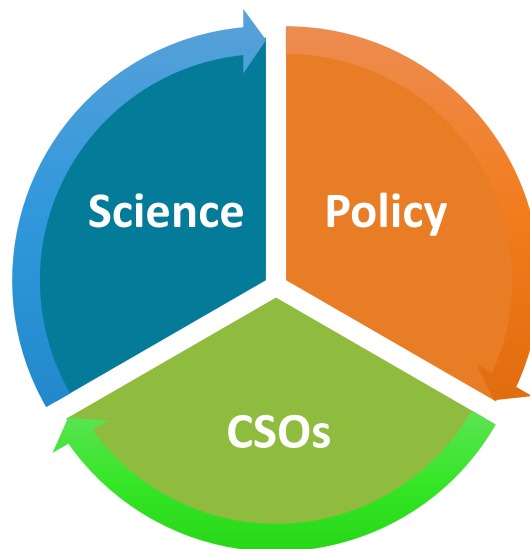


Impacts of food contact chemicals on human health: a consensus statement

Jane Muncke^{1*}, Anna-Maria Andersson², Thomas Backhaus³, Justin M. Boucher⁴, Bethanie Carney Almqvist³, Arturo Castillo Castillo⁵, Jonathan Chevrier⁶, Barbara A. Demeneix⁷, Jorge A. Emmanuelle⁸, Jean-Baptiste Fini⁷, David Gee⁹, Birgit Geueke¹, Ksenia Groh¹, Jerrold J. Heindel¹⁰, Jane Houlihan¹¹, Christopher D. Kassotis¹², Carol F. Kwiatkowski¹³, Lisa Y. Lefferts¹⁴, Maricel V. Maffini¹⁵, Olwenn V. Martin¹⁶, John Peterson Myers^{17,18}, Angel Nadal¹⁹, Cristina Nerin²⁰, Katherine E. Pelch¹³, Seth Rojello Fernández²¹, Robert M. Sargis²², Ana M. Soto²³, Leonardo Trasande²⁴, Laura N. Vandenberg²⁵, Martin Wagner²⁶, Changqing Wu²⁷, R. Thomas Zoeller²⁸ and Martin Scheringer^{4,29}

“Current safety assessment of food contact chemicals is ineffective at protecting human health [...]

Notably, reducing exposure to hazardous food contact chemicals contributes to the prevention of associated chronic diseases in the human population.”



European Parliament

2014-2019



TEXTS ADOPTED

P8_TA(2016)0384

Implementation of the Food Contact Materials Regulation

European Parliament resolution of 6 October 2016 on the implementation of the Food Contact Materials Regulation (EC) No 1935/2004 (2015/2259(INI))

European Parliament

2019-2024



TEXTS ADOPTED
 Provisional edition

P9_TA-PROV(2020)0201

Chemicals strategy for sustainability

European Parliament resolution of 10 July 2020 on the Chemicals Strategy for Sustainability (2020/2531(RSP))



**Making the European Green Deal deliver toxics free food:
 Urgent need for reforming EU's food contact materials legislation**

February 2020



Key principles for reform

25 European civil society groups agree

- **A high level of protection of human health**
 - All substances used in food contact materials should have adequate safety data, provided by industry and should be regularly reviewed for this use by public authorities.
 - The presence of substances that are already restricted in the EU, and those meeting the REACH criteria for Substances of Very High Concern.. should be automatically prohibited.
- **Thorough assessment of chemicals in materials and final articles**
 - The presence in, and migration of, chemicals in food contact articles – including Non-Intentionally Added Substances (NIAS) – should be measured, assessed and controlled.
- **Effective enforcement**
 - National governments must ensure effective enforcement, including checks on both imported and EU-manufactured finished articles using the best available analytical methods.
- **A clean circular economy based on non-toxic material cycles**
 - As the EU's transition to a circular economy gains momentum, it is vital that the EU's efforts to encourage recycling do not perpetuate the use of harmful chemicals in FCM.
- **Transparency and participation**
 - Supply chains and final consumers should have a right to know the identity and safety information t on chemicals used in, and migrating from, food contact materials. Regulatory and policy processes should as a minimum adhere to the same standards of openness and stakeholder participation that have been established in REACH.

The principles are available online for further sign on
<https://chemtrust.org/wp-content/uploads/KP-sign-on-document-word-sept-19.pdf>

Opportunities to deliver



European Commission

English

Home > Press corner > Commission adopts new Chemicals Strategy

Available languages: English

Press release | 14 October 2020 | Brussels

Green Deal: Commission adopts new Chemicals Strategy towards a toxic-free environment

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Today, the European Commission adopted the [EU Chemicals Strategy for Sustainability](#). The Strategy is the first step towards a zero pollution ambition for a toxic-free environment announced in the [European Green Deal](#). The Strategy will boost innovation for safe and sustainable chemicals, and increase protection of human health and the environment against hazardous chemicals. This includes prohibiting the

Follow up from recent FCM evaluation for possible revision

- Launch of Inception Impact Assessment, November 2020
- **A more protective, comprehensive and enforceable regulation by 2022?**

*“There’s a regulation on all food contact materials of 2004 which is now being evaluated [...] It is true that the rules the Member States follow differ [...] we also need to have information on the cocktail effects of different food contact materials, because this is also very important and can impact on human health. [...] it’s a very important area that we will be taking up, not only in **Green Deal** but also in **farm-to-fork**, because it affects the food that we’re eating.”*

Stella Kyriakides, EU Commissioner for health
Confirmation hearing EU Parliament, October 2019

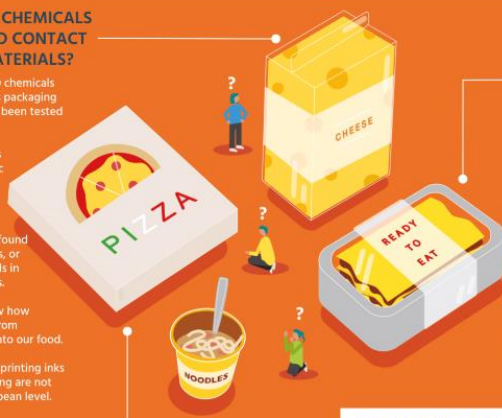


CHEMICALS IN FOOD WRAPPINGS CAN IMPACT PEOPLE'S HEALTH: WE NEED MORE PROTECTIVE REGULATION



WHICH HARMFUL CHEMICALS ARE USED IN FOOD CONTACT ARTICLES AND MATERIALS?

- ⚠ In Europe, some 8,000 chemicals can be used in articles packaging our food. Not all have been tested for toxicity.
- ⚠ At least 63 substances that are used in plastic packaging are toxic for health, including endocrine disruptors.
- ⚠ Consumer tests have found bisphenols, phthalates, or fluorinated compounds in various food packages.
- ⚠ Scientific studies show how chemicals can move from packaging materials into our food.
- ⚠ Paper, cardboard and printing inks used for food packaging are not regulated at the European level.



CHEMICALS USED IN THE PROCESSING AND PACKAGING OF OUR FOOD CAN:



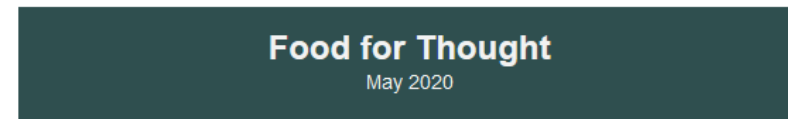
GLOSSARY: FOOD CONTACT...

...ARTICLES:
the actual articles that contain or wrap our food, e.g. a yogurt cup, a juice bottle,...

...MATERIALS:
the materials used in the articles, e.g. plastics, inks, paper, cardboard, coatings,...

...CHEMICALS:
the chemicals entering in the composition of the food contact materials, e.g. monomers such as bisphenol A, additives such as phthalates, or fillers such as titanium dioxide.

#HealthNotToxics



Welcome to the first edition of 'Food for Thought', a newsletter sharing key updates on food contact material (FCM) policy, ideas for revised FCM legislation and useful resources.

This newsletter is produced by a collaboration between **CHEM Trust**, the **Health and Environment Alliance (HEAL)** and **Zero Waste Europe (ZWE)**. Together, we are working towards creating a toxic-free environment where nobody should have to worry about the presence of health-harming chemicals in the products that come into contact with our food.



Thank you!

Questions and contact:

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Visit HEAL's page on food contact materials [here](#)

Sign up to the joint HEAL-ChemTrust-ZeroWasteEurope newsletter on FCMs [here](#)

