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Comments on the essential use concept following the European Commission workshop held on March 3, 2022

The [Food Packaging Forum \(FPF\)](#) is a charitable, science-based organization at the science-policy interface. FPF is dedicated to raising awareness for hazardous chemicals in all types of food contact materials and articles. Our work enables science-based decision-making in the interest of protecting public health and the environment.

We want to thank Wood for presenting the work on developing an essential use concept (ESU) at the European Commission's workshop on March 3, 2022, and for accepting stakeholders' views on the findings of the study. We welcome the opportunity to provide input on the ESU and its application in EU chemicals legislation. Given our field of expertise, our comments concerning the application of the ESU to the EU's Food Contact Materials (FCM) Framework Regulation (EC) No 1935/2004 are the following:

- Food packaging can play a role in reducing food waste. But it has many different functions, other than allowing food storage across longer times, such as enabling globalized business models, supporting marketing, or for convenience. This can lead **to food over-production and subsequently, the over-use of FCMs**. Therefore, food packaging needs to be evaluated in a differentiated way, and it is important to note that **food packaging is not per definition essential**. A reduction of food packaging overall is possible and should be aimed for.
- Instead of questioning the essentiality of food packaging in general, the ESU rather questions the essentiality of a substance used in an FCM (i.e., the most harmful substances) and whether “the use of a substance [in an FCM] is necessary for health, safety or is critical for the functioning of society” (Wood E&IS GmbH 2022). Thus, the ESU addresses questions such as: Are all the chemicals contained in FCMs essential? Are all the functions obtained by the use of a certain chemical or a mixture of chemicals really necessary or can products also be simpler? Applying the ESU, the answer is: No, not all chemicals used in FCMs are essential. For instance, the ESU has been evaluated scientifically in a peer-reviewed study for the use of per- and polyfluoroalkyl

substances (PFAS) in non-stick cookware ([Cousins et al. 2021](#)). The study concludes that the prevention of food sticking to cookware during food preparation is **not necessary for health nor critical for the functioning of society**. Besides, the non-stick function can be achieved through the use of non-harmful alternatives. Another example is colorants in FCMs, which mostly serve marketing purposes and are therefore also unessential according to the ESU criteria. These examples outline that the ESU can facilitate phasing out many non-essential and harmful substances such as PFAS from FCMs. By addressing entire groups of chemicals, the phase-out of harmful substances will become more effective. Moreover, the integration of the ESU in the FCM regulation supports other EU targets such as the transition towards a circular economy including increasing recycling rates by reducing the overall chemical complexity of materials.

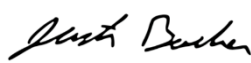
- Under the current regulatory framework, some known harmful substances are restricted for use in FCMs via positive lists. However, these lists do not cover all harmful substances and only apply to a limited number of materials, such as plastics, while not for other widely used materials such as paper and board. Importantly, a wide range of scientific studies have demonstrated that most harmful substances, such as chemicals that are carcinogenic, mutagenic, or toxic for reproduction (CMRs) as well as endocrine-disrupting chemicals (EDCs), are present in several types of FCMs and many can migrate into food and food simulants (e.g. styrene ([Sadighara et al. 2022](#)) and bisphenols ([Jurek and Leitner 2017](#); [Cavazza et al. 2021](#))). This clearly shows that **the current approach to regulating FCMs does not guarantee the absence of most harmful chemicals**.

Based on the examples and reasoning outlined above, there is a clear need (i.e. public health benefit) to apply the ESU for FCMs, especially when considering the wide use of FCMs combined with the currently ongoing and complex uses of harmful substances that can be used to produce them. The EU's Framework Regulation on FCMs can greatly benefit from the integration of an essential use concept, which will allow it to more easily and effectively manage harmful substances in FCMs and increase their safety. We recommend aligning the integration of the ESU into the EU's Framework Regulation on FCMs during the European Commission's current efforts to revise EU FCM regulations.

Best regards,



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