Public Consultation on Food Contact Materials

Feedback to the European Commission

Document addressed to the European Commission by SAFE – Safe Food Advocacy Europe ASBL

SAFE thanks the Commission for allowing interested stakeholders to express their comments on whether the current EU legislative framework for food contact materials is fit for purpose and delivers as expected.

In addition, SAFE congratulates the Commission for launching a public consultation aiming at gathering views and evidence from a wide range of stakeholders on the functioning of the food contact material legislation, on the requirements that the legislation sets for businesses and public authorities.

While SAFE appreciates the fact that citizens and experts were consulted to express their views on the food contact materials legislation, we would like to point out some elements that are worthy of concern.

1. NEED FOR A NEW FCMs LEGISLATION

As highlighted by the European Commission itself, since the inception of basic provisions set out over 40 years ago with Directive 76/893/EEC, the EU legislation on Food Contact Materials has never been systematically assessed. Considering the evolution of scientific knowledge, changes in practices, the emergence of new materials, the experience acquired in the last decades and the raising awareness of consumers, SAFE believes in the necessity of a new FCMs legislation designed to address the impairments of the current one and to face future challenges.

The Framework Regulation requires FCMs to be manufactured in a way that *"they do not transfer their constituents to food in quantities which could endanger human health"* with the aim to secure a high level of protection for human health and consumers' interests. However, the current legislation on FCMs does not effectively achieve these objectives given that legally binding provisions have only been adopted for four materials (namely, plastics, ceramics, regenerated cellulose and active and intelligent materials) out of a list of seventeen. Therefore, the rules regulating the manufacturing of most FCMs

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remained at the discretion of Member States which resulted in a plurality of legislations across the EU as well as in different standards for product safety. Those differences hamper the consumers' interest to have a uniform and effective legislation on materials which can potentially affect the composition of foodstuffs and therefore jeopardize the right of European consumers to benefit the same level of protection across the EU.

Moreover, many materials largely used as FCMs (such as paper, ink, adhesive or glues) are not controlled by harmonised EU-level laws. Even though those materials are commonly used in Europe, they are unregulated and their safety has not been evaluated by any national authority.[1] Therefore, SAFE recommends the adoption of specific rules for those non-harmonizingly regulated materials and encourages the Commission to adopt a legally binding legislation which includes all FMCs to ensure a higher level of protection for EU consumers.

2. MIGRATION OF FCMs INTO FOOD

The current legislation requires that FCMs must not transfer their chemical components into food in quantities that might endanger human health. The European Parliament reported that there are currently no less than 15.000 materials used in packaging, the majority of which has not been sufficiently studied. Although these materials may have a significant impact on human health, the EU lacks scientific studies and a comprehensive legislation on the matter. For this reason, it is crucial to raise awareness on the hazards posed by these materials and to regulate the chemicals within them.

Among the FCMs, plastic packaging is associated with more than 4.000 different chemicals, including at least 148 substances which represent a high risk for human health and the environment. In addition, plastic packaging may contain non-intentionally added substances (NIAS) arising from impurities, products' degradation and from various contaminants, most of which are simply not known.[2]

Therefore, SAFE stresses the need for a new and independent research on the issue in order to obtain comprehensive and detailed evidence of all the substances which migrate into food. Especially with regard to recycled plastics, the variety of recycling methods and the current lack of scientific research on the matter make it impossible to ensure consumers' safety in the occurrence of migration of chemical substances into food. Moreover, given the large variety of chemicals contained in FCMs, research on migration should also take into account the simultaneous exposure to different substances leading to the so called "cocktail effect".

[1] European Food Safety Authority, (2012) *Report of ESCO WG on non-plastic Food Contact Materials*. https://efsa.onlinelibrary.wiley.com/doi/abs/10.2903/sp.efsa.2011.EN-139

[2] Food Packaging Forum, (2018) *Plastic packaging contains thousands of chemicals, including hundreds of hazardous substances.*

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3. CONCERNS ON RECYCLED PLASTICS

Nowadays, consumers tend to prefer food that is in contact with recycled materials, whether for its preservation, preparation, transportation, distribution or use. While this ecological shift has positive consequences, especially regarding environmental sustainability, there are still not enough studies investigating the impact of those materials in the area of human health safety.

Even though plastic recycling used for FCMs is regulated rather strictly, it is considerably more difficult to control recycled plastic's safety than it is for virgin plastic. Many types of plastics absorb chemicals during use and waste management which are difficult to remove during the recycling process. Consequently, better risk assessment and testing should be put in place to reduce safety risks brought on by non-intentionally added chemicals (NIAS) leakage from FCMs to food.

SAFE believes European consumers shall be given access to more information on the topic and more studies should be conducted on materials that are allowed for use in FCMs, especially as regards to recycled plastics. Plastic recycling is undoubtedly necessary in order to achieve a more circular economy and environmental sustainability. However, there should be no trade-off between safety and resource efficiency.

4. ENDOCRINE DISRUPTORS

Endocrine disruptors (EDs) are inherent to food contamination as they are present in every day substances, from packaging to pesticides. The list of EDs that were found in FCMs includes a variety of chemicals such as phthalates, adipates and Bisphenol A. In particular, the latter was identified by the European Chemical Agency as a substance of very high concern due to its adverse effects on human and animal reproductive system.

As highlighted by the 7th Environment Action Programme, by 2020 all relevant substances of very high concern, *"including substances with endocrine-disrupting properties"*, must be placed on the Regulation on Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) candidate list. Therefore, the Commission should ensure better coordination between REACH and FCMs legislations to guarantee that harmful substances phased out under REACH are phased out in FCMs as well.

5. CONCLUSIONS

SAFE congratulates the Commission for launching public consultations on FCMs with the aim of gathering views and evidence from a wide range of stakeholders on the functioning of the food contact material legislation.

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We take this opportunity to point out that the current legislation on FCMs is not adequately fit for purpose. Therefore, SAFE calls for a new binding legislation which will include all FCMs that are currently not properly covered in order to ensure a high level of protection among EU consumers. Moreover, new independent research is needed with a view to gather updated data on the migration of certain substances from FCMs to food, with special regard to recycled plastics.

Eventually, SAFE underlines the importance of including clear, general legal criteria defining endocrine disruptors in the future FCMs legislation and the need for a better coordination and a more coherent approach between the REACH Regulation and the FCMs Regulation.

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