FCM Revision: Public Consultation

Webinar Nov 23rd - Anna Watson, CHEM Trust and Dorota Napierska, Zero Waste Europe
Welcome

Agenda
- Why we need new laws
- Public Consultation
- Suggested answers
- Discussion
Why do we need new laws?

Work by the Food Packaging Forum identified 388 chemicals of concern used in Food contact materials – the current laws do not keep us safe from hazardous chemicals.
PFAS in Take-Away Food Packaging

PFAS intentionally used in food packaging from popular global fast food chains and other takeaway restaurants

32 out of 42 samples analysed = intentionally treated with PFAS

A review of bottles made of recycled Polyethylene Terephthalate (PET) can contain higher levels of potentially harmful chemicals than those made of new PET.

➔ 150 chemicals of 193 investigated migrated into the drinks, which included water, juice, soda, and milk, among others.

➔ Of these 150 chemicals, 18 were measured at levels higher than current EU regulations allow

➔ only 41 are included on the EU’s food contact materials 'positive list' of approved chemicals.
Consumer focus group - VZBV

Spring 2022: The Federation of German Consumer Organisations (Verbraucherzentrale Bundesverband – vzbv) released the **results of focus group interviews**.

Summary:
“consumers assume that no unsafe food contact materials are on the market, and they also assume that all food contact materials have been tested for safety before being allowed on the market.”
EU NGOs including CHEM Trust and Zero Waste Europe been calling for reform for many years.

- Farm to Fork Strategy, back in May 2020, promised revision of FCM legislation.
- Chemicals Strategy for Sustainability, Oct 2020, also promised this.
- There was a consultation in early 2021 but we have been waiting for the next steps.
Shortcomings identified with the current legislation:

- Lack of clarity regarding safety and functioning of the EU market in the absence of specific EU harmonised rules for FCMs other than mainly plastics;
- Weaknesses and limitations of legislation relying primarily on a list of authorised starting substances and lack of sufficient focus on the final FCM article;
- Lack of prioritisation of the most hazardous substances in all FCMs;
- Poor quality, availability and transparency of information in supply chain, hampering the ability to ensure compliance and undertake official controls;
- The current rules do not sufficiently support small and medium-sized businesses nor the development of safe and more sustainable alternatives.

Our Key Policy Asks

- Banning the most hazardous chemicals (in plastic and non-plastics FCM)
- Harmonising rules for all materials
- Focus on migration from final articles = Control the migration of NIAS
- Industry to provide data, but not to determine safety or have self-control
Importance of Participation in Public Consultation

Have your say

Send a strong message to policy makers!

Details

- **Deadline: January 11, 2023**
- Our approach: give guidelines for responses, but tailor to own organisation’s priorities

How to

- Go the EC Have Your Say portal: [Revision of EU rules on food contact materials](https://haveyoursay.ec.europa.eu)
- Create an account/log in
- Respond!
The questionnaire includes two sets of questions:
- Citizen part
- Stakeholder part
Stakeholder part:
- Scope of FCM legislation (Q1-Q2)
- Safety and Risk Management (Q3-Q4)
- Sustainability and Future Development (Q5-Q8)
- Information along the Supply Chain (Q9-Q12)

Q13. Please upload any additional documents (e.g. position papers) to support your contribution to the consultation.
Questions, Discussion & Wrap-Up

For further details, contact:
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Learn more on the campaign website:
www.toxicfreefoodpackaging.com
Harmful chemicals in German Food Contact Materials

From farms to storage, to processing and grocery shops, our food comes into contact with lots of different materials. Unfortunately, those materials are allowed to contain harmful chemicals that can leach into the food we eat and the beverages we drink (1), putting our health at risk.

What have studies shown?
Harmful chemicals, such as phthalates, bisphenols and fluorinated substances (PFAS) can be present in food contact materials and food packaging.

- A European-wide study found PFAS in several disposable paper food packaging items bought from fast-food chains in Germany (2). A report on toxic minerals oils (MOAI) in food found four food products from Germany had been contaminated with MOAI (3).
- Contamination of food with MOAI can occur via food contact materials.

Chemicals in our bodies
We are constantly exposed to a cocktail of known and suspected harmful chemicals through air, water, food, consumer products and other routes. Food contact materials can contribute to our exposure to harmful chemicals.

- 18% of German teenagers tested had a combined level of exposure to PFOS, PFOS, PFNA and PFHxS exceeding the tolerable weekly intake level set by the EU Food Safety Agency (4).
- 12% of German teenagers tested exceeded the human biomonitoring guidance value for Bisphenol F (4).

Looking forwards
A revision of EU food contact material legislation is underway, presenting a key opportunity to act. We do not merely want to patch the loopholes that allow harmful chemicals in food contact materials. We are calling for the legislation to be properly updated to ensure the protection of citizen’s health, help support a circular economy free from harmful chemicals, and ensure harmful chemicals do not enter the environment. Visit tacit.che NorthFoodPackaging.com for information on actions to take.

What are Food Contact Materials (FCMs)?
Materials and products that come into contact with our food, such as storage containers, factory equipment, kitchen utensils, tableware, and food packaging.

87% of German citizens are worried about the impact of chemicals present in everyday products on the environment (5).

80% of German citizens are worried about the impact on chemicals present in everyday products on their health (6).

Some action has been taken... but not nearly enough
- Germany has amended their Consumer Goods Ordinance to regulate the use of printing inks and varnishes that may come into contact with food, with a phase in period until end of 2026 (6).
- In 2021, German authorities notified the World Trade Organisation of their intention to restrict MOAI in recycled paper and board food contact materials, and set migration limits into food (7).
- However, there is much more to be done in order to properly protect German and EU citizens from harmful chemicals in food contact materials.

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Harmful chemicals in Spanish Food Contact Materials

From farms to storage, to processing and grocery shops, our food comes into contact with lots of different materials. Unfortunately, those materials are allowed to contain harmful chemicals that can leach into the food we eat and the beverages we drink (1), putting our health at risk.

What have studies shown?
Harmful chemicals, such as phthalates, bisphenols and fluorinated substances (PFAS) can be present in food contact materials and food packaging.

- A study on single-use tableware intended to be alternatives to plastic found that several products bought on the Spanish market, including plates and straws, contained PFAS (2).
- Analysis of 13 fast-food packaging products bought in Spain found that 3 products had been contaminated with fluorinated substances (3).

Chemicals in our bodies
We are constantly exposed to a cocktail of known and suspected harmful chemicals through air, water, food, consumer products and other routes. Food contact materials can contribute to our exposure to harmful chemicals.

- A study investigating exposure to chemicals in plastics in 20 Spanish adults found detectable levels of 18 phthalates and bisphenol A (BPA) in every participant (4).

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What are Food Contact Materials (FCMs)?
Materials and products that come into contact with our food, such as storage containers, factory equipment, kitchen utensils, tableware, and food packaging.

96% of Spanish citizens are worried about the impact of chemicals present in everyday products on the environment (5).

94% of Spanish citizens are worried about the impact of chemicals present in everyday products on their health (6).

Some action has been taken... but not nearly enough
- The Spanish Waste Law bans bisphenol A and phthalates in food packaging (6).

However, there is much more to be done in order to properly protect Spanish and EU citizens from harmful chemicals in food contact materials.

Looking forwards
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