



CHEMTrust

Protecting humans and wildlife
from harmful chemicals

Commissioner Tonio Borg
Directorate General for Health & Consumers
European Commission
B-1049 Brussels

9th July 2014

Dear Commissioner Borg,

We are writing to you to express our concern at the deficiencies in regulation of chemicals in food contact materials that have been publicly revealed by this week's research from the Food Packaging Forum:

<http://www.foodpackagingforum.org/news/hazardous-substances-in-food-contact>

Two key concerns that this study raises are:

1) There is currently a gap in EU regulation of chemicals in food contact packaging, if this packaging is not plastic – for example, if it is paper, board, rubber or cork.

The main EU regulation on food contact packaging (Regulation 2004/1935) does not contain an EU-wide system for controlling chemical use in this packaging. EU wide controls are put in place for plastic packaging by Regulation 10/2011, but this does not apply for non-plastic packaging.

Such packaging materials are also not permitted to be regulated through the REACH authorisation procedure and these uses are also not included in chemical safety reports under REACH.

The current situation is that these chemicals are only regulated through national regulations, for example migration limit values, in those countries that have put these in place. As a response to this lack of regulation, EFSA created a working group to examine the issue and establish how to respond to emergencies¹.

We believe that this ad-hoc emergency-based system, combined with member state level regulation, does not give a high level of protection, and does not ensure that the public across the EU are properly protected.

In addition, we are also aware that there are similar regulatory deficiencies regarding inks and adhesives used in food contact packaging.

2) This research demonstrates that a substantial number of chemicals with hazardous properties are used in food contact materials

Our concern is that even where there is EU-level regulation of chemicals in food contact packaging – i.e. for food contact plastics – this regulation is not stringent enough to properly protect human health. This is particularly the case for endocrine disrupting chemicals, where there continues to be major delays in the Commission's work on this important issue.

We realise that there are only a few months left in this Commission's term, however we believe that the research shows that it is important that work starts now to resolve these regulatory deficiencies. I would be grateful if you could outline to us how the Commission intends to respond to these important deficiencies.

We would be happy to meet with you or your team to discuss this issue in more depth

Yours sincerely,

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¹ Report of ESCO WG on non-plastic Food Contact Materials, <http://www.efsa.europa.eu/en/supporting/doc/139e.pdf>