



## **Making the European Green Deal deliver: Protect citizens from harmful chemicals in food contact materials**

5th December 2019

**Dear Commissioner for Health, Stella Kyriakides**

On behalf of CHEM Trust, a charity working on hazardous chemicals and human health which mainly focusses at the European level, I would like to extend our congratulations on your appointment as Commissioner for Health.

I am writing to you to draw your attention to an issue that concerns every citizen, and where European Union action can have a substantial positive impact and deliver on the Commission President's commitment to zero-pollution, including the envisaged Farm to Fork Strategy:

### **The EU's legislation on food contact materials does not protect public health**

The current legislative system governing food contact materials (FCM) is inadequate in protecting public health and has been for many years. As you are probably already aware, there are multiple concerns related to the issue of harmful chemicals in FCM.

In our view, some of the key problems are:

- **Toxic chemicals are frequently found in FCM:** 1000s of chemicals are used in FCMs and some of them migrate into our food, including chemicals that are known to impact on human health. Thus, FCM represent a significant potential source of chemical contamination of our bodies as compared to other consumer products.
- **Lack of harmonised rules for most FCMs:** Today, there are no detailed harmonised rules for commonly used food packaging and food contact materials such as paper, board, coatings, inks and glues. The regulation of harmful chemicals in these materials is dependent on national legislation. This disrupts the internal market and provides inefficient protection of public health.
- **Inadequate safety provisions for the most harmful substances:** The general safety provisions in the framework regulation are meaningless for the most problematic chemicals, i.e. non-threshold chemicals, such as carcinogenic and hormone disrupting substances. There is a need for a general ban on such substances.
- **FCM rules miss out the main source of pollution:** The current testing requirements focus on the known starting substances and do not properly address a wide range of unknown and potentially toxic Non-Intentionally Added Substances (the so-called NIAS) that migrate into food in significant volumes.

**There is an urgent need for a legislative reform based on five new key principles.**

The need for a new and better legislative system for FCMs has led to a group of NGO's analysing the gaps and flaws in the current legal system and developing 5 key principles<sup>1</sup> (see following page) which we would like to share with you. We believe these principles should guide the Commissions' further work and govern the much-needed new legislation on FCM. These principles constitute a condensed description of what is needed from a future legal framework<sup>2</sup> addressing the problems mentioned above, as well as other important issues.

We hope you agree with us that ensuring safe FCM on the EU market is an urgent issue. We would appreciate the opportunity to provide more insight to our concerns based on recent science and policy analysis and would like to meet with you, or your staff, to detail our concerns and discuss possible solutions.

In view of the public interest in this matter, we will make this letter available on our website.

Yours sincerely,



Dr Michael Warhurst,  
Executive Director  
CHEM Trust

[www.chemtrust.org](http://www.chemtrust.org)

Twitter: @chemtrust

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<sup>1</sup> <https://chemtrust.org/5-key-principles-fcm/>

<sup>2</sup> The need for a reform based on the 5 principles were also highlighted in a recent [letter from 24 NGOs to the commission presidency](#)

## **Five key principles for new legislation on food contact materials**

**The new EU regulation of chemicals in food contact materials must ensure:**

**1. 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, such as CMRs, sensitizers or endocrine disrupters, should be automatically prohibited.

**2. 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. Absence of reliable migration data should imply presumption of full migration. Assessments of migration should include mixture effects and take a precautionary approach to exposures from non-FCM sources. Both industry and regulators should ensure that any migration is understood and limited to ensure a high level of protection of public health.

**3. Effective enforcement**

National governments must ensure effective enforcement, including checks on both imported and EU-manufactured finished articles using the best available analytical methods. Producers and importers of chemicals used in FCM should always be responsible for providing adequate analytical standards and analytical methods to regulators and test laboratories. In the event of contamination of products with problematic chemicals, producers should be obliged to notify the regulators.

**4. 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. Adequate regulation and enforcement of all types of recycled FCM is required to ensure that recycled food contact materials are never less safe than virgin materials.

**5. Transparency and participation**

Supply chains and final consumers should have a right to know the identity and safety information 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 has been established in REACH.

*These 5 key principles were developed by CHEM Trust, European Environmental Bureau, Chemsec, Client Earth, Health and Environment Alliance (HEAL), The European Consumer Organisation (BEUC), Danish Consumer Council, US Breast Cancer Prevention Partners and the science research organisation Food Packaging Forum.*

*They have since received support from a wider group of NGOs, see*

<https://chemtrust.org/wp-content/uploads/KP-sign-on-document-word-sept-19.pdf>