EU law and endocrine disruptors in food contact materials

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Introduction to ClientEarth

• ClientEarth is a non-profit environmental law organisation

• We use law, science and policy to tackle key environmental challenges

• We work on the challenges raised by endocrine disruptors, pesticides, plastics, nanomaterials, circular economy, REACH
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1. Endocrine disruptors in food contact materials today: “safe level” approach
Endocrine disruptors (EDCs)

- A chemical that can mimic, interfere, or block our hormones, and disturb as a result the normal development and functioning of our bodies.

- EDCs have been associated with many health issues as serious as cancer, infertility, learning disabilities, diabetes and others.

More information on endocrine disruption from the Endocrine Society: see video.
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<th><strong>Pesticides</strong></th>
<th><strong>Food Contact Material (plastic)</strong></th>
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| **EU law**              | Regulation 1107/2009  
|                         | Regulation 396/2005  
|                         | Regulation 1935/2004  
|                         | Regulation 10/2011  |
| **Origin of the risk**  | Consumer exposed to chemicals - residues - in food  
|                         | Consumer exposed to chemicals – migrated - in food |
| **Solution**            | EU approval system  
|                         | EU approval system  
|                         | Positive list of authorised substances  |
| **Acceptance of presence of endocrine disruptor in food ?** | **Principle: NO (derogations)**  
|                         | YES - “Safe level” on case by case  
|                         | Specific Migration Limit set per chemical  |
| **Result**              | If proper implementation: no EDCs  
|                         | Authorised with “safe levels”:  
|                         | 5 official EDC (ECHA)  
|                         | + 13 EDC ([SINlist](#))  
|                         | + many other unidentified? |
2. Attitude to risk: a societal choice
“Safe” Level

- Benefit businesses
- Sense that closer to “real risk” (intellectual satisfaction)
- Lower risk of “false alarm”
- More chemicals on the market (or for longer)
- More room to argue that a chemical is “safe”

PROS

- Benefit public interest
- Facilitates circular economy
- Optimal prevention of harm And public trust
- Quicker to protect
- Less burdensome for public authorities
- Driving innovation towards long term solutions
- More legal certainty
CONS

“Safe” Level

Distrust from consumers
Risk of failure to prevent harm
Impedes the circular economy
Legal uncertainty
Cost of the analysis for public authorities
Cost of the analysis for businesses

No Approval

Sense that far from “real risk” (Less intellectually satisfying)
Risk of “false alarm”
Less room to argue that a chemical is “safe”
Economic impact on businesses in short term
False alarms v. failures to prevent harm

- **Scarce examples of true “false alarms”** in the field of health and environment
  - European Environment Agency study “Late lessons from Early Warnings” Volume II ([Chapter 2](#))

- **Many examples of failure to prevent harm** based on mistaken scientific estimations:
  - BPA: the more time passes, the more knowledge (studies), the lower the “safe level”

- **Attitude towards risk: a societal choice**
“Safe level” – disputed for EDCs

• The most recent review of scientific evidence by EU agency (ECHA, 2017) questions the possibility to set a “safe level” for endocrine disruptors

• Hormones play their messenger role in our bodies at low doses: timing of exposure may matter more than the dose

For more information: https://www.endocrine.org/topics/edc/what-edcs-are/faq
Useful resources

- EDCfree statement 2018 calling for an EU EDC strategy
- Green Science Policy Institute: video on Bisphenols and Phthalates
- Little things matter: video “Cause or Cure? Is the Relentless Pursuit of a Cure Hazardous to our Health?”
- ChemTrust report: From BPA to BPZ: a toxic soup?
- ChemTrust Presentation May 2018: EU regulation of chemicals in Food Contact Materials: Outdated, ineffective and full of holes
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