

Food Contact Materials and Public Health: Shortcomings of current EU Legislation

Lara Fornabaio

Law and Policy Advisor

ClientEarth

April 2019

The Graduate Institute



Introduction to ClientEarth

- ClientEarth is a non-profit environmental law organisation
- We use the power of law to tackle key environmental challenges, including chemical pollution
- We work on climate change, energy, environmental justice, biodiversity, forests and human health

FCMs definition

- Food Contact Materials are all the materials and articles that are intended to be put into contact with food, and beverages, or will presumably be in contact with food, or beverages.
- This includes food packaging and containers, kitchen equipment, tableware. It also includes machinery used in processing food and objects that are used to transport food.

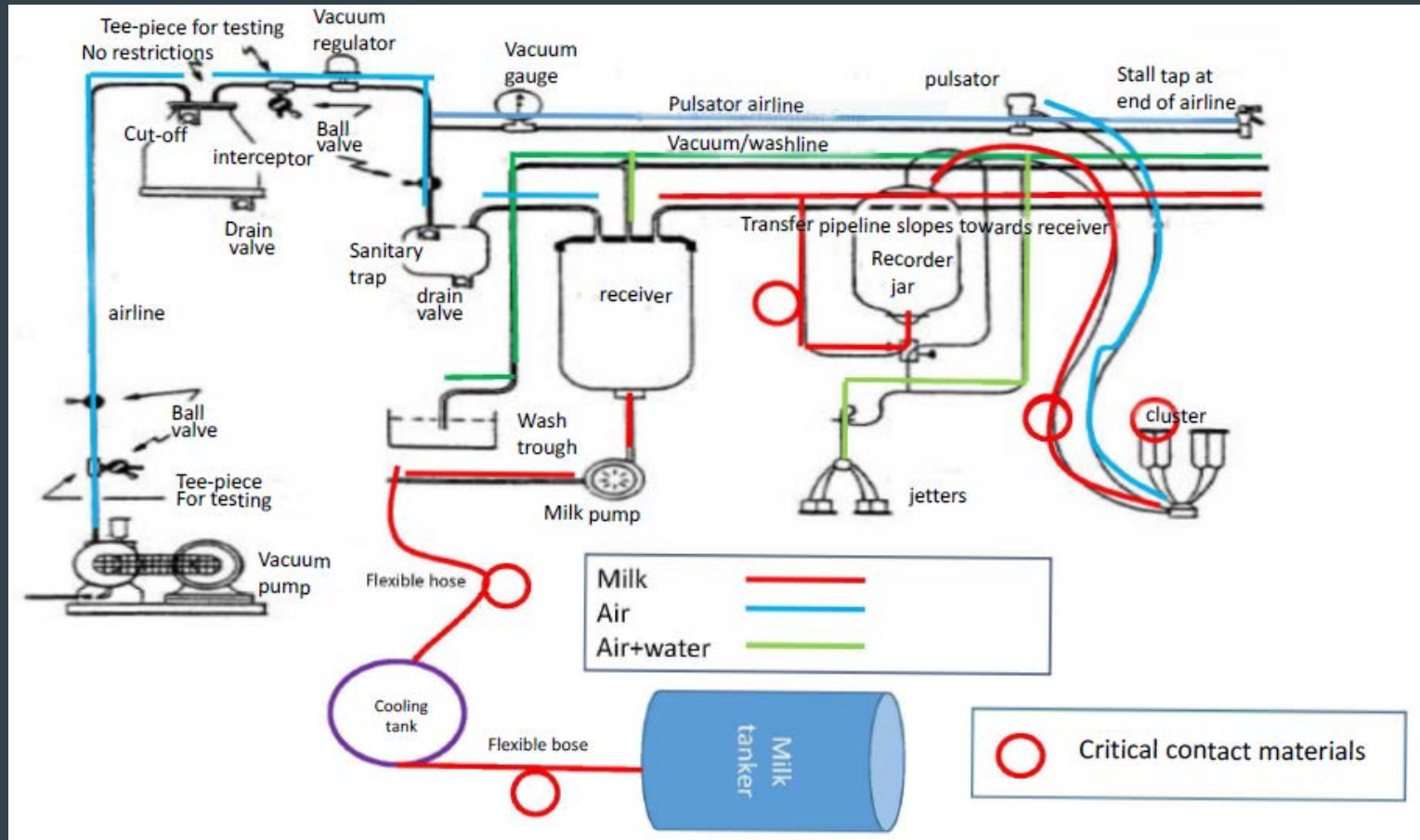
Main questions

- How chemicals emanating from FCMs are transferred to food and beverages?
- Can they constitute a danger for human health or do they change the composition of the foodstuffs in a way that alter significantly the products that consumers eat or drink?

Regulatory framework

- EU level: Regulation (EC) 1935/2004 of 27 October 2004 on materials and articles intended to come into contact with food
- Reg.1935/2004 has led to specific legally binding provisions for only **four** FCMs, out of a list of seventeen
- All other FCMs remain at the Member States' discretion

Example from agricultural machinery



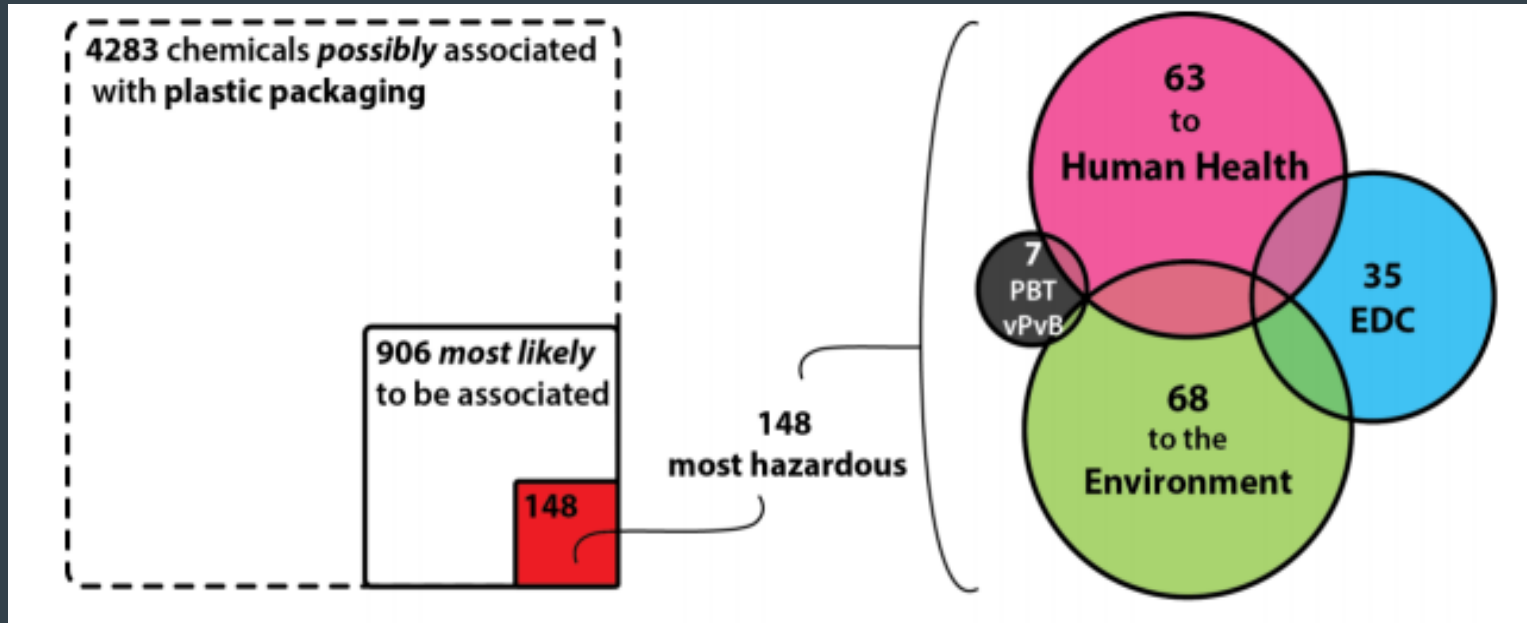
Endocrine disruptors in FCM

- A chemical that can mimic, interfere, or block our hormones, and disturb as a result the normal development and functioning of our bodies
- Endocrine disrupting chemicals (EDCs) have been associated with many health issues as serious as cancer, infertility, learning disabilities, diabetes and others

FCM and Pesticides

	Pesticides	Food Contact Material (plastic)
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?

Exposure from plastic packaging



Food Packaging Forum (2018), Which hazardous chemicals are associated with plastic packaging?

“Safe level” approach for EDCs

- Public health: risk of failure to protect
- Circular economy: risk of harmful chemicals in recycled products

Conclusions

- Open public consultation currently ongoing regarding the “Evaluation of Food Contact Materials”
- A new regulation is expected in 2020/2021

Thank you.

Lara Fornabaio
Law and Policy Advisor
ClientEarth
e: lfornabaio@clientearth.org

