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

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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

FIL/IDF, Factsheet 005/2017-12
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

<table>
<thead>
<tr>
<th></th>
<th><strong>Pesticides</strong></th>
<th><strong>Food Contact Material</strong> (plastic)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Regulation 396/2005</td>
<td>Reglation 10/2011</td>
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<tr>
<td><strong>Origin of the risk</strong></td>
<td>Consumer exposed to chemicals - residues - in food</td>
<td>Consumer exposed to chemicals - migrated - in food</td>
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<tr>
<td><strong>Solution</strong></td>
<td>EU approval system</td>
<td>EU approval system</td>
</tr>
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<td></td>
<td>Positive list of authorised substances</td>
<td></td>
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<tr>
<td><strong>Acceptance of presence of endocrine disruptor in food?</strong></td>
<td>Principle: NO (derogations)</td>
<td>YES - “Safe level” on case by case</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Specific Migration Limit set per chemical</td>
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<tr>
<td><strong>Result</strong></td>
<td>If proper implementation: no EDCs</td>
<td>Authorised with “safe levels”:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>5 official EDC (ECHA)</td>
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<tr>
<td></td>
<td></td>
<td>+ 13 EDC (<a href="#">SINlist</a>)</td>
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<tr>
<td></td>
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<td>+ many other unidentified?</td>
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</tbody>
</table>
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.

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