



**CHEMTrust**

Protecting humans and wildlife  
from harmful chemicals

# An Opportunity to Improve European Regulation for Chemicals in Food Packaging

Unwrapped conference  
14<sup>th</sup> June 2019, California

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# Contents

- **The EU & how it regulates chemicals**
- **The main EU chemical law REACH**
- **EU laws on chemicals in packaging & why they are inadequate**
- **Opportunity! A review – and our five principles**
- **Next steps**



# CHEMTrust

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## About CHEM Trust

- A charity working at EU, UK, German & global levels to protect humans & wildlife from harmful chemicals
- Focus on identification of, and action on, hormone disrupting chemicals
- Working with scientists, technical processes and decision makers, in partnership with other civil society groups
- See our blog & twitter for more: [www.chemtrust.org](http://www.chemtrust.org) @chemtrust

The screenshot shows the CHEMTrust website with the following content:

- Navigation:** About, Our work, Chemical problems, Health impacts, Wildlife impacts, Chemicals policy, Take Action
- Article Title:** Companies putting public health at risk by replacing one harmful chemical with similar, potentially toxic, alternatives
- Author/Date:** by ANNA WATSON on MARCH 27, 2018 EDIT
- Text:** A new report "*From BPA to BPZ: a toxic soup? How companies switch from a known hazardous chemical to one with similar properties, and how regulators could stop them*", published today by CHEM Trust, highlights how industry is being allowed to replace the well-known hormone disrupting chemical bisphenol A (BPA), with very similar chemicals that may also be harmful.
- Image:** A graphic titled "THE STORY BEHIND BISPHENOLS" showing a receipt, a water bottle, and a warning sign, with the text "PROTEST" and "WRONG!".
- Text:** BPA is a chemical that has been used in thermal paper till receipts, polycarbonate water bottles, and food can linings. It's also a common contaminant of house dust. It was first found to be able to mimic the female hormone in the 1930s
- POPULAR POSTS:**
  - CHEM Trust is looking for a new chemicals and Brexit campaigner
  - Companies putting public health at risk by replacing one harmful chemical with similar, potentially toxic, alternatives
  - Medicines in the Environment: A Growing Threat to Wildlife and Drinking Water
  - PFCS: In our blood, in polar bears - and in packets of microwave popcorn! (updated with Danish controls)
  - Hormone disrupting chemical Bisphenol A can transfer from receipts into our bloodstream
- @CHEMTRUST ON TWITTER:** @CHEMTrust

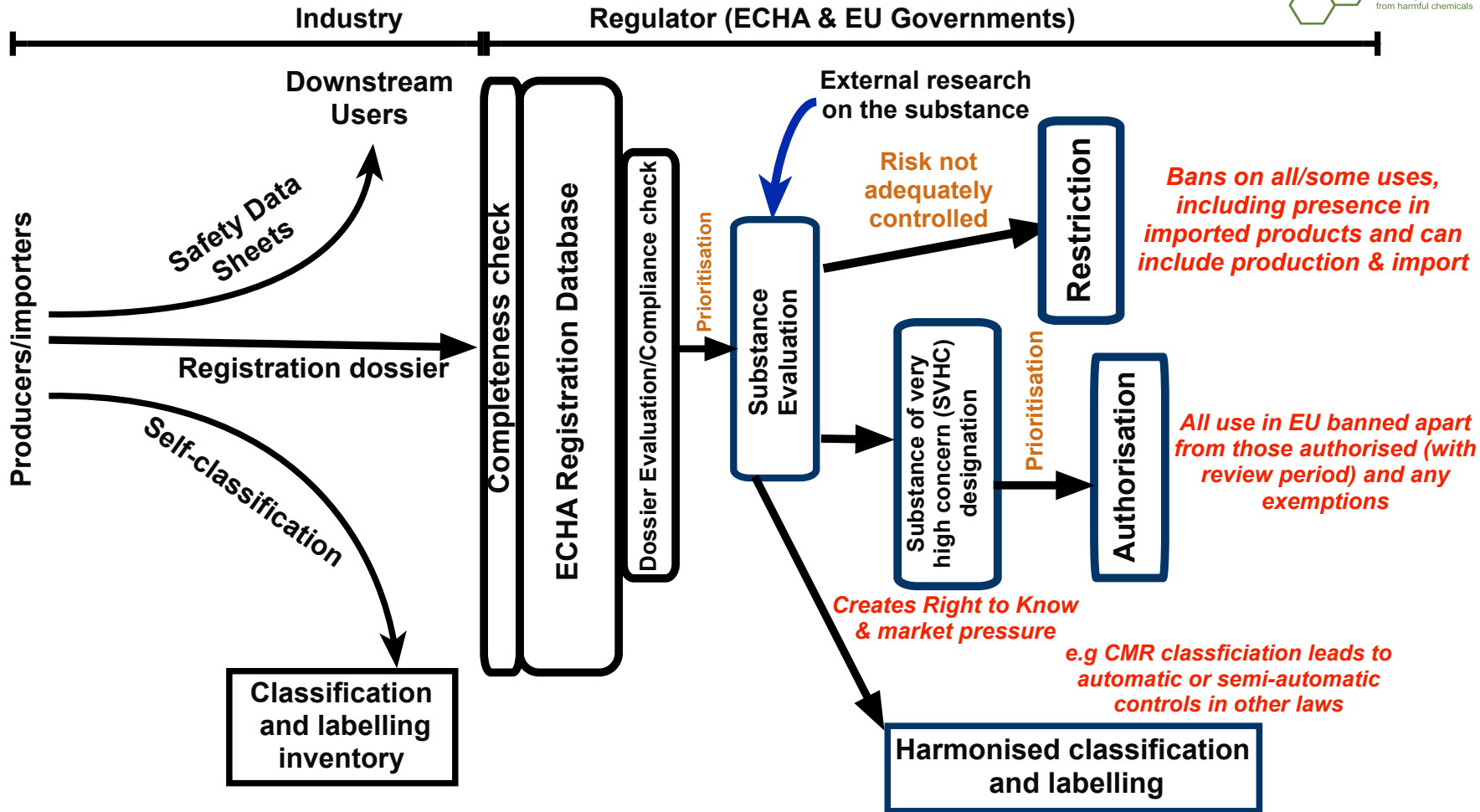


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## EU and chemical regulation

- EU market is >500 million consumers
- Most product regulation agreed at EU level
- Rules agreed by Member State governments and members of European Parliament, based on drafts from the European Commission
  - Detailed implementation: Commission & Member State experts
- Pretty comprehensive chemical-related laws
- Most important: REACH, the regulation of general industrial chemicals
- Others include: pesticides, biocides, cosmetics & food contact
- Industrial emissions law, based on 'Best Available Techniques'





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## Some REACH controls

### Adopted restrictions

- Four phthalates
  - DEHP/DBP/BBP/DIBP banned from July 2020; a few exemptions (inc FCM)
- BPA in thermal paper
  - From 2<sup>nd</sup> Jan 2020
  - Not BPS yet; [chemtrust.org/toxicsoup](https://chemtrust.org/toxicsoup)
- PFOA and salts
  - From July 2020
- 33 CMRs in textiles
  - From October 2020

### In progress

- Deliberately added Microplastics
- CMRs etc in tattoo inks
- Various PFAS
  - Long chain PFAS
  - GenX PFAS
  - PFHxS, its salts and PFHxS-related substances



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# Reach is not perfect...some problems

- **Registration**

- Poor quality data
  - NGOs highlighting this issue, industry embarrassed
  - ECHA improving checks
  - “Echa is to quadruple the number of compliance checks it carries out to a fifth of all REACH registration dossiers”
- Lacking data on neurodevelopmental impacts – see [chemtrust.org/brain](https://chemtrust.org/brain)

- **Evaluation**

- Too slow
- Too easy for industry to create delays

- **Restriction**

- Too slow
- Not enough grouping
- Little consideration of mixtures
- Too many exemptions

- **SVHC & Authorisation**

- Too slow
- Not enough grouping
- Safer alternatives not always recognised

- ***All priorities for EU NGOs***



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## EU laws on chemicals in food contact

- Separate laws on chemicals in food contact materials
  - Includes food packaging, but also kitchenware, pipes in factories etc
- Main law just has an overall safety phrase:
  - *“do not transfer their constituents to food in quantities which could endanger human health”*
  - A few materials have specific rules:
- Positive list of chemicals for plastics & a few other materials
  - Data submitted, approved by EU regulator EFSA, not really updated
- No EU list for other materials like paper, card, inks, glues, coatings
  - (some national laws e.g. Germany)
- Recycled plastics regulated, not other materials
- No direct link to REACH e.g. no controls on SVHCs





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## Time lines of REACH & FCM

| Year | REACH                         | Food contact                    |
|------|-------------------------------|---------------------------------|
| 2004 |                               | Framework law enters into force |
| 2007 | Enters into force             |                                 |
| 2011 |                               | Plastics law enters into force  |
| 2012 | First REACH review            |                                 |
| 2017 | Second REACH review           |                                 |
| 2018 | Final REACH phase-in deadline | Review of FCM laws starts       |



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## A review of the FCM law

- **Current review looks backwards**
  - i.e. how is current law working (badly!)
  - Underway at the moment, reporting end 2019/early 2020
  - NB: EU also looking at how EDCs are addressed by chemical laws in a separate (but linked) review
- **New European Commission starts later this year, new EU Parliament already elected**
  - Key message to them: A new comprehensive FCM law is needed
- **NGOs have worked together to agree 5 key principles for a new law & we are now working to get wider support for them:**



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

## Five key principles for new EU FCM laws:

- **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.. should be automatically prohibited.
- **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.
- **Effective enforcement**
  - National governments must ensure effective enforcement, including checks on both imported and EU-manufactured finished articles using the best available analytical methods.
- **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.
- **Transparency and participation**
  - Supply chains and final consumers should have a right to know the identity and safety information...



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## Next steps & conclusions

- **Increasing the profile of the chemicals in food contact materials issue**
  - At EU level with Commission & Parliament, also at national level to encourage government action
  - Both publicity and direct lobbying
- **Pushing for rapid drafting of a new law**
  - With close integration with REACH system
- **Legislative process around 2-4 years, once started**
  - new MEPs and Commission are in place for 5 years
- **Support welcome!** – [michael.warhurst@chemtrust.org](mailto:michael.warhurst@chemtrust.org)



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## Useful links

- **CHEM Trust:** <https://chemtrust.org/>
  - Food contact page: <https://chemtrust.org/food-contact/>
- **EU Commission review of FCM laws:**
  - [https://ec.europa.eu/food/safety/chemical\\_safety/food\\_contact\\_materials/evaluation\\_en](https://ec.europa.eu/food/safety/chemical_safety/food_contact_materials/evaluation_en)
- **ECHA REACH information on chemicals:**
  - <https://echa.europa.eu/information-on-chemicals>
- **Food Packaging Forum:**
  - <https://www.foodpackagingforum.org>