



PACKAGING COUNCIL OF AUSTRALIA

Submission to:

Food Standards Australia New Zealand

**Proposal P1034 - Chemical Migration
from Packaging into Food**

19 December 2014

CHEMICAL MIGRATION FROM PACKAGING INTO FOOD

Executive Summary:

- No significant public health or safety concerns have arisen in recent decades about food packaging materials used in Australia, including the issue of chemical migration. There have been some instances of odour and taint due to food packaging – instances which, while not presenting a health and safety risk to consumers, did result in the companies taking prompt corrective action.
- In Australia, most of the major companies involved in the food packaging supply chain implement either EU or US FDA standards which, defacto, have become global standards. Australian food exporters also follow the regulations of their major trading partners.
- The Australian Food Standards Code needs to be revised and updated. The Code is of little use in providing practical guidance and direction for retailers, brand owners, manufacturers and raw material suppliers. It lacks the detail and rigour of the US FDA and EU requirements. The Editorial Note which refers to Australian Standard 2070-1999 and the use of recycled material is out of date and should be removed from the Code.
- Efforts to eliminate any health and safety risks arising from migration of chemicals from packaging into food should focus on the following:
 - ✓ Ensuring that food packaging manufactured or imported into Australia or New Zealand complies with EU and/or US FDA packaging regulations or any other international regulations or industry guidelines approved by FSANZ.
 - ✓ In revising the Australian Food Standards Code, care needs to be taken to ensure that we don't simply add a third layer of "prescription" and regulation to existing EU and US FDA requirements.
 - ✓ Highlighting the importance of companies adopting "good manufacturing practices" and having in place appropriate internal systems, quality assurance and compliance arrangements in the production and use of food packaging materials;
 - ✓ Many small and medium enterprises (SME's) and some importers of food packaging who lack the expertise and resources, may require targeted assistance and education to ensure that they adequately address these issues.
- There is a need for regular consultations between industry and FSANZ on food packaging matters. The establishment of the Industry Advisory Group and Packaging Advisory Group has been beneficial to all involved. Such consultations need to be continued on a regular basis.

Whilst there have been no major health or safety issues due to chemical migration from packaging into food in Australia, consumer concerns about BPA and mineral oil have received media publicity over recent years.

In addition, there have been a small number of odour and taint issues arising from uncontrolled changes affecting food packaging. Whilst we do not believe these issues constituted a consumer health and safety issue, they still had a significant impact on the two other purposes of the food standard code – namely to not bring about an unacceptable change in the composition of the food; or adversely affect the organoleptic characteristics of the food. In addition, the parties involved were concerned including raw materials suppliers, packaging suppliers, brand owners and retailers. Subsequent corrective action resulted in changes to packaging specifications, material composition and management practices.

The growing consumer and media awareness about the issue has had an influence in driving lower levels of chemicals in packaging across Australia and New Zealand. Such trends have been evident in the United States where greater industry awareness has produced similar results.

The Australian Food Standards Code, particularly Standard 1.4.3, is widely regarded as being of little practical use or guidance by companies in the food packaging supply chain. Most of the major companies involved in the manufacture and use of packaging for food products refer to and adopt either the EU or US FDA food packaging standards.

Many of the major companies in the Australian packaging supply chain are global players who, in addition to adopting EU/US FDA standards, periodically conduct their own food safety risk analysis and have their own food safety management systems in place including requirements for their suppliers.

The existing Food Standards Code is also silent on the need for companies to adopt “good manufacturing practices” including the implementation of compliance arrangements and both quality assurance and quality control systems for food packaging materials.

The Food Standards Code – Issues

Following are some suggested changes and additions to the existing Code:

- **Purpose** – The Standard should set out in simple and straightforward terms, the steps that must be taken to ensure that materials and articles in contact with food, either directly or indirectly, is sufficiently inert to preclude them from transferring the constituents in quantities large enough that they would:
 - Endanger human health; or
 - Bring about an unacceptable change in the composition of the food; or
 - Adversely affect the organoleptic characteristics of the food.
- **Requirements** – Food packaging manufacturers and/or packaged food imported into Australia and New Zealand should comply with the European Union and/or US FDA packaging regulations and any other international regulation approved by FSANZ. It is the responsibility of both the packaging material suppliers and food manufacturers to ensure that their food packaging materials comply with the most recent, relevant EU/US FDA legislation.

Where there are gaps in the EU and FDA regulations, reference should be made to other suitable international regulations and industry guidelines. Together, FSANZ and the industry should compile a list of such regulations and industry guidelines.

Articles and materials in contact with food should be manufactured in compliance with “good manufacturing practice” to ensure that under normal conditions the articles and materials will not transfer to food constituents that would cause unacceptable change.

- **Steps** – We suggest the following:
 - a) All functional chemicals used in the manufacture of food contact materials must be identified (chemical name and CAS Registry Number) by the raw material supplier;
 - b) Chemicals must be checked by the raw material supplier against positive lists from relevant legislation and used subject to any restrictions placed on them under the legislation e.g. maximum use levels;
 - c) In the case of chemicals not appearing on a “positive list”, use of these shall be permitted provided:
 - ✓ There is a functional barrier separating the substance from the packaged food; or
 - ✓ If the migration is not detectable (DL =0.01 mg/kg food) and the chemicals are not carcinogenic, mutagenic or toxic to reproduction.

- d) Raw material suppliers must provide the packaging manufacturer a Certificate of Conformity to the relevant legislation;
- e) It is the responsibility of the packaging manufacturer to test the finished product to ensure that it is appropriate for the conditions of intended use and provide a Declaration of Compliance to the relevant EU/US FDA packaging legislation.

- **Standard 1.4.3: Editorial Note – Recycled Material**

We are not aware of any health or safety incidents associated with recycled material which have compromised food safety in Australia. Accordingly, we agree that the Editorial Note which refers to Australian Standard 2070-1999 should be removed.

AS2070-1999 is a voluntary and non-binding standard which is now inconsistent with current global practices. It creates confusion and uncertainty for companies using materials derived from Europe and USA that could, or indeed do, contain suitably qualified post-consumer plastics. Both the EU and the US have developed procedures and performance measures that permit the use of post-consumer packaging in food contact applications and have been steadily updating their regulations over the last decade or so.

Resins made from post-consumer plastics that fully comply with US FDA requirements have been used in Australian packaging for over a decade.

- **Good Manufacturing Practice** – All parts of the packaging supply chain have a responsibility to ensure the safety of their input into the preparation and use of food packaging materials.

As part of good manufacturing practice, companies need to implement a quality assurance system and a quality control system. If there is a change in material formulation and/or processing conditions, the finished product must be retested for compliance.

In addition, companies involved in the manufacture of food packaging materials shall require and maintain documentation regarding the specifications, manufacturing and product processes which are important for the compliance and safety of the finished article. They are required to make such documentation available to appropriate government authorities on request.

FSANZ – Industry Liaison

The establishment by FSANZ of an Industry Advisory Group (IAG) and a Packaging Advisory Group (PAG) has been a beneficial experience for all involved. Both groups have resulted in a constructive exchange of information and ideas. These discussions should continue regularly, perhaps on a bi-annual basis.

Such regular meetings would have several benefits:

- To assist companies in the food packaging supply chain, particularly SME's and importers of packaging – where the risks are probably greatest – there is scope for FSANZ to provide leadership and play a more active role in educating companies and industry organisations in the packaging supply chain.
- They would enable FSANZ to provide regular updates of the actions and current thinking of global regulatory authorities as well as key scientific opinions. It would also be a useful opportunity for FSANZ to inform industry and publicise changes to EU and FDA regulations on food packaging and other key international developments. This would help Australian food

and packaging companies keep up to date and competitive in our most important food export markets.

- Provide an opportunity for industry to brief FSANZ on how, in practical “on the ground” terms, any compliance regime is working. Compliance has a cost. It needs to be weighed against the risks involved and applied to imported food packaging as well as Australian produced food packaging. The more difficult and expensive the compliance regime, the greater the incentive to bypass, ignore or just pay lip service to the requirements.

By addressing these outstanding issues and updating the relevant Australian standards, companies in Australia will have clear guidelines for continuing to grow their business in Australia as well as protecting consumers from exposure to unnecessary fears in using packaging in contact with food.

The Packaging Council of Australia represents Australia's producers, users and retailers of all types of packaging and packaged goods. Our members cover the entire packaging supply chain – raw material suppliers, packaging manufacturers, brand owners and users, retailers, designers, consultants and others servicing the packaging industry.

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