



CHEMTrust

Protecting humans and wildlife
from harmful chemicals

Consultation Response

EU Commission Draft Roadmap “Evaluation of Food Contact Materials (FCM)” Comments from CHEM Trust 21st December 2017

Introduction

CHEM Trust welcomes the fact that the European Commission has published a draft roadmap for the “Evaluation of Food Contact Materials”¹, and we welcome the chance to comment on this road map.

We have been highlighting deficiencies in the EU’s regulation in this area for over three years, including writing to the previous Health Commissioner in July 2014², and publishing a detailed briefing on the subject in January 2016³.

CHEM Trust also set up a detailed multi-stakeholder discussion on the links between laws on chemicals in food contact materials and the REACH chemicals law in March 2016⁴; officials from both DG Health and DG Environment participated. However we have found it almost impossible to engage with, and participate in, policy discussions in this area, as DG Health – which is responsible for legislation in this area – focusses on organising industry-only stakeholder processes⁵.

We hope that this evaluation will provide an opportunity for the Commission to modernise and improve regulations in this area, as they are currently grossly inadequate.

This new evaluation must be done in an open, transparent and participative way. It is clear that the secretive approach applied until now has been one of the reasons for the lack of proper examination of the effectiveness of regulations in this area.

¹ http://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-5809429_en

² <http://www.chemtrust.org/hazardous-chemicals-in-food-packaging-chem-trust-writes-to-eu-commissioner-borg/>

³ <http://www.chemtrust.org/foodcontact/>

⁴ <http://www.chemtrust.org/overlap-gaps-fcmlaws/>

⁵ <http://www.chemtrust.org/secretive-commission/>

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Specific points

A biased approach to costs and benefits

We are surprised that the Commission highlights the economic size of the industry concerned in the ‘Context’ section of the roadmap, yet does not mention the likely contributions of hazardous chemicals present in food contact materials to different health impacts⁶.

A lack of policy analysis

It is truly remarkable that, as the Road map states, the regulatory approach in this area has not been systematically assessed since it was introduced in 1976, and that there has been ‘*No formal evaluation work or reports*’ done by the Commission on the 2004 legislation. current legislation.

The contrast with other areas of chemicals and environmental policy is extreme, with five year review periods being frequently written into the legislative text, for example in the case of REACH.

CHEM Trust would argue that it is important to regularly review the effectiveness of legislation aimed at protecting human health, not just environmental policies.

A comparison to REACH

The REACH chemicals legislation was going through development at the same time as the 2004 law on food contact materials. It is therefore notable how far behind REACH the FCM laws are, in many different aspects, for example:

- REACH promotes the identification and substitution of the most hazardous chemicals, including endocrine disrupters.
- REACH has clear processes for updating data; these processes are not perfect, but efforts are being made to improve them
- REACH is very open, with broad stakeholder involvement at almost every level
- REACH includes numerous processes for review and improvement of its processes
- REACH is flexible with respect to uses and materials, unlike the laws on FCM which do not effectively address many materials.

Some example sources of information

In spite of the secretive nature of the regulatory processes in this area, CHEM Trust and others have been trying to contribute to the improvement of FCM regulation.

- CHEM Trust’s work in this area is linked from this page:
<http://www.chemtrust.org/food-contact/>
- Food Packaging Forum are an expert NGO who review and analyse the science in this area, including publishing numerous peer reviewed journal papers:
<http://www.foodpackagingforum.org>

⁶ <http://www.chemtrust.org/impact-of-hormone-disrupting-chemicals-on-male-health-costs-hundreds-of-millions-of-e-in-the-eu/>

- NB: Food Packaging Forum has been excluded from stakeholder events on FCM by DG Health, as they claim it is just a journalistic organisation. This is incorrect, and is very unfortunate given the clear need for non-industry, in-depth technical knowledge in this process.

Openness of the evaluation process

As we have highlighted, the current processes regulating chemicals in food contact materials are extremely secretive⁷, with closed meetings of a working group made up of Member State experts, plus an industry-only stakeholder expert group. This is not an acceptable way to make policy in the 21st Century, and REACH demonstrates that a more open approach is more effective.

It is vital that this evaluation process – and the revised FCM regulatory regime that results from it – is open and participative. For example, this must include:

- Involvement of stakeholders in discussions between the Commission and Member States (not just in occasional ‘consultation’ meetings or an opportunity to respond to a consultation document).
- Equal treatment of industry and civil society stakeholders
- Openness of all documents

About CHEM Trust:

CHEM Trust is a charity that works mainly at EU level to prevent man-made chemicals from causing long term damage to wildlife and humans, by ensuring that harmful chemicals are substituted with safer alternatives.

- <http://www.chemtrust.org>
- [@CHEMTrust](https://twitter.com/CHEMTrust) on twitter

⁷ <http://www.chemtrust.org/secretive-commission/>