



CHEMTrust

Protecting humans and wildlife
from harmful chemicals

Consultation Response

European Commission Road Map “*Proposal for a new measure on bisphenol A (BPA) in food contact materials*”

A response from CHEM Trust

16th December 2015

CHEM Trust is a charity that works at UK, European and International level in order to prevent man-made chemicals from causing long term damage to wildlife and humans, by ensuring that harmful chemicals are substituted with safe alternatives. We have been concerned about the health and environmental impacts of Bisphenol A (BPA) for many years¹.

CHEM Trust welcomes that fact that DG Santé is re-examining the regulation of BPA in food contact materials². However, we have a number of concerns about both the process and the content of this re-examination, which we lay out below.

Process

- Firstly, it is clear from the Roadmap that DG Santé has already extensively consulted with industry. However, it seems that prior input into this document has not been solicited from environment, health and consumer NGOs. Moreover, the Roadmap does not clearly identify itself as a Consultation Document, with a closing date for comments. CHEM Trust would therefore like to note that DG Santé seems to pander most to the concerns of industry. In our view it is vital that DG Santé should, at an early stage in the process, also consult those representing the health and environmental interests of EU citizens.
- CHEM Trust would like to know details of all the liaison processes and meetings that have been undertaken with industry with respect to the drafting of this Road Map. Moreover, will the data provided in consultation with industry made public? In the section on page 3 entitled ‘Negative effects on innovation and efficacy’ the roadmap refers to several industry consultations and corresponding arguments why a BPA ban in food contact materials would not be feasible. The arguments presented here are unverifiable without knowing who was involved and what data were presented. In contrast, it should be noted that the Nestlé company has already announced the phase out of BPA in their packaging³, showing that the use of alternative materials in certain circumstances is certainly feasible. Therefore, it is clear that some companies have changed processes and switched to BPA- free alternatives. This transition needs to be further encouraged with clear policy measures.
- From a Directorate of Health, there should have been a stronger emphasis on protecting EU citizens and consulting with health specialists and trying to

estimate the potential benefits to society from reduced contributions to EDC related diseases and disorders.

Content

- CHEM Trust favours option 5, a ban on BPA in food contact materials at EU level. However, given the similar properties of other bisphenols, we consider that such action would be too narrow in scope. A ban should be expanded to cover all bisphenols which are suspected of having similar EDC properties.
- Given the health concerns relating to BPA, it is important to take action. There is at a minimum a duty for DG Santé to react to EFSA's opinion published on 21 January 2015 which was that the Tolerable Daily Intake should be reduced from 50 ug to 4 ug/kg bw on a temporary basis. It is notable that there has already been an unnecessary delay to bring down the specific migration limit (SML) for BPA in plastic food contact materials in line with this updated opinion. CHEM Trust considers that stricter measures to reduce exposure are long overdue particularly given that the first concerns about BPA in food contact plastics and coatings were highlighted nearly two decades ago. The fact that individual EU countries are taking their own measures is a reflection of that inaction at EU level.
- Although no option has currently been formally identified as the way forward, the phrasing of the options strongly suggests that DG Santé prefers options that would require little or no effort from industry. The plastics industry and the coatings and varnishes industry are apparently already working well within the current BPA in plastics EU migration limit and therefore able to comply with the proposed lower migration limits. CHEM Trust does not see why the paper and board sector should be exempted from control. For some people, who regularly eat certain products wrapped in recycled cardboard, exposure via such food contact material may be significant. However, without sufficient data this is difficult to evaluate. Thermal paper, often containing bisphenol A, is normally allowed in paper recycling, and research has found BPA is found in recycled paper and board (e.g. in pizza boxes). This additionally highlights the need for a coordinated approach and shows that the French proposed restriction on BPA in thermal paper should be agreed by the EU in order to reduce levels of BPA in recycled paper packaging.
- Industry has a moral obligation to adequately test alternatives to ensure that the substitute substances that are brought in to replace BPA are indeed safer. However, CHEM Trust suggests that given the uncertainties about the low dose effects of BPA there needs to be a clear signal now to eliminate exposure to this substance and similarly acting substances wherever possible. If the alternatives used have similar health concerns then further legislative action will need to follow.

¹ See <http://www.chemtrust.org.uk/bisphenol-a-bpa/>

² Proposal for a new measure on bisphenol A (BPA) in food contact materials, European Commission, November 2015

http://ec.europa.eu/smart-regulation/roadmaps/docs/2015_sante_534_bpa_measure_en.pdf

³ e.g. see <http://regulationsfood.com/noticia-5/> and

<http://www.confectionerynews.com/Technology/Packaging-Packing-Materials-Containers/Nestle-to-develop-its-guidance-note-on-packaging-adhesives>