



CHEMTrust
Protecting humans and wildlife
from harmful chemicals

EU laws on chemicals in food contact materials: a system in dire need of reform

**A joint presentation from four EU
Environment, Health & Consumer NGOs**

24th September 2018

Contents

- **Introduction to the four NGOs**
- 1. Deficiencies in the current system for regulating chemicals in food contact materials**
- 2. Case studies and consumer concerns**
- 3. Key requirements for a new system**
- 4. Transparency and participation**
- **Conclusions**

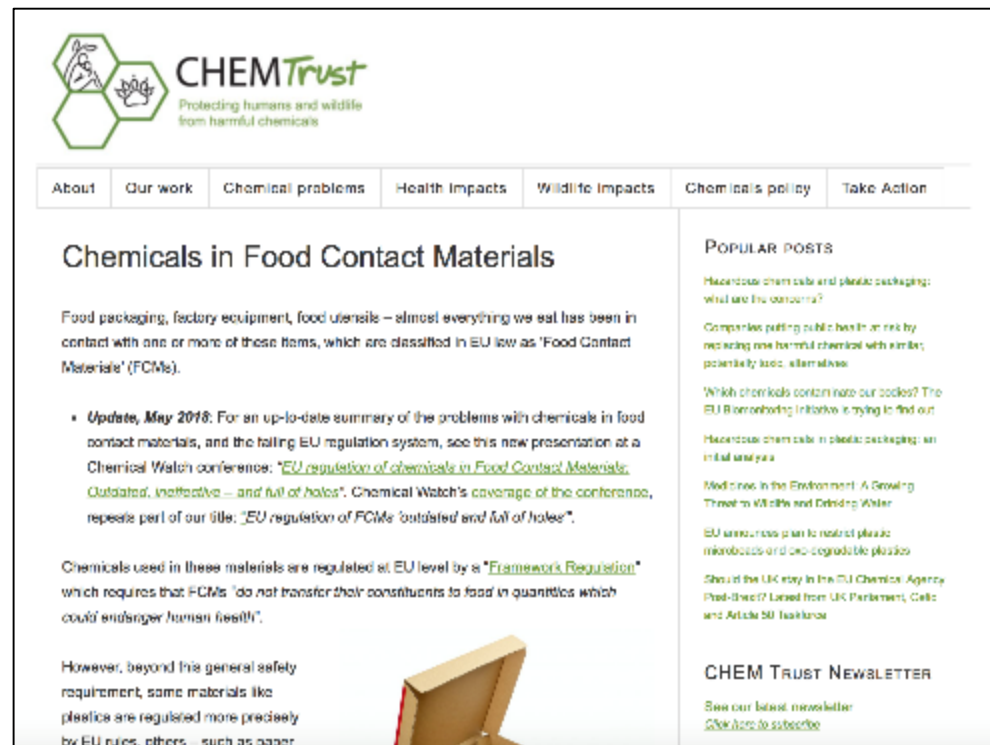


CHEMTrust

Protecting humans and wildlife
from harmful chemicals

About CHEM Trust

- A charity working for over 10 years, mainly at EU & Global levels, to protect humans & wildlife from harmful chemicals
- Focus on identification of, and action on, endocrine disrupting chemicals
- Have highlighted problems with FCM regulation for >4 years, including organising a workshop on FCM & REACH
- See:
www.chemtrust.org/fcm



About ClientEarth

- A non-profit environmental law organisation providing legal expertise in the public interest to tackle environmental challenges
- ClientEarth scrutinises decision-making processes, challenges illegal applications of the law, and pushes for transparency in decision making.
- The Chemical Team has been active at EU level for 10 years focusing for example on REACH, as well as on Regulation 1107/2009
- See <https://www.clientearth.org/chemicals/>

BEUC is proud of its members



About HEAL

75 organisations in 28 countries

- Doctors associations
- Patient groups
- Nurses associations
- Public health institutes
- Research institutes
- Not-for-profit health insurers
- Women's groups
- Youth groups
- Environmental groups



Focus areas

- Health & Diseases
- Toxic Chemicals
- Climate & Energy
- Air quality

Secretariat for the EDC-Free Europe

- Coalition of > 70 health & environmental organisations in Europe
- Supported by 11k individuals
- Raise awareness and urge faster governmental action on EDCs



HEAL

Promoting environmental policy
that contributes to good health

1. Deficiencies

A system full of holes

- **The system is incomplete, with many FCM materials not properly covered**
 - 2012 Sanco Roadmap: “*Materials on the market are not safe*”
 - EU FCM regulations do not properly cover materials including paper, ink, coating & adhesives
- **Recycling of paper and card food contact materials is essentially unregulated**
- **An inefficient system, with slow processes:**
 - Repeated assessment of *known* chemicals of concern (e.g. BPA) while neglecting similar substances of concern (e.g. BPS, BPF).

1. Deficiencies

An unreviewed system

- **The Roadmap for this process admits that there has been “*No formal evaluation work or reports*” done on the 2004 legislation**
 - This is in contrast to REACH, for example, which has been reviewed every 5 years (as are many other EU environmental policies)
- **Promoting the lowest common denominator**
 - A few countries have created national regulations for the missing materials
 - But the ‘mutual recognition’ system then undermines the national regulations, enforcing the lowest standards in the EU

1. Deficiencies

An outdated system

- **No promotion of substitution to safer chemicals**
- **No Grouping or mixture assessment**
- **No link to REACH SVHCs and Authorisation**
 - No other cut off criteria, e.g. CMRs
- **No link to REACH Restrictions**
 - e.g. the four phthalates Restriction, which includes mixture additivity

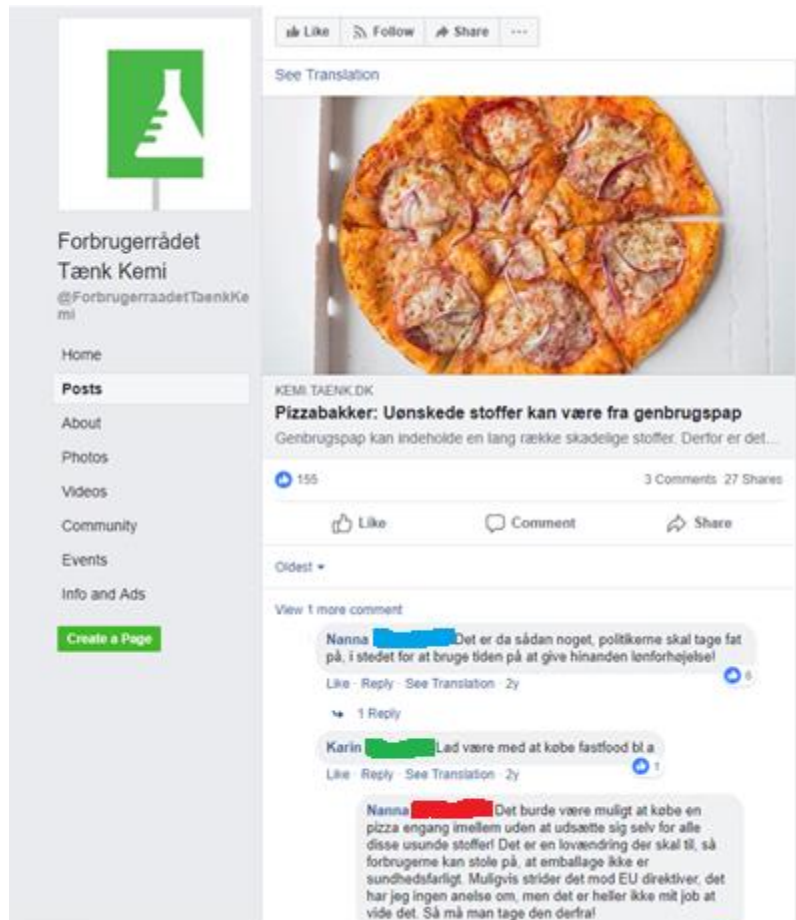
2. Case studies

Consumers are concerned

More than four in five Europeans (84 percent) report concerns about chemicals in everyday products (up from 43 percent in 2014)

— Concerns across the EU, incl. Southern and Eastern Europe

Less than half of EU citizens feel well informed about the potential dangers of chemicals



Sources: Special Eurobarometer 468 'Attitudes of European citizens towards the environment' (2017);
Special Eurobarometer 465 – Chemical Safety (2017);
Special Eurobarometer 416 'Attitudes of European citizens towards the environment' (2014)

3. A new system

Key requirements for a new system to protect public health

- **Urgently address in EU law:**
 1. Regulation for all FCM (paper, ink, coating, adhesive, etc...)
 2. Integration with REACH information on chemicals & include action on substances of very high concern, cut off criteria, mixtures and grouping to avoid regrettable substitution
 3. No hormone disruptors (EDCs)
 4. The system must address all FCM materials and finished food contact articles, including non-intentionally added substances
 5. The cocktail effect must be considered in regulation
- **Contribute to creating a clean circular economy**
- **Innovation to safer materials / services**
- **Publish the non toxic environment strategy and the EDCs strategy update**

4. Transparency and participation

Transparency: refresher

- **Court of Justice of the EU**

“[...] by **increasing the legitimacy** of the Commission’s decision-making process, transparency ensures the **credibility** of that institution’s action in the minds of citizens and concerned organisations and thus specifically contributes to ensuring that that institution acts **in a fully independent manner and exclusively in the general interest.**”

ClientEarth v. Commission 4 September 2018 C-57/16, § 104

4. Transparency and participation

Transparency and REFIT

✓ Identified as “a **basic problem**” in Roadmap

✗ Focus **limited** to EFSA

Needed:

☐ **Extend** focus on Commission



4. Transparency and participation

Transparency: what to fix?

- Technical “expert group”: extensive list of tasks

- ✗ Industry only

- ✗ No disclosure of activities

~~= Legitimacy, good administration, legality...~~

- Another way exists !

- ✓ REACH

Conclusions

- **The current system is not fit for purpose**
 - The review must include analysis of options to improve the regulatory system, not just backward-looking analysis
- **A new protective & effective system is needed**
 - Properly aligned with REACH, covering all food contact materials and articles, with transparency and participation

To contact us:

- Dr Michael Warhurst, CHEM Trust, michael.warhurst@chemtrust.org
- Sophie Perroud, HEAL, sophie@env-health.org
- Alice Bernard, ClientEarth, abernard@clientearth.org
- Pelle Moos, PhD, BEUC, safety@beuc.eu