

EU law and endocrine disruptors in food contact materials



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Introduction to ClientEarth

- ClientEarth is a non-profit environmental law organisation
- We use law, science and policy to tackle key environmental challenges
- We work on the challenges raised by endocrine disruptors, pesticides, plastics, nanomaterials, circular economy, REACH

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1. Endocrine disruptors in food contact materials today: “safe level” approach

Endocrine disruptors (EDCs)

- A chemical that can mimic, interfere, or block our hormones, and disturb as a result the normal development and functioning of our bodies
- EDCs have been associated with many health issues as serious as cancer, infertility, learning disabilities, diabetes and others

More information on endocrine disruption from the Endocrine Society:
see [video](#)

	Pesticides	Food Contact Material (plastic)
EU law	Regulation 1107/2009 Regulation 396/2005	Regulation 1935/2004 Regulation 10/2011
Origin of the risk	Consumer exposed to chemicals - residues - in food	Consumer exposed to chemicals – migrated - in food
Solution	EU approval system	EU approval system Positive list of authorised substances
Acceptance of presence of endocrine disruptor in food ?	Principle: NO (derogations)	YES - “Safe level” on case by case Specific Migration Limit set per chemical
Result	If proper implementation: no EDCs	Authorised with “safe levels”: 5 official EDC (ECHA) + 13 EDC (SINlist) + many other unidentified?

2. Attitude to risk: a societal choice

“Safe” Level

PROS

No Approval

Benefit
businesses

Benefit
public interest

Sense that closer to “real risk”
(intellectual satisfaction)

Lower risk of “false alarm”

More chemicals on the market (or
for longer)

More room to argue that a chemical
is “safe”

Facilitates circular economy

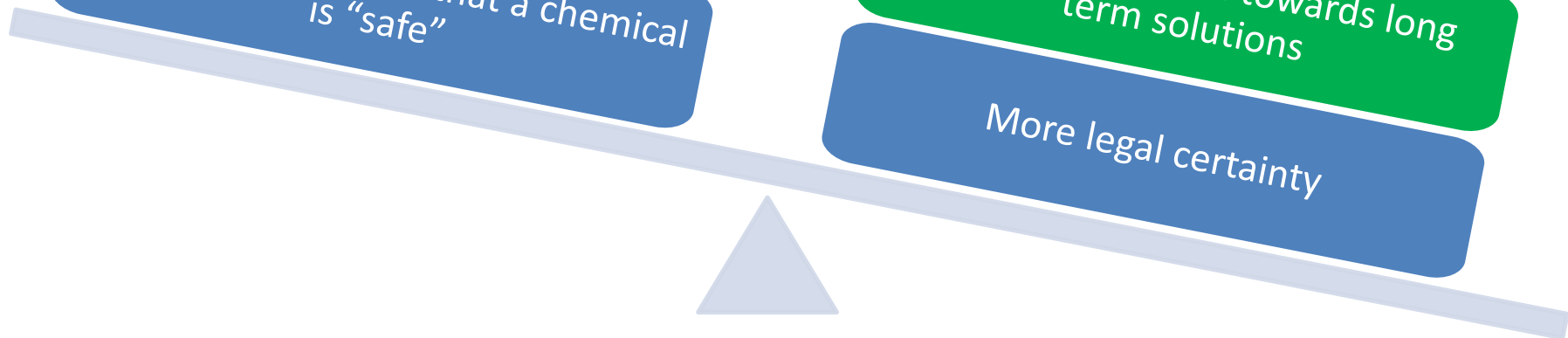
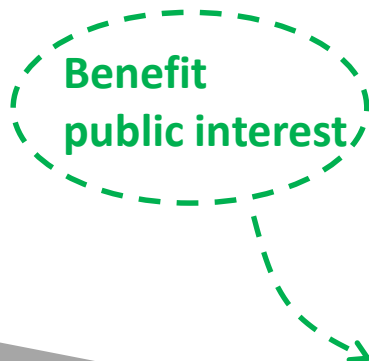
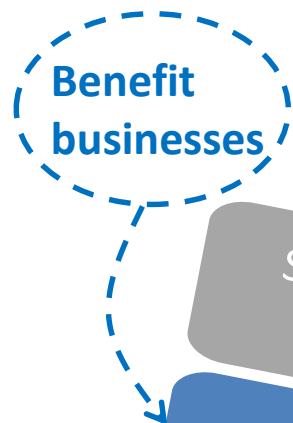
Optimal prevention of harm
And public trust

Quicker to protect

Less burdensome for public
authorities

Driving innovation towards long
term solutions

More legal certainty



“Safe” Level

CONS

No Approval

Distrust from consumers

Risk of failure to prevent harm

Impedes the circular economy

Legal uncertainty

Cost of the analysis for public authorities

Cost of the analysis for businesses

Sense that far from “real risk”
(Less intellectually satisfying)

Risk of “false alarm”

Less room to argue that a chemical is
“safe”

Economic impact on businesses in
short term

False alarms v. failures to prevent harm

- **Scarce examples of true “false alarms”** in the field of health and environment
 - European Environment Agency study “Late lessons from Early Warnings” Volume II ([Chapter 2](#))
 - **Many examples of failure to prevent harm** based on mistaken scientific estimations:
 - BPA: the more time passes, the more knowledge (studies), the **lower** the “safe level”
- **Attitude towards risk: a societal choice**

“Safe level” – disputed for EDCs

- The most recent review of scientific evidence by EU agency (ECHA, 2017) questions the possibility to set a “safe level” for endocrine disruptors
- Hormones play their messenger role in our bodies at low doses: timing of exposure may matter more than the dose

For more information: <https://www.endocrine.org/topics/edc/what-edcs-are/faq>

Useful resources

- EDCfree [statement 2018](#) calling for an EU EDC strategy
- Green Science Policy Institute: [video](#) on Bisphenols and Phthalates
- Little things matter: [video](#) “Cause or Cure? Is the Relentless Pursuit of a Cure Hazardous to our Health?”
- ChemTrust [report](#): From BPA to BPZ: a toxic soup?
- ChemTrust [Presentation May 2018](#): EU regulation of chemicals in Food Contact Materials: Outdated, ineffective and full of holes

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