



Enquiries to: Food Safety Standards and
Regulation,
Health Protection Branch
Department of Health
Telephone: (07) 3328 9310
Facsimile: (07) 3328 9354
Email: foodsafety@health.qld.gov.au
File Ref: QCHO/9513

5 August 2016

Standards Management Officer
Food Standards Australia New Zealand
PO Box 5423
KINGSTON ACT 2604

Dear Sir / Madam

Submission –Proposal P1034 – Chemical Migration from Packaging into Food

Thank you for the opportunity to provide a submission on the Call for Submissions (CFS) paper for Proposal 1034.

This submission provides technical advice and comments related to this issue. The submission does not represent a Queensland Government position, which will be a matter for the Queensland Government should notification be made by the FSANZ Board to the Australia and New Zealand Ministerial Forum on Food Regulation.

This submission provides comment on several of the questions posed in the CFS Paper

- **Question 1. *Do you consider that an ongoing monitoring and surveillance strategy would be a practical measure to identify and manage unknown risks associated with CMPF?***
- **Question 17. *How could post-market surveillance be conducted satisfactorily? Who would undertake such surveillance?***

Ongoing analytical surveys investigating the presence of specific packaging chemicals in Australian foods should be conducted as a “watching brief” to monitor new developments in packaging materials. In the CFS paper, FSANZ indicated that they will consider emerging issues concerning CMPF, e.g. active and intelligent packaging; MAP; nanomaterials, in a subsequent proposal. New information about high risk packaging chemicals may result from this investigation. It is anticipated that biodegradable, environmentally friendly packaging materials will also be a focus of new packaging developments, and may entail different packaging materials, with different CMPF risks, than have been considered in FSANZ investigations to date.

Office
Health Protection Unit
Queensland Health
Level 3, 15 Butterfield Street
Herston QLD 4006

Postal
PO Box 2368
Fortitude Valley BC QLD
4006

Phone
(07) 3328 9310

Fax
(07) 3328 9354

This surveillance work could be incorporated in future Australian Total Diet Surveys (ATDS), as was done in the 24th ATDS which incorporated chemicals from packaging. The establishment of a central co-ordination agency for receiving complaints and enquires relating to CMPF would also be a mechanism for capturing emerging issues.

Question 4. *What problems can you identify with the status quo option?*

As described in the CFS paper, there is currently a lack of clarity and certainty with the Code for food businesses, and gaps in the awareness and management of CMPF, especially amongst SME enterprises, food manufacturers and food regulators. Food businesses rely on through-chain stewardship and trusted suppliers. The status quo option does not improve the current situation. Consequently education programs are necessary to ensure industry has adequate knowledge of the risk from CMPF and available risk mitigation measures.

Question 7. *What information do you think would be the most suitable to include in an information/awareness program?*

There is currently a lack of information addressing the re-use of packaging containers, such as bottles or water and containers used for take-away foods, by consumers. Evidence-based research is required to inform consumers about the risk of CMPF from the extended re-use of these containers, and from using containers to reheat foods. If re-use does constitute a risk, then consideration should be given to how to best inform consumers of the risk, for example, whether it should be mandatory to include this information on the packaging material or a label.

Question 14. *Do you consider that there is scope to improve the Food Acts provisions regulating the sale of food packaging in Australia and New Zealand?*

Section 38 of the Queensland *Food Act 2006* includes the following offence 'A person must not sell packaging or labelling material that, if used for the purposes for which it was designed or intended to be used, would make or be likely to make food unsafe.' This may be able to be applied for some acute health risks but in practice it may be difficult to prove in court for chronic exposures to chemical contaminants. In many cases it would be easier and perhaps more appropriate to prove contamination made the food unsuitable. As such, consideration could be given by jurisdictions to including a similar offence the sale of packaging and labelling material that would make food unsuitable.

Consideration could also be given to legally defining 'food grade' packaging to give greater clarity to businesses when sourcing packaging.

Question 15. *Do you consider that the Code should include specific limits for DEHP and DINP for all foods, similar to the limits set for other packaging chemicals?*

The establishment of maximum limits for high risk chemicals is an integral part of Option 4, and the maximum limits for these packaging chemicals should be included in the Code.

Other comments

It appears the quality and safety of packaging material used in Australia may in some part be due to legislated requirements and standards in other countries, such as the United States of America. However, food may be imported from anywhere in the world and imported foods may use packaging material that is not subject to the same standards. In the absence of specific limits for certain contaminants, regulatory agencies can only rely on general offences. Suitable guidance material on contaminants in this respect may assist regulatory agencies as well as businesses.

In relation to the assessment of risks to the Australian public from perfluorinated chemicals in packaging, it is noted the sample size from the 24th ATDS was relatively small at 50 composite

samples. It is also noted that the controls to minimise exposure to those PFCs that may accumulate appears mostly to be based on control measures in the United States of America. As such, further monitoring and assessment may be needed in Australia to determine if the use of these chemicals in oil and water repellent coatings on food packaging continues and if the chemicals present a risk to consumers.

Should you require further information in relation to this matter, please contact Food Safety Standards and Regulation, Health Protection Unit, Department of Health on (07) 3328 9310 or at foodsafety@health.qld.gov.au

Food Safety Standards and Regulation Unit
Health Protection Branch
Department of Health
Queensland Government