


**Goodman Fielder Ltd**


**Submission to FSANZ**


**Proposal P1034 – Chemical Migration from Packing into Food**

**December 2014**

Contacts:

  
Regulatory & Product Guidance Senior Manager  
T2, 39 Delhi Road, North Ryde, NSW 2113

 [@au](#)

  
Packaging Senior Manager ANZ  
T2, 39 Delhi Road, North Ryde, NSW 2113

## ABOUT GOODMAN FIELDER

Goodman Fielder is one of Australasia's largest food manufacturing companies. Goodman Fielder owns many well known brands in Australia and New Zealand, primarily comprising bread and bread related products, edible & cooking oils, margarines, milk, cheese, yoghurts, ready to eat cakes and slices, desserts, cake mixes, cooking ingredients, salad dressings & mayonnaise, vinegar, frozen pastry and desserts.

## EXECUTIVE SUMMARY

**Goodman Fielder appreciates the opportunity to participate in the assessment process to determine whether there are any unmanaged public health and safety risks relating to chemical migration from packaging into food (CMPF). Goodman Fielder is a member of the Australian Food and Grocery Council and the Packaging Council of Australia. Our submission, therefore, is based primarily on the outcomes from the working groups of these bodies, supports their submissions and includes examples specific to Goodman Fielder. It follows the submission template format as requested.**

### Key Points:

- No significant public health or safety concerns have arisen in recent decades about food packaging materials used in Australia including the issue of chemical migration. There have been some instances of odour and taint due to food packaging – instances which, while not presenting a health and safety risk to consumers, did result in the companies taking prompt corrective action.
- In Australia, most of the major companies involved in the food packaging supply chain implement either EU or US FDA standards which, defacto, have become global standards. Australian food exporters also follow the regulations of their major trading partners.
- The Australian Food Standards Code needs to be revised and updated. The Code is of little use in providing practical guidance and direction for retailers, brand owners, manufacturers and raw material suppliers. It lacks the detail and rigour of the US FDA and EU requirements. The Editorial Note which refers to Australian Standard 2070-1999 and the use of recycled material is out of date and should be removed from the Code.
- Efforts to eliminate any health and safety risks arising from migration of chemicals from packaging into food should focus on the following:
  - ✓ Ensuring that food packaging manufactured or imported into Australia or New Zealand complies with EU and/or US FDA packaging regulations or any other international regulations or industry guidelines approved by FSANZ.
  - ✓ In revising the Australian Food Standards Code, care needs to be taken to ensure that we don't simply add a third layer of "prescription" and regulation to existing EU and US FDA requirements.
  - ✓ Highlighting the importance of companies adopting "good manufacturing practices" and having in place appropriate internal systems, quality assurance and compliance arrangements in the production and use of food packaging materials;
  - ✓ Many small and medium enterprises (SME's) and some importers of food packaging who lack the expertise and resources may require targeted assistance and education to ensure that they adequately address these issues.
- There is a need for regular consultations between industry and FSANZ on food packaging. There is a need for regular consultations between industry and FSANZ on food packaging matters. The establishment of the Industry Advisory Group and Packaging Advisory Group has been beneficial to all involved. Such consultations need to be continued on a regular basis.



All stakeholders are invited to respond to questions posed in this Consultation Paper.

**Please indicate if you are a:**

*(required)*

- ☐ Raw material provider
- ☒ Packaging manufacturer/converter/provider
- ☐ Peak industry/trade association
- ☐ Food business (manufacturer/importer/brand owner/retailer)
- ☐ Consumer
- ☐ Government representative (state/territory or Commonwealth agency)
- ☐ Public health representative
- ☐ Other (please specify)

**If you are a business, please indicate the approximate number of employees in your business:**

- ☐ 1–20    ☐ 20–200    ☒ > 200



**Please note:** this form requires the latest version of Adobe Acrobat Reader which can be downloaded for free [here](#).



**Question 1** (refer to p.9)

*What concerns, if any, do you have about food packaging in relation to food safety?*

☐ None

Please provide details of your concerns

Q1 . Food Packaging is essential for food safety - it is its primary role, to protect the food it contains. No significant public health or safety concerns have arisen in recent times about food packaging materials used in Australia including on the issue of chemical migration.

Concerns centre around the 'uncertainty and unknown' behaviour of chemicals and additives used in food packaging manufacturing, and their ability to migrate. While some of this data is known, many substances are not well understood.

The widespread use of recycled materials, and in particular post consumer recycle (PCR) heightens potential risks if the recycle stream is uncontrolled. More focus on this risk is warranted.

Inclusion of nano materials in packaging is an emerging technology. The migratory behaviour of nano particles in food packaging is not well understood, and focus in this area is also warranted.

**Question 2** (refer to p.9)

*What measures do you think could be implemented to resolve these concerns?*

☐ None

Please provide details

.Q2 .A list of known migratory substances and potentially migratory substances would assist manufacturers and suppliers. It should be mandatory for Packaging suppliers to declare if a listed substance is added to their packaging, or could potentially be present through cross contamination (eg: recycling). Currently the onus is on the Food Manufacturer to question the Packaging supplier on such issues, and specify accordingly. The migratory nature of many chemicals is unknown, and it is impractical to think that the thousands of chemicals and additives will become known in the near future. ANZ aren't resourced to collect and review the data, so we will be reliant on data from EU and FDA. We suggest the following:

- a) All functional chemicals used in the manufacture of food contact materials must be identified (chemical name and CAS Registry Number) by the raw material supplier;
- b) Chemicals must be checked by the raw material supplier against positive lists from relevant legislation and used subject to any restrictions placed on them under the legislation e.g. maximum use levels;
- c) In the case of chemicals not appearing on a "positive list", use of these shall be permitted provided they do not exceed a maximum level (to be determined) and are not carcinogenic, mutagenic or toxic to reproduction;
- d) Raw material suppliers must provide the packaging manufacturer a Certificate of Conformity and Certificate of Analysis to the relevant legislation;
- e) It is the responsibility of the packaging manufacturer to test the finished product to ensure that it is appropriate for the conditions of intended use and provide a Declaration of Compliance to the relevant EU/US FDA packaging legislation.



## Non Applicable to our submission

### Question 3 (refer to p.11)

If you are a packaging manufacturer/converter/supplier, please detail the types (s) and relative volumes for the different food packaging materials produced by your business and whether the main components are imported or made locally (in Australia or New Zealand).

Type of packaging material (for example)	Volume (ktpa*)	Local/Imported
Carton board (folding)	<input type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input type="radio"/> Local <input type="radio"/> Imported
Cardboard/paper (virgin)	<input type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input type="radio"/> Local <input type="radio"/> Imported
Cardboard/paper (recycled)	<input type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input type="radio"/> Local <input type="radio"/> Imported
Plastic mono-layers	<input type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input type="radio"/> Local <input type="radio"/> Imported
Plastic multi-layers	<input type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input type="radio"/> Local <input type="radio"/> Imported
Plastic laminate	<input type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input type="radio"/> Local <input type="radio"/> Imported
Plastic rigid	<input type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input type="radio"/> Local <input type="radio"/> Imported
Plastic co-extruded	<input type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input type="radio"/> Local <input type="radio"/> Imported
Plastic (recycled)	<input type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input type="radio"/> Local <input type="radio"/> Imported
Metal	<input type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input type="radio"/> Local <input type="radio"/> Imported
Composites (eg. Paper/foil/plastic)	<input type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input type="radio"/> Local <input type="radio"/> Imported
Glass	<input type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input type="radio"/> Local <input type="radio"/> Imported
Ceramic	<input type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input type="radio"/> Local <input type="radio"/> Imported
Other <input type="text"/>	<input type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input type="radio"/> Local <input type="radio"/> Imported

\*Kilo tonnes per annum



**Question 4** (refer to p.12)

*If you are a peak body/trade association, do you have the expertise to offer food safety advice on chemical migration from packaging into food (CMPF) to businesses within the packaging supply chain?*

☒ No ☐ Yes

Please expand on your response

Non applicable

**Question 5** (refer to p.12)

*As a peak body/trade association, is there a need for access to further advice on CMPF?*

☒ No ☐ Yes

Please expand on your response

Non applicable

**Question 6** (refer to p. 13)

*Can you please identify the risk identification, characterisation and mitigation strategies that your business uses and whether you use any others?*

Please indicate which responses apply

- ☒ Adherence to either a mandatory or voluntary standard, Code of Practice (CoP), handbook or guideline that provides guidance on mitigation of potential risks associated with CMPF
- ☐ Prohibition of specific chemicals that should not be present in food if it is determined that they may migrate into food and present a significant risk
- ☐ Prescriptive regulatory requirements for CMPF to address identified risks (e.g. maximum limits, migratory limits)
- ☒ Recognition of other countries' approaches and/or requirements used to mitigate risk and adopting these for use in Australia/New Zealand
- ☐ Use of certificates of compliance confirming that packaging and packaging inputs adhere to a specific CoP, industry standard or regulation
- ☐ Instructions in the form of labelling requirements to mitigate risks at the consumer level (e.g. preparation instructions)
- ☐ Introduction of a post-market incident response mechanism (for example, to review poor or lack of application of Good Manufacturing Practice (GMP))
- ☐ Establishment by packaging and food manufacturing companies of internal specifications and due diligence systems for packaging supply/use
- ☐ Other

**Question 7** (refer to p.14)

*If you are a food business (manufacturer/importer/brand owner/retailer):*

*Is information readily available on whether or not food packaging (including for home brand products) is made from recycled materials?*

☐ No ☒ Yes

Please expand on your response

Q7. Yes but not in all situations.

Where Packaging is manufactured in Australia by large organisations information on readily available as to whether it is made from recycled materials. This is not necessarily the case with imported materials. Even if it is known that the packaging is made from recycled materials, the source of recycle may not always be well understood, particularly if it is PCR

**Question 8** (refer to p.14)

*If yes to Question 7, how do you ensure that packaging manufactured from recycled materials does not contain chemicals that could migrate into food at levels of potential concern?*

- ☐ In-house testing
- ☐ Request Declaration of Compliance
- ☒ Auditing of supplier
- ☐ Other (please specify)

Q8 . - Auditing of Supplier. Understanding and specifying (where possible) the recycle source, so that it is controlled. Auditing the supplier recycling process to understand how impurities and potential contaminants are extracted.

If the source of recycle is not controlled the process cannot be ensured.



**Question 9** (refer to p.16)

*If you are a packaging or food manufacturer, or industry body, is using another countries' legislation (eg US/EU) suitable to ensure compliance with your customer's needs?*

☐ No ☒ Yes

Please expand on your response

We defer to our Packaging being USFDA and EU compliant in our Packaging specifications, given there are no equivalent Australian standards.

Food packaging manufacturers and/or packaged food imported into Australia and New Zealand should comply with the European Union and/or US FDA packaging regulations and any other international regulation approved by FSANZ. It is the responsibility of the packaging material suppliers to ensure that their food packaging materials comply with the most recent, relevant EU/US FDA legislation.

**Question 10** (refer to p.16)

*In your experience, do the EU or US requirements or guidelines and other CoPs adequately manage risks from CMPF from all recycled materials?*

☐ No ☒ Yes

Please expand on your response

Yes, in that these are most comprehensive standards currently available, but are not infallible.

Both the EU and the US have developed procedures and performance measures that permit the use of post-consumer packaging in food contact applications and have been steadily updating their regulations over the last decade or so.

**Question 11** (refer to p.17)

*What would you see as the advantages and disadvantages of a co-regulatory approach to managing CMPF?*

Advantages

no comment

Disadvantages

no comment

**Question 12** (refer to p.17)

*Does the Australian Standard for Plastic Materials for Food Contact Use – AS2070-1999 supply useful guidance to industry?*

☒ No ☐ Yes

Please expand on your response

Our response is in line with that of the Packaging Council of Australia in this area, ie, the Australian Food Standard needs to be revised and updated.



**Question 13** (refer to p.17)

Are there other pertinent industry standards (Australian/New Zealand or International) that you reference and adhere to regularly?

☒ No ☐ Yes

Please expand on your response

No comment

**Question 14** (refer to p.18)

Would you see benefits if a more prescriptive approach to packaging regulations were introduced?

☐ No ☒ Yes

Please expand on your response

We suggest the following:

- a) All functional chemicals used in the manufacture of food contact materials must be identified (chemical name and CAS Registry Number) by the raw material supplier;
- b) Chemicals must be checked by the raw material supplier against positive lists from relevant legislation and used subject to any restrictions placed on them under the legislation e.g. maximum use levels;
- c) In the case of chemicals not appearing on a "positive list", use of these shall be permitted provided they do not exceed a maximum level (to be determined) and are not carcinogenic, mutagenic or toxic to reproduction;
- d) Raw material suppliers must provide the packaging manufacturer a Certificate of Conformity and Certificate of Analysis to the relevant legislation;
- e) It is the responsibility of the packaging manufacturer to test the finished product to ensure that it is appropriate for the conditions of intended use and provide a Declaration of Compliance to the relevant EU/US FDA packaging legislation.

**Question 15** (refer to p.18)

*Regardless of whether you buy or manufacture packaging, do you have a food safety or quality management program for that packaging?*

☒ No ☐ Yes

Please expand on your response

**Question 16** (refer to p.18)

*What are the key elements pertaining to chemical migration from packaging of this program (if you have one)?  
For example, do you comply with a code of practice(s) or a specialist customised in-house program.*

- ☐ Comply with requirements in Australia New Zealand Food Standards Code
- ☐ Comply with AS 2070-1999
- ☐ Comply with Good Manufacturing Practice
- ☐ Comply with EU regulations
- ☐ Comply with US regulations
- ☐ Comply with CoP (if so, which?)
- ☐ Comply with customised in-house program
- ☐ Ensure through chain product stewardship
- ☐ Other

no comment



**Question 17** (refer to p.18)

*As a food business, what quality assurance and quality controls do you currently use to mitigate risks from CMPF? Please provide examples.*

Quality Assurance

Q17 - Specifications , quality audits of suppliers, due diligence and certificates of conformance should an issue arise overseas on a packaging format similar to one utilised by us.

Quality Controls

**Question 18** (refer to p.18)

*As a food business, do you have in-house technical capacity or expertise related to packaging?*

☐ No ☒ Yes

Please expand on your response

Q18 - Yes, We have qualified Packaging professionals. We have no analytical testing facilities in-house

**Question 19** (refer to p.18)

*As a packaging manufacturer/converter/supplier (including packaging importer), if you print on the materials that you produce, do you have a quality assurance and quality control system (or similar) which includes printing inks and related products (eg. resins, adjuvants, mineral oil)?*

☒ No ☐ Yes

Please expand on your response

no comment

**Question 20** (refer to p.18)

*As a packaging manufacturer/converter/supplier (including packaging importer), do your quality assurance/quality control systems consider the end uses of the packaging?*

☒ No ☐ Yes

Please expand on your response

no comment



**Question 21** (refer to p.18)

*As a packaging manufacturer/converter/supplier (including packaging importer), do you always prepare a Declaration of Compliance with existing legislation in order to meet your customers' needs?*

☒ No ☐ Yes

Please expand on your response

no comment

**Question 22** (refer to p.18 and SD3)

*As a packaging manufacturer/converter/supplier (including packaging importer), as a result of international responses to issues with CMPF (eg. di-2-ethylhexyl adipate (DEHA)), and management measures undertaken by overseas manufacturers (eg. reformulation), have you adopted similar mitigation measures?*

☒ No ☐ Yes

Please expand on your response

no comment

**Question 23** (refer to p.18 and SD3)

*As a packaging manufacturer/converter/supplier (including packaging importer), are you aware if semicarbazide is still used in manufacturing of food packaging materials in Australia and/or New Zealand?*

☒ No ☐ Yes

Please expand on your response

no comment

**Please detail any other comments you have on the Consultation Paper and the issues raised:**

The Australian Food Standards Code, particularly Standard 1.4.3, is widely regarded as being of little practical use or guidance by companies in the food packaging supply chain. Most of the major companies involved in the manufacture and use of packaging for food products refer to and adopt either the EU or US FDA food packaging standards.

Goodman Fielder is aligned with the Packaging Council of Australia in regards to thier submission on this matter and supports the contribution made.

**SUBMIT**

**PRINT**

Pressing the submit button will open a new email in your email client, addressed to [submissions@foodstandards.gov.au](mailto:submissions@foodstandards.gov.au). If your PDF reader does not support this, you can save this PDF and email it manually.

Alternatively, you can print the form and post it to:

PO BOX 7186, Canberra BC, ACT 2610, or fax to **02 6271 2278**