

Supporting document 6

International regulatory approaches to chemical migration from packaging into food – Proposal P1034

Chemical Migration from Packaging into Food

Many common packaging materials (glass, steel, paper and plastics) are internationally traded commodities and manufactured to international standards.

Through submissions on the consultation paper, many businesses informed FSANZ that they were currently utilising international regulations. The uptake of EU and US regulations is apparently similar, with both providing significantly higher prescription than Australian/New Zealand food regulations.

A comparison of approaches under food law of the regulation of CMPF used in Australia/New Zealand, Canada, USA, EU and China is provided in Table 1.

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Table 1: Comparison of regulatory approaches under food laws to chemical migration from packaging into food

Key elements	Australia/NZ	Canada	USA	EU	China
Who is responsible for CMPF	In Australia, the responsibility lies with food businesses or businesses that sell food packaging. In New Zealand, responsibility lies with food traders.	Responsibility lies with food retailer	Responsibility lies with packaging manufacturer	Responsibility lies with food retailer	Responsibility lies with food retailer
Descriptor of chemicals used for packaging	No requirements	Trade names	Chemical Names	Chemical Names	Chemical Names
Regulatory measures/approaches in place	Safe and suitable Food Act provisions. Maximum limits for acrylonitrile, tin and vinyl chloride in standard 1.4.1 and DEHP in bottled water (Standard 2.6.2 Non-Alcoholic Beverages and Brewed Soft Drinks) under the WHO Drinking water guidelines)	No lists (except for resins) maintained by Health Canada. Pre-market voluntary clearance by a letter of no objection ¹	Positive lists of adhesives and coatings, Paper and paperboard, Polymers and Adjuvants and production aids. A pre-clearance requirement that any substance that is intended to become a component of food (eg. migrates from packaging into food) must be: generally recognised as safe (GRAS), used in accordance with a sanction of approval	FCMs shall be safe and not change the properties of food in unacceptable ways. Positive lists and specific migration limits for plastics in direct contact with food. The European Food Safety Authority (EFSA) conducts a risk assessment and prescribes the way in which an application for a listing in suitable regulation is to be submitted, noting the need for a technical	Composite of both EU and US regulations A food contact notification must be submitted and approved by the Ministry of Health. Positive lists of >1500 permitted food contact additives (including monomers), specific migration limits, maximum permitted quantity and other restrictions. Regulations apply to plastics, paper, ink, coatings and rubber.

¹ The letter does not relieve the manufacturer from their responsibilities in terms of food safety.

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Key elements	Australia/NZ	Canada	USA	EU	China
			<p>issued prior to 1958, the subject of a “Threshold of Regulation” exemption letter or cleared by a Food Contact Notification or a food additive regulation.</p>	<p>dossier to comply with the guidelines published to indicate what is needed to demonstrate safety.</p> <p>For the majority of food contact materials (eg paper and board, printing inks, coatings, rubber, colourants, wood and cork) there are no specific EU measures in place</p>	
<p>Requirements for recycled materials.</p>	<p>No specific regulations for recycled materials.</p>	<p>No specific regulations for recycled materials.</p>	<p>If the recycled product meets the specifications for the virgin material, the recycler is not required to get FDA approval prior to marketing the recycled material for food contact use. Formal guidance for recycled plastics and opinion letters are issued by the FDA.</p>	<p>Rules to ensure the safety of recycled plastics in food contact packaging. Article 3 of the regulation requires that recycled plastic materials and articles should only be placed on the market if they contain recycled plastic from an authorised recycling process.</p>	