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[28-17]

Supporting Document 1

Summary of Submissions – P1034

Chemical Migration from Packaging into Food (Abandonment)

Food Standards Australia New Zealand (FSANZ) analysed all submissions in response to the two consultation papers released in December 2014 and June 2016.

Summary of submissions to the P1034 Consultation Paper (November 2014)

FSANZ released a Consultation Paper in 2014 which raised awareness about the issue and called for information about the size of the packaging market, what packaging is used and what practices packaging manufacturers and food manufacturers are using to manage any risks relating to chemicals migrating from packaging into food (CMPF). FSANZ also asked a range of targeted questions designed to elicit this information.

The following information is a summary of submissions from the first consultation period. For more detail refer to SD7 of the June 2016 Call for Submissions Report¹.

- FSANZ was encouraged to take a proportionate and risk-based approach for the Proposal and for any future regulatory measure introduced. It was noted that whilst international regulations are more prescriptive, they do not cover all packaging chemicals and may not necessarily be suitable for Australia and New Zealand. They are nevertheless useful for companies looking for current guidance on standards for packaging.
- A proportionate response would be for current regulatory requirements to be clarified and Code of Practices (CoPs) utilised for various packaging materials in association with guidance for compliance prepared. In contrast, prescriptive requirements in the Code would provide certainty and a level playing field for industry, and consumers could have confidence that the industry adhered to a Standard which protected their health.
- Should there be the need for an enhanced regulatory approach, any requirements should be achievable by industry and also appropriate for enforcement agencies, while addressing the risk identified.

¹ <http://www.foodstandards.gov.au/code/proposals/Pages/P1034ChemicalMigrationfromPackagingintoFood.aspx>

- It was important that companies adopted ‘good manufacturing practices’ and had in place appropriate internal systems, quality assurance, compliance arrangements in the production and use of food packaging materials and kept a watching brief on emerging issues from CMPF.

Summary of submissions to the second P1034 Consultation Paper (June 2016)

A subsequent call for submissions recently released in June 2016 detailed an assessment of the risk and proposed risk management options.

FSANZ assessed the risk of CMPF by developing a risk profile of potential chemical hazards associated with packaging chemicals and analysing control measures used throughout the packaging supply chain to mitigate CMPF. The resulting residual risk provided a qualitative assessment which indicated that there are some gaps in the current risk management of CMPF.

The risk profile indicated that most chemicals used to produce food packaging are unlikely to pose a public health and safety concern, predominantly because of their low levels of migration into food.

FSANZ concluded that the overall relative risk from CMPF is low. However, for two phthalates, a need was identified for more comprehensive analytical data to enable a more robust assessment of any potential health and safety risks.

Similar to the first consultation period, FSANZ also asked a range of targeted questions designed to elicit views on the risk profile and the proposed risk management options.

In response to the 2nd public consultation period, FSANZ received 18 submissions from the following sectors:

Sector	Submitter
Industry	Clorox; DuPont; Nestle; Integrated Packaging Group; Sealed Air; NCI; Dairy Goat Co-operative
Peak bodies	NZFGC; AFGC; Vinyl Council of Australia; Packaging Council of NZ; Plastics NZ; SPI (US Plastics industry trade organisation);
Government	Queensland; Victoria; NSWFA; NZ MPI
Research group	Scion
Consumers, NGOs etc	no submissions received

Key messages were as follows:

- FSANZ’s approach and stakeholder liaison work was well-received by submitters.
- Risk profiling via the Threshold of Toxicological Concern (TTC) eliminated many previous concerns for packaging chemicals.
- Agreement that development of maximum limits (MLs) in the Code for specific phthalate chemicals is a possible risk management option although it was noted by one submitter that the dietary exposure estimates in the ATDS were highly conservative and FSANZ should further characterise the risks.

- Some stakeholders expressed the view that FSANZ should adopt US/EU regulations into the Code and no further or additional regulation is required.
- Any regulations/guidelines should capture imported packaged food products.
- Vinyl Council has a new industry Code for food contact film that could be included in any future guideline.
- Perfluoroalkylated (PFAS) chemicals and risk: still needs ongoing monitoring for food packaging as 24th ATDS had limited samples.
- Guidelines would be very valuable, especially for SMEs.
- A definition of 'food grade' would be useful.
- There was limited support from industry for any Code/Food Act changes; due to the length of time it takes for changes to become law.
- General requirements for packaging safety and suitability in the Code should be consistent with the clauses in the various Food Acts.
- Changes to Food Acts could be made to clarify that contamination from packaging may make food unsuitable.
- Remove requirement from the Code relating to packaging and articles (1.1.1-10 clause 11), if taken into the mouth, as it is more appropriate that this requirement is under the Australian Consumer Law.
- General agreement with FSANZ's analysis of control measures and market information. A summary of submitter's responses in regard to the proposed risk management options and framework is as follows:

Option	Comments
1. Status Quo	Isolated support – not a viable option to resolving issues.
2. Prescriptive	No support – current adoption of EU and US regulations by many acts as a <i>de facto</i> prescriptive approach.
3. Non-regulatory: 3a – education/awareness/information 3b – self-regulation by industry standards or CoPs 3c – co-regulation	Strong support – need identified for education of some industry members Some support – issues with lack of certainty though associated with industry Codes of Practice (CoPs). Isolated support – not a recognised approach in NZ
4. Graduated	Very strong support - from all submitters (although AFGC noted that this approach is not the most appropriate as it would require more consultation and a RIS).

In regard to the non-regulatory approaches, the following is a summary of submissions received:

Option 3a: Education/awareness for CMPF

- Support for education/awareness and agree that FSANZ, the AFGC/NZFGC and packaging peak bodies are the most appropriate organisations to undertake a program of education and awareness and application of non-regulatory standards and codes of practice.
- Suggestion of 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.
- Some industry concerns about targeting any education to consumers (used BPA as an example) but jurisdictions disagree (reuse of containers that have been reheated).
- No certainty for enforcement.

- Suggestion that this option is a separate project in itself.
- Revise NZ PC CoP to include food safety information on CMPF.

Option 3b: Industry self-regulation by industry standards or codes of practice

- Support for an ISFR guideline.
- Support for a single comprehensive source for industry.
- Some packaging companies suggested that it is an ineffective approach.
- Questions on how prescriptive a guideline would be without actually being mandatory.
- Existing industry standards should remain separated from any shared (government + industry) guideline because they often address very specific needs of restricted sectors.
- Use New Zealand Packaging Council CoP and insert food safety requirements.
- Priority target audience: food processors, food service and retail operators to inform them about packaging issues. In particular, how to confirm that the packaging they are purchasing is safe for the products they are producing.
- Suggestions for the guideline: EU Regulations and FDA regulations as a base; The Swiss Ordinance for Printing Inks and BFR for paper in contact with food.

A detailed analysis of the 2nd round of public consultation is in SD 2.