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**RE: DuPont (Australia) Pty Ltd Comments –
Chemical Migration from Packaging into Food (Proposal P1034)**

DuPont (Australia) Pty Ltd welcomes the opportunity from Food Standards Australia New Zealand (FSANZ) to be involved in the discussion of food safety risks arising from chemical migration from packaging into food (CMPF). Food packaging is essential and ensuring the balance between ensuring the safety of consumers and the regulatory effort required by businesses in relation to food contact materials is of paramount importance. Below is a summary of DuPont comments and recommendations in response to the FSANZ Proposal, followed by responses to some of specific questions presented to stakeholders in the Proposal. Please note that as several of the specific FSANZ questions are addressed in our comments and recommendations below, not all questions are subsequently re-addressed.

DuPont supports **harmonised, risk-based** approaches to management of food contact materials and articles, where risk-based approaches take exposure potential as well as hazards into account. DuPont highlights the current lack of consistency between country regulatory requirements and the increased associated compliance costs and reduced ability to commercial products globally. We support mutual recognition of applicable data and the collaboration between countries in developing harmonised approaches to the management of food contact materials.

Firstly, DuPont would like to highlight the low risk of CMPF as acknowledged by FSANZ in Proposal P1034 and industry in Supporting Document 7¹ and highlight the volume of ANZ sales in the global food packaging market. In addition, we would question the need to reform food contact regulations based solely on the findings from the 24th ATDS². We note the relatively high quantities of food required to be consumed to reach daily TDI values for DEHP (0.5 - 0.7 kg of food tested consumed daily) and DINP (0.6 kg of food tested consumed daily)².

However, if FSANZ are to reform food packaging to address potential risks of CMPF, DuPont would recommend a hybrid of several of the options outlined in the Proposal. More specifically, we suggest FSANZ to adopt Option 1: *Status quo* in combination with Option 3b: *Industry self-regulation by industry standards or code of practice* and stakeholder education and awareness elements of Option 3a: *Education/ awareness/ information programs*. In more detail, this would see management of chemicals used in food packaging primarily addressed by maintaining the status quo and still referring to US and EU positive lists. By also implementing Options 3a and 3b, FSANZ can improve the awareness of all stakeholders (in particular SME's which were identified as the stakeholders with potential gaps in the regulatory knowledge and awareness of regulations from CMPF), and deliver the key information to downstream users through Declaration of Compliance (DoC). Finally we suggest FSANZ to conduct risk-based assessment on high risk substances which are identified through routine surveillance or high topic tracking.

In addition to the above comments, below are responses to specific questions addressed in the Proposal:

1. Ongoing monitoring and surveillance strategies should be conducted by FSANZ using risk-based assessment approaches. This, along with targeted education and awareness efforts, would complement any regulatory approach and assist to address the risks in the current framework posed by stakeholders with knowledge and regulatory awareness knowledge gaps.

¹ Summary of submissions SD 7 – P1034 (2016), FSANZ, <http://www.foodstandards.gov.au/code/proposals/Pages/P1034ChemicalMigrationfromPackagingintoFood.aspx>

² Summary of 24th Australia Total Diet Study analysis of packaging chemicals in foods (2016), FSANZ, <http://www.foodstandards.gov.au/publications/Pages/24th-ATDS-Phase-2.aspx>

2. In regards to how CMPF management is addressed by industry in ANZ, the conclusions by FSANZ where packaging business generally show greater awareness of standards and international regulations than food manufacturers, appears reasonable.
3. To manage CMPF risks in ANZ, DuPont complies with
 - Relevant sections of the FSANZ Code (notably Standard 1.4.1, *Contaminants and Natural Toxicants*, and Standard 1.1.1—10(10), *General Provision Packaging requirements*).
 - EU and US packaging requirements
 - Various product standards relating to products based on end uses (e.g. AS 2070 *Plastics Materials for Food Contact Use*)
4. Major risks presented by adopting Option 1: *Status quo* orient around some sectors, for example SMEs, which may still experience regulatory knowledge gaps. This could be minimised by increased risk-based awareness efforts along with targeted monitoring and surveillance activities. As outlined above, the use of Declaration of Compliance (DoC) could offer downstream users with key information coupled with greater transparency.
5. If a prescriptive approach is considered to be the most appropriate option, DuPont highlights the resource requirements of obtaining approvals in individual countries, with the potential to cause delay. We note the direction of the National Industrial Chemicals Notification and Assessment Scheme (NICNAS) reforms, towards accepting overseas assessments to avoid duplicated regulatory effort. We would encourage FSANZ to support harmonisation of data needs and acceptance of overseas regulations, in particular EU and US requirements.
6. With any of the Proposals presented by FSANZ, training/awareness and risk-based decisions should be included with management of CMPF. Consumers should also be made aware of regulatory and risk mitigation measures enforced by FSANZ, along with general outcomes of surveillance and monitoring outcomes, to support compliance efforts completed by industry.

7. In an information/ awareness program, the obligations for stakeholders should be presented along with record keeping requirements of manufacturers, supply chain traceability and encourage businesses to implement GMP.
8. No comment on most appropriate organisation to undertake this program.
9. In regards to a non-regulatory approach, as outlined above, our recommendation on a balanced approach is predominantly through Option 3b *Industry self-regulation*, complemented with elements of the current framework and the awareness and education programs outlined in Option 3a *Education/ awareness/ information programs*.

Subsequent questions presented by FSANZ in the Proposal have been addressed in earlier sections of this document and won't be further duplicated. Where specific questions have not been addressed above, DuPont offers no comment at this time.

The comments and recommendations presented are intended to assist FSANZ in understanding the position of DuPont on compliance strategies for FSANZ to effectively manage CMPF. In particular, harmonisation and risk-based approaches should be considered with reference to any proposed regulatory and compliance changes. We look forward to close involvement with all stakeholders in continual effective management of CMPF.

Please don't hesitate to contact me if you have any comments or questions regarding the content included in this response.

Yours sincerely,

[Redacted Signature]

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