

submissions

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Consultation Paper – Proposal P1034 Chemical Migration From Packaging into Food

Thank you for the opportunity to provide comments on the above paper.

Carter Holt Harvey Pulp and Paper is a pulp paper and packaging company with operations in Australia and New Zealand. Of particular relevance, we own and operate paper and paper-packaging manufacturing facilities including businesses collecting and reprocessing waste paper into packaging, where the recycled content ranges from 0 to 100%.

The primary purpose of this consultation is described at the end of the consultation paper as enabling FSANZ to “...consider all of the available views and evidence and based on this, identify any public health issues associated with CMPF and whether these issues need to be managed through additional measures.” We would respond by highlighting:

- The most recently FSANZ survey of chemical migration from food contact packaging materials in Australian food resulted in the key finding that ***“Overall, the results from this survey provide reassurance that dietary exposure to chemicals which may migrate from food packaging is very low. Exposure at the estimated dietary exposure levels does not pose a human health and safety risk. This supports previous assessment undertaken by FSANZ.”***
- Common packaging materials (glass, steel, paper and plastics) are internationally traded commodities. NZ (and likely Australian) packaging materials are traded internationally and can therefore reasonably be assumed to be manufactured to international standards. The supply of the same materials to local reprocesses and export markets means local packaging has the risk profile of CMPF proportional to compliance with EU and or FDA food contact standards.
- The size of the domestic Australasian market for packaging is not great as a % of total global demand. International manufacturers will be unlikely to amend their testing regimes to accommodate a specific A/NZ requirement, particularly if they are already incurring the cost of testing to acceptable

international standards. It is hard to justify the imposition of the cost of a new and additional testing regime if adequate checks are already made, albeit that those existing checks (against EU and FDA standards) are not specifically domestically mandated.

- Legal obligations related to the sale and supply of food can be interpreted as requiring that food packaging is fit for purpose. It is efficient and therefore cost effective to rely on these existing obligations rather than impose food related obligations on the entire volume of packaging produced.
- Regulatory expectations are for progressive increase in the use of recycled substrates for the production of packaging and other materials. Any chemical migration risk is one of a number of equally valid considerations in determining optimal and balanced regulation of the packaging supply chain. The scope of FSANZ investigation (Section 1.6 of the Discussion Document) is presumably interpreted in the context that supply chain manufacturers must consider all applicable regulation in determining their packaging choices.
- The incentives already operating throughout the supply chain are to produce a safe and efficacious product. It is not unreasonable to assume that designers, specifiers and brand owners making packaging decisions are motivated to ensure the safety of the products they produce and purchase.
- The discussion document cites a number of specific instances of unacceptable chemical migration from packaging. It does not however provide any general scenario or risk factors giving rise to a CMFP risk, possibly because the number of variables makes a generalised description problematic. The volume and nature of food in a package influences the degree to which contact might be a risk, as does the expected residence time in the package. The chemical composition of the food stuff (acid, alkaline, moisture content, water or oil based, the expected temperature range for storage and preparation are examples of the many variables that can reasonably be expected to apply.
- There is no discussion of the risk of 'false positive' attribution of risk to the packaging, where contaminants arising in the foodstuffs themselves might percolate into and be attributed to the packaging. For example, DDT and mercury can occasionally occur in NZ food products at trace levels as a result of historic use and natural occurrence, respectively. An established methodology for determining the source of any issue is important for both understanding and managing risk. It is equally important for correct attribution and effective management of the perception of risk, important in terms of avoiding unfavourable customer perception and resulting supply chain disruption.
- The comment in the discussion document related to the use of EU and FDA standards by A/NZ manufacturers supplying international markets is supported, being an acknowledgement that the supply chain is currently subject to adequate assessment and testing.

Summary and Conclusions

CHH is not convinced that the risk (if any) from CMFP will be significantly improved through the adoption of a specific A/NZ standard by FSANZ. We are supportive of regulation and action where a specific risk can be identified, quantified and tested for. For example, the identification and phase out of lead as a risk in canned food was a logical and positive step when it occurred. The more subjective concern related to CMFP is in our assessment adequately addressed by the application of existing international standards to packaging manufactured for export to those jurisdictions.

The importance of food safety is one of a number of critical and regulated matters packaging and food manufacturers need to be cognisant of. For example and as noted in Supporting Document 1, NZ supply chain participants have generic obligations under the Animal Products Act 1999 and the Food Act 2014 for identifying and mitigating hazards. We suggest such *mitigation* provides useful assurance alongside other influences such as international CMFP requirements, waste minimisation obligations etc, that the food packaging supply chain represents a reasoned and workable compromise between competing outcomes.

Overall, we suggest that the existing arrangements, incentives and testing provides adequate protection from any generic risk of chemical migration to food from recycled packaging. Equally importantly, the benefits from the continued and expanded use of recycled materials including waste minimisation are of sufficient benefit as to warrant specific legislative encouragement in both Australia and New Zealand.

Yours sincerely

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