

CHEMICAL MIGRATION FROM PACKING INTO FOOD

CONSULTATION PAPER - PROPOSAL P1034

The Consultation paper is properly aimed at those engaged in the packaging and food manufacturing industries to ascertain how they meet the requirements of providing safe and suitable packaging for food. The consumer interest is that of being the end user of foods that have been packed in safe packaging materials. Consumers need to have trust in that the food they purchase is contained in safe and suitable packaging and will not cause any ill effects from the various components used in the packaging. Recently chemical migration from packaging into food has been recognised as a possible hazard, and more recently, since the community has been encouraged to recycle as much as possible, recycled packaging materials have become an issue of concern.

BACKGROUND

It is clear that chemical migration from packaging into food is an issue that needs resolution. There is obviously a gap in Regulation in this regard which has seen Australian manufacturers and retailers seek to comply with Standards from other countries (for example the EU and the USA) to fulfil the requirements of their customers. Australia is lagging woefully behind and needs to act promptly to ensure Regulatory measures are put in place to assist the industry and to protect consumers.

While State and Territory Food Acts have general provisions for packaging stating that it is an offence to sell food packaging or handling materials that are unsafe or will make food unsafe, and the Food Standards Code includes requirements with regard to certain contaminants and Maximum Residue Levels, there is no Guidance or Standard setting out how this can be achieved. In Australia there is no Guidance or Standard with regard to recycled packaging materials which is an obvious gap in Regulation. That countries such as the USA, and those of the EU, have defined more specific and in some cases mandatory requirements is an indication that the Australian system is inadequate.

FSANZ'S INVESTIGATION

The key results from the investigation FSANZ has obtained (the dot points on pages 4 & 5) of the consultation paper, are further proof that action needs to be taken.

It is disappointing however to find that the health and safety risks arising from food produced using modified atmosphere packaging, intelligent packaging and nano materials are excluded from the scope of proposal P1034. (page 6) While FSANZ acknowledges that this may need to be examined separately, it is unlikely that it will happen very quickly and participants learnt at the excellent Food Focus Forum, (held in Sydney, 5th December, 2014), that nano materials are already being used in food and packaging, and, one must assume, without any evidence of safety for their use.

FSANZ needs to be pro-active here and not -reactive. Until evidence of their safety is required by the Regulator and supplied, they should not be in the food supply chain.

Regulatory and Non-Regulatory control Measures

New Regulatory measures should make it quite clear who has the responsibility for the compliance of the safety of the materials used in packaging of foods since this is one area of confusion. Traceability is also an important and necessary component of any Regulation.

With regard to the range of Risk Mitigations listed, (dot point one), consumers do not generally support Voluntary Codes of Practice. This is because not all manufacturers (or retailers) can be guaranteed to adhere to it. The consultation paper points out that some small/medium enterprises

may not even be aware of the current requirements, therefore it is unlikely they would know of and adhere to a Voluntary Code of Practice.

Similarly (dot point 8) - companies establishing their own internal specifications for packaging and food manufacturers, does not guarantee best practice or the high degree of conformity and safety a Standard would be expected to deliver.

There is very little in this consultation paper that consumers can respond to at this point since the questions are framed specifically towards industry to obtain information about their current practices. However there are a couple that consumers can respond to.

Q. 1 What concerns, if any, do you have about food packaging in relation to food safety?

- (a) Food packaging regulation is very general and not specific enough.
- (b) There is no Standard which deals with migration of chemicals into food from packaging
- (c) Recycled packaging is not addressed
- (d) There is confusion as to who takes responsibility for the quality and safety of food packaging.
- (e) There is not a requirement for traceability of the packaging.
- (f) Manufacturers/retailers appear to be using a plethora of different certifications and Standards from overseas to meet their customers requirements which may or may not be acceptable to Australia.

A. An Adequate and specific Australia Standard or Regulation would address those concerns, taking what would be best practice for Australian manufacturers and retailers.

Q. 14. What would you see as benefits if a more prescriptive approach to packaging regulations was introduced?

A All industry would know what was required of them.
It would provide a level playing field for industry.
Consumers could have confidence that the industry adhered to a Standard which protected their health and safety.

Any Standard must also allow for the newer packaging to be taken into account and FSANZ is urged to raise a proposal to address those form of packaging for food that it has presently excluded. Until that is done, Australia's packaging suitable and safe for food will be incomplete.

Thank you for the opportunity to comment.


Consumers Federation of Australia Representative.

December 23rd, 2014.