

## submissions

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Form Returned: P1034-Packaging-Consult-CFS.pdf

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## RESPONSE TEMPLATE

All stakeholders are invited to respond to questions posed in this Consultation Paper.

**Please indicate if you are a:**

*(required)*

- ☐ Raw material provider
- ☒ Packaging manufacturer/converter/provider
- ☐ Peak industry/trade association
- ☐ Food business (manufacturer/importer/brand owner/retailer)
- ☐ Consumer
- ☐ Government representative (state/territory or Commonwealth agency)
- ☐ Public health representative
- ☐ Other (please specify)

**If you are a business, please indicate the approximate number of employees in your business:**

- ☐ 1-20    ☒ 20-200    ☐ >200



**Question 1** (refer to p.9)

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

☐ None

Please provide details of your concerns

1. That we maintain a packaging food safety system which is aligned to world standards such as EU or FDA regs, because much of our packaging is produced for exporters who require this standard to meet their offshore customer's standards.  
We also produce packaging for international companies operating in Aus/NZ that apply the same world standards to their product requirements for domestic sale.
2. That packaging from 3rd-world countries (either filled or unfilled) may be imported for use in Aus/NZ at low cost, but may not actually comply with the same standards (even if a certificate is provided).
3. That packaging using recycled materials may end up with differing compliance requirements than packaging using virgin materials. We believe packaging from virgin or recycled sources should meet the same standards.

**Question 2** (refer to p.9)

*What measures do you think could be implemented to resolve these concerns?*

☐ None

Please provide details

Require compliance with EU/FDA regulations.

Only allow imports with credible and regularly updated 3rd party certification of above.

Require packaging from recycled materials to comply with same regulations as used for packaging made from virgin materials.

**Question 3** (refer to p.11)

If you are a packaging manufacturer/converter/supplier, please detail the types (s) and relative volumes for the different food packaging materials produced by your business and whether the main components are imported or made locally (in Australia or New Zealand).

Type of packaging material (for example)	Volume (ktpa*)	Local/Imported
Carton board (folding)	<input type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input type="radio"/> Local <input type="radio"/> Imported
Cardboard/paper (virgin)	<input type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input type="radio"/> Local <input type="radio"/> Imported
Cardboard/paper (recycled)	<input type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input type="radio"/> Local <input type="radio"/> Imported
Plastic mono-layers	<input type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input type="radio"/> Local <input type="radio"/> Imported
Plastic multi-layers	<input type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input type="radio"/> Local <input type="radio"/> Imported
Plastic laminate	<input checked="" type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input type="radio"/> Local <input checked="" type="radio"/> Imported
Plastic rigid	<input checked="" type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input checked="" type="radio"/> Local <input type="radio"/> Imported
Plastic co-extruded	<input checked="" type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input checked="" type="radio"/> Local <input type="radio"/> Imported
Plastic (recycled)	<input checked="" type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input checked="" type="radio"/> Local <input type="radio"/> Imported
Metal	<input type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input type="radio"/> Local <input type="radio"/> Imported
Composites (eg. Paper/foil/plastic)	<input type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input type="radio"/> Local <input type="radio"/> Imported
Glass	<input type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input type="radio"/> Local <input type="radio"/> Imported
Ceramic	<input type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input type="radio"/> Local <input type="radio"/> Imported
Other <input type="text"/>	<input type="radio"/> 0-50 <input type="radio"/> 50-500 <input type="radio"/> 500-5000	<input type="radio"/> Local <input type="radio"/> Imported

\*Kilo tonnes per annum

**Question 4** (refer to p.12)

*If you are a peak body/trade association, do you have the expertise to offer food safety advice on chemical migration from packaging into food (CMPF) to businesses within the packaging supply chain?*

☒ No ☐ Yes

Please expand on your response

**Question 5** (refer to p.12)

*As a peak body/trade association, is there a need for access to further advice on CMPF?*

☒ No ☐ Yes

Please expand on your response

**Question 6** (refer to p.13)

*Can you please identify the risk identification, characterisation and mitigation strategies that your business uses and whether you use any others?*

Please indicate which responses apply

- ☒ Adherence to either a mandatory or voluntary standard, Code of Practice (CoP), handbook or guideline that provides guidance on mitigation of potential risks associated with CMPF
- ☒ Prohibition of specific chemicals that should not be present in food if it is determined that they may migrate into food and present a significant risk
- ☒ Prescriptive regulatory requirements for CMPF to address identified risks (e.g. maximum limits, migratory limits)
- ☐ Recognition of other countries' approaches and/or requirements used to mitigate risk and adopting these for use in Australia/New Zealand
- ☒ Use of certificates of compliance confirming that packaging and packaging inputs adhere to a specific CoP, industry standard or regulation
- ☐ Instructions in the form of labelling requirements to mitigate risks at the consumer level (e.g. preparation instructions)
- ☐ Introduction of a post-market incident response mechanism (for example, to review poor or lack of application of Good Manufacturing Practice (GMP))
- ☒ Establishment by packaging and food manufacturing companies of internal specifications and due diligence systems for packaging supply/use
- ☒ Other

We send product samples to offshore laboratories for independent migration testing

Our manufacturing process of rigid plastic materials for food contact packaging using recycled materials is independently certified suitable vs. FDA & EU regulations (surrogate contaminants challenge test). These are certified to the same standard as the virgin materials we use.

**Question 7** (refer to p.14)

*If you are a food business (manufacturer/importer/brand owner/retailer):  
Is information readily available on whether or not food packaging (including for home brand products)  
is made from recycled materials?*

☐ No ☐ Yes

Please expand on your response

**Question 8** (refer to p.14)

*If yes to Question 7, how do you ensure that packaging manufactured from recycled materials does  
not contain chemicals that could migrate into food at levels of potential concern?*

- ☐ In-house testing
- ☐ Request Declaration of Compliance
- ☐ Auditing of supplier
- ☐ Other (please specify)

**Question 9** (refer to p.16)

*If you are a packaging or food manufacturer, or industry body, is using another countries' legislation (eg US/EU) suitable to ensure compliance with your customer's needs?*

☐ No ☒ Yes

Please expand on your response

Because raw materials and additives are already produced to meet these regulations, and offshore test laboratories are familiar with the requirements for certification. Raw material producers are unlikely to specifically formulate or certify for a market of our size (AU/NZ).

The bigger markets are likely to be more exposed to risk (by nature of much larger usage volumes) so over time we think they will identify risks and regulate more effectively than our 'niche' AU/NZ market.

Packaging users who use a variety of sources for various packing formats prefer a common base standard for compliance.

**Question 10** (refer to p.16)

*In your experience, do the EU or US requirements or guidelines and other CoPs adequately manage risks from CMPF from all recycled materials?*

☐ No ☒ Yes

Please expand on your response

CMPF standards should not vary whether virgin or recycled materials are used.



**Question 11** (refer to p.17)

*What would you see as the advantages and disadvantages of a co-regulatory approach to managing CMPF?*

Advantages

Nil

Disadvantages

Confusion over suitability of each standard.

Even if local standards apply, we will still have to comply with EU/FDA regulations.

**Question 12** (refer to p.17)

*Does the Australian Standard for Plastic Materials for Food Contact Use – AS2070-1999 supply useful guidance to industry?*

☒ No ☐ Yes

Please expand on your response

We use EU/FDA exclusively - due to customer requirement.

**Question 13** (refer to p.17)

*Are there other pertinent industry standards (Australian/New Zealand or International) that you reference and adhere to regularly?*

☐ No ☒ Yes

Please expand on your response

EU  
FDA

**Question 14** (refer to p.18)

*Would you see benefits if a more prescriptive approach to packaging regulations were introduced?*

☒ No ☐ Yes

Please expand on your response

The standards we are required to adhere to are already very stringent.

We are contracted against these standards, and are regularly audited by customers and 3rd parties.

**Question 15** (refer to p.18)

*Regardless of whether you buy or manufacture packaging, do you have a food safety or quality management program for that packaging?*

☐ No ☒ Yes

Please expand on your response

Codex HACCP program

**Question 16** (refer to p.18)

*What are the key elements pertaining to chemical migration from packaging of this program (if you have one)?  
For example, do you comply with a code of practice(s) or a specialist customised in-house program.*

- ☐ Comply with requirements in Australia New Zealand Food Standards Code
- ☐ Comply with AS 2070-1999
- ☒ Comply with Good Manufacturing Practice
- ☒ Comply with EU regulations
- ☒ Comply with US regulations
- ☐ Comply with CoP (if so, which?)
- ☒ Comply with customised in-house program
- ☒ Ensure through chain product stewardship
- ☐ Other

**Question 17** (refer to p.18)

*As a food business, what quality assurance and quality controls do you currently use to mitigate risks from CMPF?  
Please provide examples.*

Quality Assurance

Quality Controls

**Question 18** (refer to p.18)

*As a food business, do you have in-house technical capacity or expertise related to packaging?*

☐ No ☐ Yes

Please expand on your response

**Question 19** (refer to p.18)

*As a packaging manufacturer/converter/supplier (including packaging importer), if you print on the materials that you produce, do you have a quality assurance and quality control system (or similar) which includes printing inks and related products (eg. resins, adjuvants, mineral oil)?*

☐ No ☐ Yes

Please expand on your response

We do not print

**Question 20** (refer to p.18)

*As a packaging manufacturer/converter/supplier (including packaging importer), do your quality assurance/quality control systems consider the end uses of the packaging?*

☐ No ☒ Yes

Please expand on your response

Our quality system and manufacturing practice treats all packaging production as being for end use direct food contact (primary) packaging - even if it is not finally used for this purpose.  
For total safety we apply one standard at the highest level.

**Question 21** (refer to p.18)

*As a packaging manufacturer/converter/supplier (including packaging importer), do you always prepare a Declaration of Compliance with existing legislation in order to meet your customers' needs?*

☐ No ☒ Yes

Please expand on your response

We provide declarations of compliance vs. FDA/EU regs.

**Question 22** (refer to p.18 and SD3)

*As a packaging manufacturer/converter/supplier (including packaging importer), as a result of international responses to issues with CMPF (eg. di-2-ethylhexyl adipate (DEHA)), and management measures undertaken by overseas manufacturers (eg. reformulation), have you adopted similar mitigation measures?*

☐ No ☒ Yes

Please expand on your response

We have ensured all raw materials we source are free of identified compounds as they are notified.

Normally our internationally based customers require this with urgency whenever an issue is notified.

**Question 23** (refer to p.18 and SD3)

*As a packaging manufacturer/converter/supplier (including packaging importer), are you aware if semicarbazide is still used in manufacturing of food packaging materials in Australia and/or New Zealand?*

☒ No ☐ Yes

Please expand on your response

The products we produce have never contained semicarbazide.

**Please detail any other comments you have on the Consultation Paper and the issues raised:**

We are a high volume producer of rigid plastic packaging for over 35 years.

We produce rigid plastic packaging in Australia and New Zealand using post consumer recycled materials and virgin materials. We are also an experienced and significant producer of post-consumer recycled PET sheet for food packaging in the UK market.

We fully endorse and support the content of the Packaging Council of New Zealand submission concerning Proposal P1034.

**SUBMIT**

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