

Industry Comments on the 4th Amendment to Directive 2002/72/EC

Company	Comment	Response
<p>British Plastics Federation (BPF – Sarah Plant)</p>	<p>The BPF is the leading trade association for the UK Plastic Industry representing the views of the raw material producers, additives suppliers and manufacturers of semi-finished and finished articles intended to come into contact with food.</p> <p>Generally support the implementation of Commission Directive 2007/19/EC through the proposed Plastic Materials and Articles in Contact with Food (England) Regulations 2008.</p> <p>BPF appreciates the need for such proposals but have concerns regarding the total disclosure of information, which in some instances is likely to be anti-competitive.</p> <p>Another significant issue is the additional requirement of much more in-depth information. This is likely to increase the burden of administrative tasks and will require a significant amount of extra ‘people time’, although the full impact of developing effective tools to enable companies to fulfil their paperwork requirements and prove safety is difficult to estimate. Additional cost of REACH compliance should also be included as a contributory factor.</p> <p>Any costs associated with the proposal will have a more profound effect on small and medium sized businesses. This would include the majority of companies within the plastics packaging industry. Whilst there are some large, multinational businesses, individual operating units within these would be described as small and medium sized. Such businesses have little flexibility in allocating existing staff to the tasks that would be required.</p>	<p>Noted</p> <p>A response has been sent to BPF dealing with these points.</p>
<p>LGC – John Marriott</p>	<p>The comments from LGC contain two elements:</p> <p>1) summary of views obtained from an SME supplier of food contact plastic material and processing plant relating to question f) on page 6 of the consultation document – ‘Is the sector characterised by rapid technological</p>	<p>All comments have been noted and actioned as required.</p>

growth?' As well as providing context for the competition assessment, this evidence may help those involved in testing, including the enforcement authorities.

2) Brief comment addressing a range of points concerning effective regulation and the science infrastructure.

- Directive 2007/19/EC which the proposed regulations implement has real implications for analytical science – e.g. new requirements for testing migration of specific additives and monomers. The Directive is in force, so specific requirements are already clear. Mr Marriott is appointed to advise on analytical science matters and while welcoming the opportunity to comment, it may be helpful for GC to contribute earlier to the development and discussion of future legislation.

Is the Sector characterised by rapid technological change (1)?

In December LGC staff contacted the managing director of an expanding SME with 30 years experience in the supply of plastic materials. More recently the company has begun to supply sheet material based on a recycled polyethylene terephthalate (APET).

The key message was that supermarkets have a great deal of influence on the way their supply chains comply with regulation. Multinational retailers tend to require a 'letter of non-objection' to new processes from the US FDA. Much technological change, such as the choice of extruder plant, is being driven by retailers starting to require 100% post-consumer recycled amorphous polyethylene terephthalate (APET), rather than a 'sandwich' product in which the bread is a virgin material and the filling is RPET.

The company's experience was that food contact materials are subject to well-defined sampling protocols for migration testing. However, recycling involves a batchwise input to a continuous forming process. Any significant contamination is likely to be batch-specific. Occasionally, product innovation gives rise to issues of

	<p>classification between food groups, e.g. companies manufacturing a plastic product containing over 50% inorganic filler may be unsure of the rules.</p> <p>Overall the SME described a highly-responsive industry which is under a lot of pressure to adopt innovation, particularly washing processes for the recycling of post consumer waste. The company's own business pipeline reflected strong demand to upgrade capital plant such as extrusion lines.</p> <p>Other issues raised by the consultation</p> <ul style="list-style-type: none"> • LGC believes that the Impact Assessment's Option 2 of fully implementing the provisions of the Directive is the only realistic course of action and that the proposals are broadly consistent with the effective regulations goals. Business operators and local enforcement authorities share the burden in keeping abreast of the detailed rules relating to food contact materials and articles. Clearly this has been considered in revisions of to the layout of the draft regulations, although the fact that they preserve much of the structure of their predecessors (SI 2006/2687) should also help local authorities exercise their powers effectively when the enforcement action needs to be considered. • UK and EU legislation must be read together in order to achieve compliance. Ambulatory references which cross-reference technical updates to the Directive can simplify this aggregate burden, provided that the reader is clearly required to refer to the latest version and instructed on how to access it. • A number of several typographical points which could be confusing, including cross-references that may need updating where they have been carried through from the regulations to be revoked. – e.g. should draft regulation9(6) refer to the defence available in paragraph 10(2) of 	<p>Noted and actioned where appropriate and response sent to LGC.</p>
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	<p>Schedule 2, rather than paragraph 6(2)? No doubt the regulations will undergo further proofreading to the usual high standards before they are made.</p> <ul style="list-style-type: none"> • Paragraph 15 of the Impact Assessment explains that FSA may need to co-ordinate more research on migration tests to support Option 2. Obviously the Agency will be working hard to improve cost-benefit through appropriate collaboration with the Commission and Member States. As a matter of principle LGC believe that UK laboratories should work together to ensure that the Community Reference Laboratory for Food Contact Materials (CRL-FCM) effectively services its underpinning legislation; FSA is well placed to co-ordinate UK participation. 	
<p>National Bureau of Agricultural Commodity and Food Standards, Thailand – Mr Sorapol Therpathana, Secretary General</p>	<p>The National Bureau of Agricultural Commodity and Food Standards (ACFS), Ministry of Agriculture and Cooperatives of the Kingdom of Thailand have expressed their views of concerns by their food manufacturers in relation to proposed Regulations.</p> <p>One of their main concerns is the change of the Specific Migration Limit (SML) of epoxidised soybean oil (ESBO) and other plasticisers from 300 mg/kg to 60 mg/kg. As expressed by the food manufacturers, their lid suppliers, mainly in Europe, are still not able to produce lids that comply with the new limit of 60 mg/kg for oily products with high temperature sterilisation condition. In addition lid suppliers indicated that even if they could supply the lids with the new limit, food manufacturers still need to analyse the lids with each of their products to ascertain that the final products comply with the regulation limit. Therefore, with the given lead time of 3 months (between the set date for lid manufacturers and the set date for food manufacturers to comply with the proposed regulation), it would be extremely difficult for food manufacturers in Thailand to be able to comply with the regulation by the set date of 1 July 2008 due to the reasons outlined.</p>	<p>All comments noted. A response was sent to the Thai authorities on the issues raised.</p>

	<p>They would appreciate an extension of 12 months after the set date for lid manufacturers to comply with the regulations. The proposed extension period will enable them to perform the make the necessary arrangements to comply. They are fully committed to the philosophy of food safety and would like to continue to deliver quality food products to the UK.</p> <p>They hope that the FSA are able to understand the circumstances and extend cooperation in their endeavours for food safety.</p>	
LACORS – Les Bailey	<p>LACORS have no comment on the text of the draft SI.</p> <p>Many of the aspects of the Regulations are concerned with technical, scientific and analytical matters and so on this occasion LACORS are happy to support the comments by the Association of Public Analysts (APA).</p>	Noted
Vegetarian Economy & Green Agriculture (VEGA) – Dr Alan Long	<p>VEGA supports the Agency’s pursuit of Option 2 in implementing the provisions of Directive 2007/19/EC.</p>	Noted