

Call for Evidence: Plastic food contact materials containing bamboo and similar plant-based material as additives

Status: Open

Date launched: 6 June 2023

Closing date: 12 December 2023

This call for evidence will be of most interest to

Plastic manufacturers, retailers, importers and exporters, and other interested parties.

Call for evidence subject

The FSA and FSS are seeking evidence in relation to the safety and stability of plastic food contact materials and articles containing bamboo or other plant-based material.

Purpose of the call for evidence

The Committee on Toxicity (COT) has carried out a review of plastic composites containing bamboo. However, due to a lack of available data, they have been unable to carry out a comprehensive risk assessment. This call for evidence seeks any data or information that helps to inform the long-term safety of plastic composites containing bamboo and similar plant-based materials. This evidence will also inform the assessment criteria for future regulated product applications concerning botanicals in plastic food contact materials being placed on the Great Britain (GB) market.

How to respond

Responses to this call for evidence should be sent to [\[plastic-composites@food.gov.uk\]](mailto:plastic-composites@food.gov.uk)

Details of call for evidence

The Food Standards Agency (FSA) and Food Standards Scotland (FSS) have included plastic food contact materials containing bamboo and/or similar plant-based materials as additives as an issue through the UK risk analysis process. Such materials are often described as 'plastic composites', 'bamboo composites' or similar.

Bamboo and other plant-based materials such as, but not limited to, rice husks and wheat straw, have not had their safety assessed in plastic. Nor have they been authorised under retained (EU) Regulation 10/2011 for use in plastic food contact materials (applicable in England, Wales and Scotland), or Commission Regulation (EU) No 10/2011 (applicable in Northern Ireland).

Examples of such articles may include, but are not limited to, so called eco-coffee cups/mugs, and kitchenware sets that include plates and bowls. Some have been marketed as being 'eco-

friendly' and '100% biodegradable'. Both of these claims are deemed misleading in reference to the provisions within the Materials and Articles in Contact with Food Regulations 2012.

The UK's independent scientific advisory body, the COT, carried out a review of available data on plastic composites containing bamboo last year. The COT published an interim position paper on bamboo composites in food contact materials (COT paper). It concluded that, based upon current knowledge, the migration of formaldehyde and melamine from bamboo composite cups can be regarded as a potential concern to human health. It would, therefore, be appropriate to conduct a more comprehensive risk assessment once further data, for example, on composition and exposure, becomes available.

Given the lack of available test data and information related to composition on which to carry out a risk assessment, we have launched this call for evidence. Given that these articles cannot be placed onto the market without authorisation, we understand that business operators may wish to make a regulated product application with the intention of seeking an authorisation to use bamboo and/or other plant-based materials in plastic food contact materials intended for the GB market. However, due to the current lack of knowledge and available information on the safe use of plastic composites and using such materials in plastic, it may prove challenging for the relevant scientific committees to complete individual assessments without more test data and information. This is also because there are no substantive reference criteria against which a comparison could be made. It may also be difficult to stipulate what additional information and assessment criteria are required within an application concerning plant-based materials as additives. We would be interested to receive relevant information particularly in relation to their safety and stability. It may also be in your interest to submit such data in response to this call for evidence if you are considering at some point in applying for authorisation to place these products onto the market.

We are particularly interested in receiving information on:

- any available information/data on the safety assessment of these products, including toxicological testing and relevant toxicological data.
- any testing that has been carried out that informs the safety and stability of plastic composites in its proposed use (any products containing plastic are required to be accompanied by a declaration of compliance (DoC)).
- sourcing and specifications of the plant-based material used in the plastic. Are you able to provide details of any exporter assurance schemes?
- the final product's full list of ingredients (including ratios/percentages) and specification. We have observed different material combinations which include varying proportions of plastic (for example melamine) to plant-based material in these items. We have also noted that different manufacturers use the plant material in different ways so would welcome information on the form this material is taking within the composite- for example, meal, fibres, fine dust, etc. The comprehensive risk assessment will be considering how much of an impact this has on an article's safety and stability in expected use.
- the manufacturing process of these materials. There is some indication that this has a strong influence on the durability of the final product.
- any other pertinent information or issues concerning these products.

All information received will be reviewed and form part of the COT's wider consideration of plastic composites containing bamboo or similar plant-based materials. Information will be subject to the FSA's obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 and to the extent such information contains personal data it will be processed in accordance with our Privacy notice for consultation. Similarly, information will also be subject to FSS's obligations under the Freedom of Information (Scotland) Act 2022 and The Environmental Information (Scotland) Regulations 2004. Commercially sensitive information and/or information confidential in nature should be specifically identified in your response. This will be considered in conjunction with the requirements outlined above.

Northern Ireland market

European Commission Food Contact Material legislation is applicable in Northern Ireland. When supplying the Northern Ireland market, food businesses must comply with the applicable EU legislation. Only authorised additives in Annex I to Commission Regulation (EU) No. 10/2011 can be used in a plastic food contact material and placed on the market in the EU/Northern Ireland.

In June 2020, the Experts of the European Working Group on Food Contact Materials concluded that plastic food contact materials containing bamboo fibre and other bamboo materials are not listed in Annex I of Commission Regulation (EU) No 10/2011. Therefore, plastic food contact materials containing bamboo fibre and other bamboo materials must not be placed on the market in Northern Ireland as they are not in compliance.

Business operators who wish to place plastic food contact materials containing bamboo fibre and other bamboo materials on the market in Northern Ireland must apply to the European Food Safety Authority (EFSA) via the competent authority of an EU member state.

Responses

The deadline to submit any data is 12 December 2023. Please state, in your response, whether you are responding as a private individual or on behalf of an organisation/company (including details of any stakeholders your organisation represents).

Please send response to [plastic-composites@food.gov.uk]

Responses will be shared between the FSA and FSS. For information on how the FSA handles your personal data, please refer to the privacy notice. For information on how FSS handles your personal data, please refer to our consultation privacy notice.

If you require a more accessible format of this document, please send details to foodcontactmaterial@food.gov.uk and your request will be considered.

This call for evidence has been prepared in accordance with HM Government consultation principles.

Thank you on behalf of the Food Standards Agency and Food Standards Scotland for participating in this public call for evidence.

Yours,

Tim Chandler, Food Additives, Flavourings and Contact materials branch, Food Policy Division
Barbara Doerr, Chemical Risk Assessment, Science and Evidence Division.