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Feedback to the EU Commission: Food safety – restrictions on bisphenol A (BPA) and other bisphenols in food contact materials

HEJSupport welcomes the opportunity to submit feedback on the EC plans for **restrictions on bisphenol A (BPA) and other bisphenols in food contact materials**. HEJSupport works on chemicals in products for a long time, and e.g. represents NGOs in the steering committee of the UNEP chemicals in products steering group in the frame of UNEP.

We welcome the initiative of the Commission to ban BPA. However, it is not enough to just ban BPA and some “other bisphenols” instead of the whole group of bisphenols. A grouping approach should be applied to cover all bisphenols to protect human health and the environment at the highest level. The scope of the bisphenol ban should include, at a minimum, those meeting the criteria for classification as CMRs and EDCs for human health of Category 2. Not addressing bisphenols as a group leaves consumers and especially vulnerable groups such as children and pregnant women exposed to harmful chemicals associated with e.g. hormone-related cancers, infertility, and metabolic diseases. The precautionary principle, as enshrined in Art 191 of the TFEU, should definitely be applied in this legislation.

It is essential to change the authorization for BPS in plastics in Regulation 10/2011 on plastic food contact materials to ensure no regrettable substitution of BPA for BPS is allowed. BPS should be removed from the list of authorized substances in Regulation 10/2011 like BPA so that companies will need to re-apply for specific applications.

It is key to ensure that bisphenols are not present in articles containing recycled materials. These articles include paper, board materials and plastics. Data from ECHA confirms that some manufacturers substitute BPA with BPS in paper and board materials, thus contaminating articles with already confirmed toxic substances. Moreover, BPA from PET products is already found in recycled materials. Data from the European market confirms a higher migration level of BPA from recycled materials than from virgin PET bottles. It is vital to ensure that food contact materials with recycled content are not contaminated with bisphenols at levels that can harm human health, prioritizing the most vulnerable groups, including children.

Finally, we want to emphasize the importance of revising the FCM framework legislation without further delays.

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