

## Ban on the intentional use of BPA

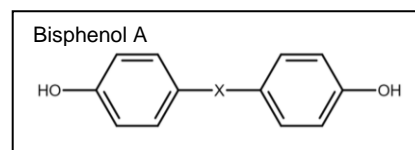
The published draft BPA Regulation and the common position of ECMA and Pro Carton were shared in earlier FC updates this year (5/03 and 30/04).

Many associations and some Member States have been questioning the necessity and feasibility of the monitoring measures included in the draft, related to recycled paper and board.

Once banned for intentional use the levels will anyway decrease, there is no gas phase migration for BPA and the required frequency of testing was simply not doable.

The Commission has taken the objections serious and has skipped all requirements related to recycled paper and board.

In the text adopted in the SCoPAFF meeting the 12/06 (see annexed) and presented in an Information Event organized by DG Sante (14/06), the previous Article 5 on “Monitoring and reporting of results” is left out and also in Article 1 the reference to paper and board was skipped.



### Essence of the text for carton makers.

The Regulation:

- bans the use of BPA and its salts in the manufacture of food contact materials and articles in scope: plastics, adhesives, printing inks, varnishes and coatings, rubbers, ion-exchange resins, silicones.
- prohibits the presence of residual BPA in food contact materials and articles for which other bisphenols or bisphenol derivatives are used in the manufacturing process.
- bans the use of other hazardous bisphenols and bisphenol derivatives, classified as CMR category 1A/1B or EDC Cat 1.

At this moment: bisphenol S (BPS), 2,2-bis(4'-hydroxyphenyl)-4-methylpentane, bisphenol F (BPAF).

As those alternative bisphenols are currently used, an application procedure is foreseen.

The use of other bisphenols in future classified in the same categories of hazardous substances will also need to be assessed.

- A declaration of compliance is required at all marketing stages other than the retail stage. Appropriate supporting documentation shall be available for the competent authorities.

The BPA Regulation, can now be considered as adopted and “set in stone”, will be transmitted to the European Parliament and the Council on the 10/07 for a 3-month scrutiny and will be published in Q4, with a transition period of 18 months.

This positive outcome for carton board, doesn't mean the Commission entirely abandoned the monitoring idea. As previously for the mineral oils, it is the intention to issue a BPA Monitoring Recommendation. The recommendation will be developed in the EU Working Group on food contaminants and will look into the presence of BPA in food.

This work still needs to start and it is unclear which food categories will be included and which test procedures will be required.

Based on certain contacts at responsible authorities, it seems also this Recommendation may come quickly. Obtaining monitoring data before the ban on the intentional use will enter into force, would deliver a kind of zero-point measurement.

## Short follow-up information

- At the information event on 14/06, the Commission also presented the latest developments on the quality amendment to Regulation (EU) 10/2011. For those who have been following this, the



Commission stated the review of Article 14 paragraph 4, will - in the current understanding - NOT mean, the SMLs and OML in the plastics regulation apply to the entire multi-material multi-layer material. The SMLs and OML will be applicable to the plastic layer.

- Persistent Organic Pollutants Regulation. (See FC update 8/12/23)  
According to the latest update on a meeting of the POPs Expert Group with the European Commission (7/06) the very low UTC (Unintentional Trace Contaminant) levels for PCBs in pigments are off the desk. In the latest proposal of the Commission a UTC limit value is set at 0,1 ppm, with however a derogation for the organic pigments and mixtures and articles containing organic pigments. Maximum contamination levels to respect for the organic pigments: 25 ppm upon entry into force, 10 ppm 3 years after entry into force.
- Allergens. (See FC update 25/01/24 & 29/03/24)  
In the FS Committee it was once more confirmed the food labelling regulations stipulate for allergens that even traces must be communicated. Wheat/wheat starch can be present in printing powders and also in carton board. Furthermore, the discussion in the FS Com indicated it is not excluded also soy oil based raw materials may appear in the materials our sector is using. An implemented allergen management (and GMO management) is essential.
- Discussing the PFAS presence in the materials used, the FS Com is of the opinion, this category of substances should - according to the website communication and confirmations by the suppliers - not be present in the adhesives for carton manufacturing and also the carton board should be free of intentionally used PFAS. The discussion carton makers need to have with the ink suppliers (on PFAS and BPA) was well covered in FC Update 29/03/24.  
According to the discussion in the FS Com, PFAS may also still be present in decorative foil.
- The 14<sup>th</sup> BioDetectors conference will be held in Amsterdam (27-28 June). At this occasion the latest research on the development and application of in vitro effect based methods will be presented. [https://biodetectionsystems.com/wp-content/uploads/2024/01/14th-BioDetectors-2024\\_Amsterdam\\_Flyer.pdf](https://biodetectionsystems.com/wp-content/uploads/2024/01/14th-BioDetectors-2024_Amsterdam_Flyer.pdf)  
Also, the FS Com meeting the 18/06 has on its agenda a short presentation on bio assays.



### Recent RASFF notifications

The Rapid Alert System for Food and Feed is an EU exchange of information tool between member countries to support swift reaction by food safety authorities in case of risks to public health resulting from the food chain.

<https://webgate.ec.europa.eu/rasff-window/screen/search>

Via this portal it is valuable to monitor the notifications by the member states. This allows to identify which substances the food safety authorities are specifically looking after and which notifications may be related to our sector.

In recent months France has notified in the category “Food Contact Materials”, 6 pizza boxes.

2 from Italy: Notifications 2024.1401 (27/02), 2024.1377 (27/02),

3 from Turkey: 2024.0170 (9/01), 2024.0434 (19/01), 2024.1555 (5/03)

1 from Spain: 2024.1172 (20/02)

Lead, phthalates, photo initiators and BPA are mentioned in the notifications.

	Found for # samples out of 6	Migration for the contaminated samples.(per kg)	
		Lowest	Highest
Lead	6	0,27 mg	2,15 mg
DEHP	5	2,11 mg	35 mg
DBP	6	0,27 mg	4,76 mg
DIBP	6	0,3 mg	8,1 mg
DINP	4	4,3 mg	7,86 mg
DIDP	4	0,99 mg	6,2 mg
Benzphenone	2	2,88 mg	6,65 mg
4MBP	2	0,094 mg	0,19 mg
1 HCPK	4	0,087 mg	0,18 mg
BPA	1	2,15 mg	

In this same period there have been also 14 notifications related to the presence of MOAH in food: Germany 4, Netherlands 5, Finland 1, Poland 2, Romania 1, France 1.

Concerned products: Coconut oil, Olive pomace oil (2), Palm oil, Palm Mid Fraction, Puffed corn sweets with chocolate frosting, Cake, Rice, Chickpea flour, Fava bean protein isolate, Roasted coffee, Vanilla bean, Vanilla powder, Sichuan Pepper

