

Minutes

FCM JEGs Minutes 5th July 2023

Joint Expert Group on Food Contact Materials

**Meeting of the FCM JEG at 10:00 on 5th July 2023 in Clive House, London
and online via MS TEAMS**

Present

Dr. Jenny Odum

Chair:

Dr. Sibylle Ermler

Dr Emma Bradley

Dr. Gill Clare

Dr. Natalia Falagán

JEG Members:

Dr. Stuart Adams

Dr. Michael Walker

Dr. Barbara Doerr

Ms. Jocelyn Frimpong-Manso

Mrs Claire Potter

FSA Scientific Secretary

Miss Cleanncy Hoppie

Food Standards

Agency (FSA)

Secretariat:

Dr. David Kovacic

Miss Sabrina Thomas

Miss Frederique Marie Uy

Ms. Azuka Aghadiuno

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Interests

1. The Chair reminded those attending the meeting to declare any commercial or other interests they might have in any of the agenda items.

Item 1: Welcome and Apologies

2. No apologies were received. It was announced that a member of the Secretariat had been promoted to the Regulated Products team and left the FCMJEG Secretariat on the 1st of July 2023. Members wished him all the best.

Item 2: Matters arising

3. A dossier update table with the overall progress on all FCM dossiers was presented to Members.

4. It was explained that both RP1898 and RP1995 were recycling process dossiers and that they would be presented at later meetings.

5. The Secretariat is awaiting the requested additional information for RP53 and RP262. There has been a change of ownership for RP1415. Additional information has been received for RP1642 and it will be presented to the Members at the August 2023 meeting. RP1741 is currently ongoing, and further information will be presented in due course. RP45 and RP94 will be presented to the Committee on Toxicity (COT) in September. The COT was satisfied with the confidential details that were received from the Applicant for a can coating. The final version of the document will be signed off as a Chair's action.

6. Members thanked the Secretariat for organising the recycling plant visit and highlighted that it was very beneficial. Members were informed that another recycling plant visit would be organised in the next financial year.

Item 3: Minutes of the last meeting - May 2023

7. Members requested editorial changes to ensure consistency and provide clarification of the points raised.

8. The Secretariat was asked to update the minutes with the co-chair as the main chair of the meeting was excused from the meeting before the discussion of the can coating item due to a conflict of interest.

9. Members discussed the following statement in paragraph 10 "The maximum 5% as set in the legislation referred to the input material not being more than 5% from non-food contact use" and questioned if the 5% is stated in the legislation or the EFSA guidance only. It was suggested to revise the above wording and change "set in legislation" to "set in EFSA guidance".

10. The Secretariat informed members that the applicant had been contacted for additional information regarding the challenge test results after they requested clarification on the challenge test discussed in paragraph 26. As a

result, members agreed that the last sentence of paragraph 26 should remain unchanged.

11. Overall, Members considered the meeting notes to be well written.

Minutes from the previous meetings

12. The Secretariat was asked to update the minutes with the co-chair as the main chair of the meeting was excused from the meeting before the discussion of the can coating item due to a conflict of interest.

13. Members discussed the following statement in paragraph 9 “Members asked for clarification whether the statement on the maximum 5% is in the legislation or in the EFSA guidance” and requested the Secretariat to revise the above wording and change “set in legislation” to “set in EFSA guidance”.

14. Policy confirmed that they were still in discussion with the regulated products team to determine the best approach in publishing the risk assessment. Members were informed that applicants are aware that there will not be any risk management advice after the risk assessment of their product. The FCM JEG highlighted that the public should also be aware of this process.

15. Members were content with the level detail provided under item 10 (Any other business).

16. Members queried if the individual name of a Secretariat member should be replaced with just “the Secretariat”.

17. Finally, members confirmed that they were happy to sign off on the public minutes.

Item 4: Additional information received on ocean-bound plastic (OBP) through the call for evidence

18. No interests were declared.

19. The paper summarised additional information provided by two companies as responses to the call for evidence.

20. Responder 1 was kindly asked to clarify which steps of the process (e.g. collection, sorting, recycling, manufacture of pellets, distribution) are carried out by Responder 1 and which are contracted out to a third party. The FCMJEG agreed that the provided additional information was sufficient providing clear insight into different process steps.

21. The Group inquired about any regulations that prevent the use of OBP in food contact materials. The policy team clarified that there are no specific regulations prohibiting this use. However, there are certain articles in the Commission Regulation (EU) No 10/2011, which require risk assessment and consideration of factors such as misuse and unauthorized additives. The Group expressed concern about two areas of uncertainty in the recycling process of plastic: the quality of the original plastic material collected from the environment and whether plastic from open environments is more degraded compared to plastic from domestic use that is sent for recycling.

22. The Group was made aware that some suppliers may refer to plastic collected from areas with poor waste management as OBP. The Group recognised the importance of collecting plastic from these areas to prevent it from ending up in the open environment. However, they noted that the risks associated with plastic collected from the open environment may be different from those collected from households or kerbside collections. Therefore, it is necessary to clarify where the plastic material is sourced from in order to assess its use for FCM applications. The FCM JEG agreed that a clear definition of OBP is needed for risk assessment. They identified potential additional risks arising from exposure to the environment.

23. The FCMJEG agreed to look into the analytical reports provided by Responder 1 to make sure that the characterisation techniques are adequate to analyse the sample and identify potentially harmful substances.

24. The FCMJEG would like clarification from Responder 1 on what conclusions they draw from differences in preforms made from OBP plastic and UK kerbside plastic and if the preforms have the same thickness. The FCMJEG appreciated the offer to carry out more non-intentionally added substances (NIAS) testing and concluded to come back later to Responder 1, based on clarification of sourced plastic origin.

25. The FCMJEG acknowledged the amount of new information and scientific evidence obtained through the call for evidence compared to the information available during the initial assessment. Further steps in safety assessment were discussed. The FCMJEG concluded that in the light of new evidence, the original position on the use of OBP in FCM can be changed but more evidence and information for safety assessment needs to be obtained.

Item 5: Assessment of additional information on a plastic additive (calcium tert-butylphosphonate, RP1702)

26. No interests were declared.

27. Members were introduced to the additional information paper for application RP1702 (calcium tert-butylphosphonate).

28. The Members considered the available information and were satisfied with the additional information provided by the applicant.

29. The Members discussed the confidential sections of the dossier and agreed on the sections that can and cannot be kept confidential for the opinion paper.

30. Members agreed for the opinion paper for RP1702 to be drafted and presented at a later FCM JEG meeting.

Item 6: Update on additional information on a recycling process (RP94)

31. No interests were declared.

32. The FCM JEG reviewed the additional information requested for a definition of the term “res”, the values of Cres and Cmod, as well as the certification to support the applicant’s statement that a maximum content of 5% from non-food applications is used as input material.

33. Overall, members were satisfied with the additional information provided but queried if the applicant provided the wrong reference/page number to EFSA opinion as the Cres and Cmod values were identified in a reference different from the one provided by the applicant.

34. Members noted that the applicant referred to the EFSA opinion in paragraph 7.

35. Members asked the Secretariat to clarify with the applicant via email correspondence what the correct reference to the EFSA opinion is.

36. Ultimately, members agreed for the opinion paper for PR94 to be drafted and presented at the next FCM JEG meeting (23rd August 2023)

Item 7: Draft Safety Assessment on a Recycling Process (RP45)

37. No interests were declared by the FCMJEG Members.

38. This item was previously discussed, in brief, during the 24th of May 2023 meeting, in which Members reviewed the additional information provided by the

Applicant in response to a 'Request for Further information letter' (RFI).

39. Members concluded that the additional information was satisfactory. Editorial comments were received and will be amended by the Secretariat.

40. The finalisation of the Safety Assessment will be liaised with the Group via email communication.

AOB

41. The Secretariat informed Members that the next meeting will be a virtual meeting and a face-to-face meeting will take place in October 2023.

Date of next meeting

42. The next meeting will be a virtual meeting on Teams and will take place on the 23rd of August 2023.