

**Question 1: What concerns, if any, do you have about food packaging in relation to food safety?**

Friends of the Earth is deeply concerned at the decision by FSANZ not to consider the migration of nanomaterials from packaging and food contact materials into food.

The decision is particularly concerning because it is based on an admission that little is known of the migration of nanomaterials into food. This is exactly why FSANZ should be investigating the issue and considering how best to regulate the industry (see question 2).

There are a number of compelling strands of evidence that support this view:

1. Nanomaterial use in food packaging is one of the fastest growing and most commercialised component of the nanotechnology industry's presence in the food industry;<sup>i</sup>
2. It is virtually certain that nanomaterials are already being used in food packaging in Australia. FSANZ's position that there is no evidence that nanomaterials are being used in food packaging and food contact materials is not based on any attempt to determine if this is correct. We have researched the use of nanomaterials in food packaging in Australia and do not believe the FSANZ position can be supported in any way;
3. Migration of nanomaterials into food occurs. Research suggests that migration of nanomaterials from packaging into food depends on the nanomaterial, the packaging material and the food in contact with the packaging. The lack of detailed information regarding the variety of different migration scenarios remains a serious problem;
4. There is a substantial body of peer-reviewed studies that indicate there is legitimate cause for concern regarding the health effects of consuming some nanomaterials. Exposure to nanomaterials in packaging may occur either by ingestion, skin contact or inhalation.<sup>ii</sup>
5. Furthermore, the EU has had regulations in place regarding nanomaterials in food packaging since 2011. The use of nanomaterials in packaging is prohibited without authorisation.<sup>iii</sup> The approach of the EU, while not perfect, demonstrates what a precautionary and pro-active approach to food safety looks like.
6. There are virtually no standards in place in Australia relating to nanomaterials in food packaging (see questions 12, 13). We note too that reliance on European or US standards (see questions 9, 10) may not be relevant to all Australian packaging companies. The lack of standards in Australia means that packaging companies that don't export will have virtually no regulatory control or oversight. The decision not to assess nanomaterials in food packaging in the absence of information and regulation is profoundly contrary to the precautionary principle.

**Question 2: What measures do you think could be implemented to resolve these concerns?**

We urge FSANZ to reconsider its decision to exclude nanomaterials from the current process or alternatively to initiate as soon as possible an investigation and consultation into the use of nanomaterials in food packaging and food contact materials.

Question 3: N/A

Question 4: N/A

Question 5: N/A

Question 6: N/A

Question 7: N/A

Question 8: N/A

**Question 9: If you are a packaging or food manufacturer, or industry body, is using another countries' legislation (e.g. US/EU) suitable to ensure compliance with your customer's needs?**

This question, like many others, needs to be asked of the broader consuming public, not just industry. Consumers have a right to adequate information, including the presence of novel materials being used in food packaging.

Question 10: N/A

**Question 11: What would you see as the advantages and disadvantages of a co-regulatory approach to managing CMPF?**

Co-regulatory approaches rarely succeed in meeting regulatory needs. In general - unless industry has compelling reasons to implement a code of practice or co-regulation - levels of compliance are low, and enforcement and monitoring are poor.<sup>iv</sup>

Question 12: N/A

Question 13: N/A

**Question 14: Would you see benefits if a more prescriptive approach to packaging regulations were introduced?**

In relation to nanomaterials in packaging, a nano-specific and prescriptive regime is necessary in order to ensure a precautionary approach is taken in the absence of substantial data.

Question 15: N/A

Question 16: N/A

Question 17: N/A

Question 18: N/A

Question 19: N/A

Question 20: N/A

Question 21: N/A

Question 22: N/A

Question 23: N/A

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<sup>i</sup> Cross C., et al. (2010). An Introduction to Food and Drink Nanotechnology, College Hill and BREC Solutions, p6. [http://ethics.iit.edu/EEL/Introduction%20to%20Food%20%20Drink%20Nanotechnology\\_CH%20%20BREC.pdf](http://ethics.iit.edu/EEL/Introduction%20to%20Food%20%20Drink%20Nanotechnology_CH%20%20BREC.pdf)

<sup>ii</sup> Food Packaging Forum, Nanomaterials, June 2013. <http://www.foodpackagingforum.org/food-packaging-health/nanomaterials>

<sup>iii</sup> Hoekstra, E. Review of migration of nanomaterials from food contact materials. Joint Research Centre of the European Commission (undated but 2013 or later). <http://cmd25jmc14.sciencesconf.org/38792/document>

<sup>iv</sup> Australian Consumers' Association (2002). Self-regulation – who's in charge here? [http://www.aic.gov.au/media\\_library/conferences/regulation/sylvan.pdf](http://www.aic.gov.au/media_library/conferences/regulation/sylvan.pdf), p9.