

Call for Evidence: Use of recycled plastic, originating from ocean-bound/cycle schemes and similar environmental collection, in food contact material products

Status: Closed

Date launched: 21 March 2022

Closing date: 21 October 2022

The deadline for this call for evidence was extended to allow more time for evidence to be submitted.

Summary of responses

A summary of responses to this call for evidence can be found [here](#).

This call for evidence will be of most interest to:

Plastic manufacturers, converters, retailers and interested parties. Any business that is using or actively investigating the potential use in food contact material (FCM) products of recycled plastic, whose starting material is sourced from the open environment.

Call for evidence subject

We are seeking evidence in relation to how business operators propose to, or currently, carry out their own risk assessment to determine the safe use of recycled plastic that has been sourced from the open environment (ocean, 'ocean-bound' or land), in FCM products. This needs to take account of sourcing from countries whose regulatory standards and waste management strategies differ to those of the UK/EU and where information on previous use and/or misuse are less certain.

Purpose of the call for evidence

As "ocean-bound" plastic is a relatively new concept in FCM products, the call for evidence will help to assess this and similar material, and identify any potential risks to human health in its expected use. Information in relation to the use of plastic obtained from the environment in FCM products will inform the independent Scientific Advisory Committee's (SACs) risk assessment and the Food Standards Agency (FSA)/Food Standards Scotland (FSS) policy analysis on the safe use of this recycled plastic.

Whilst there is no accepted definition of "ocean-bound" plastic, there are examples of definitions in the literature, one of which is [What is Ocean Bound Plastic? - Ocean Bound Plastic Certification \(obpcert.org\)](https://www.obpcert.org/).

How to respond

This call for evidence has now closed.

Details of call for evidence

The FSA and FSS are aware of the use of recycled plastic in FCM products that are in part, or fully, fulfilled using plastic material that has been obtained from the environment (ocean, 'ocean-bound' or land). We are aware of these being placed on the Great Britain (GB) market. The recycled plastic may have been obtained from the open environment (discarded plastic) or collected through systems other than municipal waste. We consider plastic obtained from the open environment to be any form of discarded plastic collected for recycling from the environment, be it from land, sea or fresh water. "Ocean-bound" plastic is a relatively new concept in FCM products. Such initiatives are observed to be a sustainable approach for plastic production, however it is important to ensure that any material that is brought into contact with food is safe for the consumer.

Plastic that was acquired from established waste and recycling collection systems (for example deposit return schemes) are considered to be out of scope from this call for evidence. The Joint Expert Group on Food Contact Materials (FCMJEG), which provides independent advice to the FSA, has carried out an [initial evaluation](#) on ocean-bound plastic. The interim statement has been endorsed by the FCMJEG's parent committee, the Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment (COT). A full evaluation on the potential risks of plastic obtained from the environment will be carried out later this year. As this is a relatively new concept regarding its use in FCM products, we have decided to run a call for evidence in order to obtain valuable evidence and information that will feed into the Scientific Advisory Committee's evaluation.

We are particularly interested in understanding:

- how operators propose to, or currently, carry out their own risk assessment to ensure the plastic obtained from the environment in FCM products is safe for the consumer, particularly when sourcing from areas where information on previous use and/or misuse are less certain. (It will be important to take the different regulatory requirements, from where the material was sourced, into account).
- what reference contamination levels are being referred to in risk assessments (note that European Food Safety Authority (EFSA) previously derived a maximum concentration of 3 mg/kg poly(ethylene terephthalate) (PET) based on levels potentially found in washed PET flakes at the EU level - [Scientific Opinion on the criteria to be used for safety evaluation of a mechanical recycling process to produce recycled PET intended to be used for manufacture of materials and articles in contact with food | EFSA \(europa.eu\)](#)).
- how the material is or proposed to be used. Is it in direct contact with food or is it used as a middle layer (for example it is not in direct contact with food)?

It will also be helpful for any submitted evidence to make reference to the regulations, where appropriate. For example, under Article 13(2) of [retained EU Regulation 10/2011 on plastic food contact materials](#), a plastic layer which is not in direct contact with food and is separated from the food by an additional plastic layer (functional barrier) may be manufactured using substances not listed in the authorised list. However, these substances must not be classified or contain substances/contaminants that are 'mutagenic', 'carcinogenic' or 'toxic to reproduction' (CMR). If CMR substances are present, it is, according to legislation referred to above, not possible to apply them, even behind a functional barrier. If this material is being used behind a 'functional barrier', it will be helpful to know:

- how you are able to determine that no CMR substances exist in the initial material.
- how full traceability along the supply chain is ensured, including details of processes/technologies used to ensure sufficient decontamination of the material at any stage.

Overall, we are interested in any information related to assessments on FCM products that use recycled plastic obtained from the environment. We also welcome details of any publications (for example scientific papers) and internal/unpublished reports that have helped to support your individual assessments.

All information received will be reviewed and form part of the appropriate scientific committee's wider consideration of recycled plastic that originated from ocean-bound/cycle schemes and similar environmental collection. This will be subject to the FSA's requirements under the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR) and to the extent such information contains personal data it will be processed in accordance with <https://www.food.gov.uk/about-us/privacy-notice-consultations>. Commercially sensitive information and/or 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 FCM legislation is included in Annex 2 of the Protocol on Ireland/ Northern Ireland (NIP), and therefore applicable in Northern Ireland.

Business operators must exclude the potential presence of toxic contaminants from materials used in FCM products. It is FSA officials' understanding that recycled plastic obtained from the open environment is not currently being placed on the Northern Ireland market in FCM products. Where business operators wish to place recycled plastic obtained from the open environment in FCM on the Northern Ireland market, they should submit evidence demonstrating compliance with applicable European Commission FCM legislation, along with Regulation (EC) No. 178/2002, Article 14, to this call for evidence.

Responses

The deadline to submit any data was 18:00 on 21 October 2022. 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 responses to environmentalplastic@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 at <https://www.food.gov.uk/about-us/privacy-notice-consultations>.

For information on how FSS handles your personal data, please refer to the privacy notice at <https://www.foodstandards.gov.scot/privacy/privacy-notices/consultations-privacy-notice>

If you require a more accessible format of this document please send details to environmentalplastic@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.