



The Government Chemist

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Food Policy Team
Food Standards Agency
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26 June 2018

Dear Mr Dodd,

**Re: The proposed Materials and Articles in Contact with Food (Wales)
(Amendment) Regulations 2018**

As UK Government Chemist, I am responsible under certain Acts of Parliament¹ for providing independent analytical measurement and expert opinion to help avoid or resolve the disputes over scientific data which arise from time to time between local authorities and the businesses that they regulate.

My public remit also covers wider advice to UK government and other affected parties on the role of analytical measurement in effective policy, standards and regulations. My staff liaise with regulatory services involved in sampling, analysis and product testing linked to the investigation of alleged non-compliances.

As an office holder with responsibilities under the above regulations I am pleased to be able to respond to this consultation.

My comments relate only to your request for feedback in Annex C: Impact Assessment: “1) We invite stakeholders to comment on our assessment that there may be costs associated with testing to demonstrate compliance with the new migration limits for BPA from coatings and varnishes. If you agree or disagree with this assessment, please provide evidence to support your views”.

The almost ten-fold reduction in the specific migration limit (SML) for bisphenol A (BPA) in food contact materials from 0.6 mg/kg (food) to 0.05 mg/kg means that henceforth methods used to determine BPA will need to have limits of detection significantly lower than 0.05 mg/kg (food). For example, the CEN technical specification (TS), DD CEN/TS 1313013:2005 ‘Materials and articles in contact with foodstuffs - Plastics substances subject to limitation - Determination of 2,2-bis(4-hydroxyphenyl)propane (Bisphenol A) in food simulants’, states that “The method is applicable to the quantitative determination of Bisphenol A at a minimum level of 0,2 mg/kg to 0,7 mg per kilogram of food simulants”. Thus the minimum level of 0.2 mg/kg for this method is four times higher than the new regulatory limit of 0.05 mg/kg.

¹ <https://www.gov.uk/government/publications/government-chemist-annual-statement-of-statutory-scope-2015--2>



Sensitive methods for the determination of BPA have been published in the scientific literature, and no doubt are or will be made available to Official Control Laboratories by FERA, the UK National Reference Laboratory for 'materials and articles in contact with food'.

I agree with the FSA economic assessment that "some industry sectors may face costs of assessing compliance with the migration limit for bisphenol A from varnishes or coatings applied to food contact materials". This is especially true since validation of methods with a lower limit of detection will be required.

If you require clarification on any of the points then please do not hesitate to contact me.

Finally, may I request that 'The Government Chemist' is added to Annex D 'List of Interested Parties' so that we are alerted to future consultations?

Thank you for the opportunity to comment.

Yours sincerely

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The Government Chemist

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