Sealed Air Corporation New Zealand
Food Care Division
3 Foreman Road and Avalon Drive
3240 Hamilton, New Zealand
www.sealedair.com

Q1 Do you consider that an ongoing monitoring and surveillance strategy, possibly by jurisdictions responsible for enforcement and compliance of food laws would be a practical measure to identify and manage unknown risks associated with CMPF? For example, a future survey could be considered under the Implementation Subcommittee for Food Regulation's (ISFR's) Coordinated Food Survey Plan	We consider an ongoing monitoring as a preventive tool to control the unknown risk associated with food packaging of uncertain cost/benefit results and without guaranteed advantage for risk mitigation. Moreover, the variety of materials and products on the market would require the development of an excessive number of analytical techniques. A more effective approach would be the implementation of a governmental structure that could be activated in case of alarms related to contaminants of toxicological concern for the consumer.
Q2 Do you agree that FSANZ's analysis of control measures and market information accurately represents how CMPF is being controlled in Australia and New Zealand? If, not please state your reasons?	Yes, we agree.
Q3 For any industry stakeholders who have yet to respond to FSANZ's call for information: What control measures for CMPF does your business use?	We have implemented Good Manufacturing Practices (GMP) that meet the regulatory requirements across the globe. GMP considerations form the basis of any sound food packaging manufacturing program and fit squarely within the general safety paradigm concerning the standards currently in place in Australia and New Zealand. When marketing products in Australia and New Zealand, food packaging converters ensure compliance with U.S. or EU standards (including GMP considerations), which are generally accepted across the industry and by governments around the world as a sufficient basis for establishing safety and suitability of a given food packaging material. The purpose of GMP programs in the production of food-contact materials is to reasonably ensure that the packaging product will not adulterate food or lead to any public health or safety concerns. We also apply HACCP Management System and ISO 9000 to ensure meeting hygiene and quality standards

Q4 What problems can you identify with the status quo option and therefore abandoning this proposal?	We support the official recognition by ANZ Code of US FDA and/or EU legislations as the most appropriate solution to the issue. A major problem of the status quo option is the lack of the comprehensive regulation of food packaging with legal validity that limits the enforcement measures to contrast negligence and unsafe practices. Food packaging suitability and safety in ANZ is assured by the application of relevant US FDA and EU legislations, which are currently referenced only by a voluntary standard (AS2070).
Q5 If you consider that a prescriptive approach is the most appropriate option as per either the US/and/or EU approach, FSANZ invites you to elaborate on those reasons. Specifically, please provide the pros and cons of this position in order to further identify costs and benefits for consumers, industry and government of taking a prescriptive approach?	We consider that the low risk from CMPF pointed out by FSANZ assessment is, largely, the result of the application of USFDA and/or EU legislation by the main packaging producers in ANZ market and therefore it derives "de facto" from the application of a prescriptive approach. For this reason, a new proposal should maintain a reference to those legislations that can cover most of the aspects of packaging (different materials, coatings, inks, adhesives) and are extensively adopted by the ANZ packaging industries.
Q6 What do you see as the costs/benefits of this option for consumers, industry and government? Do you consider it would ensure industry has adequate knowledge of the risks from CMPF and implemented available risk mitigation measures?	We believe that the information for consumers has to deal with the correct use of packaging to ensure safe use. Triggering perception of risk without appropriate scientific background should be avoided as it could create unjustified alarm. Regarding industries and government, a more thorough regulatory training is appropriate and the development of technical guidelines will support the correct application of regulatory measures.
Q7 Focusing on the three key areas outlined above, what information do you think would be the most suitable to include in an information/awareness program?	An effective information program could be represented by participation to international partnership programs organized e.g. by the European Union for the development and exchange of knowledge on specific matters http://ec.europa.eu/food/safety/btsf/index_en.htm. The Government should support the development of national scientific competences to address CMPF and the implementation of procedures for the management of risk related to chemicals in food packaging.
Q8 Do you agree that FSANZ, the AFGC/NZFGC and packaging peak bodies are	We agree that these bodies assure adequate representation of ANZ food business for an

the most appropriate organisations to undertake this program? If not, can you identify other appropriate agencies, and peak bodies?	informative program. It is an opportunity to develop up-to-date competencies in the management of risk related to chemicals in packaging for all the members of the food industry chain and create perspectives of development and growth.
Q9 What are the perceived cost and benefits for industry, consumers and industry of a non-regulatory approach? Do you think either option 3a, 3b or 3c would be cost effective?	We strongly support the regulatory approach based on US FDA and EU legislation and we consider the non-regulatory option an instrument to support the application of regulatory measures. For example, the implementation of an accreditation system like Telarc, BRC and alike can help industries to reach a more structured and controlled system that facilitates the application of the legislation, especially for SMEs.
Q10 A guideline would involve a degree of prescription (although it would not be mandated in the Code). FSANZ invites stakeholders to identify the costs and benefits to industry, consumers and government of this approach in assisting industry (specifically SMEs) with identifying, characterising and managing risks arising from CMPF.	Giving the complexity of the subject, a regulatory approach can be preferred to ensure better compliance procedures. A guideline can be developed as technical document for implementation of the provisions mandated by the law. In this context, we consider a technical guideline as a valid instrument to support in particular the SMEs in applying the legislation.
Q11 Would the above information be appropriate for including in a guideline or can you identify others that should be included?	See Q10
Q12 Should all the industry standards and CoPs identified in option 3b be included in a guideline under this current Proposal (versus a separate process) to maximise coverage of all requirements for packaging or only specific ones that include reference to food safety measures or prescribed limits in them? In your answer please be as specific as possible to identify the most-appropriate guideline that would address CMPF.	We believe that the participation of industry to the development of guidelines would bring high value as it would integrate the business dimension into the regulatory requirements. However, we are of the opinion that existing industry standards should remain separated from any shared (gov.t + industry) guideline because they are often addressing very specific needs that are peculiar for restricted sectors.
Q13 What do you see as costs and benefits for government, consumers and industry of this measure? Would it be cost effective? Please detail any other options that you think are appropriate, or available, to strengthen or clarify existing Code requirements and the reasons why, including the costs and benefits of such a measure?	A regulatory approach that prescribes compliance with US FDA and EU legislation implies additional cost for the industries that are not already aligned with them. Nevertheless, we believe that compliance with globally recognized legislation is an important requirement of the markets and represents a benefit especially for import/export issues.
Q14 Do you consider that there is scope to improve the Food Acts provisions regulating the sale of food packaging in Australia and New	Integrating US and EU approaches in the Food Acts would convey a strong message in the internal market and would facilitate export and

Zealand?	import of products to/from other markets.
Q15 Do you consider that the Code should include specific limits for DEHP and DINP for all foods similar to the limits set used for other packaging chemicals (tin, vinyl chloride and acrylonitrile). What do you see as the costs and benefits to industry, enforcement agencies and consumers of this approach?	The suggested approach is sufficient to prevent the risk related of any substance, maybe introducing limitations for specific substances, but we believe that the approach should not be such as to single out chemicals in a manner which would suggest a special treatment.
Q16 Which peak bodies should be involved in familiarising industry with any new provisions or raising awareness of CMPF?	Familiarization with new provisions related to the control of CMPF can be achieved through a strict collaboration between Government Authorities and Agencies and industry peak bodies such as Packaging Council of New Zealand, The Packaging Council of Australia and Australian/New Zealand Food and Grocery Council. Moreover, the participation to partnership program of the EU on the food safety is a valid instrument.
Q17 How could post-market surveillance be conducted satisfactorily? Who would undertake such surveillance?	Surveillance is, in first instance, responsibility of Government agencies to assure neutrality and authority. In this perspective, monitoring and enforcement activities related to CMPF could be part of the work plan of Food Standards Implementation Sub-Committee (ISC). A second level of surveillance could derive from collaboration between ANZ Food safety Agencies and Relevant Food and Packaging Industry Peak Bodies for agreements on internal monitoring processes to address e.g. emerging issues related to a specific problems or chemicals.
Q18 How will the options listed affect you; such as the choices available to your business and current process practices, consumption choices or regulatory activities?	As a global Company, Sealed Air has a global regulatory affairs organization that can ensure compliance with legislations on a worldwide scale. The adoption of US and EU legislation on food packaging will not affect our procedure since all products are in a global market perspective. In the same way, internal procedures are implemented according to International recognised Quality Standards (ISO and HACCP) and Good Manufacturing Practices.
Q19 Are there other affected parties that have not been identified by FSANZ that you feel should be included?	No, provided that all the supply chain involved in the production and commercialization of packaging are included.
Q20 Are there specific costs or benefits to consumers, industry and/or government that you feel should be considered in a future Regulation Impact Statement? If you have any data or	Any change in the current code that will include a prescriptive approach will likely determine additional costs to align to the new provisions. The suggested option of alignment with US/EU

information to support your views on these questions, FSANZ would welcome the opportunity to consider it.	laws would likely have the least impact because reference to these legislations is already largely adopted. Anyhow, this approach would provide clear and extensive indication on chemical characteristics of the materials and conditions of use, thus improving the safety of packaging. These benefits would justify the additional costs for industries that are not yet aligned.