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Feedback to the draft proposal on restrictions on bisphenol A and other bisphenols in food contact materials

FEAD, the European Federation for Waste Management and Environmental Services, representing the private sector waste and resource management industry across Europe, welcomes the Commission's draft implementing legislation on the restriction of bisphenol A (BPA) and other bisphenols and their derivatives in materials and articles intended to come into contact with food.

FEAD **supports the Commission's initiative** to address the potential health risks associated with BPA and its derivatives by proposing restrictions on their use in food contact materials. FEAD also acknowledges the efforts made to balance the objectives of promoting the circular economy while ensuring the safety and health of consumers through the enforcement of a zero-pollution policy.

In particular, FEAD **welcomes the provision in recital 9** of the proposal recognising the need for an exemption for the unintentional use of BPA in recycled materials, although this could be reflected more clearly in the articles. Indeed, a temporary exemption for recyclates will **effectively support circular economy** objectives in a challenging context for recyclers.

FEAD also **understands the obligation to monitor and report** on BPA in paper and board materials and articles containing recycled materials as mentioned in Article 5, but we believe that a clarification on whether this monitoring obligation refers only to recycled paper and board or to all recycled materials would be beneficial to better define the scope.

FEAD would like to clarify that, in our opinion, the provision outlined in Article 5 paragraph 5, which requires manufacturers to take follow-up action to eliminate the presence of BPA, including changes to materials and articles purchased from suppliers, **should not be applied to recyclers**. We believe that this provision could potentially hinder the effectiveness of the exemption for recycled materials.

In addition, FEAD would like to draw the Commission's attention to the fact that a clear understanding of the origin of BPA in certain recyclates is currently lacking and that scientists are working to identify the factors that contribute to the formation of BPA during recycling processes. FEAD believes that BPA precursors are likely to be present in some waste feedstock and that chemical reactions during the recycling process lead to the formation of BPA.

Although not yet scientifically proven, FEAD believes that the quality of the input material can have a significant impact on the BPA content, and it is also suspected that adhesives, labels and inks found on recovered bottles may contain components that act as BPA precursors. In this context, FEAD would like to highlight the **importance of regulating BPA precursors** at earlier stages of the food and beverage packaging value chain to ensure better quality recyclates in terms of BPA content.

In conclusion, FEAD stands ready to collaborate with the Commission to address the complexities surrounding BPA regulation in food contact materials and advance sustainable solutions that safeguard both public health and environmental objectives.

FEAD is the European Waste Management Association, representing the private waste and resource management industry across Europe, including 19 national waste management federations and 3,000 waste management companies. Private waste management companies operate in 60% of municipal waste markets in Europe and in 75% of industrial and commercial waste. This means more than 320,000 local jobs, fuelling €5 billion of investments into the economy every year.

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