

CODEx ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Viale delle Terme di Caracalla, 00153 Rome, Italy - Tel: (+39) 06 57051 - E-mail: codex@fao.org - www.codexalimentarius.org

CL 2024/20-CAC
March 2024

TO: Codex Contact Points
Contact Points of international organizations having observer status with Codex

FROM: Secretariat, Codex Alimentarius Commission,
Joint FAO/WHO Food Standards Programme

SUBJECT: Request for information on a proposal for the investigation and development of recycling guidance in Codex Alimentarius

DEADLINE: 1 May 2024

BACKGROUND

1. At the 85th session of the Executive Committee of the Codex Alimentarius Commission (CCEXEC85, 2023), the United States of America, the Advisor to the Member from North America, presented a proposal for the investigation and development of recycling guidance in Codex Alimentarius, as detailed in [CRD01](#). The proposal aimed to consider how Codex might support global efforts in this area, noting the increase in the use of recycled material for food packaging purposes by Member countries and the private sector and that this could raise food safety concerns.
2. CCEXEC85 agreed to recommend the 46th session of the Codex Alimentarius Commission (CAC46 (2023) to request the Codex Secretariat to issue a Circular Letter (CL) to Codex Members and Observers to gauge whether there was interest, value, or need for new work on guidance from Codex Alimentarius on food safety considerations related to the use of recycled material in food packaging. Furthermore, CCEXEC85 agreed to consider next steps based on the responses of Members and Observers to the CL. ([REP23/EXEC2](#), paragraph 101).
3. CAC46 (2023) noted the recommendation of CCEXEC85 and the proposal as presented in [CAC/46 CRD36](#) and requested the Codex Secretariat to issue a CL to gather information from Codex Members and Observers, noting that this would be a preliminary step ([REP23/CAC](#), paragraph 16 ii).

REQUEST FOR COMMENTS

4. Codex Members and Observers are invited to provide comments on the following:

General:

- a. Would it be useful for Codex to develop guidance on food safety considerations related to the use of recycled material in food packaging?
- b. Are there any aspects in addition to those outlined in CAC/46 CRD36 that should be considered for future work?
- c. Would you be interested in participating in work on this topic?

For Codex Members:

- a. Do you currently have national programs in place to review and assure the safety of recycled material in food packaging, or are such programs under development?
 - o What factors do these programs encompass (feedstock specifications, recycling process technology, etc.)?
 - o How is safety determined (for example, by general or specific migration limits)?
 - o Do these requirements vary depending upon packaging type (e.g., plastic, metal, paper)?
- b. Do you currently have recycling requirements for food packaging, or are such mandates under development? Do these mandates vary depending upon packaging type (e.g., plastic, metal, paper)?
 - o What factors were considered in setting these requirements?
- c. What types of technologies are currently approved for use or are currently under development to ensure the safety of recycled material suitable for use in food packaging? Are you evaluating new, innovative

recovery/recycling processes that could allow for the use of non-food contact materials to be used in food-contact packaging applications?

For Observers:

- a. Do you currently have voluntary programs to facilitate the use of recycled material in food packaging?
 - If yes, what criteria were considered in developing this program to ensure food safety?
 - Do these criteria vary depending upon packaging type (e.g., plastic, metal, paper)?
- b. Have you experienced issues, or do you expect to experience issues pertaining to food safety or trade related to the use of recycled material in food packaging? (for example, inability to find sufficient feedstock of recycled material of suitable quality, inhibition of trade related to recycling mandates or incorporation of recycled material into food packaging.)
- c. What types of technologies are currently approved for use or are currently under development to ensure the safety of recycled material suitable for use in food packaging? Are you evaluating new, innovative recovery/recycling processes that could allow for the use of non-food contact materials to be used in food- contact packaging applications?

GUIDANCE ON THE PROVISION OF COMMENTS

5. Comments should be submitted through the Codex Contact Points of Codex Members and Observers using the OCS.
6. Contact Points of Codex Members and Observers may login to the OCS and access the document open for comments by selecting “Enter” in the “My reviews” page, available after login to the system.
7. Contact Points of Codex Members and Observer organizations are requested to provide general comments at the document level. Additional guidance on the OCS comment categories and types can be found in the OCS [Frequently Asked Questions \(FAQs\)](#).
8. Other OCS resources, including the user manual and short guide, can be found at the following link: <http://www.fao.org/fao-who-codexalimentarius/resources/circular-letters/en/>.
9. For questions on the OCS, please contact Codex-OCS@fao.org.

PROJECT DOCUMENT**PROPOSAL FOR THE INVESTIGATION AND DEVELOPMENT OF
RECYCLING GUIDANCE IN CODEX ALIMENTARIUS**

(Prepared by the United States of America)

Background

Food packaging¹ serves a vital role in ensuring food safety, fair trade, and food sustainability. Packaging protects food from contamination and spoilage, reducing the opportunity for foodborne illness. Packaging facilitates fair trade of food by enabling transport and storage of diverse food products across longer distances and timeframes. Packaging also promotes food sustainability by reducing food waste and loss as well as ensuring better food access to underserved and vulnerable populations.

In recent years, emphasis has been placed on the need for global sustainability. The UN Food Systems Summit in September 2021 reinforced the importance of encouraging sustainable food systems and the need for consumers to be making purchases with a sustainability lens. The UN Environment Assembly in 2024 is scheduled to continue work on an international instrument on plastic pollution, and recycling is expected to play a role in this effort. National legislation across the globe has implemented mandates to produce packaging material with recycled content requirements. Overall, these mandates have led to significant changes in the way food is packaged nationally, regionally, and globally, with additional changes forthcoming.

While certain types of food packaging have historically utilized recycled material to increase the sustainability of food packaging (e.g., the use of recycled aluminum in beverage cans), the incorporation of recycled materials in food packaging raises the potential to create food safety and trade concerns that currently do not exist for food packaging made from original material. Recycled material represents a new vector for the introduction of contaminants into food, either through the use of recycled material from uncontrolled sources that were contaminated from their original non-food use, re-use as non-food containers by the consumer prior to recycling, or through the waste collection process. In addition, the (regulatory landscape for food packaging is currently fragmented. While many countries do not have specific requirements for the use of recycled material in food packaging, other countries are enacting or developing national requirements. This diversity in regulatory approaches at the national level may discourage rather than promote the use of recycled material, and cause issues for the trade of pre-packaged food that utilizes recycled material in its packaging.

Implementation in Codex Alimentarius

Codex's mission is to "protect consumer health and promote fair practices in food trade by setting international science-based food safety and quality standards."² The first goal in the Codex Strategic Plan 2020-2025 is to address current, emerging, and critical issues in a timely manner. This requires Codex to be proactive and flexible to respond to opportunities and challenges. The Strategic Plan also recognizes the role of Codex and Codex standards in supporting countries in their efforts to achieve United Nations' Sustainable Development Goals (SDGs). The Strategic Plan identifies several SDGs where Codex can particularly assist, including SDG12: "ensuring sustainable consumption and production patterns." SDG12 includes 11 targets, including reducing waste generation through prevention, reduction, recycling and reuse; and encouraging companies to adopt sustainable practices.

Codex Alimentarius has been an integral part of the development of standards, guidance, and guidelines that have supported safe food and fair trade throughout the world for over 60 years. It is within Codex's mandate pertaining to food safety not only to address production of food itself, but also other aspects of the production chain such as food packaging. Due to development of national and regional legislation across the globe requiring programs and production infrastructure that improve sustainability, the Codex Alimentarius has a role in providing guidance to align these sustainability initiatives in a manner that facilitates fair trade in safe food.

- Safe food aspect – There is a need to develop guidelines pertaining to appropriate recycled material feedstock for food packaging as well as recycling technologies to produce such material. Food safety could be compromised by the incorporation of inappropriate recycled material into food packaging which provides a route for toxic substances to migrate to food. Food safety could also be compromised

¹ The term "food packaging" includes packaging for both food and beverage that is in direct contact with the consumable product.

² Codex Strategic Plan, 2020-2025, p. 7

by the production of inferior food packaging from recycled material which could itself contaminate the food or increase food spoilage during holding and transport.

- Fair-trade aspect –There is a need for consistency in the criteria used to determine appropriate recycled material feedstock and recycling technologies used for food packaging for food in international trade. It should be expected that the patchwork of national legislation across the globe and the implementation of divergent criteria pertaining to packaging material, particularly recycled material, could result in trade barriers and create confusion for countries still developing policies and regulatory frameworks.

Recommendation:

The United States suggests that CCEXEC consider the issuance of a circular letter (CL) to gauge whether there is interest, value, or need for new work on guidance from Codex Alimentarius on the use of recycled material in food packaging. Such a CL would request comments from both Codex Members and Observers. From Codex Members the CL could request information on existing relevant regulatory programs or mandates, as well as programs currently under development. From Observers, the CL could request information on voluntary programs already undertaken or currently under development, as well as any issues experienced or expected related to availability of appropriate recycled material or trade impacts. The United States would then propose to compile the responses to the CL into a discussion paper for further consideration of potential next steps.