

## Chemical Contaminants Interested Parties Letter August 2007

This interested parties letter contains information on on-going and forthcoming issues relating to environmental contaminants in food.

This letter aims to **INFORM YOU** of current contaminant issues and **SEEKS YOUR VIEWS** on these matters.

If you wish to comment on these issues, submit data, or comment on the style and format of this letter, please contact:

<b>General Contaminants Legislation:</b>	<a href="mailto:barry.walters@foodstandards.gsi.gov.uk">barry.walters@foodstandards.gsi.gov.uk</a>
<b>Mycotoxins:</b>	<a href="mailto:simona.origgi@foodstandards.gsi.gov.uk">simona.origgi@foodstandards.gsi.gov.uk</a>
<b>Process Contaminants:</b>	<a href="mailto:nina.webber@foodstandards.gsi.gov.uk">nina.webber@foodstandards.gsi.gov.uk</a>
<b>Environmental Contaminants (Inorganic):</b>	<a href="mailto:kara.thomas@foodstandards.gsi.gov.uk">kara.thomas@foodstandards.gsi.gov.uk</a>
<b>Environmental Contaminants (Organic):</b>	<a href="mailto:david.mortimer@foodstandards.gsi.gov.uk">david.mortimer@foodstandards.gsi.gov.uk</a>
<b>Environmental Contaminants (General Issues):</b>	<a href="mailto:john.t.bates@foodstandards.gsi.gov.uk">john.t.bates@foodstandards.gsi.gov.uk</a>

If you are based in Scotland, Wales or Northern Ireland, you can also contact our colleagues in the devolved administrations directly:

<b>Scotland:</b>	<a href="mailto:fiona.bruce@foodstandards.gsi.gov.uk">fiona.bruce@foodstandards.gsi.gov.uk</a>
<b>Wales:</b>	<a href="mailto:helen.george@foodstandards.gsi.gov.uk">helen.george@foodstandards.gsi.gov.uk</a>
<b>Northern Ireland:</b>	<a href="mailto:anne-marie.chambers@foodstandards.gsi.gov.uk">anne-marie.chambers@foodstandards.gsi.gov.uk</a>

**This August 2007 edition contains updates following the meetings of:**

<b>2 – 7 July 2007:</b>	<b>13<sup>th</sup> Codex Alimentarius Commission meeting, Rome (Codex 2-7 July)</b>
<b>9 – 10 July 2007:</b>	<b>Environmental Contaminants - Commission Working Group (WG 9-10 July)</b>
<b>13 July 2007:</b>	<b>Agricultural Contaminants - Commission Working Group (WG 13 July)</b>
<b>20 July 2007:</b>	<b>Standing Committee on the Food Chain and Animal Health (SCoFAH 20 July)</b>

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### Environmental Contaminants (inorganic contaminants)

#### 1. Metals in certain foodstuffs

Revised maximum levels for lead and cadmium in mushrooms have now been agreed at Commission Working Group.

Two additional species of fish, Kingklip (*Genypterus capensis*) and pink cusk eel (*Genypterus blacodes*), have been added to the list for which the higher mercury level of 1.0mg/kg applies.

These proposals will be put forward for vote at the next meeting of the Standing Committee on the Food Chain and Animal Health.

*[Click here for further information.](#)*

#### 2. Metals in food supplements

Discussions are progressing on the Commission proposals to set maximum levels for arsenic, cadmium, lead and mercury in food supplements. The Commission has now produced 3 options for Member States to consider. Future supplements discussions could include setting contaminants levels for dried herbs, including tea.

*[Click here for further information.](#)*

### Environmental Contaminants (organic contaminants)

#### 3. Polycyclic Aromatic Hydrocarbons (PAHs)

The European Food Safety Authority (EFSA) gave a presentation of data of PAHs in food that had been submitted to them by Member States, and the UK presented the preliminary results from a research project, which suggested that high temperature cooking processes generally had little effect on PAH levels.

*[Click here for further information.](#)*

#### 4. Requests received for modification of maximum levels for PAH

The Commission presented three related requests for relaxations of existing limits. The Africana Trade Organisation (ATO) had requested derogation for West African produce from the limit for smoked fish; the cocoa butter producers had requested that the derogation from the limit for vegetable oils was made permanent; and Latvia requested a relaxation of the limit for smoked fish to 10 ppb for canned smoked sprats.

*[Click here for further information.](#)*

#### 5. PAHs in Food supplements

Maximum levels for PAHs in food supplements, herbs and spices and beverages were briefly discussed.

*[Click here for further information.](#)*

#### 6. Dioxins in canned fish liver

Clarification was sought from the Commission as to whether the exclusion of fish liver from the dioxin limits in Regulation 1881/2006 was intended to apply to fish liver. The Commission stated that it was but uncertainty remains.

*[Click here for further information.](#)*

## Agricultural Contaminants (mycotoxins)

### 7. Maximum levels for Fusarium toxins in maize and maize-based products

The working document was finalised and voted on at the Standing Committee on the Food Chain and Animal Health on 20<sup>th</sup> July. The Regulation will apply retrospectively from 1<sup>st</sup> July 2007. The limits will be reviewed by 1<sup>st</sup> July 2009 and limits for T2 and HT2 by 1<sup>st</sup> July 2008. **We would be grateful for any data available on the occurrence of T2 and HT2 in foodstuffs as soon as possible.**

*[Click here for further information.](#)*

### 8. Maximum levels for ochratoxin A in various foodstuffs

A draft Regulation setting maximum limits for ochratoxin A in liquorice and liquorice products and possible alternatives for maximum limits for ochratoxin A in certain spices has now gone for internal consultation within the Commission with a view to vote in Autumn. Two possible options are still under discussion. **We would be grateful for your views on the options under consideration.**

*[Click here for further information.](#)*

### 9. Amendment of Commission Decision 2006/504/EC on special conditions governing certain foodstuffs imported from certain third countries due to contamination risks of these products by aflatoxins

An amendment to Decision 2006/504/EC came into force on the 1<sup>st</sup> July 2007. A Declaration has been made under Regulation 33 of the Official Feed and Food Control (England) Regulations 2006 to bring it into effect in England.

*[Click here for further information.](#)*

### 10. Amendment of Commission Decision 2006/504/EC on special conditions governing almonds and derived products imported from the United States of America due to contamination risks of these products by aflatoxins

A second amendment to Decision 2006/504/EC, which covers almonds and derived products from the United States of America will come into force on 1 September.

*[Click here for further information.](#)*

### 11. Sampling Advice: Mycotoxins in foodstuffs

The Agency has published sampling advice for enforcement authorities and food business operators on the legislation regarding mycotoxins in foodstuffs and the official methods of sampling certain foods for mycotoxins.

*[Click here for further information.](#)*

### 12. Guidance document for competent authorities for the control of compliance with EU legislation on aflatoxins

A further update of the above document was agreed at the Standing Committee of the 20th July. As soon as this is published on the Commission website interested parties will be informed.

## Process contaminants

### 13. Acrylamide issues

Updates on the European Commission acrylamide InfoBase, brochures on acrylamide reduction strategies and research examining the effect of domestic cooking on acrylamide levels in food.

*[Click here for further information.](#)*

### 14. EFSA opinion on Ethyl Carbamate

*[Click here for further information.](#)*

### 15. Furan data acceptance criteria

The document setting out criteria for EFSA to accept/reject data collected in the furan monitoring exercise has been finalised.

*[Click here for further information.](#)*

### 16. General issues

- Tender for National Reference Laboratory Services;
- Information on Codex issues relating to 3-MCPD;
- Information on tin.

*[Click here for further information.](#)*

## Inorganic Contaminants

For further information or to submit comments or data on Inorganic Contaminants, please contact Kara Thomas at: [kara.thomas@foodstandards.gsi.gov.uk](mailto:kara.thomas@foodstandards.gsi.gov.uk)

### Metals in certain foodstuffs

*Discussed at WG 9-10 July*

Regarding cadmium - Discussions on setting maximum levels for cadmium in wild and cultivated mushrooms are progressing and a proposed level of 0.2 mg/kg for 3 common mushrooms (*Agaricus bisporus/White Button Mushroom*, *Lentinula edodes/Shiitake Mushroom* and *Pleurotus ostreatus/Oyster Mushroom*) and 1.0 mg/kg for all other species was supported by a majority of Member States including the UK, although others wanted a higher limit than the proposed level of 1.0 mg/kg for some exotic species.

Regarding lead - The Commission has proposed updating the descriptor (currently cultivated fungi) should cover the same three common mushrooms (*Agaricus bisporus*, *Lentinula edodes* and *Pleurotus ostreatus*) to ensure consistency.

Regarding mercury - The Commission informed Member States that two species of fish had been added to the higher fish list for mercury, Kingklip (*Genypterus capensis*) and pink cusk eel (*Genypterus blacodes*), with a maximum level of 1.0 mg/kg. All Member States present agreed with these additions.

The proposals will be put forward for vote at the next meeting of the Standing Committee on the Food Chain and Animal Health.

The Commission asked whether Member States would like EFSA to produce an updated opinion on lead and cadmium, which was unanimously supported by Member States. A number of Member States, including the UK, were particularly in favour of a Commission suggestion to simplify the current legislation with regard to cadmium in fish and the possibility of having only 1 or 2 categories of fish was welcomed, although it may mean raising the limits for some fish species. The Commission said that they would explore how best to proceed with this.

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### Metals in food supplements

*Discussed at WG 9-10 July*

Discussions on setting maximum levels for arsenic, cadmium, lead and mercury in food supplements continue. The Commission presented the European Federation of Association of Health Product Manufacturers (EHPM) response to the Commission's proposed maximum levels for food supplements of 0.5 mg/kg for cadmium, 1.0 mg/kg for lead and 0.2 mg/kg for mercury, in which the EHPM considered that contaminants needed to be regulated for the raw materials and not for the final products as sold. However, a number of Member States, including the UK, requested that levels should be set for the final product.

The Commission produced three options for setting maximum levels for heavy metals in food supplements for Member States to consider:

1. Maximum levels of 0.5 mg/kg for cadmium, 1.0 mg/kg for lead and 0.2 mg/kg for mercury.
2. Maximum levels (excluding algae products) of 1-2 mg/kg or higher for cadmium, 3mg/kg or higher for lead, and mercury 0.2 mg/kg.
3. Maximum levels including algae, cadmium 1 mg/kg, lead 2 mg/kg and mercury 0.2 mg/kg.

Concerns were raised regarding harmonisation of food supplements as the definition differs between Member States. The Commission explained that there was a European definition for food supplements and classification issues should not delay setting maximum levels where a health risk has been identified. The majority of Member States, including the UK, supported setting maximum levels for food supplements, but wanted to exclude algae products and set levels for them at a later date. The Commission also mentioned that there is a potential contradiction with the existing food legislation when setting levels for contaminants in products such as dried herbs as there is already an existing limit for lead in fresh herbs of 0.1 mg/kg. Further discussions, which may include maximum levels for contaminants in dried herbs and possibly tea, are set to take place at the next Working Group meeting.

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## Organic Contaminants

For further information or to submit comments or data on organic contaminants, please contact David Mortimer at: [david.mortimer@foodstandards.gsi.gov.uk](mailto:david.mortimer@foodstandards.gsi.gov.uk)

### **Presentation of European Food Safety Authority (EFSA) report on PAH and research results from UK project on home cooking in the UK.**

*Discussed at WG 9-10 July*

The European Food Safety Authority (EFSA) gave a presentation of PAH data submitted by Member States, including the UK. The main conclusions of the presentation were that in most categories results were lower than those in a previous SCOOP report although some high results were reported for some categories not yet covered by the Regulations such as supplements, beverages and herbs and spices). The report also indicated that benzo(a)pyrene may not be a good marker for total PAH and the Commission encouraged all testing laboratories to measure all 16 PAHs of interest.

The UK also presented the preliminary results from a high-temperature cooking research project, which suggests that most cooking processes had little effect on PAH levels. In the case of barbecuing, levels were higher in some products, but not to an extent that would give rise to concern. The full report will be placed on the Agency's 'food' website in the near future.

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### **Requests received for modification of maximum levels for PAH**

*Discussed at WG 9-10 July*

The Commission presented three related requests for relaxations of existing limits.

- i) The Africana Trade Organisation (ATO) had requested a derogation for West African produce from the limit for smoked fish for a period of 24 months in order to introduce process improvements;
- ii) The cocoa butter producers had requested that derogation from the limit for vegetable oils was made permanent; and
- iii) Latvia requested a relaxation of the limit for smoked fish to 10 ppb for canned smoked sprats.

Following extensive discussions with Member States, the Commission concluded that it was not going to be possible to reach a consensus during the meeting and would continue discussion at the next Working Group meeting.

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## PAHs in food supplements and other foods not already regulated

*Discussed at WG 9-10 July*

Food supplements, herbs and spices and beverages were all noted to be food categories not currently covered in Section 6 of Regulation 1881/2006 but which included some samples containing relatively high levels of PAHs. As well as the problems of definition already identified during metals discussions, the shortage of data for all three categories and the need for risk assessment were also noted. Discussions will continue at the next Working Group meeting. Views from food industry operators, together with any supporting data will be welcomed.

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## Dioxins in canned fish liver

*Discussed at WG 9-10 July*

A query was raised on the wording of footnotes 24 and 34 in Regulation 1881/2006, in which the exclusion strictly covers only fresh and chilled fish liver. It was suggested that canned fish liver was a processed fisheries product and was therefore not excluded. The Commission stated that it was intended to exclude all fish liver but suggested that the oil used for canning would be covered by the dioxin limit for marine oil. The topic will be discussed again at a Dioxin Working Group in September. There is a lack of information about the production, consumption and use of fish liver in Europe.

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## Agricultural contaminants (mycotoxins)

For further information or to submit comments or data on mycotoxins, please contact Simona Origgi, [simona.origgi@foodstandards.gsi.gov.uk](mailto:simona.origgi@foodstandards.gsi.gov.uk).

## Maximum levels for Fusarium toxins in maize and maize-based products

*Discussed at WG 13 July and SCoFCAH 20 July*

After a lengthy debate, it was agreed that the Regulation laying down the revised limits for Fusarium toxins in maize and maize products would apply retrospectively from 1 July 2007. The actual limits themselves however, will apply from 1 October 2007. The Commission clarified that products on the market before the coming into force date would not be caught by the limits, however, any milling fractions or products thereof placed on the market after this date would be.

The Commission sought views on whether to allow re-processing of larger fractions into smaller fraction which have higher limits. It was agreed that this could be allowed provided the ultimate consumer product meets the limits, thus ensuring consumer safety and should be done under official control. It was agreed that limits for fumonisins in maize based snacks should come under the same category as that for maize based breakfast cereals.

The Regulation was adopted by unanimity at SCoFCAH on 20 July and is likely to be published sometime in September. [Click here for a copy of the final adopted version.](#)

The Regulation will be an amendment to Commission Regulation (EC) No. 1881/2006. Provisions for the enforcement of the new Regulation will be made in England as an amendment to The Contaminants in Food (England) Regulations 2007; equivalent legislation will be introduced in Wales, Scotland and Northern Ireland.

Limits for T2 and HT2 will be reviewed by 1st July 2008 and all the others by 1st July 2009.

Given the short time allowed by the Commission to implement this Regulation into national legislation, it will not be possible for the Agency to consult on this issue formally. This problem was raised with the Commission, however, under the circumstances, there was no alternative due to the delay in finalising this Regulation.

The Agency has consulted informally on this issue in numerous IP letters on Fusarium toxins; the Commission has also consulted various Associations over the changes being made and by holding three sessions of the Fusarium Fora to which representatives from Member States, Academia, professional organisations and industry were invited. Comments received were considered in drafting the final proposal.

To ensure that your views are considered during the forthcoming discussions to set limits for T2 and HT2, any information or comments you have will be appreciated by the 3rd September. If further information becomes available, it may still be used

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## **Maximum levels for ochratoxin A in various foodstuffs**

*Discussed at WG 13 July*

The Commission stressed that no occurrence data had been provided by producing countries to assess which levels are achievable by applying Codes of Practice. After discussion, two options are currently proposed: Option 1; a limit of 15 ug/kg in 2010 and option 2; a limit of 30 ug/kg in 2008. No other limits for ochratoxin A were discussed. The Commission will consult internally with a view to seeking a vote at Standing Committee in the Autumn.

In the Interested Parties Letter issued in February stakeholders were asked to contribute to inform a Regulatory Impact Assessment. Any information that has become available since then would still be welcome.

**This may be the last opportunity to influence the development of these Regulations. You can do so by submitting comments to the Agency by the 3rd September.**

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## **Amendment of Commission Decision 2006/504/EC on special conditions governing certain foodstuffs imported from certain third countries due to contamination risks of these products by aflatoxins**

The amendments to the above Decision are set out in **Commission Decision 2007/459/EC** [Official Journal of the European Union, L174, 04.7.2007, p. 08-17] and came into force on 1st July 2007. This Commission Decision can be found at [http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/l\\_174/l\\_17420070704en00080017.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/l_174/l_17420070704en00080017.pdf).

Details of the amendments are summarised as follows:

- Exclusion of products containing less than 10% of the foodstuffs covered by the Decision;
- Exclusion of consignments of foodstuffs covered by the Decision with a gross weight of 5kg and under;
- Update of points of entry into the Community in light of the accession of Bulgaria and Romania to the EU;
- Clarification that the requirement for consignments to be accompanied by a health certificate relates to consignments which left the country of origin from 1 October 2006 onwards.

Additionally, the health certificate set out in annex I of Commission Decision 2006/504/EC has now been separated out into two certificates; one to be completed by the competent authorities of the country of origin of the foodstuffs covered by the Decision (annex I) and the second to be completed by the competent authority of the Member State (annex III). The health certificate in annex III also provides for the situation where the competent authority for the point of introduction into the Community is different from the competent authority for the designated point of import, or where a physical check is not mandatory.

Commission Decision 2007/459/EC has been enacted into English law by a Declaration, a copy of which can be found at:

[www.food.gov.uk/multimedia/pdfs/reg33declarationeng040707.pdf](http://www.food.gov.uk/multimedia/pdfs/reg33declarationeng040707.pdf). This can be found on the legislation for importing food page on the Agency's website at:  
[www.food.gov.uk/foodindustry/imports/legislation/legislation](http://www.food.gov.uk/foodindustry/imports/legislation/legislation).

The Declaration has been made under Regulation 33 of The Official Feed and Food Controls (England) Regulations 2006 (S.I. 2006/15). Equivalent Declarations have been made in Wales, Scotland and Northern Ireland.

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## **Amendment of Commission Decision 2006/504/EC on special conditions governing almonds and derived products imported from the United States of America due to contamination risks of these products by aflatoxins**

A second Commission Decision amending Commission Decision 2006/504/EC will come into force on 1 September.

All consignments of almonds and derived products imported into the Community from the United States of America will be subject to sampling and analysis for aflatoxin levels by the competent authority of the importing Member State, prior to release onto the market. Those covered by the Voluntary Aflatoxin Sampling Plan set up by the Almond Board of California in May 2006 (VASP) must be accompanied by a health certificate and made subject to random sampling and analysis at the point of import into the Community.

The amending Decision will be enacted into English law by a Declaration under Regulation 33 of The Official Feed and Food Controls (England) Regulations 2006 (S.I. 2006/15). Equivalent Declarations will be made in Wales, Scotland and Northern Ireland.

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## **Sampling Advice: Mycotoxins in foodstuffs**

The Agency has published sampling advice for enforcement authorities and food business operators on the legislation regarding mycotoxins in foodstuffs and the official methods of sampling certain foods for mycotoxins.

This document should be read in conjunction with the relevant legislation. It is not a statutory code of practice or a substitute for the regulations, decisions or statutory instruments to which it refers. The sampling advice can be found at:

[www.food.gov.uk/multimedia/pdfs/mycotoxinsguidance.pdf](http://www.food.gov.uk/multimedia/pdfs/mycotoxinsguidance.pdf).

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## Process contaminants

For further information or to submit comments or data on process contaminants, please contact Nina Webber at: [nina.webber@foodstandards.gsi.gov.uk](mailto:nina.webber@foodstandards.gsi.gov.uk).

### Acrylamide issues

The European Commission acrylamide InfoBase will be updated by EFSA in August. This Information Base has been prepared in close collaboration with the European Food Safety Authority and Member States. It helps to provide a more complete picture of the work developments on acrylamide in food. The information will be used to assist in the investigation of acrylamide and to help ensure that effective and complementary progress is made. Any information about any ongoing projects on acrylamide should be submitted to EFSA by 11 August 2007. All information is to be sent to [Claudia.Heppner@efsa.europa.eu](mailto:Claudia.Heppner@efsa.europa.eu).

JRC-IRMM has organised acrylamide proficiency testing in potato chips. The aim of this proficiency test is to support the implementation of the acrylamide monitoring Recommendation 2007/331/EC. Further information can be found at:

[www.irmm.jrc.be/html/interlaboratory\\_comparisons/acrylamide\\_in\\_crisps/index.htm](http://www.irmm.jrc.be/html/interlaboratory_comparisons/acrylamide_in_crisps/index.htm).

Certified reference material (toasted bread matrix) can be ordered from the JRC-IRMM webpage at: [www.irmm.jrc.be/html/reference\\_materials\\_catalogue/index.htm](http://www.irmm.jrc.be/html/reference_materials_catalogue/index.htm).

### Acrylamide Brochures

The brochures on acrylamide reduction strategies developed by the European Commission Member States and industry for small businesses have been published and are now available on the SANCO webpage in all official EU languages:

[http://ec.europa.eu/food/food/chemicalsafety/contaminants/acrylamide\\_en.htm](http://ec.europa.eu/food/food/chemicalsafety/contaminants/acrylamide_en.htm).

### Research examining the effect of domestic cooking on acrylamide levels in food

Leatherhead Food International (LFI) carried out a project for the Agency to investigate the relationship between acrylamide levels in food and processing/cooking conditions as employed in domestic cooking with a view to optimising these conditions to minimise consumer exposure to acrylamide levels.

The study aims to enable a better understanding of domestic cooking conditions responsible for acrylamide formation in vegetables especially potatoes prepared domestically. The study will also provide information on how domestic cooking and preparation of foods could be altered to reduce acrylamide levels in food to which the consumer may be exposed and would underpin possible advice to consumers.

Acrylamide was found in potatoes that had been sautéed, chipped, roasted or oven-baked in their skins. No acrylamide was found in the raw, boiled or microwaved potatoes.

The study showed that cooking freshly prepared chips to a golden yellow colour resulted in lower levels of acrylamide compared to levels in chips cooked to a darker colour. However, colour was not an indicator of whether the potato product was cooked. Some chips which browned quickly were not cooked at the 'golden yellow' stage whilst others were. Investigation of acrylamide levels in commercially-produced chips sold frozen for cooking at home showed that in all cases the chips "as sold" contained acrylamide resulting from the partial cooking process they had undergone already.

Investigation into the effect of simple pre-treatments on levels of acrylamide showed that a reduction in levels of acrylamide were obtained when chips made from fresh potatoes were soaked in water for 30minutes prior to frying.

A range of commercial potato varieties with contrasting characteristics were selected and stored conventionally according to typical current practices for the pre-pack industry in order to investigate the effect of storage. In all cases stored potatoes were higher in acrylamide and this correlated with an increase in acrylamide on cooking.

Potatoes which were refrigerated prior to chipping showed an increase in acrylamide level due to an increase in the sugar content of the potatoes, confirming the link between the formation of acrylamide and sugar content in potatoes.

The final report can be obtained from the Agency information centre:  
[infocentre@foodstandards.gsi.gov.uk](mailto:infocentre@foodstandards.gsi.gov.uk).

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## **EFSA opinion on ethyl carbamate**

EFSA received a request from the European Commission to provide a scientific opinion on the risks to human health related to the presence of ethyl carbamate in foods and beverages, in particular alcoholic beverages. Data has been collected from Member States.

The EFSA opinion on ethyl carbamate and cyanide has yet to be finalised and it will be on the agenda in September.

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## **Furan acceptance criteria**

*Discussed at WG 9-10 July*

The document setting out criteria for EFSA to accept/reject data collected in the furan monitoring exercise has been finalised. The Commission explained that this document is a guideline and EFSA will need flexibility to decide on further criteria.

**[Click here for Criteria for accepting furan data in the furan monitoring exercise](#)**

JRC-IRMM has distributed a questionnaire on furan analytical methods with the aim of finding out which methods are used, where possible pitfalls are and subsequently develop a guide of best practice for the official control laboratories involved in furan and analysis.

The German BVL will soon be organising a ring trial for method standardisation on furan. Any Member States who wish to participate are to contact Germany directly.

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## **General Issues**

### **Tender for National Reference Laboratory Services**

The Agency is currently tendering for National Reference Laboratory (NRL) Services for a number of areas. Chemical Safety and Incident Prevention Division have requirements for NRLs for mycotoxins, heavy metals, dioxins and PCBs, polycyclic aromatic hydrocarbons and materials and articles in contact with food. The main functions and duties of the NRLs are to liaise with and participate in the work programme of the relevant Community Reference Laboratory, in compliance with Article 33 of Regulation (EC) 882/2004 and to provide scientific and technical assistance to the Official Control Laboratories and the Agency, as appropriate.

For further information and how to apply, please visit:  
[www.food.gov.uk/aboutus/how\\_we\\_work/procurement/uknatreflab](http://www.food.gov.uk/aboutus/how_we_work/procurement/uknatreflab).

### **3-MCPD**

*Discussed at Codex Committee on Contaminants, Beijing, 16 – 20 April 2007*

The proposed draft maximum limits for 3-MCPD were discussed. It was agreed to maintain the limit of 0.4 mg/kg until more information is obtained on the implementation of the code of practice. This draft limit will be put forward for adoption at step 5 with a reservation from the EU and Norway.

*Discussed at CAC 2-7 July*

Adoption at step 5 of a draft limit of 0.4mg/kg for 3-MCPD was accepted with a reservation from the EU and Norway. A circular letter will be circulated to Member States for comments at step 6.

### **Inorganic tin**

The Codex Alimentarius Committee adopted the maximum levels of 250 mg/kg for canned foods other than beverages and 150 mg/kg for beverages. There was a reservation from the EC as current lower EC maximum levels of 200mg/kg and 100 mg/kg should be maintained as these are achievable and there are concerns regarding acute toxicity of tin.

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SANCO/1989/2007 Rev. 2 (POOL/E3/2007/1989/1989R2-EN.doc)

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels,  
C(2007)

final

Draft

**COMMISSION REGULATION**

**of**

**amending Regulation (EC) No 1881/2006 setting maximum levels for certain  
contaminants in foodstuffs as regards *Fusarium*-toxins in maize and maize products**

(Memorandum from Mr M. KYPRIANOU)

Draft

## COMMISSION REGULATION

of

**amending Regulation (EC) No 1881/2006 setting maximum levels for certain contaminants in foodstuffs as regards *Fusarium*-toxins in maize and maize products**

**(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food<sup>1</sup>, and in particular Article 2 (3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs<sup>2</sup> sets maximum levels for *Fusarium*-toxins in certain foodstuffs.
- (2) Maximum levels should be set at a strict level which is reasonably achievable by following good agricultural and manufacturing practices and taking into account the risk related to the consumption of the food.
- (3) Climatic conditions during the growth, in particular at flowering, have a major influence on the *Fusarium* toxin content. However, good agricultural practices, whereby the risk factors are reduced to a minimum, can prevent to a certain degree the contamination by *Fusarium* fungi. Commission Recommendation 2006/583/EC of 17 August 2006 on the prevention and reduction of *Fusarium* toxins in cereals and cereal products<sup>3</sup>, including maize and maize products contains general principles for the prevention and reduction of *Fusarium* toxin contamination (zearalenone, fumonisins and trichothecenes) in cereals to be implemented by the development of national codes of practice based on these principles.

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<sup>1</sup> OJ L 37, 13.2.1993, p. 1. Regulation as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

<sup>2</sup> OJ L 364, 20.12.2006, p. 5.

<sup>3</sup> OJ L 234, 29.8.2006, p. 35.

- (4) Maximum levels were established in 2005 for Fusarium toxins in cereals and cereal products, including maize and maize products. For maize, not all factors involved in the formation of Fusarium toxins, in particular zearalenone and fumonisins B<sub>1</sub> and B<sub>2</sub>, were precisely known. Therefore, the maximum levels in maize and maize products were foreseen to apply only from 1 July 2007 for deoxynivalenol and zearalenone and from 1 October 2007 for fumonisins B<sub>1</sub> and B<sub>2</sub>, in case no changed maximum levels based on new information on occurrence and formation are set before that time. This time period enabled food business operators in the cereal chain to perform investigations on the sources of the formation of these mycotoxins and on the identification of the management measures to be taken to prevent their presence as far as reasonably possible.
- (5) Taking into account new information since 2005, it appears necessary to amend the maximum levels in maize and maize products as well as the date of application of these levels.
- (6) Recent information has been provided demonstrating that for the harvest 2005 and 2006 higher levels have been observed in maize than for the harvest 2003 and 2004 of mainly zearalenone and fumonisins and to a lesser extent deoxynivalenol, linked to the weather conditions. The foreseen levels for zearalenone and fumonisins are therefore under certain weather conditions not achievable for maize, even when applying prevention measures to the extent possible. Therefore the maximum levels need to be amended in order to avoid a disruption of the market whilst maintaining a high level of public health protection by ensuring that human exposure will remain significantly below the health based guidance value.
- (7) In order to ensure a correct and smooth application of these maximum levels, it is also appropriate that they apply to all maize and maize products harvested in a season and therefore the date of application should reflect the beginning of the marketing season of the next harvest year. As the harvest of maize in Europe starts usually mid September and runs until end of October, it is appropriate to take 1 October 2007 as date of application.
- (8) In the light of the foregoing this Regulation should apply from 1 July 2007.
- (9) In addition, a number of minor technical changes should also be made.
- (10) It is appropriate to provide that the maximum level does not apply to the unprocessed maize intended to be processed by wet milling (starch production). Indeed, scientific data have shown that regardless the levels of Fusarium-toxins present in unprocessed maize, Fusarium-toxins were not detected or only at very low levels in starch produced from maize. Nevertheless, in order to protect public and animal health, food business operators in the wet milling sector should intensively monitor the by-products from the wet milling process destined for animal feeding to check compliance with the guidance values referred in Commission Recommendation 2006/576/EC of 17 August 2006 on the presence of deoxynivalenol, zearalenone, ochratoxin A, T-2 and HT-2 and fumonisins in products intended for animal feeding<sup>4</sup>.

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<sup>4</sup> OJ L 229, 23.8.2006, p. 7.

- (11) The dry milling process results in milling fractions with different particle size from the same batch of unprocessed maize. Scientific data show that the milling fractions with smaller particle size contain a higher level of Fusarium toxins than the milling fractions with a larger particle size. Maize milling fractions are classified according to the particle size in different headings in the Combined Nomenclature based upon a rate of passage through a sieve with an aperture of 500 microns. Different maximum levels for milling fractions smaller and larger than 500 microns should be set to reflect the contamination level of the different fractions.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1881/2006 is amended as follows:

1. Article 11, point (b) is replaced by the following:

"(b) 1 October 2007 as regards the maximum levels for deoxynivalenol and zearalenone laid down in points 2.4.3, 2.4.8, 2.4.9, 2.5.2, 2.5.4, 2.5.6, 2.5.8, 2.5.9 and 2.5.10 of the Annex;"
2. The Annex, Section 2 is amended as follows:
  - (a) The entries for Deoxynivalenol (2.4), Zearalenone (2.5), and Fumonisin (2.6) are replaced by the entries in the Annex to this Regulation.
  - (b) The text of footnote 20 is replaced by "Maximum level shall apply from 1 October 2007."
  - (c) The footnote 21 is deleted.

*Article 2*

This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union.

It shall apply from 1 July 2007.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission*  
*Markos KYPRIANOU*  
*Member of the Commission*

## ANNEX

<b>"2.4</b>	<b>Deoxynivalenol<sup>17</sup></b>	
2.4.1	Unprocessed cereals <sup>18,19</sup> other than durum wheat, oats and maize	1250
2.4.2	Unprocessed durum wheat and oats <sup>18,19</sup>	1750
2.4.3	Unprocessed maize <sup>18</sup> , with the exception of unprocessed maize intended to be processed by wet milling*	1750 <sup>20</sup>
2.4.4	Cereals intended for direct human consumption, cereal flour, bran and germ as end product marketed for direct human consumption, with the exception of foodstuffs listed in 2.4.7, 2.4.8 and 2.4.9	750
2.4.5	Pasta (dry) <sup>22</sup>	750
2.4.6	Bread (including small bakery wares), pastries, biscuits, cereal snacks and breakfast cereals	500
2.4.7	Processed cereal-based foods and baby foods for infants and young children <sup>3,7</sup>	200
2.4.8	Milling fractions of maize with particle size > 500 micron falling within CN code 1103 13 or 1103 20 40 and other maize milling products with particle size > 500 micron not used for direct human consumption falling within CN code 1904 1010	750 <sup>20</sup>
2.4.9	Milling fractions of maize with particle size ≤ 500 micron falling within CN code 1102 20 and other maize milling products with particle size ≤ 500 micron not used for direct human consumption falling within CN code 1904 1010	1250 <sup>20</sup>
<b>2.5</b>	<b>Zearalenone<sup>17</sup></b>	
2.5.1	Unprocessed cereals <sup>18,19</sup> other than maize	100
2.5.2	Unprocessed maize <sup>18</sup> with the exception of unprocessed maize intended to be processed by wet milling*	350 <sup>20</sup>
2.5.3	Cereals intended for direct human consumption, cereal flour, bran and germ as end product marketed for direct human consumption, with the exception of foodstuffs listed in 2.5.6, 2.5.7, 2.5.8, 2.5.9 and 2.5.10	75
2.5.4	Refined maize oil	400 <sup>20</sup>
2.5.5	Bread (including small bakery wares), pastries, biscuits, cereal snacks and breakfast cereals, excluding maize snacks and maize based breakfast cereals	50
2.5.6	Maize intended for direct human consumption, Maize-based snacks and maize based breakfast cereals	100 <sup>20</sup>
2.5.7	Processed cereal-based foods (excluding processed maize-based foods) and baby foods for infants and young children <sup>3,7</sup>	20
2.5.8	Processed maize-based foods for infants and young children <sup>3,7</sup>	20 <sup>20</sup>

2.5.9	Milling fractions of maize with particle size > 500 micron falling within CN code 1103 13 or 1103 20 40 and other maize milling products with particle size > 500 micron not used for direct human consumption falling within CN code 1904 1010	200 <sup>20</sup>
2.5.10	Milling fractions of maize with particle size ≤ 500 micron falling within CN code 1102 20 and other maize milling products with particle size ≤ 500 micron not used for direct human consumption falling within CN code 1904 1010	300 <sup>20</sup>
<b>2.6</b>	<b>Fumonisin</b>	Sum of B <sub>1</sub> and B <sub>2</sub>
2.6.1	Unprocessed maize <sup>18</sup> , with the exception of unprocessed maize intended to be processed by wet milling*	4000 <sup>23</sup>
2.6.2	Maize intended for direct human consumption, maize based foods for direct human consumption, with the exception of foodstuffs listed in 2.6.3 and 2.6.4	1000 <sup>23</sup>
2.6.3	Maize based breakfast cereals and maize-based snacks	800 <sup>23</sup>
2.6.4	Processed maize-based foods and baby foods for infants and young children <sup>3,7</sup>	200 <sup>23</sup>
2.6.5	Milling fractions of maize with particle size > 500 micron falling within CN code 1103 13 or 1103 20 40 and other maize milling products with particle size > 500 micron not used for direct human consumption falling within CN code 1904 1010	1400 <sup>23</sup>
2.6.6	Milling fractions of maize with particle size ≤ 500 micron falling within CN code 1102 20 and other maize milling products with particle size ≤ 500 micron not used for direct human consumption falling within CN code 1904 1010	2000 <sup>23</sup>

\* The exemption applies only for maize for which it is evident e.g. through labelling, destination, that it is intended for use in a wet milling process only (starch production)."

## **CRITERIA FOR ACCEPTING FURAN DATA IN THE FURAN MONITORING EXERCISE (DATA COLLECTION BY EFSA) FINAL**

### **Background:**

Commission Recommendation 2007/196/EC on the monitoring of the presence of furan in foodstuffs<sup>1</sup> recommends that Member States should perform during the years 2007 and 2008 monitoring on the presence of furan in foodstuffs that have undergone heat treatment. Member States should provide on a regular basis these data to the European Food Safety Authority (EFSA).

In the interest of transparency and on request of some of the Member States, it was decided to develop a set of criteria that could be used by EFSA to accept/reject furan data and to communicate these criteria to the Member States beforehand. The data collected need to be sound and reliable and it should be avoided as much as possible that a lot of the data reported have to be rejected *a posteriori* because they do not fulfil the necessary quality criteria. However, this document should be considered a guideline for reporting Member States and EFSA should keep enough flexibility to deviate from certain criteria in case the overall picture of the data shows that there is a need to do so. Further rejection criteria may also be decided retrospectively (when there is a good overview on all datasets).

The following criteria are the outcome of discussion within the EFSA steering group on furan, with experts from the Member States and experts from the Commission's Joint Research Centre, Institute for Reference Materials and Measurements (JRC-IRMM). The criteria are also based on the results of the furan analytical workshop, literature data and experiences with furan proficiency tests.

### **Proposed acceptance criteria for furan data collection by EFSA:**

#### General:

The following two criteria need to be fulfilled:

- Method used must be validated at least by in-house validation.

AND

- Laboratories should be accredited according to ISO 17025 or accuracy needs to be proven otherwise, e.g. by proficiency testing, ring-trials, etc. Detailed information on the accreditation status of the laboratory and/or the participation in proficiency tests/ring trials need to be provided to EFSA.

#### Methodology:

- Use of an internal standard (deuterated furan) necessary
- Incubation temperature to be kept low (e.g. 50°C)

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<sup>1</sup> OJ L 88, 29.3.2007, p. 56

Performance criteria:

LOD/LOQ

- LOD: less than 2 µg/kg
- LOQ: less than 5 µg/kg

Precision: RSD<sub>IP</sub>: less than 20% (intermediate precision<sup>2</sup>)

Trueness: Recovery of a known amount of furan added to a sample shall at least be 80% (the furan solution used for spiking shall not be identical to the one used for calibration of the instrument).

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<sup>2</sup> Intermediate precision: precision determined in the same laboratory but under reproducibility conditions (e.g. analysis carried out with different standard solutions, by different analysts, on different days, using different equipment, etc.).