

Chemical Contaminants Interested Parties Letter February 2008

This interested parties letter contains information on on-going and forthcoming issues relating to agricultural, industrial and 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:

MYCOTOXINS

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PROCESS CONTAMINANTS

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ENVIRONMENTAL CONTAMINANTS (Inorganic)

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ENVIRONMENTAL CONTAMINANTS (Organic – dioxins, PCBs, PAHs)

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For general enquiries, please contact:

john.t.bates@foodstandards.gsi.gov.uk

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

Scotland: fiona.bruce@foodstandards.gsi.gov.uk

Wales: helen.george@foodstandards.gsi.gov.uk

Northern Ireland: anne-marie.chambers@foodstandards.gsi.gov.uk

Please note that Dr Wendy Matthews has now moved as head of Incident Prevention and Chemical Risk Management team A (mycotoxins & environmental contaminants). We will notify interested parties when her replacement is confirmed.

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This Interested Parties letter includes information from the following meetings:

19 November 2007	Commission Working Group (Agricultural Contaminants)
14 December 2007	Commission Standing Committee on the Food Chain and Animal Health (SCoFCAH)
9 – 11 January 2008	Commission Working Group and Fusarium Forum on Food and Feed
16 January 2008	Commission Working Group (POPs)
24 January 2008	Council Working Group on Codex

MYCOTOXINS

For further information or to submit comments or data on mycotoxins, please contact Simona Origgi: simona.origgi@foodstandards.gsi.gov.uk. Tel. 020 7276 8722.

Commission Decision 2008/47/EC approving the pre-export checks carried out by the United States of America on peanuts and products for aflatoxins

Commission Decision 2008/47/EC on peanuts and derived products from USA as regards the presence of aflatoxins was published in the Official Journal of the European Union on 15 January. The Decision can be found by clicking on the following link <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:011:0012:0016:EN:PDF>.

The Decision is applicable from 1 December 2007 and approves pre-export checks carried out by the United States of America on peanuts and derived products thereof produced on the territory of the USA as regards the presence of aflatoxins. To comply with the Decision, the results of sampling and analysis for aflatoxins performed by a USDA approved laboratory and a certificate completed, signed and verified by an authorised representative of the USDA must accompany the consignment. A sample of the certificate is contained in the annex to the Decision. A list of approved laboratories and signatories is due to be released shortly and we will keep you updated on this as and when the information is made available.

Unlike previous Decisions made on aflatoxins, the Decision has been made under Article 23 of [Regulation \(EC\) No 882/2004](#), which provides for the approval of pre-export checks to be carried out by a third country on feed and food immediately prior to export to the Community with a view of verifying that the exported products comply with the Community requirements. In this case, no corresponding domestic legislation is required to bring the Decision into force i.e. no Declaration or Statutory Instrument has been made.

Commission Decision 2007/759/EC imposing an increased frequency of controls on peanuts and derived products originating in or consigned from Brazil due to contamination risks of these products by aflatoxins

Commission Decision 2007/759/EC of 19 November 2007 amends [Commission Decision 2006/504/EC](#) as regards frequency of controls on peanuts and derived products originating in or consigned from Brazil. It was published in the Official Journal of the European Union on 23 November 2007 and can be found at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:305:0056:0057:EN:PDF>.

The Decision dictates that official controls are to be carried out on 50% of consignments for aflatoxins. However, the requirement for a health certificate or the additional conditions for consignments from Brazil laid down in article 7 of 2006/504/EC regarding the laboratory to perform the analysis and the return of consignments do not apply. In all

other cases, the same requirements apply as for 2006/504/EC, for example the inclusion of composite products containing at least 10% of the foodstuffs.

This Decision is now in force and has been enacted in law in England by Declaration under Regulation 33 of the [Official Feed and Food Control Regulations](#). The same procedure will be used for Scotland, Wales and Northern Ireland. To view copies of the updated Declarations go to: www.food.gov.uk/foodindustry/imports/legislation/legislation and scroll to the bottom of the page under 'Food not containing animal products'.

Review of the frequency of controls on commodities covered by Commission Decision 2006/504/EC as amended on aflatoxins and consolidation of the Decision

Discussed at Working Group 19 November 2007 & 9-11 January 2008

Discussion on revising the frequency of controls for Commission Decisions on aflatoxins took place at both meetings. Consideration was given to the degree of non-compliance with the Decisions since 2003 and the frequency of controls for each commodity. Data from the Rapid Alert System for Food and Feed (RASFF) were also compiled and analysed.

Having reviewed the information, it was agreed that the majority of provisions within the Decisions should be kept as they are. However, consideration was given to reducing controls on peanuts from China and Egypt. In relation to products from Turkey, it was agreed that hazelnut oil should be added and the frequency of controls on pistachios should be increased in light of the high rate of non-compliance.

On US almonds, the Commission made it clear that only the official list of authorised laboratories for VASP inspection circulated by the Commission is to be used. This will be updated on a regular basis and circulated via the RASFF system.

The Commission also expressed its intention to consolidate the Decisions into a Regulation. The UK is considering the legal ramifications for implementing the provisions from an EC Regulation rather than an EC Decision into domestic law.

Guidance documents on the controls for aflatoxins for enforcement authorities

It is anticipated that an updated guidance document on aflatoxins for enforcement authorities will be published early this year. We will notify interested parties as and when a revised version of the document becomes available.

High risk list (Article 15.5 of Regulation 882/2004)

Discussed at Working Group 19 November 2007 & 9-11 January 2008

Article 15.5 of [Regulation 882/2004](#) makes provision for a list of foods to be subject to increased official controls. These are foods that are considered to have a high known or emerging risk of being unsafe.

A copy of the draft Regulation implementing rules for import controls for these high-risk feed and food products of non-animal origin was made available through an update posted by the Agency on its website in December on Official Controls. The latest version of this Regulation now contains a draft list of high-risk food and feed products of non-animal origin. The update can be found at www.foodstandards.gov.uk/multimedia/pdfs/eu882update0712.pdf. The draft Commission Regulation is attached as an appendix to the update; the list is then contained in the annex to this.

A further Commission Working Group meeting on Official Controls has since taken place on 18 January to discuss the draft Regulation and another update will be posted on the Agency's website in due course at www.food.gov.uk/foodindustry/regulation/europeleg/euupdates/. It is intended to present the draft Regulation for a vote at the Standing Committee in June.

The high-risk list in relation to mycotoxins and the frequency of controls was discussed at both Working Group meetings. Included on the high-risk list are peanuts and peanut products from Ghana, which was discussed in more detail following the Food and Veterinary Office's mission to Ghana.

Any comments on the list relating to mycotoxins as well as other chemical contaminants are welcome. Industry and enforcement stakeholders are invited, in particular to comment on the costs and other impacts associated with undertaking the increased controls on these products that will be necessary.

Fusarium Forum

Held during Working Group 9-11 January 2008

Various presentations were made during the forum which raised several issues including the inconsistency of the limits applied to the different fractions, the lack of data on toxicology for T2 and HT2 toxins and the lack of standardised analytical methods for T2 and HT2. The Commission agreed during the forum to request a risk assessment for T2 and HT2 in feed from the European Food Safety Authority (EFSA). However, unless new data became available, a review on the current opinion made previously by the Scientific Committee on Food (SCF) could not be carried out.

The Joint Research Centre (JRC) is looking at validating methods for T2 and HT2, although significant further work is needed before standardising such methods. The

Commission agreed to look into more detail for certain cases where the limits set for the cereal fractions could not be achieved but stated clearly that the limits set for Fusarium toxins would not be revised until 2009.

There was an indication that deoxynivalenol (DON) may also be produced post harvest. It was suggested that this could be due to fungal stress upon drying but no definite reason was given. In particular, it was reported that both T2/HT2 and DON increased in beers.

The Commission noted that since soy for animal feed was found with high levels of zearalenone, then soy oil for human consumption may also be contaminated. A representative from industry stated that they had found zearalenone in soy oil, but not as high as maize. **Any information on this issue would be welcome.**

The second day of the forum shifted the focus more towards commodities used as animal feed. The meeting was attended by representatives from both the feed and pet food sectors. Most discussions concerning feed centred on [Commission Recommendation 2006/576/EC](#) that sets guidance values (non-statutory maximum levels) for DON, zearalenone, ochratoxin A and fumonisins B₁ + B₂.

T2 and HT2 Toxins

Due to the overrunning of the Fusarium forum, no discussions took place on the setting of maximum levels for T2 and HT2 toxins. Therefore, discussions on this will continue at the next Working Group meeting, which is scheduled to take place 2 – 3 March.

If you would like to submit data on T2 and HT2 toxins that you think will assist during negotiations of setting maximum levels, please send it to Simona Origgi at the address above.

Maximum levels for ochratoxin A in spices and liquorice

The Commission is still consulting internally. Discussions will continue at the next Standing Committee meeting during which time the Commission is hoping for agreement.

Any relevant data should be supplied to Simona Origgi at the address above.

Sampling Working Group on cereals

This Working Group was originally scheduled to take place on 30 January. However, due to a delay in preparation of the working document it has now been rescheduled to take place at the beginning of March.

Any relevant information to assist in the development of screening sampling plans for large lots should be supplied to Simona Origgi at the address above.

Commission Regulation 1214/2007

[Commission Regulation \(EC\) No 1214/2007](#) of 20 September 2007 amending Annex I to [Council Regulation \(EEC\) No 2658/87](#) on the tariff and statistical nomenclature and on the Common Customs Tariff came into effect on 1 January 2008.

The Regulation contains important information for all traders regarding the Combined Nomenclature (CN) codes and may affect commodities specified in the Commission Decisions on aflatoxins.

Codex Committee on Contaminants in Food on issues related to mycotoxins

Discussed at Working Group 9-11 January & Council Working Group on Codex 24 January 2008

Discussion took place regarding draft maximum levels for aflatoxins in almonds, hazelnuts and pistachios. The Commission are currently awaiting a report from the Joint FAO/WHO Expert Committee on Food Additives (JECFA).

Draft maximum levels for ochratoxin A in cereals were also covered. Initial assessment from JECFA indicates that there is no difference between a limit of 5ppb and a limit of 20ppb for ochratoxin A in wheat, barley and rye, although the final report is still awaited.

The proposed sampling plan for aflatoxins was discussed briefly. However further discussions on this were deferred until March.

Initial information discussed at the meeting on 9 January indicated that there is not enough information to develop a code of practice for cocoa and this topic was not discussed further at the meeting on Codex. No further discussion took place on ochratoxin A in coffee and cocoa or aflatoxins in figs.

The next Council Working Group meeting on Codex coordination is scheduled for 17 March.

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NITRATE

For further information or to submit comments or data on nitrate, please contact Valerie McFarlane: valerie.mcfarlane@foodstandards.gsi.gov.uk. Tel. 020 7276 8718.

The European Commission has set maximum levels for nitrate in lettuce and spinach grown for consumption ([Commission Regulation 1881/2006](#)). However, in recognition of the direct effect of climatic conditions on the natural uptake of nitrates by plants, the UK has a special derogation for higher levels. A UK Nitrate Monitoring Programme has been undertaken since 1996, from which the results of nitrate concentrations in fresh lettuce and spinach are supplied annually to the Commission. However, the derogation is due to end in December 2008.

As mentioned in previous interested parties letters, the European Food Safety Authority (EFSA) is currently undertaking a risk-benefit evaluation of nitrate in the diet and the results of this are expected during the first half of 2008. The outcome will be discussed by the Commission soon thereafter together with any necessary regulatory changes.

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PROCESS CONTAMINANTS

For further information or to submit comments or data on process contaminants, please contact Jillian Spindura: jillian.spindura@foodstandards.gsi.gov.uk. Tel. 020 7276 8708.

Acrylamide

The latest CIAA Acrylamide toolbox has now been published on the CIAA website: www.ciaa.be/pages_en/documents/brochure_detailed.asp?brochure_id=41.

The updated version contains more techniques for processors on how to reduce acrylamide formation as well as the results of recent scientific work on the formation and reduction of acrylamide in food. The key changes can be found on page 5 of the toolbox.

Acrylamide Code of Practice

Following further consultation with the electronic working group, the finalised version of the proposed draft Code of Practice for the Reduction of Acrylamide in Food will be sent to the Codex Secretariat on 1 February 2008.

3-MCPD

Discussed at Council Working Group on Codex 24 January 2008

Discussion revolved around whether to accept a limit of 0.4 mg/kg in the light of recent research on 3-MCPD esters. Further discussions were deferred until 17 March.

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ENVIRONMENTAL CONTAMINANTS (INORGANIC)

For further information or to submit comments or data on Inorganic Contaminants, please contact Christina Baskaran: christina.baskaran@foodstandards.gsi.gov.uk. Tel 020 7276 8704.

Heavy metals in food supplements, herbs and spices

To be discussed at Working Group 22 February 2008

As stated in the interested parties letter of November 2007, there is a consensus that limits are needed for lead and cadmium in food supplements. Discussions are on-going and there are opportunities to ensure that the new limits are set at proportionate levels so that consumers are protected without placing an unnecessary burden on the industry. The possibility of introducing levels for algal products, tea, coffee, herbs and spices is to be discussed in the next Working Group meeting in February.

Data for the following will be useful in formulating the UK position.

Lead and cadmium: food supplements, algal products, herbs, spices, tea, and coffee.

Please send available data before the 15th February 2008.

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ENVIRONMENTAL CONTAMINANTS (Organic – dioxins, PCBs, PAHs)

For further information or to submit comments or data on organic Contaminants, please contact David Mortimer: david.mortimer@foodstandards.gsi.gov.uk. Tel 020 7276 8731.

Following the FVO mission to India to investigate the contamination of guar gum with pentachlorophenol, the Commission is not satisfied with the response of the Indian authorities, notably the proposed timetable for putting necessary safeguards in place to avoid a repeat occurrence. It is therefore proposing its own measures, which will include requiring all guar gum and guar gum-containing mixtures from India entering the EU directly or via a third country to be accompanied by certification to the effect that it is PCP-free.

Issues around a limit for fish liver remain, despite a limit of 25 pg WHO-TEQ/g whole weight having been tentatively agreed at a Standing Committee in December.

Progress on the modification of the existing limits for dioxins and dioxin-like PCBs in liver, to be expressed on a whole weight rather than fat basis, continues to be hampered by the lack of contribution either in data or positions from most other Member States. However, the Commission has concluded that there is a good case for making the change and will put concrete proposals to the next meeting.

Discussions on harmonised limits for non dioxin-like PCBs have continued although most Commission proposals have been rejected on the basis that they are too high to be meaningful.

Discussions have begun with a view to setting limits for dioxins, total TEQ and non dioxin-like PCBs in baby foods.

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