

Chemical Contaminants Interested Parties Letter June 2007

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:

General Contaminants Legislation: barry.walters@foodstandards.gsi.gov.uk
Mycotoxins and Process Contaminants: wendy.matthews@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

This June 2007 edition contains updates following the meetings of:

2 March 2007: Agricultural Contaminants - Commission Working Group (WG 2 March)

12-13 March 2007: Agricultural Contaminants - Commission Working Group (WG 12/13 March)

4 April 2007: Agricultural Contaminants - Commission Working Group (WG 4 April)

16 - 20 April 2007: Codex Committee on Contaminants in Foods, Beijing, China

5 May: Standing Committee on the Food Chain and Animal Health.

11 May 2007: Agricultural Contaminants - Commission Working Group (WG 11 May)

There have been no meetings of the Industrial and Environmental Working Group in this period.

Summary of Contents

GENERAL CONTAMINANTS LEGISLATION

1. Commission Regulation (EC) No. 333/2007 laying down methods of sampling and analysis for the official control of levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a) pyrene in foodstuffs

The Commission Regulation has been published in the Official Journal. The Regulation came into force on 1 June 2007.

[Click here for further information.](#)

CODEX COMMITTEE ON CONTAMINANTS IN FOOD

1. The 1st Meeting of the Codex Committee on Contaminants in Foods took place in Beijing on 16 - 20 April 2007 - Request for data

Issues covered included mycotoxins, 3-MCPD, acrylamide, tin and PAHs.

We would be grateful for any data available on the occurrence of aflatoxins in nuts as soon as possible.

[Click here for further information.](#)

EU REGULATION 882/2004 ON OFFICIAL CONTROLS – IMPLEMENTING RULES FOR IMPORT CONTROLS FOR 'HIGH RISK' FEED AND FOOD OF NON-ANIMAL ORIGIN

1. A number of meetings have taken place to discuss the above implementing rules.

[Click here for further information.](#)

MYCOTOXINS

1. 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

and

2. Commission Decision imposing special conditions on the import of almonds from USA into the EU

Commission Decision 2006/504/EC governs the import of certain foodstuffs from third countries which are considered to have a high risk of exceeding limits for aflatoxin contamination. The amendment to this Decision is expected to come into force on the 1st July 2007, although it has not yet been published in the Official Journal.

The Commission has produced a further draft amendment to this Decision imposing special conditions on the import into the EU of almonds from the USA. The Decision was voted on and agreed at the meeting of the Standing Committee on 5 May. The Decision is due to come into effect on 1 September 2007, although it has not yet been published in the Official Journal.

3. Aflatoxin guidance document

This document has been updated to include the information as indicated in our previous letter in February.

4. Setting of maximum levels for ochratoxin A in various foodstuffs – For comment

The Commission has produced 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. This may be the last opportunity to influence the development of these Regulations. You can do so by submitting comments to the FSA by the 30th June.

Click here for further information

5. Discussion on fusarium toxins in maize and maize products – For comment

Following discussions at recent Working Groups the Commission produced a proposal for maximum limits for fusarium toxins in maize and maize products. This may be the last opportunity to influence the development of these regulations. You can do so by submitting comments to the FSA by the 30th June.

Click here for further information

6. Alternaria toxins

A question has been addressed to EFSA on this issue. The Commission proposed to gather more information before deciding if monitoring was necessary.

7. Monitoring for T-2 and HT-2 toxins

A representative from JRC described a new method of analysis fit for purpose for T-2 and HT-2 toxins in oats, based on immunoaffinity column chromatography followed by GC-MS.

PROCESS CONTAMINANTS

1. Acrylamide monitoring recommendation

The European Commission Recommendation on the monitoring of acrylamide which came into force on 1st January 2007 is now available at:-

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/l_123/l_12320070512en00330040.pdf

Click here for further information,

2. Heatox Project

The Heatox project carried out as part of the EC 6th framework programme has now been completed.

Click here for further information,

3. Furan Recommendation

The European Commission Recommendation on the monitoring of furan, which came into force on 1st January 2007 is now available at :-

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/l_088/l_08820070329en00560057.pdf

[Click here for further information.](#)

4. Process Contaminants Survey

The survey has started. 250 samples will be collected every year and it would include potatoes and cereal products which are known to have high acrylamide levels.

[Click here for further information.](#)

MISCELLANEOUS

1. Morphine in poppy seeds

This issue has been briefly discussed at recent meetings following a risk assessment undertaken by Germany. This document has now been made available in English and the Commission intends to ask EFSA for a risk assessment.

2. Bitter Apricot Kernels

Following findings of high levels of hydrocyanic acid in bitter apricot kernels intended for direct human consumption, the Commission have requested views from Member States on possible options to protect consumers from the risks posed by this product. When last discussed in March, some Member States were in favour of banning the sale of the product for direct human consumption. The Commission intends to revisit this possibility at a later date.

GENERAL CONTAMINANTS LEGISLATION

Commission Regulation (EC) No. 333/2007 laying down methods of sampling and analysis for the official control of levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a) pyrene in foodstuffs

Commission Regulation (EC) No 333/2007, which has now been published in the Official Journal [Official Journal of the European Union, **L88**, 29.3.2007, p. 29-38], laying down methods of sampling and analysis for the official control of levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a)pyrene in foodstuffs came into force on 1st June 2007. The Regulation repeals and amends Commission Directives 2001/22/EC, 2004/16/EC and 2005/10/EC and provides sampling and analysis procedures relating to the above contaminants for Commission Regulation (EC) No. 1881/2006.

Regulation 333/2007 specifies under Annex C 2.2, sample preparation procedures for lead, cadmium, inorganic tin and benzo(a)pyrene. Also under Tables 5, 6 and 7 performance criteria for methods of analysis for lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a) pyrene are detailed.

Overall, there is very little change from the sampling protocols listed in the repealed Directives but for harmonisation purposes this should make sampling and analysis easier to undertake.

The Agency considers that the Commission Regulation (EC) No. 333/2007, has direct effect in UK law by virtue of Regulation 6 of the Contaminants in Food (England) Regulations 2007

which requires enforcement sampling and analysis to be carried out in accordance with the requirements in Commission Regulation EC No 1881/2006. The repealed sampling Directives in Article 8 of regulation 1881/2006, are replaced with Regulation (EC) No. 333/2007.

From the 1st June 2007, Enforcement Agencies were required to follow the sampling and analysis procedures in Commission Regulation (EC) No 333/2007 when taking official enforcement samples for the official control of levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a)pyrene in foodstuffs.

As we are consulting all of our stakeholders on this Regulation by means of this IP letter, we would welcome any comments as to whether or not you feel there are any additional costs to your business by implementation of this new piece of legislation.

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CODEX COMMITTEE ON CONTAMINANTS IN FOOD

The 1st Meeting of the Codex Committee on Contaminants in Foods took place in Beijing on 16 – 20 April 2007

The discussions which took place on the various papers are summarised below:

Draft Maximum Level for Ochratoxin A in wheat, barley and rye (being held at Step 7)

All agreed that this item could not be progressed before JECFA's opinion on Ochratoxin A, which is due at the beginning of next year, was available.

Draft Maximum Level for Total Aflatoxins in almonds, hazelnuts and pistachios for further processing (being held at Step 7), Draft Maximum Level for Total Aflatoxins in Almonds, Hazelnuts and Pistachios "ready-to-eat" (at Step 7) and Discussion Paper on Maximum Levels for Total Aflatoxins in "ready-to-eat" Almonds, Hazelnuts and Pistachios - Request for data

JECFA has been tasked to assess consumer risk if limits for total aflatoxins in almonds, hazelnuts, pistachios and Brazil nuts are increased from 4 ug/kg to the range of limits under discussion – 8 ug/kg, 10 ug/kg, 15 ug/kg or 20 ug/kg. It was therefore agreed to postpone further discussions to set limits for aflatoxins in almonds, hazelnuts and pistachios until the next session when JECFA's opinion will be available. Producing countries have been asked to supply occurrence data for these nuts.

In order to facilitate the further discussions on this issue we would be grateful for any data available on the occurrence of aflatoxins in nuts as soon as possible.

Proposed Draft Sampling Plan for Aflatoxin Contamination in Almonds, Brazil nuts, Hazelnuts and Pistachios (being held at Step 4)

There was general agreement that it was too premature to progress this document further without having agreed a maximum limit. For this reason the document was sent back to Step 2 and will be revised and re-circulated for the next meeting.

Discussion Paper on Aflatoxin Contamination in Brazil Nuts

The meeting was informed that more data would become available later on in the year and the discussion paper would be updated accordingly. JECFA confirmed that these data will be too late to be incorporated in its evaluation.

Proposed Draft Code of Practice for the Prevention and Reduction of Ochratoxin A Contamination in Wine (at Step 4)

This document was advanced by accelerated procedure and is expected to be adopted at the forthcoming Codex Alimentarius Committee in July.

Discussion Paper on Deoxynivalenol (DON)

It was agreed to discontinue this work for time being, but countries were encouraged to submit occurrence data to the GEMS databases.

Discussion Paper on Ochratoxin A in Coffee

The paper will be updated and re-circulated for the next meeting. It was agreed to start work towards developing a Code of Practice for ochratoxin A in coffee and a project document will be drafted.

Discussion Paper on Ochratoxin A in Cocoa

It was agreed that it was too premature to develop a code of practice at this stage, and it was preferred to continue developing the discussion document.

Discussion Paper on Aflatoxin Contamination in Dried Figs

It was agreed to start developing a code of practice.

Draft Maximum Levels for Tin in Canned Foods (other than beverages) and in Canned Beverages (at Step 7)

The proposed limits of 150 mg/kg in canned beverages and 250mg/kg in canned foods other than beverages were forwarded to the Codex Alimentarius Committee for adoption at step 8 in July. The EC and Switzerland entered reservations as current EC limits are 100 mg/kg for canned beverages and 200 mg/kg for canned foods other than beverages.

Proposed Draft Maximum Levels for 3-MCPD in Liquid Condiments Containing Acid-Hydrolyzed Vegetable Proteins (acid-HVPs) (excluding naturally fermented soy sauce) (at Step 4)

Many delegations considered that the limit should be held at 0.4 mg/kg until the Code of Practice has been finalised and implemented. This draft limit will be put forward for adoption at Step 5 at the next CAC meeting. EU and Norway expressed reservation to this decision.

Proposed Draft Code of Practice for the Reduction of 3-Monochloropropane-1,2-diol (3-MCPD) during the Production of Acid Hydrolyzed Vegetable Proteins (acid-HVPs) and Products that Contain acid-HVPs (N09-2005) at Step 4 – Comments at Step 3

The draft CoP presented at the 38th session of CCFAC (last year) has been further developed by the electronic working group led by the UK. The Committee endorsed the Working Group's recommendation to put this code forward for adoption at Step 5 at the next CAC meeting.

Proposed Draft Code of Practice for the Reduction of Acrylamide in Food (at Step 4)

At the 38th session of CCFAC it was agreed that an electronic working group led by the UK and US would develop a draft Code of Practice for presentation at the 1st CCCF. The Committee agreed that further work was needed, and the code was returned to Step 2 to be circulated at Step 3 for comment.

Proposed draft Code of Practice for the Reduction of Contamination of Food with Polycyclic Aromatic Hydrocarbons (PAH) from Smoking and Direct Drying Processes (at Step 4)

Further discussions took place on a range of points, including smoke flavours and the types of wood used. The code was returned to Step 2 to be circulated at Step 3 for comment.

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EU REGULATION 882/2004 ON OFFICIAL CONTROLS - IMPLEMENTING RULES FOR IMPORT CONTROLS FOR 'HIGH RISK' FOODS AND FEEDS OF NON-ANIMAL ORIGIN

An interested parties' letter was issued on 10 January, which explained the background to this issue. Subsequently a number of meetings of the Working Group have taken place to discuss the implementing rules.

The discussions which took place are summarised below:

The Commission has produced a draft Working Document, however, progress on the implementing rules remains very slow, with the bulk of the meetings being taken up with issues discussed in previous meetings. Particular issues were the use of the Traces system for which the Commission suggested an application date of 1 January 2009; and whether consignments should be detained when samples are taken for analysis. It was agreed that fees will be mandatory for official controls under the proposed Regulation. The Commission is to provide draft criteria for drawing up the list of products for inclusion in the list of 'high risk' foods and feeds for comment before the next meeting and therefore there has been little discussion on the criteria themselves. The Commission is optimistic that the Working Document will be sufficiently advanced to allow the Regulation to be adopted before December 2007.

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MYCOTOXINS

Setting of maximum levels for ochratoxin A in various foodstuffs – For comment

Discussed at WG 12/13 March, 4 April, 11 May

Commission Regulation 1881/2006 includes a requirement to review the setting of maximum levels for ochratoxin A in various commodities. It has been agreed not to change the limits currently in place. No limits will be set for green coffee, cocoa beans, meat, offal, liqueur wines, beer and dried fruit other than vine fruit.

Liquorice products.

There was general agreement over setting different limits for liquorice root (20 µg/kg) and liquorice extract (80 µg/kg). There is a lack of good analytical methodology, which may need to be followed up by the Community Reference Laboratory.

Spices

Following the discussion on 12/13 March 2007 the following two options were selected for further discussion

Option 1:

- 30 µg/kg as from 1 January 2008 (until 31 December 2009)
- 15 µg/kg as from 1 January 2010

Option 2:

- 15 µg/kg as from 1 January 2009

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Discussions on maximum limits for fusarium in maize and maize products – For comment

Discussed at WG 2 March, 12/13 March, 4 April and 11 May

Following comments received from industry regarding the particle size and the distribution of fusarium toxins in the different maize milling fractions, different limits were discussed for fraction above 500 microns (such as larger maize grits) and below 500 microns (such as maize meal and flour). A limit of 400 µg/kg was discussed for baby foods.

Maize to be processed by wet milling will be excluded from the scope of the Regulations and no limit will be set.

A limit for fumonisins of 1000 µg/kg for maize based products for direct human consumption, maize intended for direct human consumption and maize oil was discussed. A separate limit for breakfast cereal of 800 µg/kg was also considered.

Discussions will continue at the next Standing Committee (date to be announced) with a possible vote.

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PROCESS CONTAMINANTS

Acrylamide monitoring recommendation

This was referred to in our January 2007 update. In order to assess the extent of implementation of the CIAA toolbox, MS are being asked to monitor acrylamide in products known to contain high levels of acrylamide especially potato and cereal based products. This has been incorporated into a survey of process contaminants to include; 3-MCPD, furan and ethyl carbamate; being currently carried out by the Agency.

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Heatox project

The project was carried out for 40 months. The main aim was to identify, characterize and minimise health risks from heat-generated food toxicants. It focused mainly on acrylamide although this was not the original intention. 14 countries and 24 partners were involved in this project. The Agency funded one of the partners and as a result of that project, a database of heat-generated food toxicants was set up and is being developed further with a view to identify other possible toxic contaminants in food. The Heatox consortium have also produced a guidance document focussing on domestic cooking. The guidelines for reducing acrylamide levels are currently being reviewed by the Commission. Details of other outputs from the Heatox project can be found at www.heatox.org

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Furan Recommendation

A Commission Recommendation has been published for the monitoring of furan in foods. It is available at :-

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2007/l_088/l_08820070329en00560057.pdf

This specifies the need for the collection of furan data from EU Member States to provide EFSA with data for a more robust exposure assessment. The Agency will be providing some of this data via the current survey on process contaminants.

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Survey of process contaminants in UK retail foods

This is being carried out by the Agency as a result of the furan and acrylamide monitoring recommendations and would provide new data on the occurrence levels of four major process contaminants, namely acrylamide, chloropropanols (3-MCPD) including 2-MCPD, 1,3-DCP and 2,3-DCP, ethyl carbamate and furan in a wide range of UK retail foodstuffs. 250 samples will be collected every year and these would include potatoes and cereal products. Potato products will be sampled twice a year to determine whether or not there is a seasonal variation between the acrylamide levels determined.

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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. As a result of this, a call was put out for data on ethyl carbamate. EFSA's evaluation is still being awaited.

Acrylamide Brochures

The brochures on acrylamide reduction strategies developed by European Commission and Industry for small businesses has now been translated into the various languages of the Member States and would be available at the European Commission website shortly.