

5th December 2008

Reference:

Dear Sir or Madam,

**Interested Parties Bulletin December 2008
Incident Prevention and Chemical Risk Management**

Following a review of how we deliver information to you, I am pleased to be able to introduce this first new look interested parties bulletin. We've made a number of changes which we hope will make the information that you need easier to find. You can simply look at the summary of news items below and click on the bookmark to go straight to the item you're interested in. If you have any views on how we might further improve this bulletin then please don't hesitate to contact our editorial team through the contact given at the foot of this page.

Summary

In this edition we have news on:

Subject	
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Environmental (Inorganic)	Contaminants
Food contact materials	
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Mycotoxins	
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Introducing the team

There have been a number of staff changes in the teams in the Incident Prevention and Chemical Risk Management Branches in recent months, so I thought it might be useful to provide you with an update. Many of you will know the former policy lead and branch head Dr. Wendy Matthews, who has moved on to other work areas and we'd all like to wish her every success. I am currently covering this role and I work alongside Dr Jillian Spindura. I would be happy to discuss any issues with you. We will continue to negotiate for proportionate and practical legislation; as well as provide support and advice in helping businesses and the enforcement community to achieve high levels of compliance in the interests of consumers.

Key contacts within the team are:

Dr Karen Barnes (Food Contact Materials Scientific Research and Surveys);

Jonathan Briggs (Mycotoxins);

Dr. David Mortimer (Organic Chemical Contaminants, Environmental Permitting Programme, Nitrates);

Richard Sinclair (Food Contact Materials Policy and the Implementation of Contaminants Legislation);

Kara Thomas (Inorganic Contaminants);

Nina Webber (Process Contaminants).

New Online Incidents Section and Strategy Published

The Agency has published a new website section on incidents to bring together information and guidance on how to report, respond to and prevent a food or animal feed incident. The Agency's incident prevention strategy plan has also been published.

In the event of an incident, the dedicated section aims to help enforcement authorities and members of the food industry find key incidents guidance and services quickly. It includes the online report form for businesses to notify the Agency if they need to recall or withdraw products from the market. The form can also be used by local and port health authorities to report incidents.

The new section includes: guidance on food safety for farmers, caterers, manufacturers and others; FSA annual reports on incidents that show how many incidents were handled in a year and what action was taken to protect consumers; and details of post-incident reviews, which aim to make sure as much as possible is done to prevent future and similar incidents.

You can access the online incidents section, by clicking on the web link below:
<http://www.food.gov.uk/news/newsarchive/2008/oct/incidents>

If you have any suggestions for improving the website or material that you would like to see added, then please contact Solomon Okoruwa by email at:
solomon.okoruwa@foodstandards.gsi.gov.uk

Environmental Contaminants (Organic)

Dioxins & Dioxin-like PCBs

Baby food and infant formula

The Commission is progressing with its intention to introduce total TEQ limits for baby food and infant formula. This is despite a lack of consensus either on the need for limits or what they should be. The limit currently proposed by the Commission is 0.2 picogram/gram, expressed on a whole weight basis. We have concerns about the feasibility of applying such a low limit and have asked the Commission to consult the Community Reference Laboratory and, through it, the National Reference Laboratories network.

Liver of terrestrial animals

A whole weight total TEQ limit of 1 pg/g for liver from terrestrial animals (sheep and bovine animals, pigs and poultry) will be put to the next Standing Committee. This follows two years of discussion since we first raised concerns with the Commission that expression of the limit on a fat basis appears inappropriate for liver. Already, the recently-introduced limit for total TEQ in fish liver (Commission Regulation 565/2008) is expressed on a whole weight basis.

Non dioxin-like PCBs

Following repeated requests from certain Member States for harmonisation of limits for non dioxin-like PCBs, the Commission has tabled several sets of proposed limits, all based on the sum of the 6 'indicator' PCBs. However, progress appears to have stalled because a number of Member States are still questioning the need for limits, and the Commission may decide to combine further discussions with the forthcoming review of dioxin and total TEQ limits. Nevertheless, the Commission has indicated its intention to continue with its plan to consult external stakeholders.

PAH

The European Food Safety Authority (EFSA) opinion on PAHs was published in June this year, the opinion can be found at the following web address:

http://www.efsa.europa.eu/EFSA/efsa_locale-1178620753812_1211902034842.htm

One of the questions asked of EFSA by the Commission related to the suitability of benzo(a)pyrene (BaP) as a marker for the 'EFSA 16' compounds of concern, since BaP was not always present in contaminated samples. EFSA concluded that a combination of four PAHs (BaP plus chrysene, benz(a)anthracene and benzo(b)fluoranthene) might be preferable. The Commission has indicated that it intends to follow this advice. A review of PAH limits is due to begin in Spring 2009.

Perfluoro compounds

EFSA has recently published its opinions on perfluorooctane sulphonic acid (PFOS) and perfluorooctanoic acid (PFOA):

http://www.efsa.europa.eu/EFSA/efsa_locale-1178620753812_1211902012410.htm

EFSA established Tolerable Daily Intakes of 0.15 µg/kg for PFOS and 1.5 µg/kg for PFOA. The Commission acknowledged that more information was needed about environmental trends and that concern over the reliability of the analytical methods needed to be resolved but did not rule out the possibility of setting limits in food in the future.

For further information or to provide comments or data, please contact David Mortimer at: david.mortimer@foodstandards.gsi.gov.uk

Environmental Contaminants (Inorganic)

EFSA scientific opinion on arsenic

As notified in the previous letter, the European Commission has requested the European Food Safety Authority (EFSA) to evaluate the risks to human health related to the presence of arsenic in foodstuffs (including drinking water).

In response to EFSA's request for data on arsenic levels in foodstuffs, data on levels of arsenic in various foodstuffs was submitted by the UK. It is expected that EFSA's scientific opinion will be available by September 2009.

On the basis of the scientific opinion of EFSA, the Commission will consider risk management measures, including setting of maximum levels for arsenic in foodstuffs.

Many thanks to those of you who sent data in response to our request.

EFSA scientific opinion on chromium and selenium

EFSA has issued a request for chromium and selenium levels in foodstuffs and beverages in order to evaluate the safety and efficacy of selenium and chromium feed additives.

http://www.efsa.europa.eu/EFSA/efsa_locale-1178620753812_1211902079839.htm

Both selenium and chromium occur naturally in the environment. Chromium is found in nature mostly in the trivalent form and is an important factor in the metabolism of carbohydrates, lipids and proteins. Selenium occurs in nature in both the organic and inorganic forms. It has several biological functions mostly related to the containment of oxidative stress.

Animals may be supplemented in feed with these two elements. Use of some selenium compounds (sodium selenate, sodium selenite and selenium-enriched yeast) as feed additives is already authorised in the EU. Use of chromium is not yet authorised within the EC.

In order to assess the safety of using selenium and chromium compounds as feed additives, EFSA has requested data on the selenium and chromium content in food and beverages.

Please send recent data on the levels of selenium and chromium to contact given below **before 28 November 2008**.

The **closing date for submission of data is 30 November 2008**. These data will be compiled and assessed to carry out refined exposure assessments and of the opinion.

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.

Materials and Articles in Contact with Food.

Proposal: The Plastic Materials and Articles in Contact with Food (England) Regulations 2009.

Consultation on proposals for a revised 2009 regulation on food contact plastics comes to an end on 28th November 2008. The proposals enact in England the provisions of Commission Directive 2008/39/EC and mainly concern the closing of the list of additives having a technical effect on the material used in manufacture. The closing of the list brings into effect a positive list of additives comprising the EC list as supplemented by a Commission provisional list of additives in national legislation. This provisional list will remain extant until substances are authorised or removed.

Commission Working Group Meeting.

The Commission held a one-day meeting of its working group on 31st October. Industry associations were present to put their points of view in the morning and the meeting continued with just the Member State authorities in the afternoon. Issues discussed were:

Active & Intelligent Packaging Systems – A Commission Working Document

The European Commission intended proposing a text to the Standing Committee on the Food Chain and Animal Health on 12th December, its aim was to bring an adopted measure into effect by February 2009 if current European Parliament scrutiny applies, or April 2009 if the new extended powers of scrutiny apply. The proposal would contain measures dealing with:

- legislation to cover interaction with other specific measures;
- Declarations of Compliance;
- the assessment of non-active components;
- general authorisation leading to the creation of a positive list;
- grafted substances;
- the functional barrier concept as established for food contact plastics excluding the use of Carcinogens, Mutagens and Reprotoxic and nano-form substances.

The Commission clarified that exceeding the Overall Migration Limit and Specific Migration Limit for authorised food additives used in these systems would be permitted up to the authorised limit for the additive. There had been some debate

about establishing the efficacy of an active packaging system and this was now to be established and documented by the manufacturer and made available to authorities on demand.

Plastics Implementing Measure (PIM).

The Commission made it clear that many Articles from old directives were not being transferred into the PIM as they will go into guidance instead. On the scope of the working document the Commission clarified that Commission Directive 78/147/EEC on vinyl chloride monomer applied to **all** plastics, not just those covered by current plastics rules, [this is also the case for Regulation (EC) No. 1895/2005 on the use of BADGE] thus they expected to extend the scope of the PIM to reflect this. This would mean that the PIM would then include plastics in multi-material multi-layers.

The Commission explained that under the PIM, the listing of authorised substances would not distinguish between monomers and additives as they were all part of the positive listing of substances, thus only one Article would be needed in the substantive text in future. The Commission's provisional list of additives authorised in national legislation would still be included separately as it was likely to remain in existence beyond 2010. Use of substances would be restricted to what was technically necessary and substance restrictions would be expressed as Specific Migration Limits in mg/kg food or stimulant. The Commission explained that the 60mg/kg limit for substances with no SML would be moved to the main Articles from Annex 1 of the current plastics rules. It also said that the OML applying to a plastic layer within a multi-material multi-layer was to be considered, but it admitted that difficulty arises when detected migrants are confused by the other materials present among the layers. The Commission also explained that the use of a functional barrier has to be clarified as applying only to the plastic layer. Basic rules on compliance are likely to be in an Annex, but explanatory material and guidance would be removed to a guidance document. Where substance lists were to be combined into one there would be indication of use as an additive or monomer or both and that this designation will comply with the REACH classification. It was likely that all this would be provided through a Commission database.

Comments on the working document were required by the Commission by 31 December 2008. Anyone wanting to see the working document should contact Benjamin Nketiah (email: benjamin.nketiah@foodstandards.gsi.gov.uk) (telephone: 0207 276 8399).

Comments should be made in the first instance to the Food Contact Materials Policy and Legislation Team here at the Food Standards Agency by Friday 19th December, a consolidated UK commentary will be put together for the Commission Services using a specific template that the Commission will provide the Agency acting as the national Authority for the UK.

Rubber Industry Presentation.

This dealt with perceived implications for the rubber and elastomer industries when they used plastics rules to assure the safety of their products. This arose from the text in a Council of Europe resolution. It was agreed that this was a matter to be raised with the Council of Europe and was not a matter for the Commission or its working groups.

EC Database

The Commission announced a web-based database for substance information, to promote openness and consultation and to complement existing substance databases. It will be searchable, user friendly and work with existing systems. Web-pages contain identified substances; categories; group restrictions; legislation; documents and reports. Access will be on a tiered basis.

Organotins

DG Enterprise in the Commission is looking to adopt a limit on organotins (tributyltins) in consumer products by the end of year. Dibutyltin is likely to be banned in consumer products except, for now, in food contact materials.

Melamine in Food.

The Commission explained that melamine was widely used in food contact materials such as in patio-ware, in other plastics and as a cross-linker in coatings. Adulterated foodstuffs from China now included powdered milk products, eggs and a raising agent used in baking. There remains a difference between levels permitted in food by two different EU measures but this was unlikely to be resolved until the outcome of the current European FACET project was known.

Bisphenol A

An EFSA delegate summarised current issues arising with the recent US FDA report. The potential remained for the US FDA to take some action, perhaps commissioning further studies. EFSA, for its part, had reviewed all studies and the No Observable Adverse Effect Level remains at 5 mg/person/day: thus, the TDI set in 2006 of 0.05 mg/kg/bw/day remains.

Recycled Plastics.

The Commission, clarifying matters for some Member States, has estimated a potential timeline for the authorisation of recycling processes of 47 months. Counting started from April 2008 leading to decisions on applications for authorisation of processes being likely in November 2011. Non-authorised processes would continue to operate until May 2012 and product from non-authorised processes would then remain on the market until stocks exhausted.

If you have any comments or questions on the issues discussed in this part of this section on materials and articles in contact with food please contact Benjamin Nketiah by email: benjamin.nketiah@foodstandards.gsi.gov.uk or telephone: 0207 276 8399

Surveys and Research Published on Materials and Articles in Contact with Food.

Food Survey Information Sheet (FSIS) Number 04/08 Published August 2008: A 4-year rolling programme of surveys on chemical migrants from food contact materials and articles. First Year Survey 1: Formaldehyde from melamine-ware

Research project A03063: Assessment of Current and Projected Applications of Nanotechnology for Food Contact Materials in Relation to Consumer Safety and

Regulatory Implications. Published in August 2008. A summary of the report can be found on our website at:

<http://www.food.gov.uk/science/research/researchinfo/contaminantsresearch/contactmaterials/a03prog/a03projlist/a03063/>

New Work Recently Commissioned

Survey 2 in the 4 year rolling programme is to be on the migration of primary aromatic amines from black nylon kitchen utensils and from laminated food packs such as sachets which have a high food mass:pack area ratio.

Research project A03069: Screening tests for visible and non-visible set-off, to be undertaken by Pira International

Research project A03070: Biobased materials used in food contact applications: an assessment of the migration potential, to be undertaken by the Central Science Laboratory

If you have any comments or questions on the issues discussed in this part of this section on materials and articles in contact with food please contact Zahi Sulaiman by e-mail at: zahi.sulaiman@foodstandards.gsi.gov.uk or by telephone: 0207 276 8540

Melamine Incident

You are probably well aware of the recent incident involving melamine which has been detected in a range of products originating from China that was mentioned above. This has attracted media attention internationally and the Agency has been actively involved in ensuring any such contaminated products do not reach or are immediately removed from the market.

Melamine, an industrial chemical used in the production of plastic had been added to low grade milk to give the impression of higher protein content. According to reports from the WHO more than 54,000 infants and young children in China have sought medical treatment in relation to the melamine-contaminated dairy products in China, causing kidney stones.

Although it is not permitted to import milk and milk products from China to the EU further evidence suggested that composite products containing milk and milk products might be on sale in the EU and on 26 September the European Commission adopted Commission Decision 2008/757/EC. Member States agreed to extend the decision to require the testing for melamine of all food and feed products from China containing milk products. The revised decision also makes provision for random checks of food and feed, imported from China, with a high protein content (2008/798/EC).

Any product found to have a melamine content exceeding 2.5 mg/kg should be removed from the market and destroyed. The decision explicitly prohibits the import of infant formula containing milk or milk products from China.

Port Health Authorities were notified of the Commission decision and relevant consignments are being detained pending receipt of laboratory test results. Feed and food business operators are required to provide prior notification, to the relevant port, of consignments from China of products covered by the Commission Decision.

Local Authorities have also been asked to take samples of other potentially contaminated products already on the market and all positive samples have been removed from the market and destroyed. An up to date list of products affected can be found at:

http://www.food.gov.uk/news/newsarchive/2008/nov/latestonmelamine#h_2

The Agency is aware of recent media reports implicating other types of products such as eggs and ammonium bicarbonate from China as being contaminated with melamine. The Agency has received confirmation that no such products have been imported into the UK. Egg and egg products are not allowed for import into the EU from China. Composite products which contain both egg and egg products and milk and milk products are included in the revised Decision.

There has also been recent evidence that melamine has been found in the UK in imports from the Peoples Republic of China (PRC) of organic soya expeller for feed use. The Food Standards Agency has undertaken a risk assessment of the safety of products from animals that may have consumed melamine in organic soya expeller from the consignment in question. On the levels of melamine found, and taking account of the typical inclusion rates for organic soya expeller in finished feed -- up to 10% for ruminants and 20% for pigs and poultry -- it is thought unlikely that the consignment would give rise to harmful levels of residues of melamine in animal products for human consumption. However, in cases where the organic soya expeller has been included in the finished feed at higher rates, there may be uncertainty about milk and products which contain the milk from the dairy cows concerned. Our advice in these cases is that the milk and products which contain the milk should be quarantined and tested for the presence of melamine before entry to the human food chain.

Last year, the Commission introduced measures (which have since been rescinded) requiring the testing of imports from the PRC for melamine and melamine-related compounds (cyanuric acid, ammeline and ammeline). Another EU Member State has recently reported findings of these melamine-related compounds. We are attempting to establish with the Member State authority concerned whether this is a one-off finding in a particular consignment, or whether it is typical of supplies of soya expeller from the PRC.

Our advice to feed business operators therefore remains that -- in line with their responsibilities under Articles 15, 17, 18 and 20 of EC Regulation 178/2002 on the general principles of food law -- they should cease all use of and quarantine any supplies from the PRC of soya expeller in their possession and have the material tested for the presence of melamine and melamine-related compounds (cyanuric acid, ammeline and ammeline). In view of the apparently widespread nature of the contamination of products from the PRC, feed business operators may wish to

consider quarantining and testing any other animal feed products in their possession which originate from China before they are put into the feed chain.

We also consider that, in the present circumstances, it would be prudent for processors of organic milk to monitor incoming supplies of milk for the potential presence of melamine and melamine-related compounds. Sampling results should be reported to the Food Standards Agency using the online report form on our website.

Advice from the Commission is that any product, including any animal feed product, found to contain melamine at above 2.5 mg/kg should be destroyed. The European Food Safety Authority (EFSA) advised in a statement on melamine and related compounds last year that the total concentration of melamine and related compounds should be used in risk assessments. In view of the findings in another Member State with respect to levels of cyanuric acid, ammeline and ammelide, it should be borne in mind that products with levels of melamine below 2.5 mg/kg may contain levels of the related compounds which take the total above that figure.

To use the online reporting form: Go to <https://incidents.foodapps.co.uk/IncidentReportForm/login.aspx> and select "Enter as guest", then click on "Incident Notification" and complete the boxes as appropriate.

The form can also be accessed from the front page of our website (<http://www.food.gov.uk/>) through the "Incident Form" link under the "Quick Links" heading on the bottom right, which will take you to a page with some highlighted text a third of the way down it; this is another link to the incident report form.

If you have any queries about the incident report form, or need assistance with completing it, please contact my colleague Drazenka Tubin-Delic in our Incidents Branch on 020 7276 8450.

Any questions about this feed issue should be directed to Joseph Nicholas in the Animal Feed Unit (e-mail: Joseph.Nicholas@foodstandards.gsi.gov.uk or telephone 020 7276 8462).

The Agency continues to be actively engaged in this incident and will continue to monitor products identified in other countries as contaminated via intelligence from the Commission and other international partners.

The Agency is collating any data on melamine levels in food and feed and requests that if you have such information it is sent by e-mail to Jillian Spindura at: Jillian.Spindura@foodstandards.gsi.gov.uk

Mycotoxins

Draft Maximum Levels for Total Aflatoxins in Almonds, Hazelnuts and Pistachios

This has been forwarded to the Codex Alimentarius Commission (CAC) for adoption (maximum level of 10 µg/kg for 'ready to eat' and 15 µg/kg for 'further processing'). It is expected that Codex will adopt these maximum levels and therefore we expect them to also be adopted by the EU in the near future, pending further discussions. The agenda at the previous Working Groups focussed on:

- extension of legislation to all nuts or just for those nuts that were agreed at Codex (as above); and
- whether a separate limit for aflatoxin B1 is still required, if Codex limits for total aflatoxins are adopted.

It is likely that the European Food Safety Authority (EFSA) will be asked for a statement on both of these issues to ensure that any measures taken do not compromise consumer safety.

Although this issue will be discussed in further detail at subsequent meetings, any comments or data on aflatoxin B1/total are welcome and should be sent to the mycotoxins contact below.

Proposed Draft Sampling Plans for Aflatoxin Contamination in Ready to Eat Tree-nuts and Tree-nuts Destined for Further Processing: Almonds, Hazelnuts and Pistachios

This has been forwarded to the CAC for adoption. It is expected that the sampling plan will be implemented by the European Commission for all treenuts and not just those agreed at Codex, but this is still under discussion.

The main points of interest in the plan are:

- 20 – 25 tonnes sampling lot, which is same as in the present EU sampling plan;
- 20 kg sample for 'ready to eat' shelled almonds and hazelnuts and in shell pistachios. This would be divided into 2 x 10 kg sub-samples for analysis, both which must meet the requirement of the new level. For 'for further processing' the 20Kg sample would be analysed as one.

Extension of legislation to other products

At the previous Working Group meeting, the Commission noted the need for aflatoxin limits for oilseeds, mentioning EFSA who stated that this commodity may be an important contributor to total exposure and that it seemed appropriate to align the current limits for peanuts (also oilseeds) at aflatoxin B1 – 2ug/kg and total aflatoxin – 4ug/kg to oilseeds (TARIC code 12).

Limits for rice were also suggested, specifically brown rice (intended for milling) at 10 ug/kg (total aflatoxin) and 5 ug/kg (aflatoxin B1), with limits for rice intended for direct human consumption at 4 ug/kg (total aflatoxin) and 2 ug/kg (aflatoxin B1).

If you would like to submit data that you think will assist during negotiations of setting maximum levels, or comment on the proposed limits for aflatoxins in oilseeds and rice, please use the contact details below.

New research: Effect of roasting on aflatoxin levels

Following new research by authorities in Iran, it was asked if it would be appropriate to include roasting as a valid further processing treatment to reduce aflatoxin content in nuts/groundnuts. The research indicates that roasting significantly reduces aflatoxin content (2h at 150 °C, 100%), with current industry roasting practice of 30 mins at 90 °C.

The Commission has requested data on the fate of the aflatoxins, if they were metabolised (if so, what into and were safe products formed?) or if they were excreted into the oil that was lost.

Further information on whether current industry practice reduces contamination sufficiently from the 15 ppb limit for further processing to the 10 ppb limit for consumption was also requested.

If you have data on the roasting practices currently employed and its' effect on aflatoxins that you think will assist in negotiations, please send it to the contact below.

Guidance Document for Competent Authorities for the Control of Compliance with EU Legislation on Aflatoxins

An updated version of the guidance document is due on the website soon. We will notify interested parties as and when a published version of the document becomes available.

At the previous meeting, the UK requested, following advice from Ports, that guidance for sampling bulk consignments of products that will be in the high risk list under Article 15.5 of Regulation 882/2004, particularly rice, be included in the guidance document and the Commission agreed to do this once the high risk list is finalised.

Any comments on the revised document should be sent to the contact below; discussions on the document will continue on an ad hoc basis at the Commission and amendments and updates will be made as and when is appropriate.

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

Article 15.5 of Regulation (EC) No. 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 July on Official Controls. Another update was published last month and the latest version of this Regulation contains a

draft list of high risk food and feed products of non-animal origin (in appendix 1). The update can be found at:

<http://www.food.gov.uk/multimedia/pdfs/offcoctupdate2008.pdf>

Discussions at the Working Group meeting held on 13 October focussed on the presence of Basmati rice on the high risk list. Consideration is being given to keeping white rice on the list and have higher maximum limits set for aflatoxins in brown rice, on the basis that brown rice contains levels higher than the current limits (2 and 4 ug/kg), and the levels in milled product are reduced substantially (due to the husk being removed). However, this issue will be discussed in more detail at a later date.

At the meeting, it was advised that the regulation is due for entry into force in June 2009 and the high risk list is therefore expected to be adopted close to date of entry (i.e. May 2009). It was also recognised that the current list is now outdated as it was agreed over a year ago and many of the priorities had changed and evolved. Therefore, discussions with a view to update frequencies as a result of RASFF notifications submitted are expected for future meetings.

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

T2 and HT2 Toxins

During discussions at the Fusarium Forum held on 9 – 11 January 2008 and further Working Group meetings, a number of issues were raised which are listed below.

The Commission is seeking information on the following:

- Levels of T-2 and HT-2 toxins found in cereals (different cereal species);
- Correlation of the presence of T-2 and HT-2 toxins with the presence of other Fusarium-toxins;
- Factors involved in the development of *Fusarium langsethii* and the formation of T-2 and HT-2 toxins;
- Sources of/causes for observed regional differences in occurrence of T-2 and HT-2 toxins in cereals (not only climatic conditions, but also other factors related to agricultural practices);
- Current possibilities to mitigate the risk for presence of T-2 and HT-2 toxins in cereals and management measures to reduce/avoid presence of T-2 and HT-2 toxins;
- Fate of T-2 and HT-2 toxins during processing;
- Levels of T-2 and HT-2 toxins in different cereal products (for human consumption and for feed);
- Availability of analytical screening and confirmatory methods of analysis for detecting T-2 and HT-2 toxins in cereals and cereal products at the levels of relevance;
- Information on ongoing investigations, objectives of these investigations, preliminary results etc.

Based on these discussions, it was decided that the introduction of limits would be postponed until after the next Fusarium Forum; expected to be held in January 2009. This will allow the collection of more data while continuing with discussions in order to allow for better informed negotiations.

If you would like to submit information on the above points or data on T2 and HT2 toxins, which you think will assist during negotiations of setting maximum levels, please send it to the contact below.

Setting of Maximum Levels for ochratoxin A in various food stuffs

Discussed at WG 14 September

Commission Regulation 1881/2006 includes provisions for maximum levels for Ochratoxin A in various commodities. It has been agreed not to change the limits currently in place, and no limits will be set for green coffee, cocoa beans, meat, offal, liqueur wines, beer and dried fruit other than vine fruit. Limits for certain spices and liquorice products are under discussion. We welcome any data or comments on the limits under discussion.

Discussions continue on proposed limits for spices in the range of 15 and 30 µg/kg. The Commission has decided to consult internally for the moment to decide on the next steps to take and further discussion is expected in early 2009.

There has been no change to the position on liquorice since the update in the June 2007 Interested Parties letter. The suggested limits for Ochratoxin A in liquorice root and liquorice extract are 20 µg/kg and 80 µg/kg respectively.

Updates:

Commission Decision 2007/563/EC on special condition for import of almonds and derived products originating in or consigned from USA, and
Commission Decision 2008/47/EC approving the pre-export checks carried out by the United States of America on peanuts and products for aflatoxins

An updated list of USDA approved laboratories, sample signatures and analysts permitted to perform the analysis on these products have been released and will be included in the revised version of the Commission Guidance Document. Details of these can be obtained from the Agency on request, please contact Jonathan Briggs via the Mycotoxins e-mail address below.

Updated list of signatories of authorised officials for all provinces of turkey for health certificates for hazelnuts, pistachios & dried figs

An updated list of authorised signatories for all provinces in Turkey has been released. Please contact the mycotoxins team on the details below if you would like to be sent a copy.

Four-year surveillance programme for mycotoxins in food

The Incident Prevention and Chemical Risk Management Branch, are considering commissioning a 4 year rolling surveillance programme (November 2008 – October 2012) to determine the quantitative analysis of a number of mycotoxins in a variety of food matrices, and are seeking your views on this proposed activity.

The first year of the surveillance programme will investigate the occurrence of a range of mycotoxins in cereal-based products available to UK consumers. There will be a total of 226 samples taken during the first year of this surveillance. A small proportion of these will be composite samples of products analysed for lesser known mycotoxins.

Further details of the 4 year surveillance programme are expected to be published on the website soon.

If you would like to submit your views and any comments on this programme, please do so using the contact details below.

CODEX Code of Practice: Ochratoxin A in coffee

At the second session of the Codex Committee on Contaminants in Foods (30 June – 4 July 2008), the Committee agreed to submit to the Codex Alimentarius Commission, the proposal for new work on a “Code of Practice for the Prevention and Reduction of Ochratoxin A Contamination in Coffee”.

An electronic working group is now up and running and a draft code of practice has been prepared by lead member Brazil, with key UK stakeholders consulted for their feedback and comments on the document. A second draft of the code of practice is expected to be prepared soon and stakeholders are welcome to submit further comments for incorporation into this draft. If you would like to see a draft copy of the code of practice or submit comments, please use the contact details below.

Occurrence of Deoxynivalenol (DON) in the UK Wheat Crop 2008

Due to another relatively wet summer and conditions favourable to development of fungal inoculum in autumn of 2007, it is likely that some of the UK wheat crop will again have significantly elevated levels of deoxynivalenol (DON). The Agency has received a number of incident notification forms, which indicate wheat consignments containing DON above the maximum permitted level for unprocessed wheat placed on the market for first-stage processing for foods for human consumption.

Guidance and advice has been distributed to all relevant stakeholders. The Agency is especially grateful for the valuable contributions to incident prevention and support it has received from working with key parts of the industry to deal effectively with the situation. If you have experienced problems with DON in wheat, have not received our guidance or if you would like further advice on specific concerns, please contact us at the details provided.

For further information or to submit comments or data on mycotoxins, please contact: mycotoxins@foodstandards.gsi.gov.uk, tel. 020 7276 8713/8715.

Nitrates

The derogation from compliance with the maximum levels for nitrate in lettuce and spinach laid down in Commission Regulation 1881/2006, which benefits a number of northern European countries including the UK, will end on 31 December 2008. A recent opinion from

the European Food Safety Authority (EFSA) on dietary exposure to nitrate in vegetables does not indicate a need for tight controls.

Discussions have been taking place on what measures will be appropriate from January 2009. As a result of robust negotiation by the Food Standards Agency at several meetings of the Expert Committee on Agricultural Contaminants in Food held during the year, the European Commission finally agreed, on 20 November, to consider relaxation of the existing limits for nitrate in lettuce and spinach. The proposed changes include:

- relaxing (increasing) the maximum nitrate limits for fresh spinach to 3500 mg NO₃/kg (to apply all year, no seasonal differences);
- relaxing (increasing) the existing nitrate limits for fresh lettuce(non-iceberg) to 5000 mg NO₃/kg (winter protected), 4000 mg NO₃/kg (summer protected) & 3000 mg NO₃/kg (summer outdoor), with no changes to current level for winter outdoor;
- introducing a maximum nitrate limit for rocket (rucola, *Eruca sativa* sp.) of 6000 mg NO₃/kg;
- no changes to current nitrate limits for preserved, deep-frozen or frozen spinach or iceberg lettuce.

The Commission intends to put these proposals to the Standing Committee on the Food Chain and Animal Health, Toxicology Section, on 12 December for discussion, with likely subsequent endorsement being made at a further Standing Committee prior to the necessary changes being put into law during the early part of 2009.

Any comments you may have on the above issues will be welcome.

For further information or to submit comments or data on nitrates, please contact Valerie McFarlane at: valerie.mcfarlane@foodstandards.gsi.gov.uk

Process Contaminants

FSA Survey News

Process Contaminants Survey 2007

The first year of results obtained from the FSA survey on process contaminants in foods has been published in a Food Surveillance Information Sheet which is available on the FSA website.

The results are from the first year of a three-year rolling programme measuring the occurrence and levels of acrylamide, and three other chemicals, i.e 3-MCPD (3-monochloropropane-1,2-diol), furan and ethylcarbamate, produced during processing of food.

Occurrence and levels for all of the process contaminants surveyed were in line with results from previous research and surveys carried out in the UK and internationally. Based on previous risk assessments, the occurrence and levels found do not

increase concern about the risk to human health. Results for the 2008 survey are scheduled to be published in July next year.

CODEX (Meetings and papers)

Acrylamide Code of Practice: Request for comments

The Codex Alimentarius Commission at its 31st Session (30 June - 4 July 2008) formally adopted the text agreed by the Codex Commission on Contaminants in Food (CCCF) in the proposed Draft Code of Practice (NO6-2006) at step 5 and advanced it to step 6.

<http://www.codexalimentarius.net/download/report/698/al31REPe.pdf>

The 3rd session of the CCCF has been provisionally scheduled for 23–27 March 2009, in the Netherlands:

ftp://ftp.fao.org/codex/Circular_letters/CXCL2008/cl08_24e.pdf

The draft code of practice can be found as Appendix V in the report of the second session of the CCCF (ALINORM 08/31/41) via the link below:

http://www.codexalimentarius.net/download/report/700/al31_41e.pdf

Yours faithfully

Mark Ball