

To Interested Parties

**2 March 2004**

**Ref. SCO/4/CHEM/20/5**

Dear Sir/Madam

## **MYCOTOXINS – EC PERMITTED LEVELS**

Further to my letter of 6 February, this is a further update on the progress of EC discussions on harmonised controls for mycotoxins. These discussions were continued at a meeting of the Standing Committee on the Food Chain and Animal Health on 12 February 2004 and a meeting of the Working Group on Agricultural Contaminants on 17 February 2004.

### **1. Aflatoxins and ochratoxin A in foods for infants and young children**

At the meeting of the Standing Committee, following prolonged discussion, it was agreed that all products would be tested on a dry matter basis. Standardised methods for determining dry matter in such products would be discussed in the next Working Group meeting. The draft Regulation was adopted by a qualified majority vote.

The draft Directive on sampling and analysis was agreed unanimously with minor drafting changes.

### **2. Ochratoxin A in various foodstuffs**

Following discussions, at the meeting of the Standing Committee the Commission concluded that there was a majority view that the draft Regulation could be sent to the WTO for notification.

At the Working Group meeting the Commission proposed that since during the roasting of coffee the batch is mixed, an aggregate sample of 10 kg should be sufficient, this is in line with the sampling rate for cereals for ochratoxin A and peanuts for aflatoxin. Where high value wines are concerned, the Commission suggested that one bottle is taken to be representative of a lot.

### **3. Fusarium toxins**

The current proposals on maximum limits for *Fusarium* toxins are given in Annex 1. The Commission will seek to clarify further what is intended for unprocessed cereals and for

first stage processing. There were mixed views regarding at which point of the food chain controls should take place. All Member States agreed that imports had to be included. The UK suggested that a good point for controls would be at the point of grain quality tests. The Commission stated that in all cases of highly contaminated crops, provisions under Article 2 of Regulation 315/93, laying down Community procedures for contaminants in food, applied.

Cereal-based snacks were deleted from the proposal as it was generally agreed that these would be covered under cereal-based foodstuffs.

#### **i. Deoxynivalenol**

Discussions revolved around simplifying the list and limits for wholemeal products. Most Member States favoured a limit of 500 µg/kg for foodstuffs derived from or containing cereals, which covers both white and wholemeal products. There was some support for 300 µg/kg for breakfast cereals and 150 µg/kg for cereal based infant foods.

#### **ii. Zearalenone**

After discussion, the Commission proposal was to significantly simplify the list of categories by merging categories: 2b to 2d (maize meal and maize flour, maize grits and maize oils) with a limit of 200 µg/kg; categories 3 and 4 (cereal derived foodstuffs and breakfast cereals with a limit of 75 µg/kg; 5a and 5b (cereal based infant foods) with a limit of 20 µg/kg;

#### **iii. Fumonisin**

Similarly, the proposal from the Commission was that the list of categories for fumonisins was shortened by merging 1b and 1c (maize grits and maize meal and flour) with a limit of 500 µg/kg. Limits for cereal based infant foods will be revisited if new data are provided. The inclusion of gluten-free products will also be re-considered.

The Commission will revise the document in the light of these discussions.

#### **iv. Sampling and analysis**

The UK informed the meeting of sample extraction problems encountered in a recent survey and that a project to look at sample preparation will start shortly.

#### **v. Forum on *Fusarium* toxins**

The Commission indicated that it intended holding a further industry forum on *Fusarium* toxins on **10 March**.

### **4. Rapid Alert notifications related to mycotoxins**

#### *Brazil nuts in-shell*

In light of an imminent Food and Veterinary Office (FVO) mission to Brazil, the Commission requested Member States to notify the FVO or the Commission of any returned consignments to investigate their traceability in Brazil.

#### *Pistachios*

The Commission stated that a high number of notifications were received last year, almost 600. A letter from the Iranian Authorities to inform Member States of precautions taken to prevent contamination was tabled.

#### *Peanuts*

One Member State informed the meeting about national legislation, which had been introduced, requiring 100% control on Argentinean peanuts following several reported incidents of high level contamination in previous years, and indicated its concern at the continuing problem. The Commission will look further into this issue.

#### **5. Report on the relationship between analytical results, the measurement uncertainty, recovery factors and the provisions in the EU Food and Feed legislation**

The Commission indicated that the report would be regularly reviewed and updated as necessary. It will be posted on the SANCO web-site.

I would welcome any comments or information you may have on these issues. If you would like to submit information please let me know by **16 March**.

Yours sincerely

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**Fusarium-TOXINS**  
**PROVISIONS UNDER DISCUSSION**

**a) Unprocessed cereals**

Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety

**'Food'** means any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans 'Food' shall not include:

- feed
- plants prior to harvesting

**'placing on the market'** means the holding of food or feed for the purpose of sale, including offering for sale or any other form of transfer, whether free of charge or not, and the sale, distribution, and other forms of transfer themselves.

For the purposes of the application of maximum levels of *Fusarium*-toxins provided for in this Regulation the following is proposed:

*The maximum levels set for "unprocessed cereals" applies to cereals placed on the market for first-stage processing or at import.*

**"First-stage processing"** shall mean any treatment of grain such that the product obtained may no longer be classified under Chapter 10 of the Combined Nomenclature (\*)

(\*) Combined Nomenclature as provided for in Annex I to Council regulation (EC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p.1 as last amended by Regulation (EC) No 2344/2003 (OJ L 346, 31.12.2003, p.3)

**b) Rice**

Given the low contamination levels of *Fusarium*-toxins found in rice the exclusion of rice from the proposed maximum levels is proposed.

**c) Date of application of maximum levels**

Maximum levels apply from 1 October 2005

**d) Maximum levels considered and discussed in the Expert Committee  
“Agricultural contaminants”**

**d. 1. Deoxynivalenol (DON)<sup>(1)</sup>**

	<b>Maximum level under discussion (µg/kg)</b>
1. Unprocessed cereals other than durum wheat and maize	1000
2. Unprocessed durum wheat	1500
2a Unprocessed maize	- <sup>(2)</sup>
2b flours	
- flour with extraction rate > 80 % (wholemeal/brown)	1000
- flour with extraction rate = 80 % (white flour) and maize grits	500
- durum wheat flour, maize flour and semolina	750
3. Foodstuffs derived from or containing cereal and cereal products intended for direct human consumption with the exception of 4,5, 6	400 - 500 <sup>(3)</sup>
4. Breakfast cereals and cereal-based snacks	(200 -) 300
5. Pasta(dry)	750 <sup>(4)</sup>
6. Processed cereal based food for infants and young children (dry matter)	(100 -) 200

<sup>(1)</sup> Maximum levels will be reviewed before 1 April 2007

<sup>(2)</sup> If no specific level is fixed before 1 October 2006, the level of 1500 µg/kg will apply thereafter to maize referred to in this point.

<sup>(3)</sup> comment was made in favour of applying a lower level of 350 µg/kg for bread, pastries and biscuits given the fact that by making use of cereal flour complying with 500 µg/kg a level of 350 µg/kg is achievable in bread, pastries and biscuits through the addition of water, fats, sugars, salt, additives, .... (and also a limited thermal degradation)

A level of 400 µg/kg for bread, pastries and biscuits is achievable but for wholemeal bread a level of 600 µg/kg is more appropriate

<sup>(4)</sup> comment was made that for pasta the level of 500 µg/kg could be achievable

**d.2 3-AC DON, 15 AC DON and nivalenol**

No maximum levels proposed (co-occurrence with DON)

**d.3 T-2 and HT-2 toxin<sup>(1)</sup>**

Data on the presence of T-2 and HT-2 toxin are for the time being limited. There is also an urgent need for the development and validation of a sensitive method of analysis. However intake estimates indicate clearly that the presence of T-2 and HT-2 can be of concern for public health. Therefore, the development of a sensitive method, collection of more occurrence data and more investigations/research in the factors involved in the

presence of T-2 and HT-2 in cereal and cereal products particular in oats and oat products.

<sup>(1)</sup> Maximum levels will be fixed before 1 April 2007.

#### **d.4 Zearalenone<sup>(1)</sup>**

	<b>Maximum limit (µg/kg)</b>
1. Unprocessed cereals with the exception of 2	100
2. Unprocessed maize	- <sup>(2)</sup>
2a flours from cereals except maize	
- flour with extraction rate > 80 % (wholemeal/brown)	100
- flour with extraction rate = 80 % (white flour)	50
2b maize meal and maize flour	100
2c maize grits	100
3. Foodstuffs derived from or containing cereal and cereal products (except maize), intended for direct human consumption with the exception of 4 & 5	50
4. Maize-based breakfast cereals , maize-based snacks and gluten-free cereal-based foods and other food products derived from maize intended for direct human consumption <sup>(3)</sup>	75
5. Cereal-based food for infants and young children and sold as such	20

<sup>(1)</sup> Maximum levels will be reviewed before 1 April 2007

<sup>(2)</sup> If no specific level is fixed before 1 October 2006, the level of 200 µg/kg will apply thereafter to maize referred to in this point.

<sup>(3)</sup> particular attention should be paid to the presence of zearalenone in oils derived from maize

#### **d.5 Fumonisin<sup>(1)</sup>**

	<b>Maximum level (µg/kg) FB1 + FB2 total</b>
1a. Unprocessed maize	- <sup>(2)</sup>
1b. Maize grits	500
1c. Maize meal and flour	1000
2. Maize based foods for direct consumption with the exception of 3 and 4	500

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3. Maize-based breakfast cereals and maize-based snacks and gluten-free cereal-based foods	200
4. Processed maize based food for infants and young children (dry matter)	(100-) 150

<sup>(1)</sup> Maximum levels will be reviewed before 1 April 2007

<sup>(2)</sup> A maximum level will be fixed before 1 April 2007.