

## Chemical Contaminants Interested Parties Letter January 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 or to submit data, please contact:

**Environmental Contaminants:** [john.t.bates@foodstandards.gsi.gov.uk](mailto:john.t.bates@foodstandards.gsi.gov.uk)  
**Mycotoxins and Process Contaminants:** [wendy.matthews@foodstandards.gsi.gov.uk](mailto: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](mailto:fiona.bruce@foodstandards.gsi.gov.uk)  
**Wales:** [helen.george@foodstandards.gsi.gov.uk](mailto:helen.george@foodstandards.gsi.gov.uk)  
**Northern Ireland:** [anne-marie.chambers@foodstandards.gsi.gov.uk](mailto:anne-marie.chambers@foodstandards.gsi.gov.uk)

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

**27 November 2006: Industrial and Environmental Contaminants - Commission Working Group**

**11 December 2006: Agricultural Contaminants - Commission Working Group**

# Summary of Contents

## GENERAL CONTAMINANTS LEGISLATION

- **Consolidation of Commission Regulation 466/2001**

The new consolidated Commission Regulation (EC No. 1881/2006) replacing Commission Regulation 466/2001 setting maximum levels for certain contaminants in foodstuffs, together with the Regulations on sampling and analysis for dioxins and nitrate, were published in the Official Journal on 20 December 2006 [Official Journal of the European Union, **L364**, 20/12/2006, pages 5-24, 32-43 and 25-31 respectively] .

- **Draft Contaminants in Food (England) Regulations 2007**

The Agency is seeking comments and views on the draft Contaminants in Food (England) Regulations 2007. The draft Si will give effect to Commission Regulation (EC) No 1881/2006 which consolidates and replaces Commission Regulation (EC) No 466/2001, as amended, setting maximum levels for certain contaminants in foodstuffs and two allied official control sampling and analysis Commission Regulations on Dioxins and dioxin-like PCBs and Nitrates.

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

- **Draft Commission Regulation laying down the methods of sampling and analysis for the official control of the levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a)pyrene in foodstuffs (SANCO/01706/2006)**

The draft Commission Regulation, which replaces two existing sampling and analysis Directives, was voted on at the Standing Committee meeting on 14 December 2006.

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

## ENVIRONMENTAL CONTAMINANTS

- **Commission proposals for maximum levels of cadmium in pinenuts, oil seeds and mushrooms – Request for data**

At the Commission working Group on Environmental and Industrial Contaminants on 27 November 2006 the Commission briefly presented key points from a proposal document for reviewing maximum levels of cadmium in pine nuts, oil seeds and mushrooms.

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

- **Cadmium in chocolate – Request for data**

The Agency is seeking further detailed data on cadmium levels in chocolate. This issue was first discussed in 2002 and raised again at the Working Group meeting on 25 September 2006 where further data was submitted by Germany on levels of cadmium in certain types of chocolate and in foodstuffs containing cocoa that are aimed at children.

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

## PROCESS CONTAMINANTS

- **Commission Working Group Meeting — Presentation by the CIAA of the updated Acrylamide Toolbox and sector-specific brochures**

The Confederation of the Food and Drink Industries of the EU (CIAA) presented the updated Acrylamide Toolbox at the Environmental and Industrial Contaminants Working Group meeting on 27 November. Draft brochures aimed at providing information to small and medium businesses were also presented.

*Click here for further information.*

## MYCOTOXINS

- **Report on a FVO mission to the United States to assess the control systems in place to control aflatoxin contamination in almonds intended for export to the EU**

The FVO presented its report on a mission to the US to investigate controls for aflatoxins in almonds, given the large number of consignments being rejected at import over the past year.

*Click here for further information.*

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

The Commission is intending to revise the Decision to cover compound products containing less than 5% of the foodstuffs covered by the Decision, additional measures for almonds from the USA and to amend the points of entry to include the new Member States, Bulgaria and Romania.

*Click here for further information.*

- **Update on follow-up on the outcome of the 38th session of the Codex Committee on Food Additives and Contaminants as regards the EFSA opinion on aflatoxins**

The EFSA may not be able to finalise their opinion before the end of February.

- **Apricot kernels**

It was agreed that apricot kernels should not be classified as nuts, although the Commission stated that by analogy, the same limits for aflatoxins in nuts could be applied to apricot kernels. The issue of aflatoxins in melon and pumpkin seeds was again raised and the Commission indicated that, again by analogy, limits for nuts could be applied as a safeguard measure.

- **Review of the provisions as regards ochratoxin A as foreseen in Commission Regulation 123/2005 amending Regulation 466/2001 – Request for data**

A number of comments were received in response to the Commission consultation and there were further discussions on the provisions regarding ochratoxin A in the light of these comments. **In order to facilitate the further discussions on this issue we would be grateful for any data available on the occurrence of ochratoxin A as soon as possible.**

*Click here for further information.*

- **Fusarium toxin workshop**

The date for the Fusarium workshop, which it is intended to will focus on fumonisins and maize, has been confirmed for the 15 and 16 January. A draft agenda is attached in the [Annex](#).

- **Patulin**

Clarification of the dilution factors to use when applying the patulin limits to apple powder.

*Click here for further information.*

- **Ergot**

The Commission Recommendation on the presence of ergot alkaloids in feed and food was briefly discussed. The Commission stressed the recommendation is only intended to request Member States to monitor ergot levels and obtain occurrence data. The Recommendation will be discussed further at the next meeting of the Working Group.

- **Alternaria toxins**

Some limited data on the occurrence of Alternaria toxins in foodstuffs was discussed and it was suggested that the EFSA should, at some point, be asked for an opinion. It was indicated that data were also available from a similar study carried out in the EU Mycotoxin Cluster project.

## NITRATE – Request for data

The Commission requested Member States to submit all their data on nitrate and nitrite occurrence to assist the EFSA's risk-benefit analysis of dietary nitrate. **We would be grateful for any data available on the occurrence of nitrate and nitrate as soon as possible.**

## MISCELLANEOUS

- **Hydrocyanic acid**

There have been a significant number of RASFF notifications this year concerning cyanide in bitter apricot kernels. Discussions on this issue centred on whether to ban bitter apricot kernels for human consumption or to require that they are labelled appropriately. The Commission agreed to consult internally on how to progress this matter.

- **Morphine in poppy seeds**

Possible guideline limits for morphine in poppy seeds were discussed. Some Member States have guideline levels or national limits for morphine in poppy seed. It was suggested that there should be a common EU position on this and there was a request that EFSA should be asked for an opinion. The Commission indicated that it would draft a discussion paper on this issue for the next meeting.

## GENERAL CONTAMINANTS LEGISLATION

### Draft Contaminants in Food (England) Regulations 2007

The Agency is currently consulting on the Draft Contaminants in Food (England) Regulations 2007. The Draft Regulations will make provision for the execution of Commission Regulation 1881/2006, which consolidates and replaces Commission Regulation 466/2001, and two new allied official sampling and analysis Commission Regulations on dioxins and dioxin-like PCBs and on nitrate, which will replace and repeal Commission Directive 2002/69/EC and Commission Directive 2002/63/EC. The Draft Regulations will also revoke and replace the current Regulations (The Contaminants in Food (England) Regulations 2006) which came into force on 01 July 2006.

As part of the consultation procedure the package includes a Regulatory Impact Assessment (RIA). The RIA explores the potential benefits or costs to consumers' health and also assesses the likely additional costs to enforcement authorities, industry and other organisations of enforcing or complying with the legislation. It also provides the background to the aims of the EC measures and the development of the new Commission Regulations that have necessitated the development of a new SI.

Responses to the consultation are required by 12 January 2007 and full details are available from the Agency's website at:

<http://www.food.gov.uk/consultations/consulteng/2006/contameng07>

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### Draft Commission Regulation laying down the methods of sampling and analysis for the official control of the levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a)pyrene in foodstuffs (SANCO/2006/01706 rev. 3)

The draft Regulation was further discussed at the Commission Working Group Meeting on 27 November and has now been agreed. The draft Regulation was voted on at the Standing Committee meeting on 14 December where the Committee voted unanimously in its favour.

The new Regulation will replace and repeal Commission Directives 2001/22/EC (sampling methods and the methods of analysis for the official control of the levels sampling and analysis for lead, cadmium, mercury and 3-MCPD), 2004/16/EC (sampling methods and the methods of analysis for the official control of the levels for tin) and 2005/10/EC (sampling methods and the methods of analysis for the official control of the levels for polycyclic aromatic hydrocarbons (PAHs)).

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## Environmental Contaminants

For further information or to submit comments or data on Environmental Contaminants, please contact John Bates at: [john.t.bates@foodstandards.gsi.gov.uk](mailto:john.t.bates@foodstandards.gsi.gov.uk)

### Commission proposals for maximum levels of cadmium in pine nuts, oil seeds and mushrooms

#### ▪ Cadmium in pine nuts and oil seeds – Request for data

Discussions on this issue have been ongoing, and it has previously been suggested that pine nuts should be excluded from the current maximum level for vegetables and fruit set in Commission Regulation 466/2001 until further data was available.

The Commission recommended setting a limit of 0.5mg/kg in pine nuts and a general limit of 0.5mg/kg in oil seeds (except for a higher limit in poppy seeds of 0.5mg/kg and the current limit of 0.2 mg/kg for soya beans). The majority of Member States agreed with the proposed limits although there was some concern regarding whether there was enough data to set a limit or whether a limit was needed at all. The UK is currently carrying out a survey of metals in nuts and oil seeds. The Commission agreed to discuss this issue further at the next meeting and requested more data.

**We would be grateful for any data you may have on levels of cadmium in pine nuts, oilseeds and edible nuts.**

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#### ▪ Cadmium in mushrooms

Currently wild mushrooms are excluded from Commission Regulation 466/2001 setting maximum limits for contaminants in foodstuffs. However, discussions on whether to include wild mushrooms under a revised limit for all mushrooms or have separate higher limits for certain exotic species have been ongoing.

The Commission recommendation for a single limit of 0.2mg/kg for all mushrooms received little support from Member States. A number of Member States, including the UK, supported a limit of 0.2mg/kg for standard white mushrooms with a higher limit for wild mushrooms, whilst others insisted that more data on different species was needed. The Commission stated that there has been extensive data collection by Member States on this issue and that it would try and organise data so that trends from different species could be identified for discussion at the next meeting.

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#### Cadmium in chocolate – Request for data

Thank you to all who submitted data on cadmium in chocolate following Germany's submission to the Commission indicating that levels of cadmium varied between different types of chocolate with levels in dark chocolate. To inform the UK's position in further discussions with the

Commission it would be very useful if any stakeholders could provide results for individual samples including an indication of the cocoa they contain. If any stakeholder can only supply results as a range it would be useful if they would also provide additional data such as the mean, median levels and total number of samples taken

**We would be grateful for any further data you may have on levels of cadmium in chocolate and cocoa beans.**

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## PROCESS CONTAMINANTS

For further information or to submit comments or data on Process Contaminants, please contact Wendy Matthews at: [wendy.matthews@foodstandards.gsi.gov.uk](mailto:wendy.matthews@foodstandards.gsi.gov.uk)

### Commission Working Group Meeting — Presentation by the CIAA of the updated Acrylamide Toolbox and sector-specific brochures.

The Confederation of the Food and Drink Industries of the EU (CIAA) presented the updated Acrylamide Toolbox to the Working Group meeting on 27 November. They outlined the changes made since the last version of the document, and stressed that the Toolbox is a 'live' document that will continue to be updated as new information regarding acrylamide mitigation becomes available. The updated Toolbox is available online:

[http://www.ciaa.be/documents/brochures/CIAA\\_Acrylamide\\_Toolbox\\_Oct2006.pdf](http://www.ciaa.be/documents/brochures/CIAA_Acrylamide_Toolbox_Oct2006.pdf)

The CIAA also presented several sector-specific brochures aimed at assisting small and medium businesses to reduce acrylamide levels in their products. These will be revised in the light of discussions at the meeting, and the final versions distributed by the national regulatory authorities.

The Association of the Chocolate, Biscuit & Confectionery Industries of the EU (CAOBISCO), have published their report: *CAOBISCO Review of Acrylamide Mitigation in Biscuits, Crackers and Crispbread*. This report outlines the attempts members of CAOBISCO have made to implement reduction strategies using the CIAA Toolbox, and the levels of success they have had. The report is available online:

<http://www.caobisco.com/english/pdf/7254-639e.pdf>

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## MYCOTOXINS

For further information or to submit comments or data on Mycotoxins, please contact Wendy Matthews at: [wendy.matthews@foodstandards.gsi.gov.uk](mailto:wendy.matthews@foodstandards.gsi.gov.uk)

### Report on a FVO mission to the United States to assess the control systems in place to control aflatoxin contamination in almonds intended for export to the EU

The FVO presented its report on a mission to the US to investigate controls for aflatoxins in almonds, given the large number of consignments which were rejected at import over the past year. There were a number of problems highlighted, including analytical capability, the accreditation system and ongoing research as well as a lack of HACCP and export controls. It is therefore considered appropriate to impose special conditions on the import of almonds and derived products originating in or consigned from the USA in order to protect public health. A copy of the report is available on the Commission website.

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

The Commission has indicated that processed foods derived from foodstuffs covered by the Commission Decision or compound foodstuffs containing amounts equal to or greater than 5% of a foodstuffs covered by the Commission Decision are covered by the Decision and must be accompanied by a health certificate and the results of aflatoxin testing.

For compound foodstuffs containing a foodstuff covered by the Decision in amounts of less than 5% the Commission has requested that enforcement authorities apply some interim flexibility regarding the requirements for health certificates and the results of sampling and analysis for such compound foodstuffs until the issue can be discussed at the Working Group on Agricultural Contaminants on 21-22 December. However, although such consignments of compound foodstuffs do not need to be rejected if they are not accompanied by the appropriate documentation, they are still subject to the other requirements of Decision 2006/504/EC, including designated points of import and testing as appropriate.

The Commission is proposing to amend the Decision to include any changes required as a result of the discussions at the Working Group on 21-22 December, special conditions on the import of almonds from the USA and amendments to the designated points of import, due to Bulgaria and Romania joining the EU on 1 January 2007. A copy of the draft Decision is attached.

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### Review of the provisions as regards ochratoxin A based upon the recent risk assessment on ochratoxin A as foreseen in Commission Regulation 123/2005 amending Regulation 466/2001.

It was agreed to maintain the limits that currently apply to cereals and dried vine fruits and it was suggested that there was currently no need to set limits for figs, beer, cocoa and cocoa

products, edible offal and blood products, liqueur wines, green coffee and meat. It was discussed that a limit of 20 µg/kg for liquorice root for direct human consumption, including herbal infusions and 80 µg/kg for pure liquorice extract should be set, although the terminology used to define the latter needs clarification. Discussions continue on maximum limits for ochratoxin A in spices. **Comments are invited on the above discussions, in particular the size of businesses affected by these additional measures and the achievability of the limits under discussion.**

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### Patulin – application of dilution limits to apple powder

This issue had been raised because of a difference of opinion between manufacturers and the enforcement authorities regarding the dilution factors to use when applying the limits. The Commission requested more information on consumption patterns and the dry matter content in apple compote to determine the acceptable level for apple powder, applying article 2 of Regulation 466/2001.

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## Annex

### **Fourth Fusarium Forum hosted by the European Commission Programme 15-16 January 2007**

**Monday 15 January 14 h 30 → Tuesday 16 January 17 h 00**

#### **Monday 15 January 2007**

##### **Introduction**

**14 h 30 – 14 h 50**

##### **Introduction**

**Objectives of the forum – Outline of the programme**

European Commission

Frans Verstraete

##### **Maize**

**14 h 50 – 15 h 20**

##### **Fusarium-toxins in maize**

COPA-COGECA

Dr. Bruno Barrier-Guillot

**15 h 20 – 15 h 50**

**Fumonisin in maize and maize products : contamination of fumonisins in Italian maize, distribution of fumonisins during the maize milling process**

A.I.R.E.S.

**15 h 50 – 16 h 10**

##### **Fusarium toxin in dry maize milling**

EUROMAISIERES

Dr. Alex Waugh

**16 h 10 – 16 h 40**

**Presence of Fusarium-toxins in cereals intended for and by-products from the starch industry**

AAF (European Starch Industry Federation)

**16 h 40 – 17 h 00**

**DON and ZON in unprocessed maize and feed and ZON in maize oil**

AGES – Austria

Dr. Richard Oehlinger

**17 h 00 - 18 h 00**

General exchange of views and individual interventions as regards the levels for deoxynivalenol, zearalenone and fumonisins B1 and B2 in maize and maize products

**Tuesday 16 January 2007**

## **T-2 and HT-2 toxin**

**9 h 30 – 9 h 50**

**T-2 and HT-2 toxin in Italian cereals – wheat barley and maize**

A.I.R.E.S.

**9 h 50 – 10 h 05**

**T-2 and HT-2 toxin in oats**

CEEREAL

**10 h 05 – 10 h 20**

**Occurrence of T-2 and HT-2 in oats in European Union since 1994**

Dr Hans Petterson

**10 h 20 - 10 h 40**

**T-2 and HT-2 toxin and other Fusarium toxins in malting barley and malt**

EUROMALT

Ms Denise Baxter

**10 h 40 – 11 h 20**

**Results of research on the fate of T-2 and HT-2 toxins in the brewing process from raw materials through malt into the beer**

Brewers of Europe - 2 presentations

Dr Boivin: 20 minutes

Dr. Baxter/ Dr.Ian Slaiding : 20 minutes

## **Break – short**

## **Fusarium toxins in cereals**

**11 h 30 – 11h 50**

**Main agronomic influences of the occurrence of Fusarium-toxins (mainly DON) in cereals other than maize. Strategies in production to avoid or reduce the occurrence of Fusarium-toxins.**

COPA-COGECA

Mr. Christian Krumphuber

**11 h 50 – 12 h 10**

**Results of a Central European initiative for Grain Monitoring since 1999**

SGS Germany GmbH

Dr. Hermann Schmalstieg

20 minutes

**12 h 10 - 12 h 30**

**Fusarium-toxins in unprocessed cereals other than maize**

AGES – Austria

Dr. Richard Oehlinger

## **LUNCH BREAK**

**14 h 00 – 14 h 30**

**Fusarium toxins in cereals in Finland since 1999**

Agricultural Research Institute

Veli Hietaniemi

**14 h 30 – 15 h 00**

**Fate of Fusarium toxins during processing**

FSA UK

**15 h 00 – 15 h 20**

**Results of the EBC/ The brewers of Europe survey of Fusarium-toxins in beers produced in the EU**

Brewers of Europe

Dr. Dupire

**15 h 20 – 16 h 00**

**General discussion // exchange of views // individual contributions on**

**\* T-2 and HT-2 toxin**

**\* Fusarium toxins in cereals and cereal-products other than maize and maize products**

**\* Fusarium-toxins in by-products // co-products from food industry intended for animal feed**