

CODEX ALIMENTARIUS COMMISSION



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Organization of the
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World Health
Organization

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Agenda Item 11

CF12/CRD11

JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON CONTAMINANTS IN FOODS

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PROPOSED DRAFT MAXIMUM LEVELS FOR TOTAL AFLATOXINS AND OCHRATOXIN A IN NUTMEG, CHILLI AND PAPRIKA, GINGER, PEPPER AND TURMERIC AND ASSOCIATED SAMPLING PLANS

Comment submitted by EU, Uganda and AU

EUROPEAN UNION (EU)

The European Union (EU) welcomes and appreciates the work done by the electronic working group led by India to prepare the document CX/CF 18/12/11 related to the proposed draft maximum levels for total aflatoxins and ochratoxin A in nutmeg, chilli and paprika, ginger, pepper and turmeric and associated sampling plans.

As regards the recommendations mentioned in § 8 and 9, the EU wishes to make the following comments:

a) on the proposed MLs for total aflatoxins in nutmeg, chilli and paprika, ginger, pepper and turmeric

The proposed approach is setting maximum levels (MLs) largely reflective of the MLs set by most of the spice producing and exporting countries in order to address immediate trade concerns, with a review of the MLs after three years of implementation of the "Code of practice for the prevention and reduction of mycotoxins in spices (CXC 78-2017)". The EU is of the opinion that an effective implementation of the Code of practice for the prevention and reduction of mycotoxins in spices shall result in lower levels of aflatoxins and ochratoxin A in spices. It is noted that in the proposed approach the review of the MLs is presented as optional without any commitment to set lower MLs.

The EU has established a ML for aflatoxin total of 10 µg/kg in nutmeg, chilli, paprika, ginger, pepper and turmeric. This ML is in place since 2002.

The proposed approach relates to a certain extend to the discussion at the 9th session of the CCCF in 2015 on approaches for phasing in of lower maximum levels for contaminants (REP15/CF, agenda item 13, §§ 109-117). During these discussions, the Codex secretariat confirmed that a note to such an ML (higher ML with phasing in of lower ML) indicating that "*in case a Codex Member has already a lower ML in place, it is recognised that the Codex Member is allowed to maintain their current lower ML until the review of the level within the defined period of time has been finalised*" is not appropriate.

Therefore, the EU cannot agree to the suggested MLs of [30] [20] µg/kg for aflatoxin total in nutmeg, chilli, paprika, ginger, pepper and turmeric.

a) on the proposed ML for ochratoxin A in nutmeg, chilli and paprika, ginger, pepper and turmeric

The EU can agree to the proposed ML for ochratoxin A of 20 µg/kg in chilli and paprika.

The EU has established a ML of 15 µg/kg for ochratoxin A in nutmeg, ginger, pepper and turmeric. This ML is in place since 2012. The analytical results of the control of the presence of ochratoxin A in these spices, clearly indicate that the level of 15 µg/kg is achievable in these spices by applying good practices to prevent and reduce the presence of ochratoxin A. The EU is therefore of the opinion that for these spices an ML of 15 µg/kg for ochratoxin A should be established.

UGANDA

Uganda supports the ML of 30 µg/kg for total aflatoxin in the above spices. Submission of data on this subject should be encouraged to support the revision of the ML and possibly establish specific MLs for each individual product based on generated occurrence data.

In addition, Uganda requests that discussions on the proposed ML for Ochratoxin A in the spices are postponed to CCCF 13 because as noted by the EWG, limited data were used in coming up with the OTA proposed ML. More time should be allowed for Member Countries to collect and submit data on OTA levels in these products.

AFRICAN UNION (AU)

Position 1: African Union supports the continuation of work for the establishment of MLs for total aflatoxins and ochratoxin A in dried and dehydrated of a group of spices comprising of nutmeg, chilli and paprika, ginger, pepper and turmeric.

Issue & Rationale: The work on mycotoxins in spices started at CCCF 8 with submission of new work proposals by India and Indonesia for establishment of maximum limits for aflatoxin in spices and nutmeg respectively. Subsequent EWGs established at CCCF 9 and CCCF 10 recommended and were approved that MLs for aflatoxins and ochratoxins A being the commonest mycotoxins in spices; be established in the five most consumed and traded spices, nutmeg, chili and paprika, ginger, pepper and turmeric. Therefore, at CCCF 11, the Committee requested the current EWG chaired by India to harmonize MLs for the total aflatoxin and ochratoxin A in the dried/dehydrated forms of the five spices. The EWG made the following observations during their work:

1. AFT concentrations in dried chili and nutmeg exceed 1000 ppb followed by ginger, turmeric and paprika with levels of up to 350 ppb while pepper has the least contamination with levels of up to 40 ppb.
2. OTA concentration is highest in dried chili and paprika and comparatively low in turmeric, ginger and pepper.
3. Rejection pattern due to AFT contamination is as follows; nutmeg, chili, paprika, ginger and turmeric in decreasing order while the pattern for OTA rejection is paprika, nutmeg, chili, ginger, pepper and turmeric.
4. Dietary exposure to AF due to spice consumption is negligible because consumption of spices all over the world is very low.
5. Forty countries have MLs for AFT in spices or all foods between 1 and 30 ppb while only six countries were captured to have MLs for OTA in spices or OTA of between 10 and 30 ppb.

Based on these observations, MLs that are near the 5% rejection rates or specified levels in any national regulation, the EWG made the following recommendations:

1. Is proposing MLs of 20 or 30 µg/kg for AFT in all the spices and 20µg/kg for OTA in the spices for consideration at CCCF 12.
2. To make the recommended standards acceptable, members of the EWG are advised to submit data to GEMS/Foods database and then request JECFA make impact assessment of the suggested different MLs of AF (10, 15, 20 and 30 µg/kg) and OTA (10, 15, 20 and 30 µg/kg) in the spices
3. Revise the above MLs and possibly establish MLs for specific spices based on available new occurrence data after three years of implementation of the *Code of practice for the prevention and reduction of mycotoxins in spices (CXC 78-2017)* which was adopted at CAC 40 in 2017.
4. Revision of the MLs will be after JECFA evaluates the fresh occurrence data made available after implementation of the COP.

Since the setting of MLs for spices is more of a search for harmonized acceptable limits that will ensure fairness in international trade, it is rationale to support establishment of MLs in spices.

Position 2: African Union supports the setting of ML of 30µg/kg for AFT in the five spices

Issue and Rationale: The problem of mycotoxins in spices is not a public health concern but a trade issue and this is because dietary exposure to mycotoxins due to consumption of spices is negligible. The intake of total aflatoxin ng/g bw at ML of 30 µg/kg is 0.039 and has a rejection rate of 0.811%. However, with decrease in MLs to 5µg/kg there is an exposure level of 0.029 and increasing negative trade impact with 3.244% of products removed from trade. It is only appropriate therefore to agree on the recommended higher MLs which will allow more of the commodity in trade with little or no difference in public health impact. More so the contamination data for AFT (5 – 35ppb) from 40 countries including four African countries which were used for decision at CCCF 10 are indicative that the upper MLs will be easily achievable in Africa.

Position 3: African Union recommends to postpone submission of proposed draft ML for OTA in spices to CCCF 13

Issue and Rationale: Even though the EWG's estimated OTA daily intake from spices of 0.206 ng/kg bw per day at ML of 30 µg/kg will not exceed the PTWI of 112 ng/kg bw, indicating no adverse effect at that level; and that only 4.350% will be removed from trade at the level. African Union will not support establishing ML now because limited data (as indicated by the eWG) were used to arrive at the decision on OTA. Postponing discussions on ML for OTA in spices to CCCF13 allows time to generate more data to establish a sufficiently representative ML.

Position 4: African Union supports the revision of MLs and possibly establish MLs for specific spices based on available new occurrence data after three years of implementing the code of practice.

Issue and Rationale: The code of practice was adopted in 2017. At this stage, it is premature to set MLs after a year of adopting a COP. Comparative analysis of occurrence data generated before and after the implementation of the COP will not only be an assessment of the effectiveness of the COP but will lead to setting of better health and trade protective limits.