

CODEX ALIMENTARIUS COMMISSION



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Agenda Item 10

CX/CF 18/12/10-Add.1

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

12th Session
Utrecht, The Netherlands, 12 - 16 March 2018

PROPOSED DRAFT MAXIMUM LEVEL FOR AFLATOXINS IN READY-TO-EAT PEANUTS AND ASSOCIATED SAMPLING PLANS (AT STEP 4)

Comments submitted at Step 3 by Canada, Colombia, Costa Rica, Egypt, India, Kenya, Malaysia, Paraguay, Philippines, USA and ICGMA

CANADA

Canada wishes to express its appreciation to India for once again leading the electronic Working Group (eWG) on the *Proposed Draft Maximum Level for Total Aflatoxins in Ready-to-Eat Peanuts and Associated Sampling Plan*.

The eWG proposed a maximum level (ML) of 10 µg/kg for total aflatoxins (AFT) in ready-to-eat peanuts based on the following considerations: i) the opinion of the majority of eWG members; ii) the approach already taken for establishing Codex MLs of AFT in tree nuts; iii) trade harmonisation; and iv) public safety.

Canada continues to be of the opinion that prior to an ML for AFT in ready-to-eat peanuts being forwarded to the Commission for adoption, the biases in the JECFA assessment (REP17/CF) regarding the geographic representation of the data and differentiation of peanuts intended for further processing from those that are ready-to-eat should be addressed. Resolution of these biases may allow for a more accurate representation of the potential gain in public health protection that might be achieved with a lower ML. If an ML for AFT in ready-to-eat peanuts of 15 µg/kg were to be established, the existing ML for peanuts intended for further processing should be reviewed.

Canada has in place a regulatory ML of 15 µg/kg for AFT in nut and nut products calculated on the basis of the nut meat portion.

As peanuts are not a tree nut, Canada suggests the following edit to Para. 23: "In view of the above, it appears that there is general consensus for the ML of 10 µg/kg for AFT in RTE Peanuts considering the carcinogenicity of AFT and consistency ~~of~~ with the approach already taken by Codex for establishing MLs ~~of for~~ for AFT in for other Tree nuts."

COLOMBIA

Colombia is pleased to state that it is in agreement with the PROPOSED DRAFT MAXIMUM LEVEL FOR TOTAL AFLATOXINS IN READY-TO-EAT PEANUTS AND ASSOCIATE SAMPLING PLAN, and that it supports the adoption of the maximum level of 10 µg/kg for the total content of aflatoxins in ready-to-eat peanuts. The above is consistent with the General Standard for Contaminants and Toxins in Food and Feed, specifically for establishing a ML which must as low as reasonably achievable. It is noted that aflatoxins as contaminants are a major public health concern and that peanuts are one of the main food contaminants contributing to the exposure to total aflatoxins.

Colombia therefore supports the Maximum Level of 10 µg/kg, in line with the considerations in the proposed draft.

The above is the consensus reached in the Food Contaminants Subcommittee of Colombia.

COSTA RICA

Costa Rica is grateful to the working group for the work that it has done and for the opportunity to make comments. In this connection, it expresses its support for the proposed ML of 10 µg/kg for aflatoxins in ready-to-eat peanuts.

EGYPT

We would like to thank the committee on this great work, and inform you that when the peanuts are subjected to sorting, or other physical treatment before human consumption, Egypt applies the maximum level (15 µg/kg) for total aflatoxins. While peanuts and processed products intended for direct human consumption or use as an ingredient in foodstuffs. About carcinogenic toxicity of aflatoxins, Egypt applies the maximum level (4 µg / kg) for total aflatoxins taking into account genotoxicity (carcinogens) of Aflatoxins and the fact that Peanuts can be one of the main contributors to total exposure to AFT.

INDIA

General Comment: India supports the recommendation of establishing an ML of 10µg/kg for AFT in RTE Peanuts.

Rationale:The proposed level would be consistent with the approach already taken by Codex to fix MLs of AFT for other nuts.

KENYA**GENERAL COMMENT**

Kenya would like to thank the EWG led by India preparing this document to be circulated to members for comment

SPECIFIC COMMENT

COMMENT: We support the recommendation proposed by the eWG of 10µg/kg as MLs for ready to eat peanuts. We also take into account that aflatoxin can be reduced by shelling the peanuts, blanching followed by colour sorting; sorting by specific gravity, removal of the damaged ones. we also recommend the revision of sampling plan for aflatoxin total in peanuts for further processing to be applicable to RTE peanuts, not only for those traded in packs but also ones traded in bulk.

MALAYSIA

Malaysia would like to congratulate members of the Electronic Working Group led by India on the progression of the document.

Malaysia is of the opinion that the maximum level (ML) of aflatoxin in ready-to-eat (RTE) peanuts should be in line with the ALARA (as low as reasonably achievable) principle since aflatoxin is known for its carcinogenic potency.

Malaysia therefore supports the ML for aflatoxin in RTE peanuts at 10 µg/kg.

PARAGUAY

Paraguay is pleased with the opportunity to submit comments on this subject. In view of the conclusions in document CX/CF 18/12/10 and in accordance with the mandate of the EWG, Paraguay recommends adoption of a maximum level of 10 µg/kg for aflatoxins in ready-to-eat peanuts.

PHILIPPINES

The Philippines supports the proposed MLs for total AFs at 10 µg/kg in Ready-to-Eat (RTE) peanuts and associated sampling plans.

USA

The U.S. appreciates the work that India has accomplished in preparing the recommendations on a maximum level (ML) for total aflatoxins (ATF) in ready-to-eat (RTE) peanuts and respectfully submits the following comments:

- The U.S. supports an ML of 15 µg/kg for AFT in RTE peanuts, based on the November 2016 impact assessment by JECFA, the risk assessment body for CCCF.
- The U.S. does not agree with the statement in paragraph 23 of CX/CF 18/12/10 that there is general consensus for an ML of 10 µg/kg for AFT in RTE peanuts. In fact, there were significant numbers of supporters of 15 ug/kg or a compromise position.

- In the first EWG draft paper, India reported that in response to CL 2017/57-CF (May 2017), 7 respondents (5 member countries and 2 observers) supported the level of 15 µg/kg, 6 respondents (5 member countries and 1 member organisation) supported the level of 10 µg/kg, and 3 member countries did not support either of the levels.
- In the second EWG draft paper, India reported that in response to the first EWG draft, 6 respondents (4 member countries and 2 observers) supported 15 µg/kg and 6 member countries did not support 15 µg/kg.
- In the final paper, India reported that in response to the second EWG draft, 4 out of 11 respondents supported 15 µg/kg and one respondent suggested a range of 10-15 µg/kg.
- The U.S. does not agree with the statement in paragraph 25 that “in accordance with majority view, fixing an ML for AFT in RTE peanuts at 10 µg/kg appears to be a feasible outcome which would address the immediate trade concerns,” since the proposed ML would increase trade concerns for exporters to countries that currently have MLs greater than 10 µg/kg.
- The JECFA83 (November 2016) impact assessment concluded that:
 - There would be no reduction in dietary exposure to AFT if an ML was set at 10 µg/kg compared with 15 µg/kg.
 - The mean AFT exposure for all GEMS/Food cluster diets was 5.0-8.0 (Lower Bound-Upper Bound, ng/kg bw per day) at MLs of 15 µg/kg and 10 µg/kg.
- However, the rejection rate of RTE peanuts would be significantly higher with an ML of 10 µg/kg versus an ML of 15 µg/kg.
 - The rejection rate of 9.7% at an ML of 15 µg/kg increased to 12.6% at an ML of 10 µg/kg.
 - According to the U.S. peanut industry, an increase in the rejection rate from 9.7% to 12.6% would result in loss from international trade of about 100,000 metric tons of RTE peanuts, with a trade value of about \$140 million (Global Trade Information Services for Calendar Year 2016).
- The JECFA83 impact assessment does not provide a rationale for setting a limit of 10 µg/kg versus 15 µg/kg. The U.S. disagrees with recommending an ML of 10 µg/kg that would result in a trade barrier for exporting countries without demonstrated public health benefit for importing countries, based on a desire to be consistent with the MLs for ready-to-eat tree nuts.
- **The U.S. recommends that discussion of an appropriate sampling plan be included in the next version of the document for comments.**
 - In response to a discussion on Sampling Plans in paragraph 7 of CL 2017/26-CF (March 2017), the United States commented as follows:
 - The Committee needs to clarify whether the ML is intended to apply to peanuts shipped in packages for consumers. If so, the U.S. agrees that a sampling plan for total aflatoxins in packaged RTE peanuts should be developed before moving forward with a proposed ML in the Step process. We note that we do not consider raw shelled peanuts and raw in-shell peanuts as ready to consume.
 - The U.S. recommends using the existing “Sampling Plan for Total Aflatoxins in Peanuts Intended for Further Processing” in Schedule 1, Annex 1 of the General Standard for Contaminants and Toxins in Food and Feed (GSCTFF) (CODEX STAN 193-1995) for bulk RTE peanuts.

INTERNATIONAL COUNCIL OF GROCERY MANUFACTURERS ASSOCIATIONS (ICGMA)

Based on the assessment that was conducted as part of the 83rd Joint Expert Committee on Food Additives (JECFA, November 2016)¹, ICGMA supports establishing the ML for total aflatoxins (AFT) in ready-to-eat (RTE) peanuts at 15 µg/kg. Our support of 15 µg/kg is consistent with the findings of the JECFA impact assessment found on page 34 of the report:

*“The Committee concluded that **enforcing an ML of 10, 8 or 4 µg/kg for ready-to-eat peanuts would have little further impact on dietary exposure to AFT for the general population, compared with setting an ML of 15 µg/kg. At an ML of 4 µg/kg, the proportion of the world market of ready-to-eat peanuts rejected would be approximately double the proportion rejected at an ML of 15 µg/kg (about 20% versus 10%).**”*

¹ WHO Technical Report Series. Eighty-third report of the Joint FAO.WHO Expert Committee on Food Additives. Evaluation of Certain Contaminants in food. 2017. 1002 (1-182). ISBN 978-92-4-121002-7. Available at: <http://apps.who.int/iris/bitstream/10665/254893/1/9789241210027-eng.pdf?ua=1>

Based on the JECFA assessment, ICGMA believes the lower ML of 10 µg/kg would offer little additional public health benefits while resulting in a significantly higher rejection rate of RTE peanuts. This higher rejection rate would contribute to food waste and have a negative impact on trade without a corresponding public health benefit.

ICGMA would like to thank the committee for taking the above comments into consideration and welcomes the opportunity to provide further information if requested. ICGMA would also like to thank the chairs of the electronic working group on this matter for their extensive work preparing the draft discussion papers. We look forward to reviewing the issue further at CCCF 12.