

codex alimentarius commission



FOOD AND AGRICULTURE
ORGANIZATION
OF THE UNITED NATIONS



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Agenda Item 6

CX/FO 01/6

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON FATS AND OILS

Seventeenth Session

London, United Kingdom, 19 – 23 February 2001

PROPOSED DRAFT AMENDMENT TO THE CODE OF PRACTICE FOR THE STORAGE AND TRANSPORT OF EDIBLE FATS AND OILS IN BULK: LISTS OF ACCEPTABLE PREVIOUS CARGOES AND LISTS OF BANNED IMMEDIATE PREVIOUS CARGOES

GOVERNMENT COMMENTS AT STEP 3

The following comments have been received from Thailand and the United States of America in response to CL 2000/26-FO (other Government comments received in response to this circular letter were reproduced in CL 2000/44-FO) and from Brazil and the Netherlands in response to CL 2000/44-FO.

Comments on CL 2000/26-FO

THAILAND

Thailand agrees to adopt NIOP list and FOSFA list to be in the Codex lists of Acceptable Cargoes and Banned Immediate Previous Cargoes.

Thailand would like to propose the item of fatty acid: Lignoceric (C24:0) for inclusion in the Codex List of Acceptable Previous Cargoes since it is constituent in the natural oil.

UNITED STATES OF AMERICA

The U.S. commends the United Kingdom Secretariat for the extensive preparations involved in generating annexes 2 and 3 of CL 2000/26-F0. It is obvious to us that considerable time and effort went into this document. We believe that the Annexes, in terms of their Specific Identity Listings will be very useful to the Committee during debate on the issues of acceptable previous cargoes and banned immediate prior cargoes. It will be a much easier task to make recommendations for technical modifications and corrections. Enclosed are the comments of the National Institute of Oilseed Products (NIOP) on the Lists and Annexes appended to CL 2000/26-F0, which are endorsed by the Government of the U.S.

The U.S. has several concerns regarding the development of the lists. As we have previously stated, we are opposed to the elaboration of a negative list. If Codex has both a positive and a negative list, what is the status of a compound, which is not on either list? It is also very unusual for Codex to develop a negative list. Additionally, the U.S. will not be able to support further elaboration of either List until such time as the Committee has established a procedure for amendment, developed criteria for evaluating compounds and developed a process for regular updating after the Committee has adjourned. The Committee has completed the bulk of the work assigned by the Commission, and the Seventeenth Session of the Committee could well be the last Session for some time to come. For this reason alone, it is imperative that the Committee comes to grips with the procedural issues involved in generating, maintaining and updating of the List(s).

For many years the National Institute of Oilseed Products (NIOP) has maintained voluntary trading rules for the edible oils and fats trade. These rules include previous cargo lists and guidelines for the inspection and cleaning of transport vehicles and vessels to assure that the edible oils and fats remain safe and pure during transport.

FOFSA, a London-based trade organization similar to NIOP, also offers trading rules referencing their established previous cargo lists. Although these rules are voluntary between sellers and buyers, they have historically worked well in assisting the trade to maintain the safety and wholesomeness of edible oils and fats during transport.

The most important aspect of the previous cargo lists of these two organizations is the organized petition process used to add or delete substances. It should be noted also that these two organizations have worked cooperatively to jointly create harmonized lists.

CL 2000/26-FO suggests that advice on the list(s) may need to be bought from the Codex Committee on Food Additives and Contaminants (CCFAC). CCFAC's normal process when evaluating a substance would be to refer the review to the Joint Expert Committee on Food Additives (JECFA). It is intuitively obvious that establishment or modification of the list(s) would become a multi-year or possibly multi-decade undertaking if each substance was required to go through both a JECFA evaluation and then consideration by CCFAC. A petition process such as that used by NIOP and FOSFA can be accomplished in far less time and has a proven track record over a period of years. The United States of America strongly urges the Committee to elaborate an expedited process for modifying previous cargo lists before proceeding to establish the list(s).

During the interim period, references to appropriate previous cargoes can be offered to the trade in the form of the NIOP and FOSFA lists. Previous cargo lists for NIOP have been in use for over a decade. The lists are modified based on five criteria: identity, carcinogenicity, toxicity, removability from the edible oil or fat and analyzability. Source materials or technology processes used to produce substances on the list should not be criteria for evaluation.

Millions of tons of edible oils and fats are safely transported annually. It would be a great disservice to the trade to establish a process, which results in unnecessary delays in transporting these commodities. Delays are not in the best interest of consumers, particularly in view of the long history of safe transport. The United States looks forward to resolving these issues at the Seventeenth Session.

National Institute of Oilseed Products (NIOP) Comments (see first paragraph of US comments):

1. LIST F and LIST G

Both NIOP and FOSFA have added Hydrogen Peroxide, CAS NO. 7722-84-1, to their respective Harmonized International List of Acceptable Previous Cargoes and their individual Acceptable Prior/Previous Cargo Lists.

2. ANNEX 2-Page 5

Note the above about Hydrogen Peroxide.

3. ANNEX 2

The NIOP Technical Committee received a copy of FOSFA International comments sent directly to the Secretary, Codex Alimentarius Commission on 27 September 2000.

We agree with the FOSFA comments as modified.

4. ANNEX 2

We recommend that categories of “Fatty Acids”, “Fatty Alcohols” , “Fatty Acid Esters”, “Fatty Acid Methyl Esters”, “Synthetic Primary Alcohols” and “Glycols” be organized/expressed similar to LIST D and LIST E.

The reason is that this becomes more “reader friendly” for the ultimate users of the information, wherein, the Listings follow “C” chain structure and/or other structures of common understanding within the industry.

5. LIST E - PAGE 25

Delete asterisk (*) at Hydrogen Peroxide.

6. LIST E - PAGE 26

Delete Asterisk (*) at Tall Oil Fatty Acids - (ASTM types I and II only).

These substances are now included on the NIOP/FOSFA International List of Acceptable Previous Cargoes.

7. LIST F - PAGE 32

Footnote column - (1)

Delete “(1)” Add double asterisk “(**)”.

Wine Lees are now an ACCEPTABLE PRIOR CARGO - LIST NO. 2.

8. ANNEX 2 - PAGE 1

At the location of “Animal, marine and vegetable oils and fats....” we believe the exclusion should be: cashew shell nut oil and crude tall oil.

Underscore added at location of word to be added.

9. ANNEX 2 - PAGE 1

Delete Alcohol (C14 - C16) CAS NO. 68333-80-2

NOTE: This substance added back under proposed heading of “Other Alcohols” as: primary alcohol (C14 - C16) CAS NO. 68333-80-2.

10. ANNEX 2 - PAGE 1

"Acid oils and fatty acid distillates" are included on NIOP ACCEPTABLE LIST NO. 2 and NIOP version of Joint NIOP/FOSFA International List as “specifically identified” substances.

The above is also applicable to “Animal, marine and vegetable oils and fats (including hydrogenated oils and fats)” - other than Cashew nutshell liquid and crude tall oil.

11. ANNEX 2 - PAGES 3 AND 4

Under the category of “Fatty Alcohols”: Revise title to read “Fatty Alcohols - (Natural Alcohols)”

Delete the following under the “Fatty Alcohols” heading:

- Isobutyl alcohol- (isobutanol;
- Isodecyl alcohol - (isodecanol)
- Enanthyl alcohol - (1-heptanol;
- Nonyl alcohol - (1-nonanol;

Isononyl alcohol - (isononanol)
Isononyl alcohol - (C8-C10)
Tridecyl alcohol - (1-tridecanol)

NOTE: These substances added back under proposed heading of "Other Alcohols".

12. ANNEX 2 - PAGE 4

Following the category of "Fatty alcohol blends", including substances listed thereunder, add the following new category with substances following:

<u>Other alcohols</u>	CAS NO
Enanthyl alcohol (C-7; 1-heptanol; heptyl alcohol)	111-70-6
Nonyl alcohol (C-9; 1-nonanol; pelargonic alcohol; octyl carbinol)	143-08-8
1-Undecanol (C-11)	112-42-5
Tridecyl alcohol (C-13; 1-tridecanol)	27458-92-0
Isobutyl alcohol (isobutanol)	78-83-1
Isodecyl alcohol (isodecanol)	25339-17-7
Isononyl alcohol (1-nonanol)	27458-94-2
Isononyl alcohol (C8-C10)	68526-84-1
Isooctyl alcohol (isooctanol)	26952-21-6
Isopropyl alcohol (isopropanol; 2-propanol; dimethyl carbinol)	67-63-0
Primary alcohol (C9-C11)	66455-17-2
Primary alcohol (C12-C13)	75782-86-4
Primary alcohol (C12-C15)	63393-82-8
Primary alcohol (C14-C15)	75782-87-5
Primary alcohol (C14-C16)	68333-80-2

13. ANNEX 2 - PAGE 6

All "Primary Alcohols" listed are currently included on NIOP ACCEPTABLE PRIOR CARGO - LIST NO. 2.

14. ANNEX 2 - PAGE 8

Undecanol, 1-(C-11) is currently included on NIOP ACCEPTABLE PRIOR CARGO - LIST NO. 2.

15. ANNEX 2

The following CAS Numbers can be added to the ANNEX 2 matrix in the blank CAS Number areas.

SUBSTANCE	CAS NO
Apricot kernel oil	7286-96-9
Cetyl stearate	1190-63-2 (Correction)
Fish oil	8016-13-5
Glucose syrup (corn syrup)	8029-43-4
Hydrogen peroxide	7722-84-1
Nitric acid	7697-37-2
Palm kernel fatty acid methyl ester	67762-37-2
Palm stearin	8002-75-3
Rapeseed oil (HEAR)	8002-13-9
Rapeseed oil (LEAR) ("double zero")	120962-03-0
Rapeseed oil (hydrogenated)	8002-13-9
Rice bran oil	8016-60-2
Safflower oil	8001-23-8

Sesame oil	8008-74-0
Shark oil	68990-63-6
Soybean acid oil	8001-22-7
Soybean oil	8001-22-7
Soybean oil epoxidized	8013-07-8
Sunflower oil	8001-21-6
Tall oil fatty acids, ASTM I and II	61790-12-3 (Correction)
Tallow (edible)	61789-97-1
Tallow (inedible)	61789-97-1
Tung Oil	8001-20-5

16. LIST B of CL 2000/26-FO

The attached LIST B includes CAS NUMBERS for Substances (CARGO COMMON NAME) which were omitted on the copy of draft material forwarded to the CAC during October 1999.

Pagination of the pages attached is identical to that material issued by CAC during August 2000.

LIST B - NATIONAL INSTITUTE OF OILSEED PRODUCTS (NIOP) UNACCEPTABLE PRIOR CARGO LIST

These substances have been proven to be highly toxic and/or carcinogenic. They may not be carried as the last cargo immediately prior to edible oils:

CARGO COMMON NAME	CAS NUMBER
Acetone cyanohydrin - (ACH)	75-86-5
Acrylonitrile - (ACN)	107-13-1
Benzene	71-43-2
1,3-Butadiene - (vinylethylene)	106-99-0
Butyl acrylate (n-)	141-32-2
(tert)	1663-39-4
Carbon tetrachloride - (CTC)	56-23-5
Cashew nutshell liquid - (CNSL)	8007-24-7
Chloroform - (TCM)	67-66-3
Cresol (o,m,p) - (cresylic acid) o	95-48-7
M	108-39-4
P	106-44-5
Diethanolamine - (DEA)	111-42-2
Diglycidylether of bisphenol A	1675-54-3
Diocetyl phthalate - (DOP)	117-81-7
Diphenyl methane diisocyanate - (MDI)	101-68-8
Epichlorohydrin	106-89-8
Ethyl acrylate	140-88-5
Ethylene dibromide - (EDB); (1,2-dibromoethane); (ethylene bromide)	106-93-4
Ethylene dichloride - (EDC); (1,2-dichloroethane); (ethylene chloride)	107-06-2
Ethylene glycol-(MEG); (monoethylene glycol)	107-21-1
Ethylene glycol monobutyl ether (2- butoxyethanol)	111-76-2
Ethylene oxide - (EO)	75-21-8
Formaldehyde	50-00-0
*Leaded petroleum or other leaded products	
Methyl acrylate	96-33-3
Methyl methacrylate	80-62-6
Methylene chloride-(MEC); (dichloromethane); (methylene dichloride)	75-09-2
Methylene diisocyanate-(diisocyanatomethane)	4747-90-4
Monoethylene glycol - (MEG); (ethylene glycol)	107-21-1

CARGO COMMON NAME

Nitropropane (1- isomer and mixtures)
(2- isomer and mixtures)

CAS NUMBER

108-03-2
79-46-9

Comments on CL 2000/44-FO**BRAZIL**

According to Brazil comments on Circular Letter CL 2000/26-FO, Brazil considers important the definition of only one List of Acceptable Previous Cargoes taking into account comments made in Alinorm 99/17, paragraph 104 and observations made by FOSFA and some delegations in the last session of the Committee. Brazil would like to point out that the existence of 2 or more lists could raise confusion and negatively influence international trade. In this way, it should be understood that substances not listed in the List of Acceptable Previous Cargoes were not allowed to be transported or stored as previous cargoes.

Brazil agrees with the Proposed Draft List of Acceptable Previous Cargoes ('positive' list), prepared for the UK Secretariat (at Step 3), adding the following comments:

1°) Brazil considers important the non-inclusion of the substance **Methanol (Methyl alcohol) – CAS nr 67-56-1** due to particular characteristics of the national trade of the substance, and considering the existence of evidence showing contamination of food products (such as alcoholic beverages) with methanol, BR does not agree with the inclusion proposed of this substance on the List of Acceptable Previous Cargoes and, according to the second note in the referred Annex 2 of this CL, the substances not included on the list could only be used as previous cargoes if accepted by the competent national authority of the importing country;

2°) Brazil agrees with the non-inclusion in the List of Acceptable Previous Cargoes of the food products and food ingredients and additives, since there would be the possibility of unintentional exclusion of some items.

As last, Brazil agrees with the notes included in the Annex 2 of CL 2000/44-FO.

NETHERLANDS

The Netherlands have always held the view that a positive list of permitted substances would have to be attached to the Code of Practice, hence our comments will only refer to such a positive list.

Annex 2 of the proposed Draft List of Acceptable Previous Cargoes therefore finds our approval, as far as the substances have been reviewed and found permissible by recognised competent bodies. As a member of the EU we consider the EU Scientific Committee for Food a competent body for toxicological evaluations.

The following substances of Annex 2 have not been permitted by the EU and would therefore still have to be screened:

Acetic anhydride
Ammonium polyphosphate
1-3 Butanediol
1-4 Butanediol
Propyl alcohol
Propylene netetramer
Sodium silicate
White mineral oil.

Additional substances may be included in this list if again found acceptable by a competent body when it follows the considerations as proposed in note (3) of Annex 2. The Netherlands accept the listed considerations but suggest to add another consideration, namely: Reactivity with oils/fats of contaminating residues.

There have been reports of addition to the double bonds of fats and oils of certain substances, which would remain in the product even after refining.

As a process for keeping the list up-to-date we suggest that proposals for adding substances to the list by the industry could be sent to the Codex Committee on Fats and Oils , which could act as a secretariat for gathering such requests and ask Governments to submit these for review by their competent authority. The same could apply when Governments would feel it necessary to delete a substance from the list. In both cases information on the need for such action would be mandatory.

It might be instrumental to set up a working group during the coming session to deal with the substances which at present are still in discussion for inclusion in Annex 2 and draft a text for the procedure for future changes in the list.