CODEX ALIMENTARIUS COMMISSION

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World Health Organization

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Agenda 6 **FFP/34 CRD/23**

JOINT FAO/WHO FOOD STANDARDS PROGRAMME
CODEX COMMITTEE ON FISH AND FISHERY PRODUCTS

Thirty-fourth Session

Ålesund, Norway, 19 – 24 October 2015

US Comments

Proposed Food Additive Provisions in Standards for Fish and Fishery Products

CX/FFP 15/34/7

The U.S. supports the editorial changes to align with the GSFA. Below are comments on the more substantial changes.

Standard for Quick Frozen Fish Sticks (Fish Fingers), Fish Portions and Fish Fillets - Breaded or in Batter

Phosphates

Sodium Aluminium Phosphate (SAP)

During the 33rd CCFFP in-session working group, one member proposed to delete sodium aluminium phosphate. The U.S. did not comment during the 33rd session pending expert review on this substantial revision that was not a simple alignment with the GSFA. Comments were requested on the proposed Additive Provisions at Step 5 by May 2014; however, we understood that the due date would be changed because the same date listed for Fish Sauce COP comments was incorrect. Subsequently we commented on the sodium aluminium phosphate provision during the Additive EWG (CX/FFP 15/34/7, see page 4.)

The reason given for removing SALP was that better alternatives were available, and to follow through on recommendations forwarded from CCFA/JECFA. Both of these reasons are not substantiated.

The 67th JECFA recommended that exposure to aluminium be reduced. However, the 71st JECFA calculated a Provisional Tolerable Weekly Intake (PTWI) of 2 mg/kg bw for aluminium and its salts (74th JECFA – 2011). At the 45th CCFA JECFA stated provisions for food additives containing aluminium should be compatible with the PTWI (in other words, exposure to aluminium in food additives does not have to be eliminated, but should be lower than the PTWI) – see para 90 REP 13/FA.

The 45th CCFA (2013) dealt with all aluminium containing additives in the GSFA in a comprehensive manner. This was done in consideration of JECFA's evaluation on aluminium, and previous recommendation that aluminium exposure should be reduced. As a result the Committee

discontinued over 40 provisions for aluminium containing additives. However, the 45th CCFA recommended adoption of several provisions for aluminium containing additives, including the use of sodium aluminium phosphate in batters (FC 06.6). In fact the 45th CCFA specifically discussed the provisions for SAP in CODEX STAN 166-1989, and recommended to the CCFFP that they revise the provision in CODEX STAN 166-1989 to express the maximum use level on an aluminium basis.

Two CCFA delegations expressed reservation to this decision and had the position that "no exposure to aluminium is safe" which is not supported by JECFA. The USA supported the use of SAP in battered coatings. It was the opinion of the USA that the adoption of the selected provisions for aluminium containing additives, where information was provided justifying their use in those specific foods, would result in cumulative exposure below the PTWI.

It is understood that the purpose of the commodity committees is to review technical/quality additive issues, and it is the purpose of CCFA to conduct the risk management exercise determining if a specific additive is safe in that food for that purpose. Therefore it was not appropriate for CCFA to remove the SAP revision on a food safety basis.

From a technical/quality perspective, there are no better alternatives for SAP, and none have been identified by the proposing member. In fact some CCFFP members have proposed raising the allowed levels of the other sodium phosphates in order to compensate for the loss of SAP. This change would result in increased sodium and fat content in finished products, which is not a health benefit.

The revision will have negative impact on U.S. industry, trade, and product quality. Sodium Aluminum Phosphate, Acidic has been used in the food industry as a leavening agent since 1951. It is a unique leavening acid due to its composition, functionality, and influence on the characteristics of batters both before and after frying (cooking). This unique functionality gives SAP advantages over other leavening agents in these batter applications. It is one of the few food acids that react to release CO_2 during the cook cycle rather than immediately when mixed with batter. It has many other technological, quality and cost advantages (The technological justification is available in a separate document from the U.S. delegation.)

Removing it SAP would be a monumental task for industry, requiring considerable R&D time and effort, and would negatively affect the functional and quality attributes of the finished products. It would also involve production scale up testing and implementation, while requiring specification, ingredient and nutritional facts updates on all labels and some retail packaging. Considering that CCFA has recommended continued use of SAP in breaded products, this would be an unnecessary cost for industry and the consumer.

The U.S. proposes to reinstate sodium aluminium phosphate as follows:

Functional class: Raising Agents

Name: SODIUM ALUMINIUM PHOSPHATES

INS #: 541(i), 541(ii)

Maximum level: 440 mg/kg as phosphorus, singly or in combination

We note that CCFFP should revise the limit to aluminium basis as requested by CCFA.

Standard for Salted Atlantic Herring and Salted Sprat

Sodium sorbate (INS 201): The EWG Report proposes to remove sodium sorbate (a preservative) from the Standard for Salted Atlantic Herring and Salted Sprat and from the Standard for Salted Fish and Dried Salted Fish of the Gadidae Family of Fishes. This proposal is based on a member's comment that the GSFA does not allow sodium sorbate because it has not been reviewed by JECFA, unlike the other sorbate salts. The GSFA is not completely clear on this, and appears to allow the entire "Sorbates" group. We recommend that the question on permissibility of sodium sorbate be asked the Codex Committee on Food Additives (CCFA) before it is removed from Standards.

Standard for Salted Fish and Dried Salted Fish of the Gadidae Family of Fishes

Sodium sorbate: See comment for the Standard for Salted Atlantic Herring and Salted Sprat (above.)

Standard for Canned Tuna and Bonito

Sequestrants: See comment for Canned Crab (below.)

Standard for Canned Crab Meat

Phosphoric acid and disodium diphosphate: These additives are needed by industry to bind magnesium to reduce struvite crystal formation in canned seafood products. Struvite crystals have been found in canned salmon, tuna, shrimp, crab, lobster, cod, and sardines.

Research shows (studies available upon request) that 0.5g disodium diphosphate per 7oz can of tuna is the ideal level to reduce struvite crystal formation, and that 0.75g/7oz and 1.0g/7oz does not provide any further benefit and begins to affect flavor.

0.5 g disodium diphosphate per 7 ounces is equal to 2,519 mg disodium diphosphate per kg.

2,519 mg/kg (61.95 g P / 221.94 g $Na_2H_2P_2O_7$) = 703.13 mg/kg as phosphorous

Crab and tuna have similar levels of magnesium in the edible part. We support listing these additives as sequestrants and raising the limit from 5 mg/kg to **700 mg/kg as phosphorous, singly or in combination**.