

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization



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Agenda Item 2

CX/CF 24/17/2

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON CONTAMINANTS IN FOODS

17th Session

Seventeenth Session

15-19 April 2024

Panama City, Panama

MATTERS REFERRED TO THE COMMITTEE BY THE CODEX ALIMENTARIUS COMMISSION AND/OR ITS SUBSIDIARY BODIES

MATTERS ARISING FROM THE CODEX ALIMENTARIUS COMMISSION (CAC) AND ITS EXECUTIVE COMMITTEE (CCEXEC)

MATTERS FOR INFORMATION

Specific matters

Standards and related texts adopted at Steps 8 and 5/8 of the Procedure including consequential amendments¹

1. CAC46 (2023) adopted the following texts/maximum levels (MLs):

- Code of Practice for Prevention and Reduction of Mycotoxin Contamination in Cassava and cassava-based products;
- Maximum Level (ML) for lead in ready-to-eat meals for infants and young children;
- ML for lead in soft brown, raw and non-centrifugal sugars; and
- ML for total aflatoxins in dried chilli and nutmeg, and ML for ochratoxin A in dried chilli, paprika, and nutmeg. The MLs could be reviewed in 3 years' time if sufficient data were submitted through the Global Environment Monitoring System – Food Contamination Monitoring and Assessment Programme (GEMS/Food).

Discontinuation of work²

2. CAC46 discontinued work on the MLs for total aflatoxin in paprika, ginger, black and white pepper, and turmeric and MLs for ochratoxin A in ginger, black and white pepper, and turmeric³.

Chemicals in the context of safe use and reuse of water in food production⁴

3. CCEXEC84 (2023) noted that the 51st Session of the Codex Committee on Food Hygiene (CCFH51, 2019) had acknowledged the importance of chemicals in the context of safe use and reuse of water in food production but that chemicals were outside of its scope, and that CCFH had informed the Codex Committee on Contaminants in Foods (CCCF) when it had started the new work on this topic. CCEXEC84 considered if it was timely to provide CCCF with an update on progress of that work and encourage it to consider the need for guidance on chemical contaminants in the context of water use and re-use.

4. Concerns were expressed with regards to the suggestion that CCCF take up work in this area with the following views shared: CCCF already had a very heavy agenda; the issue was also relevant to other committees as it may concern for example accumulation of residues of pesticides or antimicrobials in reused water; work was still ongoing in CCFH on commodity specific annexes which may identify other issues; any relevant committees could consider further work based on the available scientific information; and some innovative approaches may need to be considered to address

¹ REP23/CAC46, paragraphs 68 - 69 and App II

² REP23/CAC46, paragraph 76 and App VI

³ REP22/CF15, paragraphs 72, 91, 94 and 95

⁴ REP23/EXEC1, paragraphs 18-22

accumulation of chemicals in water reuse holistically.

5. CCEXEC84 acknowledged the potential for accumulation of chemicals in water reuse and agreed to inform other relevant committees on the status of this work.

MLs for total aflatoxins in various cereal products⁵

6. CAC46 noted:

- the intention of the CCCF Chairperson to issue a letter that set out an approach for the potential review of MLs for total aflatoxins in various cereal products as agreed by CAC45, subject to the availability of data; and
- that this approach would provide flexibility to consider proposals for additional MLs for which no Codex references were yet available.

ML for total aflatoxins in dried chilli and nutmeg and the ML for ochratoxin A in dried chilli, paprika, and nutmeg⁶

7. CCEXEC84 noted that the ML for total aflatoxins in dried chilli and nutmeg and the ML for ochratoxin A in dried chilli, paprika, and nutmeg will be reviewed in three years' time subject to availability of data.

8. The Coordinator for Africa informed CCEXEC84 that at the current time the Region would support progression of the MLs, he appreciated the approach of returning to review this issue, and noted the intention to provide new data from the African region through GEMS/Food to support the review.

ML for total aflatoxins in ready-to-eat peanuts and associated sampling plan, and MLs for lead in culinary herbs (fresh/dried) and spices (dried)⁷

9. CCEXEC84 agreed to extend the timelines to 2025 for completion of work on an ML for total aflatoxins in ready-to-eat peanuts and associated sampling plan, and MLs for lead in culinary herbs (fresh/dried) and spices (dried).

10. CCEXEC84 noted that CCCF progressed work on MLs for culinary herbs (fresh/dried) and spices (dried) using a staggered risk management approach. This would allow sufficient time for electronic working groups (EWGs), especially those dealing with the establishment of MLs and data assessment, to fulfill their mandates, and CCCF to thoroughly consider issues of concern to facilitate consensus building.

General Methods of Analysis for Contaminants (CXS 228-2001)⁸

11. CAC46 revoked the *General Methods of Analysis for Contaminants* (CXS 228-2001).

Regional Standard for Fermented Noni Fruit Juice⁹

12. CAC46 adopted the *Regional Standard for Fermented Noni Fruit Juice* (North America and South-West Pacific) at Step 8, noting that the methods of analysis would be removed and replaced by a general reference to CXS 234-1999.

13. It was recalled by the Chairperson of CAC that the concern regarding the lack of a safety evaluation of scopoletin had also been considered by CCEXEC84, which had noted that noni juice itself had a history of safe use in the NASWP region, and that scopoletin remained on the Joint FAO/WHO Expert Committee on Food Additives (JECFA) priority list for evaluation. The Chairperson further recalled that the adoption of regional standards was determined by the Members belonging to the region proposing the standard, but should there be a future request to convert the regional standard to a worldwide standard, it would be the decision of all Members.

General matters

Application of the Statements of Principle Concerning the Role of Science in the Codex Decision-Making Process and the extent to which other factors are taken into account (SoP)¹⁰

14. CAC46 (2023) reiterated that the draft guidance remained serviceable and available as practical guidance for Chairpersons of Codex Commission and its subsidiary bodies and for Members in situations when there is agreement on science but differing views on other factors/considerations. CAC46 also agreed on the need to gain more experience on application of the draft guidance, and to revisit the draft guidance in the light of experience gained.

⁵ REP23/CAC, para 75

⁶ REP23/EXEC1, paras 53-54 and 57-58

⁷ REP23/EXEC1, paras 57-58

⁸ REP23/CAC para 93; REP23/MAS, para 11; para 22 of this document

⁹ REP23/CAC paras 34 - 35

¹⁰ REP21/EXEC2, para 99 (i); REP22/EXEC2, paras 81-84; REP22/CAC, para 22 (iv, v); REP23/CAC, para 194 (ii, vi, vii)

Codex Strategic Plan 2026-2031¹¹

15. CCEXEC85 (2023) discussed the first draft of the elements to be included in the Codex Strategic Plan 2026-2031 and agreed to send a Circular Letter (CL) to Codex Members and Observers requesting comments on the first draft of the vision; mission; core values; drivers for change; the role of Codex; and a high-level description on Codex ways of working of the Codex Strategic Plan 2026-2031. CCEXEC85 further agreed that the Codex Chairperson and Vice-Chairpersons hold informal consultations with Members and Observers to encourage interaction, discussion and reflection, and to support Members and Observers in responding to the CL.
16. CAC46 (2023) endorsed the conclusions of CCEXEC85 regarding matters pertaining to the Codex Strategic Plan 2026-2031.

New food sources and production systems (NFPS)¹²

17. CAC46 (2023) highlighted the importance of addressing challenges posed by NFPS and the important role Codex can play in this; noted that the current working mechanisms were adequate to address any new work on NFPS that Members may propose; encouraged Members to submit discussion papers or new work proposals, either to active Codex committees or to the Executive Committee through the Codex Secretariat.

Future of Codex¹³

18. CCEXEC85 (2023) agreed that rather than develop a blueprint for the future of Codex, it was more appropriate to use the Codex Strategic Plan 2026-2031 to guide the future direction of Codex and to consider, in parallel, a working model for future Codex work; and that the document describing the key elements of a model for future Codex work (CX/EXEC 23/85/3, Appendix II) remained a living document that should be periodically reviewed in light of experiences and learnings.
19. CAC46 endorsed the conclusions of CCEXEC85 regarding matters pertaining to the blueprint on the future of Codex.

New standards or review of standards and guidelines¹⁴

20. CCEXEC83 agreed to request that Codex committees, when prioritizing and undertaking work on new standards or the review of standards and guidelines relating to composition of foods, have due regard to ongoing global efforts to achieve health and nutrition related goals through reducing non-communicable diseases (NCD) risk factors such as sodium intake.

MATTERS ARISING FROM OTHER SUBSIDIARY BODIES**MATTERS FOR INFORMATION****CODEX COMMITTEE ON FOOD ADDITIVES**Proposals for Additions and changes to the Priority List of Substances Proposed for Evaluation by JECFA (Replies to CL 2021/81-FA)¹⁵

21. Regarding the entry for bentonite, activated carbon, and diatomaceous earth, CCFA53 (2023) noted the discussions and emphasized that should confirmation of data availability not be provided at CCFA54 (2024) a reply to CCCF would be put forward, noting the lack of a data sponsor, and that CCFA may not be able to respond to CCCF's request.

CODEX COMMITTEE ON METHODS OF ANALYSIS AND SAMPLING (CCMAS42)Review of methods of analysis for contaminants: Performance criteria for lead and cadmium¹⁶

22. CCMAS agreed:
- to the numeric performance criteria for methods of analysis for lead and cadmium in different food commodities and as a consequence:
 - that the *General Methods of Analysis for Contaminants* (CX 228-2001) and methods in CX 234 for lead and cadmium for the commodities covered by the performance criteria should be revoked;

¹¹ REP21/EXEC2, para 90; REP23/EXEC1, para 115; REP23/EXEC2, paras 40-47, 54 (i(a), ii); REP23/CAC, para 16

¹² REP21/EXEC2, paras 105, 106, 110 (i, ii); REP22/CAC, para 31 (ii, v, vi); REP23/CAC, para 206 (i, ii, iii)

¹³ REP21/EXEC2, para 85; REP22/EXEC2, paras 101-122; REP22/CAC, para 41; REP23/EXEC2, para 38; REP23/CAC, para 16

¹⁴ REP22/EXEC2, para 154 (v)

¹⁵ REP23/FA, para 132 ff.

¹⁶ REP23/MAS, para 11

- to continue to review and identify examples of available methods that meet the criteria.

MATTERS FOR ACTION

CODEX COMMITTEE ON METHODS OF ANALYSIS AND SAMPLING (CCMAS42)

Sampling plans provisions in the General Standard for Contaminants and Toxins in Food and Feed (CXS 193-1995)¹⁷

23. CCMAS:

- endorsed the sampling plan (see Appendix II, Part 1: Sampling plans for total aflatoxins in certain cereals and cereal-based products including foods for infants and young children); and
- requested CCCF to evaluate the sampling plans in CXS 193, including the one just endorsed to determine if the plans were still within the revised *General Guidelines on Sampling* (CXG 50-2004).

Performance criteria – sum of components¹⁸

24. CCMAS revised the performance criteria for methods of analysis in the sampling plans for total aflatoxins in certain cereals and cereal-based products including foods for infants and young children. The CCMAS PWG on endorsement had agreed with the sum of components approach, but that the footnote was removed since it created a set of multiple numeric criteria at each ML. Instead, a 1:1:1:1 ratio of isomers was used as a basis to calculate a single set of numeric criteria using the sum of components approach, since this was implied by one option provided in the original footnote.

25. CCMAS:

- requested the Codex Secretariat to issue a CL to request information on example methods that meet the numeric performance criteria;
- agreed to inform CCCF of the rationale for the revised numeric performance criteria (see paragraph 24 above) and to recommend that CCCF should provide numeric performance criteria for aflatoxin methods utilizing the sum of components concept for all relevant commodities to replace the existing numeric criteria in CXS 193; and
- agreed to update the CCMAS Information Document: Sum of components by the addition of the following text to the end of the document:

*“if the components included in the ML definition are not present in constant ratios and where the inclusion of weighting factors of the individual components results in LOD/LOQ values or minimum applicable range that cannot be validated, ML/n should be used to determine the criterion for LOD (e.g. 1/5*ML/n) and for LOQ (e.g. 2/5*ML/n) or for the minimum applicable range (e.g. ML/n±2SR), with n being the number of components included in the ML definition”.*

Cereals, pulses and legumes workable package¹⁹

26. CCMAS noted:

- that the methods proposed for aflatoxins in peanuts (raw / intended for further processing) should be revoked as there were already numeric performance criteria for methods adopted and published in the *General Standard for Contaminants and Toxins in Food and Feed* (CXS 193-1995). However, it was agreed that these performance criteria would need to be updated by CCCF and that this could be considered by the CCMAS PWG on endorsement.

CODEX COMMITTEE ON PESTICIDE RESIDUES (CCPR54)

Establishment of MRLs/MLs for Ethylene Oxide (EtO)²⁰

27. CCPR54 (2023) agreed to advise CCCF that EtO is used in some countries as a pesticide (fumigant) and/or as a sterilant. In view of no support to include EtO in the priority list for evaluation by JMPR, and due to the need to establish a limit for this compound to avoid/minimize negative trade impacts, CCPR agreed that JECFA should take the lead on the evaluation of EtO, with support from JMPR. This approach would expedite the establishment of a maximum level (ML) for EtO as a contaminant by CCCF due to uses other than a pesticide.

¹⁷ REP23/MAS, para 31

¹⁸ REP23/MAS, paras 32-34

¹⁹ REP23/MAS, para 62

²⁰ REP23/PR54, para 254

RECOMMENDATIONS FOR ENDORSEMENT BY CCCF

28. CCCF is invited to:
- (i) note the matters for information referred by CAC and CCEXEC;
 - (ii) encourage Members and Observers to actively engage in opportunities to contribute to the discussions in CCEXEC and CAC (e.g. sharing experience on application of the draft guidance on SoP and providing inputs on the development of Codex Strategic Plan 2026-2031) and to note the encouragement to submit discussion papers or new work proposals on NFPS using existing mechanisms);
 - (iii) consider the request by CCEXEC83 included in paragraph 20 when considering new standards or guidelines;
 - (iv) consider the requests by CCMAS42 and CCPR54 under the relevant agenda items.