

CODEx ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

Viale delle Terme di Caracalla, 00153 Rome, Italy - Tel: (+39) 06 57051 - E-mail: codex@fao.org - www.codexalimentarius.org

Agenda Items 7, 8, 10, 11, 14, 15

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ORIGINAL LANGUAGE

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEx COMMITTEE ON CONTAMINANTS IN FOODS

17th Session
15-19 April 2024

Comments submitted by United States of America

Agenda Item 7: Definition for ready-to-eat peanuts for the establishment of a maximum level for total aflatoxins in this product

U.S. Position:

- The United States prefers to align the wording in the proposed definition for ready-to-eat (RTE) peanuts with the definition for RTE tree nuts in *the General Standard for Contaminants and Toxins in Food and Feed* (CXS 193-1995): RTE peanuts are peanuts not intended to undergo an additional processing/treatment that has proven to reduce levels of aflatoxins before being used as ingredient in foodstuffs, otherwise processed or offered for human consumption.
- The examples of raw nuts, shelled nuts, coated nuts, etc., are not part of a definition, but provide insight into how data will be categorized.
 - The United States does not agree that peanut butter is an example of a RTE peanut.
 - CCCF16 (2023) agreed that the EWG would provide a categorization of occurrence data for consideration by CCCF17. An analysis of the currently available occurrence data should be presented at CCCF17. This will help CCCF determine whether it agrees with the proposed data classification before work on a new proposed ML begins.
- The definition of RTE tree nuts in CXS 193-1995 also addresses whether roasting is a step that reduces aflatoxin. The discussion paper on the Review of the *Code of Practice for the Prevention and Reduction of Aflatoxin Contamination in Peanuts* (CXC 55-2004) refers to roasting as a practice that reduces aflatoxin. CCCF17 should consider whether this note will also apply to the proposed definition for RTE peanuts.
- The United States supports the recommendation for CCCF17 to request the GEMS/Food administrator to issue a call for total aflatoxins occurrence data in RTE peanuts.
- As a reminder, the United States recalls that CCCF15 agreed that consideration of MLs should address or include:
 - An analysis year-by-year and region-by-region before and after the adoption of the Code of Practice.
 - An analysis by geographic region, which would help to illustrate the impact of producer versus importer data.
 - A summary and justification on the inclusion or exclusion of data used for data analysis and also what challenges were faced in the data review.
 - A clear presentation of the rejection rates for all proposed MLs.

Agenda Item 8: Sampling plans for total aflatoxins and ochratoxin A in certain spices (at Step 4)**U.S. Position:**

The United States supports the EWG recommendation for CCCF to have further discussion about the sampling plan including definitions of large and small particle sizes, the number and size of the increments, sub-lot provisions, and practicality and cost. CCCF should also discuss the aggregate sample weights in Tables 1 and 2 and the decision rule(s). The decision rule(s) should specify both total aflatoxins and ochratoxin A and the language should align with other decision rules in CXS-193, depending on the number of specified laboratory samples.

The United States believes that CCCF can finalize a sampling plan for endorsement by CCMAS without consulting with an external expert body.

Agenda Item 10: Discussion paper on pyrrolizidine alkaloids in food and feed**U.S. Position:**

The United States does not object to new work by an EWG to update the CoP to address mitigation strategies for tea, herbs and herbal infusions, and spices as annexes. The United States also could support EWG work on a revised discussion paper for CCCF18, which could provide more details on specific mitigation practices that might be included in a revised CoP.

The United States prefers development of an annex for honey in the existing CoP, rather than development of a new CoP. This would require revision of the overall scope of the CoP but would have the advantage of minimizing the number of closely related CoPs.

The United States does not support work defining the minimum analytical requirements with which occurrence data would have to comply with for submission to the GEMS/Food database. The issue of data requirements for submission to GEMS was discussed in the EWG on Data Analysis for CCCF16 and mandatory requirements were not adopted, as noted in the following excerpts from the working group paper reviewed by CCCF16 (CX/CF 23/16/12):

- Paragraph 20: “The EWG also considered whether strict requirements should be placed on Terms of Reference (TORs) or Calls for Data issued by the Codex Secretariat or WHO for CCCF work. Specifically, the EWG discussed whether CCCF should consider including the following specifications in Calls for Data and potentially base analyses only on data that meet the proposed specifications: a. A required LOD and LOQ for submitted data and b. Required analytical methods . . .”
- Paragraph 22: “On the other hand, mandatory requirements might limit use of data by CCCF only to datasets submitted in response to a specific Call for Data, since data submitted routinely might not meet mandatory requirements. This potentially restricts the time span or geographical range of data used in an analysis, e.g., by not allowing data submitted before requirements were in place. CCCF should consider that data are submitted to GEMS/Food independently of data calls, often on a routine basis; they may also be submitted in a broader time frame than requested in a Call for Data. Analytical requirements might discourage data submission by countries or regions with less sophisticated technology available or restrict use of data from these regions.”
- Paragraph 24: “The EWG concluded that mandatory changes to TOR/Calls for Data were not needed.”

CCCF16 accepted the EWG’s recommendation on this point.

Before requesting a new Call for Data, CCCF should consider for what purpose new data might be requested, e.g., is this to support the proposed CoP revisions or for new work (which has not been discussed in CCCF) on MLs? There may be different data requirements for different purposes, e.g., higher limit of quantification (LOQ) results may be acceptable for informing work on mitigation in the COP.

Agenda Item 11: Discussion paper on tropane alkaloids in foods**U.S. Position:**

The United States supports new work on a CoP for the prevention and reduction of tropane alkaloids. The United States can support either new work on a combined CoP for tropane and pyrrolizidine alkaloids or separate work on a new CoP specific to tropane alkaloids.

The United States does not support CCCF17 requesting JECFA to carry out a full-scale risk assessment for tropane alkaloids since MLs are not being proposed.

Agenda Item 14: Review of the *Code of Practice for the Prevention and Reduction of Aflatoxin Contamination in Peanuts* (CXC 55-2004)**U.S. Position:**

The United States supports the EWG recommendations to CCCF17 to revise the *Code of Practice for the Prevention and Reduction of Aflatoxin Contamination in Peanuts* (CXC 55-2004).

Agenda Item 15: Review of the *Code of Practice for the Reduction of Aflatoxin B1 in Raw Materials and Supplemental Feedingstuffs for Milk-Producing Animals* (CXC 45-1997)**U.S. Position:**

The United States supports the EWG recommendations to CCCF17.