

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of the
United Nations



World Health
Organization

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Agenda Item 14

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ORIGINAL LANGUAGE ONLY

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

16th Session

18-21 April 2023 (physical plenary meeting)

26 April 2023 (virtual report adoption)

REPORT OF THE PRE-SESSION WORKING GROUP ON THE REVIEW OF CODEX STANDARDS FOR CONTAMINANTS

(Prepared by the Chair of the EWG on the Review of Codex Standards for Contaminants, Canada)

INTRODUCTION

1. CCCF15 (2022) agreed to reconvene the working group (WG) chaired by Canada to meet prior to CCCF16 (2023). This WG would consider the comments in reply to the circular letter¹ issued in advance of CCCF16 in order to make recommendations to CCCF16.²
2. The circular letter issued in advance of CCCF16 requested recommendations, using the prioritization criteria or other clear, reasonable rationale, of standards and related texts from Lists A and B³ for inclusion in the *Overall Highest Priority List of Codex Standards and Related Texts for Contaminants in Food and Feed* (the "OHPL"). The circular letter also requested editorial or other feedback on Lists A and B, the prioritization criteria, the process by which the trial period is proceeding and volunteers to lead or co-lead the review of standards in the OHPL.
3. Circular letter comments were compiled⁴ and a summary and analysis of the comments received in response to the circular letter were presented in a conference room document (CRD)⁵ posted to the CCCF16 website. Refer to the Annexes of the CF16/CRD02(Rev) to view Lists A and B (Annex I), the OHPL (Annex II) and the prioritization criteria (Annex III), as these are not reproduced/included in this document.
4. Following the deadline for circular letter comments, comments were also received in the form of CRDs (posted to the CCCF16 website) from three (3) member countries⁶ and one (1) member organization. These comments were considered by the WG chair in advance of the WG meeting and did not impact any of the key WG discussions or the recommendations made by the WG for consideration by CCCF16. Information from these CRDs, which include recommendations of highest priority standards in the OHPL for possible review, and reference to established prioritization criteria and other relevant information, will be incorporated into the applicable sections of the next version of the OHPL that is circulated for comment in advance of CCCF17 (2023).
5. The pre-session WG was held virtually on April 11, 2023, and jointly chaired by John Field (Canada), Rosalie Awad (Canada) and Elizabeth Elliott (Canada), the latter two individuals also served as rapporteurs.

OBJECTIVES OF WORKING GROUP

6. The key objectives of the WG were to bring any recommendations regarding the possible review of Codex contaminant standards, as well as changes to the prioritization criteria and approach used to make these recommendations, to CCCF16 for consideration. Through the consideration of comments submitted in reply to the circular letter issued in advance of CCCF16 and any related information, clarification, or suggested edits to these comments provided by the

¹ CL 2022/85-CF

² REP22/CF15, para. 218 iii & iv)

³ List A.1: Codex Contaminant Standards Established or Reviewed ≥25 years ago

List A.2: Codex Contaminant Standards Established or Reviewed ≥15 and <25 years ago

List B: Codex Contaminant Standards Recommended for Re-Evaluation

⁴ CX/CF 23/16/14

⁵ CF16/CRD02(Rev)

⁶ One of these members refers to their comments in CX/CF 23/16/14

WG Chair, the WG was specifically invited to seek agreement on the following items:

- a) Editorial changes and updates to Lists A, B and the OHPL.
- b) Two (2) new and two (2) updated prioritization criteria used to recommend standards for review.
- c) Any new standards being added to the OHPL.
- d) Continued case-by-case approach to determining what standards will proceed for review.
- e) Proposals to further consider existing Codex contaminant standards for possible review.

WORKING GROUP DISCUSSION

7. The WG discussion was facilitated through a series of eight (8) charge questions addressing the list of discussion points in paragraph 6, above. The charge questions are presented in the following paragraphs. The key points raised by WG participants in response to these charge questions are summarized below.
8. **Question 1:** Does the WG agree to the editorial changes and the annual updates to Lists A, B and the OHPL?⁷
 - a) The WG agreed with this proposal with the following minor updates made to entries in the OHPL (WG revisions are in **bold underline**):
 - i. Methylmercury in tuna, maximum level (ML): **list New Zealand as the member country volunteer.**
 - ii. Aflatoxins, total, in maize grain for further processing: **HBGV cannot be established listed as a prioritization criterion.**
 - b) WG chair additional information:
 - i. Consistent with the information provided in paragraph 4, above, changes to the OHPL will be incorporated into the next version of this list that is circulated via circular letter for comment in advance of CCCF17.
9. **Question 2:** Does the WG agree with the edits to the existing prioritization criterion (new text in **bold underline**):

Recommended for re-evaluation: CCCF, CAC or a member country recommended the standard for re-evaluation within a certain period of time or at an unspecified future date: **Codex Alimentarius Commission (CAC) (priority 1); CCCF (priority 2); Member country only (priority 3).**

 - a) The WG agreed with this proposal.
10. **Question 3:** Does the WG agree to the edits to the existing prioritization criterion (new text in **bold underline**):

New occurrence data are available: Occurrence data identified by CCCF or its member countries and/or submitted to the GEMS/Food database are significantly different across two or more regions or markets than those used to establish the existing ML or GL. **Or, significant new data are available from regions of concern and/or regions where data were previously lacking.** (priority 1 - high)

 - a) The WG agreed with this proposal.
11. **Question 4:** Does the WG agree to the *new* proposed prioritization criterion:

Health-based guidance value (HBGV) cannot be established: Either JECFA, upon request by CCCF, or other relevant joint FAO/WHO expert consultations recognized by CCCF cannot establish a HBGV due to genotoxicity and carcinogenicity, **for which the margin of exposure (MOE) indicates a potential health concern,** or other rationale that does not support establishment of a threshold for the critical effect. (priority 1 - high)

 - a) The WG agreed with this proposal with the inclusion of the additional text, above, in **bold underline.**
 - b) The WG agreed not to include an MOE value that could be indicative of a health concern in the added text.
12. **Question 5:** Does the WG agree to the *new* proposed prioritization criterion:

CoP available: CoP available for at least **3 to 5** years since ML(s) established for the relevant contaminant-food combination(s). (priority 2 - medium)

 - a) The WG agreed with this proposal with the inclusion of the additional text, above, in **bold underline.**
13. **Question 6:** Does the WG agree to the addition of two MLs to the OHPL: 1) aflatoxins in maize grain destined for further processing and 2) lead in milk.
 - a) The WG did not agree with either of these proposals, for the following reasons:
 - i. The ML for aflatoxin in maize grain was just adopted at the 45th meeting of the Codex Alimentarius

⁷ Annexes I and II, CF16/CRD02(Rev)

Commission (CAC) in 2022 and is in List B as it is recommended for review in 3 to 5 years' time, along with the various other MLs for aflatoxins in cereals and cereal products that were also adopted in 2022.

- ii. The rationale in List B for the MLs for lead in milk⁸ was noted as not being as strict as other rationale for standards included in List B. The same observation was also made with respect to the ML for lead in table olives in List B⁹. The WG agreed that all standards in List B could be reviewed by the WG Chair in advance of the next circular letter being issued to ensure that each was clearly recommended for re-evaluation by a member country, the CCCF or the Codex Alimentarius Commission according to the prioritization criteria discussed in charge question 2, paragraph 9, above.

14. **Question 7:** Does the WG agree to continue with the annual case-by-case evaluation of standards in the OHPL to propose for possible review?

- a) The WG agreed with this proposal.

15. **Question 8:** Does the WG propose any existing Codex contaminant standards in the OHPL for possible review?

- a) The WG did not identify any existing Codex standards for contaminants to recommend for possible review.

- i. The short list of standards in the OHPL that was brought to the WG for discussion by the WG Chair¹⁰ did not result in notable discussion or new member country volunteers.

- ii. No member countries or organizations raised any other standards in the OHPL for discussion, although at this time the Codex secretariate noted that the time limit for this WG meeting was nearly up.

- iii. Standards in the OHPL that already had member country volunteers were not recommended for possible review at this time based on the following considerations:

- I. New Zealand agreed to focus on developing the sampling plan for mercury in fish before initiating the work to consider the possible review of the ML for methylmercury in tuna. New Zealand also noted that the pending FAO/WHO risk-benefit assessment of consuming fish may be helpful to consider before the tuna ML is reviewed.

- II. The United States shared that the *Code of Practice (CoP) Concerning Source Directed Measures to Reduce Contamination of Food with Chemicals* (CXC 49-2001) is considered by them as high priority for review, but indicated that they could not take on this review on at the present time in light of the other CCCF agenda items they are involved in.

WORKING GROUP RECOMMENDATIONS TO CCCF16

16. The WG recommends that CCCF16 consider the recommendations of the WG as set out in response to the eight (8) charge questions in paragraphs 8 to 15, above.

⁸ "The Committee agreed to retain the current MLs of 0.02 mg/kg (milks) and 0.2 mg/kg (cereals)." "The Committee noted that the ML for milk might be reviewed in future when new data became available and might be revised in light of the review of the MLs for secondary milk products. (REP13/CF07, para. 28)

⁹ "The Committee agreed to lower the ML from 1 mg/kg to 0.4 mg/kg; to re-evaluate table olives in future when more data became available, and to revoke the previous ML." (REP16/CF10, para. 77)

¹⁰ CF16/CRD02(Rev), para. 22