



Food and Agriculture
Organization of the
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World Health
Organization

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Agenda Item 6

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CODEX COMMITTEE ON CONTAMINANTS IN FOODS

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Utrecht, The Netherlands, 20 – 24 April 2020

PROPOSED DRAFT MAXIMUM LEVELS FOR CADMIUM IN CHOCOLATE AND COCOA-DERIVED PRODUCTS

Comments at Step 3 submitted by Australia, Canada, **Chile**, Cook Island, **Costa Rica**, Egypt, **El Salvador**, European Union (EU), Iraq, Norway, **Peru**, Republic of Korea, Switzerland, Uganda, United States of America (USA), European Cocoa Association (ECA) and International Confectionery Association (ICA)

NOTE: CCCF14 has been postponed to 3 – 7 May 2021. The comments compiled in this document will be made available to the EWG chaired by Ecuador and co-chaired by Ghana for further consideration and preparation of a revised version of the document for consideration by CCCF14.

Background

1. This document compiles comments received through the Codex Online Commenting System (OCS) in response to CL 2020/19/OCS-CF issued in February 2020. Under the OCS, comments are compiled in the following order: general comments are listed first, followed by comments on specific paragraphs.

Explanatory notes on the appendix

2. The comments submitted through the OCS are, hereby attached as **Annex I** and are presented in table format.

**COMMENTS ON THE PROPOSED DRAFT MAXIMUM LEVELS FOR CADMIUM IN CHOCOLATE
AND COCOA-DERIVED PRODUCTS**

GENERAL COMMENTS	Member/Observer
No comments	Cook Islands
Uganda suggests that ML for Cd in Cocoa and chocolate products should be specified as a "maximum limit" and not a range; a maximum limit is suggested since cadmium is a heavy metal contaminant. The range is not practical, Based on our data we suggest 0.3mg/kg of Cd in both products.	Uganda
<p>We, the International Confectionery Association, wish to extend our thanks to the leadership and support given to this complex issue over the past year. We thank the Codex Secretariat, JECFA for its support on data collection, the EWG on MLs chaired by Ecuador co-chaired by Ghana, and the EWG on the code of practice chaired by Peru co-chaired by Ecuador and Ghana. We appreciate the opportunity to comment on the documents now shared for discussion at CCCF14.</p> <p>As an overarching comment, we fully support the proportional, science-based approach to standard-setting on chemicals in food, following the established Codex principles. Common, achievable standards, based on science, add credibility, are defensible, and explainable to producers, manufacturers, governments, the public, and other stakeholders. We wish to underscore the importance of maintaining a consistent scientific basis and support for global achievability of common standards, protecting health, and promoting fairness for international trade. We are also sensitive to the increasing importance of sustainability, reducing adverse environmental impact, enhancing food supply and minimizing food waste. Unduly-strict standards that lead to crop rejection without tangible health benefit, that adversely affect food production, food supply, farming communities, and create food waste, are not in the public interest for global sustainability.</p> <p>The issue of cadmium is an important item for CCCF, with health implications from this source considered low in the outcome of the global scientific risk assessment by JECFA from its 77th session in 2013. This issue impacts cocoa supply, with science-based challenges in significant producing regions of the world, in particular geological factors that contribute to natural presence of cadmium. Measures need to carefully balance the practicalities and implications, to provide common standards that are globally achievable and will help fairness in international trade.</p>	ICA

SPECIFIC COMMENTS	
Section/paragraph	Member/Observer
<p>Australia has the following comments to offer in relation to the paper's conclusions and recommendations.</p> <p>Chocolates containing or declaring $\geq 30\%$ to $< 50\%$ total cocoa solids</p> <ul style="list-style-type: none"> • Australia notes proposed MLs of 0.6-0.7 mg/kg for this category and that previously 0.9 mg/kg was proposed. • An ML of 0.6 mg/kg would see 12.6% of worldwide samples rejected, and 15.8% LAC samples rejected. An ML of 0.7 mg/kg would see 6.8% of worldwide samples rejected, and 8.9% LAC samples rejected. • Even with an ML of 0.7 mg/kg (at the higher end of the range), the 5% threshold level of rejection is exceeded. Looking at Table 3, the lowest possible ML that would see the percentage of rejected samples stay below the 5% threshold level would be 0.9 mg/kg (as previously proposed, with 4.6% of worldwide samples rejected). <p>Australian response</p> <ul style="list-style-type: none"> • Australia holds the view that MLs should be derived based on practical achievability (ALARA principle) and that the adoption of new MLs should not negatively impact trade. • Australia supports the proportionality concept for deriving an ML for the remaining category of chocolates, so long as practical achievability can be demonstrated and rejection rates are not unacceptably high. • An ML of 0.9 mg/kg would be problematic from a proportionality perspective. Note that MLs already set for chocolates with higher levels of total cocoa solids are 0.8 mg/kg (for chocolates with $\geq 50\%$ to $< 70\%$ total cocoa solids) and 0.9 mg/kg (for chocolates with $> 70\%$ total cocoa solids). At the other end of the range, an ML of just 0.3 mg/kg for chocolates with total cocoa solids of $< 30\%$ total cocoa solids will be recommended for adoption by CAC at its next session. • Therefore, Australia would be supportive of an ML at the higher end of the proposed range of 0.6-0.7 mg/kg as this would align with the proportionality concept, whilst still being the best option from the perspective of practical achievability (6.8% of worldwide samples rejected). Importantly, an ML at the higher end of the range would better protect global cocoa supply and avoid unnecessary crop rejection. <p>Cocoa powder 100% total cocoa solids, ready for consumption</p> <ul style="list-style-type: none"> • Australia notes proposed MLs of 2-3 mg/kg for this category and that several different MLs have been proposed over time, depending on the data that was available in the GEMS/FOOD database at the time. • Australia notes that the EWG decided to consider all cocoa powder data to propose an ML for this category, even though there was a lack of associated information on the proportion of total cocoa solids and intended use of the product. • Australia notes that the proposed ML of 2.0 mg/kg would see 5.5% of worldwide samples rejected, but 17.8% of LAC samples rejected. The proposed ML of 3.0 mg/kg would see 3.65% of worldwide samples rejected, and 12.2% of LAC samples rejected. The regions of Europe, Asia and NASWP would have 0% rejections. From this it can be determined that it is the LAC samples that have the greatest influence on the worldwide scenarios. • Considering LAC data in isolation, a proposed ML would have to fall somewhere in the range of 4.2 and 4.8 mg/kg, so as not to exceed the 5% threshold level of rejections. <p>Australian response</p> <ul style="list-style-type: none"> • Australia notes the lack of information on the proportion of total cocoa solids and the intended use of the cocoa powder, which may have an impact on the reliability of the data used to derive proposed MLs for this product. However, Australia notes the efforts made to refine the dataset, e.g. discarding from the database all data for mixtures of cocoa powder and sugars, and is of the view that the remaining dataset (n=4245) is adequate for deriving proposed MLs for this category. • Australia supports the establishment of an ML for this product category, which is valid from a proportionality perspective, whilst still being acceptable in terms of practical achievability. Australia notes that in the absence of a Codex Standard, a tight ML adopted in some regions, which is practically unachievable for some regions, is at risk of becoming a default level. • Therefore, Australia would be supportive of an ML at the higher end of the proposed range of 2.0-3.0 mg/kg, as this would see the levels of rejected samples worldwide sitting under the 5% rejection levels and, as such, help minimise product rejection. 	<p>Australia</p>

SPECIFIC COMMENTS	
Section/paragraph	Member/Observer
<p>Summary</p> <p>For both chocolates with $\geq 30\%$ to $< 50\%$ total cocoa solids, and cocoa powder, 100% cocoa solids, Australia would be supportive of MLs at the higher end of the proposed ranges, as these would be valid from a proportionality perspective, as well as still being a good compromise from the perspective of practical achievability. The proposed MLs offer a degree of flexibility when compared with that set in the Australia New Zealand Food Standards Code.</p> <p>We trust that this information is useful and we wish you all the best in your further consideration of this issue.</p> <p>Other</p> <p>Australia would like to suggest the following editorial changes:</p> <p>Paragraph 2</p> <p>Line 2 – change ‘for the categories for chocolate’ to ‘for the categories of chocolate’</p> <p>Line 4 – could the background include the status of chocolates with $< 30\%$ tcs.</p> <p>For example, please consider inserting before the sentence starting with ‘Furthermore’ the following: For chocolates and chocolate products containing or declaring $< 30\%$ total cocoa solids on a dry matter basis, at CAC42 the proposed ML was adopted at Step 5, which would allow further discussion at CCCF. If new additional information did not justify a change to the ML, then CCCF14 would recommend the adoption of the ML of 0.3 mg/kg by CAC at its next session.’</p> <p>Paragraph 4</p> <p>Line 1 replace ‘declares’ with ‘declaring’</p> <p>Paragraph 5</p> <p>Line 1 – replace ‘Appendix I’ with ‘Appendix II’</p> <p>Line 3 – remove the reference to Europe, as no data from Europe was presented.</p> <p>Line 4 – change ‘while region of Latin America’ to ‘while the region of Latin America’</p> <p>Paragraph 7</p> <p>Line 3 – change ‘to propose ML’ to ‘to propose an ML’</p> <p>Line 5 – change ‘for such category’ to ‘for such a category’</p> <p>Paragraph 8</p> <p>Line 1 – replace ‘Appendix I’ with ‘Appendix II’</p> <p>Line 2 – change ‘2,0 mg/kg to 3,0 mg/kg’ to ‘2.0 mg/kg to 3.0 mg/kg’</p> <p>Line 4 – change ‘Southwest Pacific –NASWP’ to ‘Southwest Pacific (NASWP)’</p> <p>Line 4 – change ‘while region of Latin America’ to ‘while the region of Latin America’</p> <p>Appendix I</p> <p>Column 1 change ‘dry matter basis,’ to ‘dry matter basis.’</p> <p>Appendix II</p> <p>Paragraph 1</p> <p>Line 2 – change ‘issued by WHO the 10th’ to ‘issued by WHO on the 10th’ Line 4 – change ‘on dry matter basis’ to ‘on a dry matter basis’</p> <p>Paragraph 3</p> <p>Line 2 – replace ‘information provided, data categorization that can be shown in Table 1’ to ‘information provided, as shown in Table 1’.</p>	

SPECIFIC COMMENTS	
Section/paragraph	Member/Observer
<p>Paragraph 7</p> <p>Line 1 – change ‘the occurrence of cadmium in chocolates’ to ‘the mean occurrence of cadmium in chocolates’</p> <p>Line 8 – change ‘above worldwide average’ to ‘above the worldwide average’.</p> <p>Footnote to Table 2 Change ‘95% Percentile’ to ‘95th percentile’</p> <p>Paragraph 11</p> <p>Line 7 – change ‘the PTMI Additionally,’ to ‘the PTMI. Additionally,’</p> <p>Figure 1 Line 3 – change ‘declare 1)≥50%’ to ‘declare 1) ≥50%’</p> <p>Figure 1 Y axis – change ‘rejection percentage’ to ‘rejection percentage’</p> <p>Figure 1 Key – change ‘Cd occurrence >30 a ≤50%’ to ‘Cd occurrence ≥30% to <50%’</p> <p>Key – change ‘ML Chocolates ≤30% tcs’ to ‘ML Chocolates <30% tcs’</p> <p>Paragraph 13</p> <p>Line 4 – change ‘≤ 30%’ to ‘< 30%’</p> <p>Paragraph 14</p> <p>Line 3 – replace ‘Regarding the regions of Asia, Africa and NASWP, there was an opposite result, with 0% to 0.9% rejections for the same ML’ with ‘Regarding the regions of Asia, Africa and NASWP, applying proposed MLs of 0.4 and 0.5 mg/kg would generate 0% rejection rates for Africa and Asia, and between 1.94% and 0.97% for NASWP respectively’</p> <p>Paragraph 15</p> <p>Line 3 – change ‘with an PTMI of 4.2% to 3.6% respectively’ to ‘with a PTMI of 4.1% to 3.6% respectively’</p> <p>Paragraph 18</p> <p>Line 4 – change ‘propose ML for the cocoa powder category’ to ‘propose an ML for the cocoa powder category’</p> <p>Footnote to Table 4 Change ‘95% Percentile’ to ‘95th percentile’</p> <p>Paragraph 22</p> <p>Line 5 – replace ‘security reference value’ with ‘health-based guidance value’.</p> <p>Paragraph 23</p> <p>Line 1 – change ‘0.56 µg/kg p.c. monthly, which represents 2.2% of PTMI,’ to ‘0.56 µg/kg bw/month, which represents 2.2% of the PTMI,.’</p> <p>Paragraph 25</p> <p>Line 3 – change ‘with an PTMI of 2.2% for both cases’ to ‘with a PTMI of 2.2% for both cases’</p>	
<p>Canada supports an ML of 0.7 mg/kg for chocolate products containing or declaring ≥30% to <50% total cocoa solids on a dry matter basis, which results in 6.8% of worldwide rejection rate. This ML is achievable for products sold in Canada and considers the mandate of the CCCF13 to maintain proportionality with the already adopted MLs for the other chocolate categories.</p> <p>For cocoa powder (100% cocoa solids), the proposed MLs ranging from 2.0 to 3.0 mg/kg, resulting in worldwide rejections rates of 5.5% and 3.65%, respectively, are achievable for products sold in Canada. Canada would support either ML but notes that in consideration of proportionality with the MLs already established for chocolate products, that an ML for cocoa powder closer to 2.0 mg/kg may be reasonable. - Table 4. The last column heading should read P95 not ‘Average’.</p>	Canada

SPECIFIC COMMENTS	
Section/paragraph	Member/Observer
<p>Chile welcomes the opportunity to offer comments on the draft maximum levels for cadmium in chocolates and cocoa-derived products. Chile reviewed the recommendation in this circular letter and its comments are provided below:</p> <p>Chile supports a maximum level of 0.7 mg/kg for chocolates containing or declaring $\geq 30\%$ to $< 50\%$ of total cocoa solids on a dry matter basis. This is because the proportionality approach already used for the maximum levels and previously adopted in CAC41-2018 for chocolates with a greater total cocoa solids content has been maintained.</p>	Chile
<p>Costa Rica would like to thank the chairs and the EWG for their work. It also welcomes the opportunity to provide the following comments:</p> <p>Costa Rica supports an ML of 0.7 mg/Kg.</p> <p><u>Justification:</u> 0.7 mg/Kg is a safe level for safe public consumption, given that this level is only 3.4% of the Provisional Tolerable Monthly Intake - PTMI (2.5 ug/Kg) recommended by the JECFA. It should be mentioned that the data evaluated arguably exceed the 95th percentile (a value established for the implementation of Codex standards) insofar as there would be a 6.81% rejection rate worldwide, rising to 8.95% in the Latin America and Caribbean region.</p> <p>Costa Rica supports an ML of 2.0 mg/Kg.</p> <p><u>Justification:</u> Given that it would only reach 2.2% of the PTMI, an ML of 2.0 mg/Kg is deemed to be safe for public consumption in general.</p>	Costa Rica
Egypt agrees the MLS as proposed with no comments.	Egypt
<p>El Salvador welcomes the documents submitted by the Codex Alimentarius Secretariat, prepared by the Electronic Working Group chaired by Ecuador and co-chaired by Ghana.</p> <p>El Salvador has studied, in its national technical subcommittee, the matter in question and has the following comments to make.</p> <p>General Comments:</p> <p>In relation to the recommendations made by the EWG to be taken into consideration in the CCCF14 on the ML of 0.6 mg/kg-0.7 mg/kg for cadmium in chocolate and chocolate products containing or declaring $\geq 30\%$ to $< 50\%$ total cocoa solids on a dry matter basis, El Salvador declares that:</p> <ul style="list-style-type: none"> • While these values are considered to be higher than the rejection rate normally applied and accepted by the Codex and that under this scenario, it is possible that between 8.9% and 15.8% of samples from Latin America and the Caribbean are rejected. • El Salvador agrees to the CCCF submitting to the Codex Alimentarius Commission the ML proposed for this category of chocolates as proposed in CX/CF 20/14/6 for its final approval, given that the draft ML has progressed in line with the steps involved in the process of drafting the Codex Alimentarius Standards and the establishment of the aforementioned MLs has been based on the concept of proportionality with the other MLs already adopted. <p>In relation to the MLs for cadmium in cocoa powder (100% total cocoa solids on a dry matter basis), El Salvador declares that:</p> <ul style="list-style-type: none"> • While the country does not oppose the progress of the discussions in the Codex Alimentarius, El Salvador is prepared to offer Cocoa and its derived products with lower Cd concentrations in line with the results of a national study which determined that the range of Cd concentrations in Cocoa nationally is below the ML proposed by the Electronic Working Group. <p>In view of the fact that the work undertaken by the CCCF since 2014 is complete and considering that the EWG proposes an ML of Cd based on proportionality to MLs already adopted, it is proposed to submit the draft to the Codex Alimentarius Commission for adoption.</p>	El Salvador
<p>The European Union (EU) would like to express its reservation against the proposed draft maximum level (ML) of 0.6-0.7 mg/kg for cadmium in chocolate containing or declaring $\geq 30\%$ to $< 50\%$ total cocoa solids on a dry matter basis. The EU cannot support the proposed ML, as the EU argues for a stricter ML 0.30 mg/kg to ensure sufficient protection of all consumers, in particular children.</p> <p>The European Union (EU) would like to express its reservation against the proposed draft maximum level ML of 2.0 to 3.0 mg/kg for cocoa powder containing 100% total cocoa solids ready for consumption. The EU cannot support the proposed ML, as the EU argues for a stricter ML 0.60 mg/kg to ensure sufficient protection of all consumers, in particular children.</p>	EU

SPECIFIC COMMENTS	
Section/paragraph	Member/Observer
<p>The EU believes that applying the concept of proportionality is not justified because milk chocolate is consumed by children, while dark chocolate usually is not. For cocoa powder the same argument is applicable, as cocoa powder is used as an ingredient in drinks and foods for children.</p> <p>In view of the difficult progress of the discussions on MLs for chocolate containing less than 50% cocoa solids, the EU would not oppose to a postponement of the discussions on these MLs, until the code of practice for the prevention and reduction of cadmium contamination in cocoa has been finalised and implemented. For cocoa powder (100% total cocoa solids on dry matter basis), the EU proposes not to set a Codex ML, in view of the lower significance of this commodity for international trade.</p>	
We agree with proposed draft without any comments.	Iraq
<p>JUSTIFICATION:</p> <p>Based on the analysis of the data provided in APPENDIX I, the maximum levels proposed to the CCCF correspond to the main objectives of the Codex to protect consumer health and ensure fair trade, with the lowest rejection rate worldwide, in view of the mandate of the 13th CCCF meeting to maintain proportionality with maximum levels already adopted.</p> <p>THEREFORE:</p> <p>Peru declares that it is in favour of the recommendations of the EWG chairs and supports the proposed maximum levels of 06 – 07 mg/kg but chocolates containing or declaring $\geq 30\%$ to $< 50\%$ (of total cocoa solids on a dry matter basis).</p> <p>Nevertheless, Peru would like to make an observation about the proposed ML of 2.0 – 3.0 mg/kg for the category of Cocoa Powder containing or declaring 100% total ready-to-eat cocoa solids, insofar as the proposed level falls outside the concept of proportionality.</p> <p>We recommend that the EWG chairs review existing data complying with the mandate to retain proportionality for this category established in the 13th session of the CCCF and in CAC42.</p>	Peru
<p>In view of the difficult progress of the discussions on MLs for chocolate containing less than 50% cocoa solids, we would not oppose to a postponement of the discussions on these MLs, until the code of practice for the prevention and reduction of cadmium contamination in cocoa has been finalised and implemented.</p> <p>We would like to express our reservation against the proposed draft maximum level (ML) of 0.6-0.7 mg/kg for cadmium in chocolate containing or declaring $\geq 30\%$ to $< 50\%$ total cocoa solids on a dry matter basis and the ML of 2.0 to 3.0 mg/kg for cocoa powder containing 100% total cocoa solids ready for consumption</p>	Norway
<p>We would like to express our reservation against the proposed draft maximum level (ML) of 0.6-0.7 mg/kg for cadmium in chocolate containing or declaring $\geq 30\%$ to $< 50\%$ total cocoa solids on a dry matter basis. Norway cannot support the proposed ML, as we support a stricter ML 0.30 mg/kg to ensure sufficient protection of all consumers, in particular children. We further consider that applying the concept of proportionality is not justified because milk chocolate is consumed by children, while dark chocolate usually is not.</p> <p>For cocoa powder the same argument is applicable, as cocoa powder is used as an ingredient in drinks and foods for children.</p>	
<p>We would like to express our reservation against the proposed draft maximum level ML of 2.0 to 3.0 mg/kg for cocoa powder containing 100% total cocoa solids ready for consumption. We cannot support the proposed ML, as we support a stricter ML 0.60 mg/kg to ensure sufficient protection of all consumers, in particular children. We further consider that applying the concept of proportionality is not justified because milk chocolate is consumed by children, while dark chocolate usually is not. For cocoa powder the same argument is applicable, as cocoa powder is used as an ingredient in drinks and foods for children.</p>	
<p>Republic of Korea supports the establishment of ML for Chocolates containing or declaring $\geq 30\%$ to $< 50\%$ total cocoa solids and Cocoa Powder containing or declaring 100% total cocoa solids ready for consumption.</p>	Republic of Korea
<p>Switzerland thanks the electronic working group chaired by Ecuador and co-chaired by Brazil and Ghana for the development of the proposed maximum levels (ML) for cadmium in chocolate containing 30-50% of cocoa solids and cocoa powder (100% cocoa).</p> <p>Switzerland would like to express its reservation against the proposed draft ML of 0.6-0.7 mg/kg for cadmium in chocolate containing or declaring 30-50% total cocoa solids on a dry matter basis. Switzerland will set a lower ML of 0.3 mg/kg for this category in order to protect consumers, especially children.</p>	Switzerland

SPECIFIC COMMENTS	
Section/paragraph	Member/Observer
<p>We also would like to express our reservation against the proposed draft ML of 2.0-3.0 mg/kg for cocoa powder (100% total cocoa solids on a dry matter basis) ready for consumption.</p> <p>The risk assessment for Swiss consumers is based on the EFSA risk assessment in cadmium in food (Scientific Opinion of the Panel on Contaminants in the Food Chain on a request from the European Commission on cadmium in food. The EFSA Journal 209, 980, 1-139) and its update (Cadmium dietary exposure in the European population. EFSA Journal 2012; 10(1):2551). These evaluations indicated that especially for toddlers and children chocolate and cocoa products are an important contributor to the cadmium exposure, especially for Countries with a high consumption</p>	
<p>Chocolates containing ≥30% to <50% total cocoa solids: Proposed ML of 0.6-0.7 mg/kg</p> <ul style="list-style-type: none"> The United States does not object to an ML in the range of 0.6-0.7 mg/kg. MLs of 0.6 and 0.7 mg/kg have worldwide rejection rates of 12.6% and 6.8%, respectively and Latin American rejection rates of 15.4% and 8.95%, respectively. The United States also can agree to an ML of 0.5 mg/kg, based on previous proposals. The proposed MLs of 0.6-0.7 mg/kg align with the proportionality approach, given the MLs already adopted by the CAC of 0.8 mg/kg and 0.9 mg/kg for chocolates containing or declaring ≥50% to <70% and ≥70% total cocoa solids. Although the proposed MLs of 0.6-0.7 mg/kg would result in higher rejection rates for some Latin American and Caribbean countries, they are based on data provided from several data calls and represent a global compromise. <p>Cocoa powder containing 100% total cocoa solids: Proposed ML of 2-3 mg/kg</p> <ul style="list-style-type: none"> The United States considers the proposed ML range of 2.0-3.0 mg/kg to be too high based on proportionality to established MLs. The United States did not object to the ML of 1.5 mg/kg proposed in 2018 (CCCF12) and 2019 (CCCF13). 	USA
<p>We agree with the suggested range of Maximum levels for Cadmium in chocolates containing or declaring ≥30% to <50% total cocoa solids on a dry matter basis with a preference for 0.7 mg/kg</p>	ECA
<p>We agree with the suggested range of Maximum levels for Cadmium in cocoa powder (100% cocoa solid) with a preference for 3.0 mg/kg</p>	ECA

SPECIFIC COMMENTS	
Section/paragraph	Member/Observer
<p>Category 30-50% cocoa solids on a dry matter basis</p> <p>Based on discussions at past CCCF sessions, a proportional approach was determined to be appropriate for setting these MLs, based on percentage of total cocoa solids on a dry matter basis. With the further data shared in the new discussion document, we can support the proposed ML range of 0.6-0.7 mg/kg as being globally reasonably achievable, and meeting the intended proportional approach determined by CCCF. In view of projected rejections, and low exposure estimates towards the JECFA PTMI and with little difference for the most conservative intake group scenario, both under 5% towards the PTMI, our preference to protect supply and avoid unnecessary crop rejection is 0.7mg/kg</p> <p>Category 100% cocoa powder</p> <p>We have a fundamental concern on this category. The reality is that some regions of the world, notably the EU, have already set an unduly-strict EU ML standard for this category, and other regions are using this as a default in the absence of a Codex standard. We are seeing a ML of 0.6 mg/kg for 100% cocoa powder in some regions. This is disproportionate with the science, and not achievable even for categories from 50% and 70% cocoa solids on a dry weight basis, where respective levels of 0.8 mg/kg and 0.9 mg/kg have already been adopted by Codex. The unachievable ML precedent already set in some regions causes a significant problem. In the absence of a Codex standard, this disproportionate ML is likely to be further adopted as a default reference point in other regions.</p> <p>Indeed, this issue is one of the primary reasons that cadmium in cocoa came onto the CCCF agenda, to align common global standards, despite the JECFA conclusion that cadmium in cocoa is not a priority concern for health. We believe the establishment of a higher ML for 100% cocoa powder is technically appropriate, and would have no significant effect on dietary exposure, particularly as cocoa powder is always used in combination with other ingredients, in low quantities, rarely above 20%, such as cocoa/ chocolate beverages, baking, cookies and biscuits, ice cream, puddings, cake preparations.</p> <p>During CCCF13, a possible ML for 100% cocoa powder was briefly discussed, at a level of 1.5 mg/kg, and this looked like a possible reasonably achievable solution for this category, although in view of achievability challenges identified by the data assessed by the EWG over the past year we can support the current proposal for an ML in the range 2.0-3.0 mg/kg. The ML should apply to 100% cocoa powder products sold directly to the consumer. There is no health reason in this case to set a ML that is disproportionate to the science.</p>	ICA