

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 Item 18

CRD04 Rev.

April 2024

ORIGINAL LANGUAGE ONLY

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON CONTAMINANTS IN FOODS

17th Session
15-19 April 2024

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

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

BACKGROUND

1. CCCF13 (2019) agreed to establish an electronic working group (EWG), chaired by Canada, and co-chaired by Japan and the United States of America, to prepare a proposal for an approach to identify the need for review of existing standards and related texts developed by the CCCF for consideration at CCCF14.¹
2. CCCF14 (2021) agreed to an approach to evaluating existing Codex contaminant standards for review that involved establishing tracking lists of Codex standards ≥ 15 and ≥ 25 years since review or initial establishment (Lists A.1 and A.2, respectively) and those recommended for re-evaluation by CCCF, CAC, or a member country (List B). This approach would be implemented for a three-year trial period (2022-24) according to the approach and using the prioritization criteria outlined in the discussion paper. Ad hoc reviews of existing Codex standards would also continue under this proposal.²
3. CCCF15 (2022) agreed to maintain, without further prioritization, tracking Lists A and B. CCCF15 also agreed to create a new *Overall Highest Priority List of Codex Standards and Related Texts for Contaminants in Food and Feed* (hereafter referred to as the "OHPL") using the prioritization criteria or other clear, reasonable rationale and that the WG chair would provide a verification function, where possible, of rationale provided. Four new prioritization criteria were also agreed to³ as was the continuation of the process by which the trial period is proceeding. No new work to review an existing Codex standard was taken up by CCCF15.⁴
4. CCCF16 (2023) agreed to various editorial amendments and annual updates to the Lists (A, B, OHPL), revisions of two existing prioritization criteria,⁵ creating two new prioritization criteria,⁶ and the WG chair reviewing the entries in List B to ensure each was clearly recommended for re-evaluation by a member country, CCCF or CAC. No additional standards were added to the OHPL; the committee will continue to annually evaluate standards in the OHPL to propose for possible review. CCCF16 also agreed that two (2) member country volunteers would chair EWGs exploring the availability of new information that would warrant updates to two codes of practice (CoPs) listed in the OHPL.^{7,8}
5. CCCF16 (2023) also agreed to reconvene the WG, chaired by Canada, to meet prior to CCCF17 to consider the comments in reply to the circular letter (CL) on priorities for review of existing Codex standards for contaminants

¹ REP19/CF, para. 178

² CX/CF 21/14/16; REP21/CF, para. 218

³ i) staple foods, ii) relevance to developing countries, iii) efficiencies with other work, and iv) member country volunteer

⁴ REP22/CF15, para. 218

⁵ i) recommended for re-evaluation, ii) new occurrence data available

⁶ health-based guidance value cannot be established, ii) code of practice available

⁷ CoP for the prevention and reduction of aflatoxin contamination in peanuts (CXC 55-2004) (chair: Brazil); CoP for the reduction of aflatoxin B1 in raw materials and supplemental feedingstuffs for milk-producing animals (CXC 45-1997) (chair: Canada)

⁸ REP23/CF16, para. 105

that would be distributed by the Codex Secretariat and to make recommendations for consideration by CCCF.

6. This document summarizes comments received in response to the CL 2023/83-CF and the discussions of the virtual working group (VWG) which met the week before CCCF17.

CIRCULAR LETTER (CL 2023/83-CF) AND CONFERENCE ROOM DOCUMENT COMMENTS

7. The circular letter (CL) issued in advance of CCCF17 (2024)⁹ requested recommendations regarding the annual updates and revisions made to the lists (Lists A, B, OHPL) and prioritization criteria since CCCF16; standards already in the OHPL that could be considered overall highest priority for review; additional standards from Lists A and B recommended for inclusion in the OHPL; volunteers to lead or co-lead items in the OHPL; editorial or other feedback on the lists, prioritization criteria, or process; and any other considerations.
8. Eight (8) member countries provided comments in reply to CL 2023/83-CF: Canada, Chile, Egypt, Iraq, New Zealand, Peru, Saudi Arabia, and the United States of America. These comments are available on the CCCF17 website;¹⁰ key comments are also summarized below.
9. Member countries supported the annual updates and revisions made to the Lists A, B and OHPL, and prioritization criteria that were summarized in paragraphs 3 to 7 of CL 2023/83-CF.
10. For clarity, one (1) member suggested amending the title of List A to read: "List A: Codex Contaminant Standards Established or Reviewed ≥ 25 ~~or~~ ≥ 15 and < 25 Years Ago."
11. No member countries suggested adding specific standards from Lists A or B to the OHPL or recommended specific standards in the OHPL as highest overall priority for review.
12. One (1) member country suggested there is a need to re-evaluate the MLs for cadmium in food, but did not specify if they were referring to the MLs for cadmium in certain foods that are in the OHPL and/or those that are only in List A (and have not yet been recommended to the OHPL). None of the established prioritization criteria were cited. Information was provided on dietary sources of exposure, hazard based on inhalation exposure and the toxicological reference value recommended by a specific national organization.
13. Saudi Arabia volunteered to lead or co-lead an item presently listed or newly recommended for inclusion in the OHPL, but did not express interest in a specific standard. The United States indicated that although it is listed in the OHPL as the member country volunteer for the revision of CXC 49-2001 (CoP on source directed measures) and continues to support this work, it cannot volunteer to chair the work for 2025.
14. Two (2) member countries suggested work on new Codex MLs for contaminants in specific foods. Saudi Arabia indicated that there is a need to develop a new Codex standard for 3-MCPD in infant formula and foods. The United States expressed willingness to chair a discussion paper for CCCF18 or CCCF19 on patulin in apple products other than apple juice, depending on new data being provided in GEMS/Food.
15. The United States suggested it could be noted in the OHPL as the member country volunteer for the new proposed new CoP on the prevention and reduction of cadmium in foods. This CoP is noted in the OHPL's 'Other Comments or Information' column for the entry on various cadmium MLs as work that could precede ML review.
16. One (1) member country suggested that it may be helpful to create a list of compounds evaluated by JECFA and status of CCCF's follow-up risk management activities.
17. Following the deadline for CL comments, comments were also received, and posted as conference room documents (CRDs) on the CCCF17 website, from three (3) member countries: European Union, Kenya and Singapore.¹¹ Each country supported the work and none recommended existing standards for prioritization or made any other recommendations.

⁹ CL 2023/83-CF includes the most recent versions of Lists A, B (Annex I), OHPL (Annex II) and prioritization criteria (Annex III)

¹⁰ CX/CF 24/17/18

¹¹ CRDs posted as of 11 April, 2024

DISCUSSION OF THE VIRTUAL PRE-SESSION WORKING GROUP

18. The virtual working group (VWG) met on-line the week before CCCF17, on 9 April, 2024. It was jointly chaired by Rosalie Awad (Canada) and Elizabeth Elliott (Canada), who also jointly served as rapporteurs. The key objectives of the VWG were to seek agreement on the following:
- proposed changes to Lists A, B and the OHPL
 - proposed new footnotes to the OHPL to improve information tracking and collection
 - the success of the framework developed and determine next steps for this agenda item
 - nominations for new work on standards in the OHPL
 - recommendations to bring to CCCF17 for consideration
19. In reference to paragraph 12, above, the WG chair reminded member countries nominating existing standards for review to name the specific standard (i.e. ML, GL or CoP), food and chemical for which the recommendation is being made so that the nomination can be accurately recorded in the OHPL.
20. The proposals for new MLs for chloropropanols and patulin noted in paragraph 14, above, are somewhat related to the review of existing Codex standards, as standards for these chemicals in different foods are in the tracking lists for this agenda item. The WG chair noted the need for continued coordination of work on new Codex standards for contaminants with the review of existing standards and suggested that member countries could formally table proposals for new standards at CCCF17 under Agenda item 22, 'Other business'. One VWG member noted that development of new MLs for 3-MCPD would be an additional follow-up to JECFA's evaluation, which was already followed-up on by the creation of the CoP on 3-MCPDs and glycidyl esters in refined oils (CXC 79-2019).
21. The WG discussed how to track compounds evaluated by JECFA and the status of CCCF's follow-up risk management activities, as per the suggestion in paragraph 16, above and a related comment from a VWG member regarding possible MLs for acetylated deoxynivalenol. There was some general agreement to create such a tracking table under the agenda item on outcomes/follow-up to JECFA evaluations. However, the Codex Secretariat shared that it does not have a firm view of where this information can be tracked, as there are several options, and that the committee needs to consider, at a future time, how to look at CCCF's overall workload in a more holistic way.
22. One (1) member country asked if the MLs for marine biotoxins, which are in List A.2, fall under the remit of CCCF as they were provisionally approved some years ago by the Codex Committee on Fish and Fisheries Products (CCFFP) and are listed in the Codex commodity *Standard for Live and Raw Bivalve Molluscs (CXS 292-2008)* not in the *General Standard for Contaminants and Toxins in Food and Feed (CXS 193-1995)* (GSCTFF). The Codex Secretariat indicated that the CCCF is best placed to conduct any future reviews of the biotoxin MLs as the CCFFP is, in a sense, adjourned. Further, although there has been no immediate request to move the biotoxin MLs from the commodity standards to the GSCTFF, it is the intention to do so and to list all contaminant standards in CXS 193-1995.
23. The VWG agreed on the following updates to Lists A, B and the OHPL:
- List A:** title, as noted in paragraph 10, above.
 - List B:** aflatoxins (total) MLs in chili pepper and nutmeg and ochratoxin MLs in dried chili, paprika and nutmeg – include in list and add the CAC46's recommendation to review the MLs for aflatoxins and OTA in spices in three (3) years (i.e. 2026) if sufficient data are submitted through GEMS/Food.¹²
 - OHPL:** cadmium MLs in various foods (x5) – add that the United States¹³ has volunteered to develop a new CoP for cadmium in food to the 'Other comments or Information' column, as suggested in paragraph 15, above.
 - OHPL:** methylmercury ML in tuna – update the text in the 'Other Comments or Information' column to indicate that consideration be given to the now completed 2023 FAO/WHO risk-benefit assessment of fish consumption.
 - OHPL:** add the following new footnote to the 'Member country volunteer' column to track which member country volunteers that have yet to identify a specific standard for review: "Member countries expressing interest in volunteering in the future: Japan (CX/CF 23/16/14); Saudi Arabia (CX/CF 24/17/18)." This footnote will be updated in the future, as needed.

¹² REP23/CAC, paras. 69(ii)-73.

¹³ REP23/CF16

- f. **OHPL:** add the following new footnote to the 'Other Comments or Information' column: "Information is subject to consideration and verification by the WG chair before being added to the OHPL. Information outside the scope of the prioritization criteria should be based on clear, reasonable rationale that aids in the prioritization process (see OHPL for examples)." ¹⁴
- g. **OHPL:** remove certain text from the 'Other Comments or Information' column, based on the rationale in Table 1.

Table 1. Text proposed for removal from the 'Other Comments or Information' column of the OHPL

Standard	Text Proposed for Removal	Rationale
Aflatoxins in peanuts for further processing ML	Aflatoxins are genotoxic carcinogens and should be as low as reasonably achievable (ALARA) in foods. (Canada, CX/CF 22/15/17) (Kenya, CX/CF 23/16/14)	Covered by the newest prioritization criteria "HBGV cannot be established: ...due to genotoxicity and carcinogenicity..."
Aflatoxins in peanuts CoP (CXC 55-2004)	Aflatoxins are genotoxic carcinogens and should be ALARA in foods. (Canada, CX/CF 22/15/17) Peanuts are susceptible to <i>Aspergillus spp</i> and therefore are naturally prone to aflatoxin contamination. (Kenya, CX/CF 22/15/17)	Covered by the newest prioritization criteria "HBGV cannot be established: ...due to genotoxicity and carcinogenicity..." Does not aid in prioritization
Aflatoxin B1 in feedingstuffs CoP (CXC 45-1997)	Aflatoxin M1 is a genotoxic carcinogen and should be ALARA in foods. (Canada, CX/CF 22/15/17) (Kenya, CX/CF 23/16/14)	Covered by the newest prioritization criteria "HBGV cannot be established: ...due to genotoxicity and carcinogenicity..."
Fumonisin in maize flour and meal ML	Maize is susceptible to <i>Fusarium moniliforme</i> and <i>F. verticillioides</i> and therefore are naturally prone to fumonisin contamination. (Kenya, CX/CF 22/15/17)	Does not aid in prioritization
Patulin in apple juice CoP (CXC 50-2003)	Apples are prone to infection by penicillium, <i>aspergillus</i> and <i>byssochlamys spp</i> that may contaminate apple and apple products. (Kenya, CX/CF 22/15/17)	Does not aid in prioritization

24. As the agreed-upon trial period (2022-24) is in its final year, the WG chair presented an evaluation of the approach for the prioritization of existing Codex standards for review that was agreed to by CCCF14 (2021)¹⁵ and has been subject of improvements during the three-year trail.¹⁶
25. The WG that convened in advance of CCCF14 (2021) agreed to qualitative evaluation criteria and that quantitative criteria could be developed at a later time, if necessary.¹⁷ These criteria are listed in Table 2, below, along with performance indicators for each.

¹⁴ CCCF15 (2022) agreed that the WG chair would provide a verification function, where possible, of other clear, reasonable rationale that is outside of the scope of the prioritization criteria (REP22/CF15, para. 218(i)(e))

¹⁵ REP21/CF, para. 218(i)

¹⁶ REP22/CF15, para. 218; REP23/CF16, para. 105

¹⁷ CX/CF 21/14/16

Table 2. Evaluation Criteria and Performance Indicators

Evaluation Criteria	Performance Indicators during Trial Period (2022-24)
Flexible	<p>No set timelines for reviews</p> <p>Review of existing standards is balanced and coordinated with new CCCF work</p> <p>Annual issuance of CL, subsequent WG meeting and discussion at CCCF plenary allow member countries multiple opportunities to update their ability to volunteer to lead or co-lead the review of Codex standards and balance with other CCCF commitments</p>
Does not increase administrative burden	<p>Follows CCCF approach for considering new work (discussion paper, CCCF seeks approval for new work from CAC) & established administrative steps (CL, WG meeting, plenary discussion)</p> <p>The WG chair annually updates the tracking lists (A, B, OHPL) after CCCF and CAC meetings, which is straightforward and facilitated by CCCF previously agreeing to: formats of the lists, standards only in OHPL being prioritized, maintaining Lists A and B without prioritization, populating OHPL from Lists A and B</p>
Results in clear rationales for updating standards	<p>Detailed prioritization criteria have been established (n=19); each ranked as high, medium or low priority, which can be used as guidance</p> <p>The OHPL was developed to capture highest priority standards for review; records, in one place, the prioritization criteria cited and any other rationale that aids in prioritization of standards for review</p> <p>WG chair provides verification function of other rationales to ensure they aid in the prioritization of existing Codex standards for review</p>
Results in updated Codex standards, if an update is needed	<p>Two standards are being considered thus far for possible review; CCCF16 (2023) approved the development of discussion papers for two (2) standards from OHPL for consideration of new information that could be used in possible updates: i) CoP for aflatoxins in peanuts; ii) CoP for aflatoxin B1 in animal feedingstuffs</p>
For standards that do not need to be updated, documents that a review has occurred	<p>Such documentation has yet to be required; however, this information will be captured, when needed, and the most appropriate place(s) to document this information will be discussed by the WG for this agenda item</p>

26. The VWG felt that the qualitative evaluation criteria and the performance indicators provided in Table 2 provide sufficient information to evaluate the established framework. As such, the VWG did not suggest that quantitative evaluation criteria need to be developed.
27. The VWG agreed that the trial period was successful and supported ending the trial period and maintaining the prioritization of existing Codex standards for review as an annual CCCF agenda item.
28. One (1) VWG member asked about the process by which the working group will proceed in the future. Canada indicated that it is willing to continue to chair this agenda item and that its workflow will follow the same approach as other CCCF agenda items, that is to request comments annually via CL, meet as a working group and present recommendations to plenary. The Codex Secretariat indicated that a WG meeting would likely be held the following year and, subsequent to that, the need for WG meetings could be assessed.
29. No member countries nominated, or volunteered to take on, new work to present to CCCF18 on the review of standards in the OHPL.

WORKING GROUP RECOMMENDATIONS TO CCCF17

30. The VWG agreed to recommend the following the CCCF17:
- a. proposed changes to Lists A, B and the OHPL (refer to paragraph 23, above)
 - b. the success of the framework developed that supports ending the trial period and maintaining the prioritization of existing Codex contaminant standards for review as an annual CCCF agenda item, chaired by Canada (refer to paragraphs 26 to 28, above)
 - c. solicit information annually via CL and present recommendations to plenary; hold pre-session WG meetings on an as-needed basis (refer to paragraph 28, above)