

# CODEx ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

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

Eleventh Session  
Rio de Janeiro, Brazil, 3 – 7 April 2017

To be held at the Windsor Marapendi Hotel, Rio de Janeiro, Brazil

### DISCUSSION PAPER ON METHYLMERCURY IN FISH

*Comments submitted by EU, Kenya, Peru, Republic of Korea, AIPCE-CEP and AU*

#### EU

The European Union (EU) welcomes the discussion paper on maximum levels for methylmercury in fish prepared by the electronic Working Group chaired by The Netherlands and co-chaired by New-Zealand and Canada.

The EU believes that setting maximum levels for mercury in fish in combination with food consumption advice is indispensable for proper risk management. As mercury content in different fish species varies substantially, the EU considers that differentiated maximum levels should be established for the fish species that contribute most to dietary exposure.

The EU considers that the maximum levels should be established based on the ALARA principle. The risk and benefits of the different relevant fish species should be further highlighted using food consumption advice, for example by the use of a footnote specifying that national competent authorities should develop food consumption advice based on national fish consumption patterns.

As regards the setting of maximum levels for tuna, the EU prefers to limit the setting of MLs to the species level. As many countries use processing factor for canned products, the EU sees no need for setting specific MLs for canned tuna.

The EU agrees to set MLs for Alfonsino, Kingfish/Amberjack, Marlin, Shark, Dogfish and Swordfish. The EU further agrees to the proposals in the discussion paper to gather data and to start discussions on further fish species.

Finally, the EU would like to reiterate the possibility to set MLs for total mercury rather than for methylmercury for reasons of simplicity and feasibility for official food control laboratories as well as food business operators. In order to be able to implement health-protecting MLs for mercury on a global scale, analytical methods to control compliance with future MLs should easily be incorporated in daily routine analysis of laboratories. Therefore, from a risk manager's point of view, MLs for total mercury would ensure an at least equal and most often even higher level of consumer protection, as this measure would be based on a conservative approach (assuming that 100% of mercury in fish is present in the methylated form) and on analytical methods that are already widely available, easy to handle and low in cost.

#### KENYA

We support the recommendation including the collection consumption and occurrence data.

#### PERU

#### OBSERVACIONES GENERALES:

Para reducir en todo lo posible los riesgos en las poblaciones de interés, la Consulta de expertos FAO/OMS SOBRE LOS RIESGOS Y LOS BENEFICIOS DEL CONSUMO DE PESCADO (Roma, 2010):

CONCLUYE

- El consumo de pescado aporta energía, proteínas y diversos nutrientes esenciales.
- Consumir pescado forma parte de las tradiciones culturales de muchos pueblos, y para algunas poblaciones el pescado es una fuente primordial de alimento y nutrientes esenciales.
- En la población general adulta, el consumo de pescado, en particular de pescado graso, reduce el riesgo de muerte por coronariopatías. No hay evidencias probables ni convincentes de que el metilmercurio entrañe riesgo de coronariopatías.
- En las mujeres en edad fértil, las embarazadas y las madres lactantes, teniendo en cuenta los beneficios del DHA frente a los riesgos del metilmercurio, se constata que en la mayoría de las circunstancias evaluadas el consumo de pescado reduce el riesgo de deficiencias del desarrollo neurológico en la prole, comparada esta con la de las mujeres que no comen pescado.

#### RECOMIENDA A LOS ESTADOS MIEMBROS

- Elaborar, mantener y mejorar las bases de datos existentes sobre determinados nutrientes y contaminantes, en particular el metilmercurio y las dioxinas, presentes en el pescado consumido en cada región;
- Elaborar y evaluar estrategias de gestión y comunicación de riesgos que reduzcan todo lo posible los riesgos del consumo de pescado y maximicen sus beneficios.

#### OBSERVACIONES ESPECÍFICAS:

La falta de trabajos de investigación de metilmercurio en pescado y la ausencia de laboratorios que realicen este ensayo en el Perú, hace imposible contar con una data que nos permita evaluar los niveles de metilmercurio en el pescado y poder llegar a determinar o inferir un nivel máximo permisible.

Se puede asegurar que el metilmercurio no alcanza niveles tóxicos para el consumidor manteniendo la vigilancia o el control del "mercurio total", tal como se viene haciendo hasta la fecha (Límites Máximos Permitidos de mercurio total: 0,5 ppm para productos de la pesca y carne de pescado y 1,0 ppm para pescados acumuladores de mercurio). Esta opinión se fundamenta en que el metilmercurio, como es un componente del mercurio total, su nivel siempre será menor o igual al nivel de mercurio total.

En el Perú, de acuerdo al Manual de Indicadores del Organismo Nacional de Sanidad Pesquera - SANIPES vigente para el atún fresco y congelado y otros peces acumuladores de mercurio, el nivel máximo permisible es 1,0 ppm; para otros peces que no son acumuladores de mercurio, el Manual de Indicadores considera como nivel máximo permisible 0,5 ppm. En el caso específico de conservas se considera el análisis obtenido en el contexto general de autocontrol del establecimiento que realiza el proceso según la especie y de acuerdo al Manual de Indicadores del SANIPES.

#### REPUBLIC OF KOREA

The Republic of Korea supports the establishment of maximum levels based on ALARA principle but prefers that MLs do not exceed the current guidance level of 1 mg/kg.

We support the use of a footnote accompanying the MLs as suggested by the chairs of EWG.

Also, we propose that maximum levels for methylmercury should also be set for some predatory fish such as inshore hagfish (*Eptatetus burgeri*) and sharks which are identified to accumulate high level of methylmercury and we support the list of other species for future ML developments as suggested by the chairs of EWG.

Furthermore, we propose to include the scientific names of these species in the discussion paper for clear identification.

#### AIPCE-CEP

1 - The eWG of Codex has agreed on the following principle:

"... maximum levels should be set for methylmercury with the use of total mercury for screening purposes."

We support this principle because it is the well-known enforced testing procedure in praxis in the EU and its fish supplying countries of the EU and because specific testing of methylmercury is not necessary, as long as the maximum level has not been reached. Only in cases where maximum levels are exceeded, additional specific testing on methylmercury may be relevant.

From the risk management point of view, maximum levels for total mercury are sufficient for consumer protection. Analytical methods for testing on total mercury are already widely available, easy to handle and low in cost and should not be replaced by introducing complicated and expensive methods that may not be affordable and manageable for routine controls.

2 - The methodology used by the e-WG to propose MLs, both based on ALARA and risk analysis, seems sound and scientifically founded.

As regards the representativeness of the average data of the content of mercury in tuna in the commercial species of interest, we would like to comment that content in tunas is generally correlated to commercial size : therefore a representative value of mercury contents of the main tuna species requires that the sampling represents the most frequent commercial sizes of tuna. In all cases, the value of the P 95 statistic is 0.96, confirms the adequacy of the legal *status quo* for tuna in the EU (1 mg / kg) in line with the ALARA principle. The ALARA approach must still be privileged.

3- We welcome the conclusions reached by the eWG as regards canned tuna:

- page 15/ 16 : "even if the weekly consumption amount reported were comprised entirely of canned tuna, there would not be any safety concerns or need for risk management."
- page 27 : Recommendations : not to establish an ML for canned tuna as levels are generally low...

#### AU

**Position:** AU recommends that CCCF requests JECFA to carry out trade impact assessments and exposure assessment for the proposed MLs.

**Rationale:** There was no agreement in the EWG if an impact assessment of proposed MLs should be performed by JECFA. Several members commented that, as the FAO/WHO expert consultation on risk benefit of fish consumption was performed in 2010, CCCF could examine if new information on the benefits of (EHA + DHA in) fish give cause to verify the values used in 2010. A quantitative risk/benefit evaluation has been performed by the FAO/WHO expert consultation in 2010 from which it can be deduced what the impact of ML development on exposure would be. The FAO/WHO expert consultation was however, performed in 2010, and possible new information which would change the balance of risk/benefit is therefore not taken into account in the current discussion. To this end, the eWG noted that a call for data for methylmercury levels and EPA+DHA levels in fish would be needed to revisit the proposed MLs. AU therefore recommends that JECFA carry out trade impact and exposure assessment based on geographically representative methylmercury data before establishing MLs.