

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

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Agenda Items 8 and 13

CX/CF 22/15/8-Add.1

April 2022

ORIGINAL LANGUAGE ONLY

JOINT FAO/WHO FOOD STANDARDS PROGRAMME

CODEX COMMITTEE ON CONTAMINANTS IN FOODS

15th Session

Virtual

9-13 and 24 May 2022

MAXIMUM LEVELS FOR METHYLMERCURY IN CERTAIN FISH SPECIES (ORANGE ROUGHY AND PINK CUSK EEL)

AND

ASSOCIATED SAMPLING PLAN

(At Step 4)

AND

DISCUSSION PAPER ON METHYLMERCURY IN FISH:

PATAGONIAN TOOTHFISH

AND

OTHER RISK MANAGEMENT RECOMMENDATIONS FOR METHYLMERCURY IN FISH

Comments in reply to CL 2022/17-CF

*Comments of Canada, Chile, Ecuador, Egypt, Iraq, Kenya, Peru, Saudi Arabia, Singapore,  
Uganda and United States of America (USA)*

## Background

1. This document compiles comments received through the Codex Online Commenting System (OCS) in response to CL 2022/17-CF<sup>1</sup> issued in March 2022. Under the OCS, comments are compiled in the following order: general comments are listed first, followed by comments on specific sections.

## Explanatory notes on the Annex

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

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<sup>1</sup> Codex circular letter, including CL 2021/87-CF, are available on the Codex webpage/Circular Letters:  
<http://www.fao.org/fao-who-codexalimentarius/resources/circular-letters/en/>  
or on the dedicated Codex webpage/CCCF/Circular Letters:  
<http://www.fao.org/fao-who-codexalimentarius/committees/committee/related-circular-letters/en/?committee=CCCF>

**GENERAL COMMENTS**

<b>COMMENT</b>	<b>MEMBER/ OBSERVER</b>
Egypt appreciates the work and efforts done by the EWG in drafting of this circulated document; and in this regard, Types of this fish are not traded in Egypt and we don't have data on them	<b>Egypt</b>
Agree with proposal	<b>Iraq</b>
Kenya supports the call for more data to help make more informed decisions.	<b>Kenya</b>
<p>Solicitud de observaciones en el Trámite 3 sobre los niveles máximos de metilmercurio en determinadas especies de peces y plan de muestreo asociado y solicitud de observaciones sobre otras cuestiones conexas.</p> <p>El Perú desea agradecer a los países miembros por el trabajo realizado respecto a la determinación de los niveles máximos de metilmercurio en determinadas especies de peces y plan de muestreo asociado y solicitud de observaciones sobre otras cuestiones conexas.</p> <p>En esta ocasión, el Perú no presenta comentarios.</p>	<b>Peru</b>
Singapore supports the development of the proposed MLs for the affected fishes. However, in line with the ALARA principle, the proposed MLs should demonstrate the substantial reduction to the dietary exposure to methylmercury.	<b>Singapore</b>

**SPECIFIC COMMENTS****Proposed MLs for orange roughy and pink cusk-eel, based on the data analysis and information presented in Appendix I:**

COMMENT	MEMBER/ OBSERVER
<p>i. <i>0.8 mg/kg methylmercury for orange roughy</i></p> <p><u>Comment:</u> Canada supports an ML of 0.8 mg/kg methylmercury in orange roughy as this ML value falls within the target rejection rate of <math>\leq 5\%</math> and would be expected to reduce exposure to methylmercury more than a higher ML with correspondingly lower rejection rate. The methylmercury dataset is sufficient for ML elaboration at n=101 samples and the modelled dataset (n=249 samples) confirms that an ML of 0.8 mg/kg methylmercury in orange roughy is reasonable.</p> <p>Canada supports advancing an ML of 0.8 mg/kg methylmercury in orange roughy to the Codex Alimentarius Commission for final adoption.</p> <p>ii. <i>1.0 mg/kg methylmercury for pink cusk-eel</i></p> <p><u>Comment:</u> Canada supports an ML of 1.0 mg/kg methylmercury in pink cusk-eel as this ML value falls within the target rejection rate of <math>\leq 5\%</math> and would be expected to reduce exposure to methylmercury somewhat more than a higher ML with correspondingly lower rejection rate. The methylmercury dataset is sufficient for ML elaboration at n=120 samples and the modelled dataset (n=234 samples) confirms that an ML of 1.0 mg/kg methylmercury in pink cusk-eel is reasonable.</p> <p>Canada supports advancing an ML of 1.0 mg/kg in pink cusk-eel to the Codex Alimentarius Commission for final adoption.</p>	<b>Canada</b>
Chile apoya los niveles máximos propuestos para metil mercurio en reloj anaranjado y rosada y a la vez apoya su avance para adopción final por parte de la Comisión del Codex Alimentarius.	<b>Chile</b>
Apoyar el avance de los NM propuestos para el reloj anaranjado y la rosada para su adopción final por parte de la Comisión del Codex Alimentarius.	<b>Ecuador</b>
<p>Uganda appreciates work done by the EWG and has no objection on work progressing to the next step. Uganda however, has a reservation on the proposed maximum limits for methyl-mercury and sampling plan for the species (Orange roughy and caskeel) and setting MLs for methyl mercury for Patagonian tooth fish.</p> <p><u>Justification:</u> No available country data on MLs for methyl-mercury and sampling plan for the Orange roughy and cask-eel fish species. In addition to the fish species being a rare variety, Uganda does not trade in the fish species.</p>	<b>Uganda</b>
<p>The United States does not support final adoption of the proposed MLs for orange roughy and pink cusk-eel because of questions regarding trade criteria and the lack of a sampling plan.</p> <ul style="list-style-type: none"> <li>o For orange roughy, the export volume of 3289 metric tons (MT) is less than the marlin export volume benchmark of 4319 MT previously discussed in CCCF (CX/CF 21/14/11, Appendix I, paras. 22-23; REP21, par. 147).</li> <li>o For pink cusk-eel, the export volume of 3939 MT (80 percent of the total cusk-eel export volume) is less than the marlin export volume benchmark of 4319 MT previously discussed in CCCF (CX/CF 21/14/11, Appendix I, paras. 22-23; REP21, par. 147).</li> <li>o It is not clear that export value is an appropriate substitute for export volume, the original benchmark.</li> <li>o For pink cusk-eel, MLs of 1.1 mg/kg and 1.2 mg/kg are also noted as appropriate in the paper, but not included in the recommendations. The ML of 1.1 mg/kg has the same rejection rate as an ML of 1.0 mg/kg based on methylmercury data.</li> <li>o The sampling plan has not progressed. Work should conclude on the sampling plans for the established MLs for methylmercury before additional MLs are established.</li> </ul>	<b>USA</b>

**Feasibility of ML for Patagonian toothfish based on the data analysis and information presented in Appendix I:**

COMMENT	MEMBER/ OBSERVER
<p>Based on the total mercury summary statistics presented in Table 12 of CX/CF 22/15/8 for Patagonian toothfish, this species of fish is as reasonable of a candidate for ML elaboration as pink cusk-eel and orange roughy. Canada supports an additional call for data be held in a few years' time provided there is a commitment at CCCF15 from member countries to submit the required data, namely, methylmercury and paired total and methylmercury results for Patagonian toothfish.</p> <p>However, Canada would also support abandonment of elaboration of an ML for methylmercury in Patagonian toothfish if there is consensus at CCCF15 to abandon this work.</p>	Canada
<p>Realizar otra petición de datos de metilmercurio y mercurio total en la merluza austral, siempre que exista compromiso por parte de los países miembros para generar los datos necesarios. Los plazos pertinentes necesarios pueden ser discutidos durante la plenaria del CCCF15.</p>	Ecuador
<p>Feasibility of ML for Patagonian toothfish based on the data analysis and information presented in Appendix I and considerations given in paragraphs 31-35.</p> <p>According to APPENDIX 1 par 59 table 13 which show high export volume of toothfish .Therefore the fish species with high trade volumes shall be subject to ML setting In accordance with the "Principles for establishing maximum levels in food and feed (Section 1.3.2)"* of the General Standard on Contaminants and Toxins in Food and Feed (CXS 193-1995). From the previous point , Saudi Arabia supports establishing ML for Patagonian toothfish after continue to collect data for methylmercury and total mercury in toothfish taking into account all related information (accuracy of the method ,LOQ).</p>	Saudi Arabia

**Sampling plan based on information presented in Appendix II**

COMMENT	MEMBER/ OBSERVER
<p>Progress further development of the sampling plan based on the approach referred to in Appendix II through the EWG;</p> <p><u>Comment:</u> Appendix II of CX/CF 22/15/8 refers to Appendix IV of CX/CF 21/14/11 which discusses the monetary value of fish. Canada has concerns with basing sampling plan criteria on monetary value, as this variable changes with time, in response to market characteristics, fishery health, etc. Further, exact monetary value of a carcass may not be known at the time of sampling. Basing sampling criteria on monetary value could also require more frequent updates to the sampling plan, or render the sampling plan outdated and/or of limited use.</p> <p>Request for a circular letter/call for data on the national sampling plans for mercury in fish, or other contaminants in fish.</p> <p><u>Comment:</u> Canada is of the opinion that information on national plans for mercury or other contaminants in fish from additional member countries should be considered before further advancing the sampling plan. In particular, information should be provided by key exporting and importing countries of tuna, shark, alfonsino, and marlin, as well as orange roughy and pink cusk-eel, should Codex MLs for the two latter species be established.</p> <p>Canada is not suggesting that species-specific sampling plans be developed. Rather, in order to develop an overall sampling plan for methylmercury in fish for which Codex MLs are established, both species-specific and more general sampling plans for finfish should be reviewed, when available.</p>	Canada
<p>Ecuador apoya solicitar una carta circular/petición de datos sobre los planes de muestreo nacionales de mercurio en el pescado u otros contaminantes.</p>	Ecuador
<p>The United States supports seeking information for the sampling plan from CCCF members and further development of the sampling plan. However, additional information is needed on the practicability of implementing the approaches discussed in Appendix II, such as sorting lots by weight or size to obtain representative samples or incorporating monetary value as an aspect to be considered in the sampling plan.</p>	USA

**Risk management measures based on the information presented in Appendix III**

<b>COMMENT</b>	<b>MEMBER/ OBSERVER</b>
Paragraph 3, Appendix II of CX/CF 22/15/8 indicates that a review of the available literature did not identify enough information to support the development of a guidance paper. Canada therefore supports option iii), to discontinue the development of a separate guidance paper on the management of methylmercury in fish. Canada would support option i) to incorporate information on the management of mercury in fish in the sampling plan, as available and relevant.	<b>Canada</b>
Respecto de las Medidas de gestión de riesgos sobre la base de la información presentada en el Apendice III del documento CX/CF 22/15/8, Chile apoya posponer un año la evaluación de la viabilidad del desarrollo de un documento de orientación para la gestión del metilmercurio en el pescado y solicitar la emisión de una carta circular solicitando información.	<b>Chile</b>