17/10/2024

CODEX COMMITTEE ON RESIDUES OF VETERINARY DRUGS IN FOODS

27th Session
Omaha, Nebraska, USA, 21-25 October 2024

European Union comments on

Agenda Item 8

Criteria and procedures for the establishment of action levels for unintended and unavoidable carryover of veterinary drugs from feed to food of animal origin

(CX/RVDF 24/27/8 and CL 2024/68-RVDF)

European Union Competence
European Union Vote

The European Union (EU) welcomes and appreciates the work of Australia as chair and Canada as co-chair of the Electronic Working Group to prepare the discussion paper CX/RVDF 24/27/8 on criteria and procedures for the establishment of action levels for veterinary drugs in food of animal origin resulting from unavoidable and unintentional veterinary drug carry-over in non-target animal feed.

General comments:

While until now the term "carry-over" has been used and the EU did not previously make a comment on this, the EU requests to consider the use of the term "cross-contamination" instead of the term "carry-over". The term cross contamination more accurately describes the process of unintended physical transfer of a substance (veterinary drug) from one feed to another (usually subsequently produced) feed for non-target species. For this EU position reference is still made to the term "carry-over" while the preference is to use the term "cross-contamination"

Specific comments

1) <u>On Recommendation § 10 i) of CX/RVDF 24/27/8 – proposed approach to establishing action levels as presented in Appendix I</u>

The EU supports in general the approach for establishing action levels as presented in Appendix I to CX/RVDF 24//27/8 as this approach provides a high level of public health protection as well as the ALARA (As Low As Reasonably Achievable) principle with the following comments:

- The EU agrees on the application of a default hypothetical maximum carry-over (cross-contamination) level of 1 % of the highest authorised dose of the veterinary drug in feed for the target class of animals (Appendix I, § 18 a)). Option 2 (Appendix I, § 18 b) - carry-over to be determined based on routine good

manufacturing conditions) would be acceptable on the condition that the maximum level of carry-over can in no case exceed 3 %.

- In line with the comments made at previous session, while generally agreeing on a hypothetical maximum level of carry-over of 1 %, the EU is of the opinion that a stricter approach is to be followed for antimicrobial substances especially when the non-target feed is destined for animals during the production of eggs or milk intended for human consumption and for food producing animals shortly before the period of slaughter. Such a stricter approach would e.g. require that no quantifiable level of antimicrobial substances should be present in non-target feed. This is important to avoid antimicrobial resistance (AMR) as a very important public health objective and this in conjunction with other relevant Codex texts on AMR.

- The EU is of the opinion that no action levels should be established for veterinary drugs for which the Joint FAO/WHO Expert Committee on Food Additives (JECFA) was unable to establish an HBGV or recommend MRLs due to specific human health concerns or inadequate toxicological data (Appendix I, § 6 a) of CX/RVDF 24/27/8).

- The EU can agree on the use of Transfer factors (TFs) to estimate the concentration of residues in edible commodities from non-target animals (Appendix I §7 of CX/RVDF 24/27/8).

- As regards Appendix I §12 of CX/RVDF 24/27/8 in square brackets, while the EU agrees that CCRVDF does an initial Theoretical Maximum Daily Intake (TMDI) calculation, and where there are exceedances that JECFA would then be requested under Step 4 to conduct an appropriate exposure assessment based on the proposed action level derived under Step 3, the EU is of the opinion that it is not necessary to provide more details on this request (points a) to e)).

- The EU can agree on the use by CCRVDF of data (residue transfer/ residue monitoring data) from peer reviewed scientific literature and/or data previously reviewed by regulatory authorities for the setting of action levels for residues in food products from non-target animals, where it can be concluded that it was due to unavoidable veterinary drug cross-contamination in non-target feed. (Appendix I, § 13 of CX/RVDF 24/27/8).

- Comment on Step 1, option 1: as regards the selection of the highest authorised dose of the veterinary drug in feed for target animals: this should take into account established manufacturing practices for medicated feeds or intermediate products. It is therefore suggested that only the highest authorised dose for those target species is taken into account for which it is plausible in practice that the non-target feed is subsequently produced. For example, often substantially higher doses of veterinary drugs are authorised in medicated feed than in medicated feed for other food producing animals while in the aquafeed sector, feed production units are usually fully dedicated to the production of fish feed.

- Comment on Step 2 – estimation of anticipated residue levels in food of animal origin. It is appropriate to indicate that for the determination of the transfer factors priority should be given to studies in which levels of the veterinary drug in feed were used close to the calculated/observed carry-over level into the non-target feed under consideration. In addition, it is appropriate that in studies used to determine transfer factors, the route of administration of the veterinary drug (the substance) to the non-target animal species should be as similar as possible to the one applicable for cross-contaminated feed, in order to obtain the most valid residue data. This concerns both the route of administration (via feed preferred to single/multiple oral administration via capsule/tablet/solution, as the former simulates the pharmacokinetics after ingestion from non-target animal feed; in addition, the similarity of the feed should be considered) as well as the duration of treatment (provided that the dosage in the study in question is representative).

- Comments on Step 3: Action levels. The term "action levels" is used during the assessment phase. However, at that stage, they are rather "preliminary action levels" which become action levels after a favourable assessment, and which are then be used for regulatory enforcement purposes. It could be therefore appropriate to use the term "preliminary action levels" when referring to it during the assessment phase and to use the term "action levels" after finalisation of the assessment and whereby the action level can then be used for regulatory enforcement purposes.

- Comments on Step 4: Human dietary assessment. It should be added that in case the preliminary action level cannot be considered safe, then no action level should be set.

2) <u>On Recommendation § 10 ii) of CX/RVDF 24/27/8 – the alternative approach submitted by the United States of America as presented in Appendix III.</u>

The EU thanks the U.S. for sharing this alternative approach that offers some advantages. In particular, the EU notes its ease of use and its reliance on already existing data.

However, the EU prefers the approach presented in Appendix I as in certain situations, the conclusion of the alternative approach would be "*Residue detection is likely caused by unavoidable carry-over. Additional action unlikely to be necessary*" when levels are not reflecting the As Low As Reasonably Achievable (ALARA) principle and whereby Good Manufacturing Practices (GMP), as provided in the Code of Practice on Good Animal Feeding (CXC 54-2004) were not applied, neither appropriate mitigation measures (e.g. flushing, sequencing or physical clean-out).

This would be, for instance, the case in the nicarbazin example. Codex MRLs for nicarbazin are established for broilers at 4000 µg/kg in fat/skin, 15000 µg/kg in liver, 4000 µg/kg in muscle and 8000 µg/kg in kidney. A finding of 3900 µg/kg in chicken eggs (detected residue lower than the Codex MRLs established in human food commodities from the target animal) would result in an RRS, using the formula as provided in § 17 of Appendix III of CX/RVDF 24/27/8, of rounded 0.26 (lower than 1) and consequently the conclusion would be "*Food*

safety concern NOT present. Residue detection is likely caused by unavoidable carry-over. Additional action unlikely to be necessary" (see flowchart of the proposed Risk Management Decision Tool (RMTD) in Appendix III, § 2 of CX/RVDF 24/27/8). With a maximum authorised level of nicarbazin of 125 mg/kg in feed for broilers, the finding of 3900 µg/kg of nicarbazin in eggs would represent a carry-over/cross contamination level in the feed for non target laying hens of about 15 % which cannot be considered as unavoidable and unintended following good practices.

3) <u>On Recommendation § 10 iii) of CX/RVDF 24/27/8 – proposed action levels for nicarbazin and lasalocid in chicken eggs.</u>

The EU supports the action levels for nicarbazin and lasalocid in chicken eggs as proposed in recommendation §10 iii) of CX/RVDF 24/27/8 and agrees that that they are submitted for adoption by the 47th Session of the Codex Alimentarius Commission (CAC47).