

CODEX COMMITTEE ON CONTAMINANTS IN FOOD

15th Session

Agenda Item 7

Request for comments at step 3 on maximum levels for lead in
certain food categories

(Codex Circular Letter CL 2022/16-CF)

European Union Competence **European Union Vote**

The European Union (EU) welcomes and appreciates the work on the maximum levels (MLs) for lead by the electronic Working Group chaired by Brazil.

In general, the EU considers that the MLs for lead should be lowered wherever possible. A rejection rate of 5% is a good target for proposing MLs, however for each commodity also particular specificities as regards consumer groups, consumption volumes, possible mitigation measures and the available data, should be considered.

The EU believes that MLs should be established on the basis of data sets, from which clear outliers were removed, which has not yet been done, because CCCF hasn't agreed yet on a procedure to do so. A distribution of the concentrations per commodity or commodity group should be provided to allow to identify whether the proposed ML is driven by outliers or not.

As regards the proposed MLs for the individual commodities, the EU would like to present the following position:

For **eggs** the EU considers that in view of the lower concentration of lead in chicken eggs, compared to duck eggs, and in view of the higher consumption of chicken eggs, it would be appropriate to set separate MLs for chicken eggs and duck eggs.

- For **chicken eggs**, taking into account the occurrence data for the global data set, there is margin to set an ML of 0.05 mg/kg, which is closer to a 5% rejection rate. LOQs for lead of 0.02 mg/kg (2/5 of the ML), which are required according to the Codex Alimentarius Procedural Manual, are sufficiently achievable to allow the establishment of such ML.
- For **duck eggs**, taking into account the occurrence data for the global data set, there is margin to set a lower ML of 0.15 mg/kg, which is closer to a 5% rejection rate.

For **culinary herbs**, the EU prefers to establish separate MLs for the dried herbs and the fresh herbs.

- For **fresh culinary herbs**, the EU has data available, which indicate that for specific herbs such as oregano and thyme the proposed ML of 0.25 mg/kg would be too low (25 samples of fresh oregano P95 0.6 mg/kg – 18 samples of fresh thyme P95 0.6 mg/kg). Taking into account the EU data and because thyme and oregano are just like rosemary culinary herbs with a lower moisture content, the EU would support an ML of 0.5 mg/kg for fresh rosemary, fresh thyme and fresh oregano. The EU could support an ML of 0.25 mg/kg for fresh culinary herbs except rosemary, thyme and oregano.
- For **dried culinary herbs**, the EU can support the proposed ML of 2.0 mg/kg.

For **dried floral part spices (cloves, excluding saffron)**, the EU considers that at the moment insufficient data are available to establish an ML. It also needs to be checked whether the current limited data set contains outliers. Therefore it is requested to provide a distribution of the concentrations.

For **dried fruits and berry spices (excluding star anise and sumac)**, the EU considers that taking into account the global data set, a lower ML of 0.6 mg/kg would be more appropriate. According to the global data set in sumac and star anise the lead concentrations seem higher than in the other spices, however it should be checked whether this is not cause by outliers.

For **dried rhizomes, bulbs and roots spices**, taking into account the EU data, an ML of 1.5 mg/kg seems appropriate. As the concentrations for the Codex samples are significantly higher, it needs to be made sure that the Codex data were obtained from products for which good practices were used. It should also be avoided that data for turmeric, which was fraudulently coloured with lead chromate, or other outliers would bias the conclusions. Therefore the EU would be in favour of an ML of 1.5 mg/kg for dry rhizomes and roots spices. For fresh garlic a Codex ML of 0.1 mg/kg is established. It needs to be ensured that compliant fresh garlic, which is dried, would be compliant with the proposed ML of 0.4 mg/kg for dry garlic. As the ML for dry garlic can be calculated on the basis of the ML for fresh garlic and a processing factor, the EU would prefer not to establish an ML for dry garlic/ dry bulbs spices and to only establish an ML for dried rhizomes and roots spices of 1.5 mg/kg.

For **bark spices**, taking into account the EU data for bark spices from various origins, an ML of 2.0 mg/kg seems appropriate. As the concentrations for the Codex samples are higher, it needs to be made sure that the Codex data were obtained from products for which good practices were used. The EU is in favour of an ML of 2.0 mg/kg for bark spices.

For **dried seeds spices (excluding carom, celery, dill, mahlab, mustard and poppy)**, the EU could support an ML of 0.8 mg/kg. The EU notes that for celery seeds limited data are available from only 2 regions. Therefore the EU suggests to not yet establish an ML for celery seeds, awaiting the availability of more data from different regions, to confirm the higher concentrations of lead in celery seeds.

For **white, refined, raw and brown sugar**, the EU can support the proposed ML of 0.1 mg/kg.

For **honey** the EU can support an ML of 0.06 mg/kg.

For **molasses** the EU can support an ML of 0.3 mg/kg.

For **corn and maple syrups**, the EU can support an ML of 0.1 mg/kg.

For **hard candies, soft candies, gummies and jellies**, the EU would prefer a single ML for the entire group, in order to avoid enforcement problems, because it might be difficult to determine whether certain candies belong to the category of soft or hard candies. Taking into account the occurrence data, the EU can support an ML of 0.07 mg/kg for hard candies, soft candies, gummies and jellies.

For **candy powder** the EU wonders whether there is an explanation why in candy powder more lead is present than in other candies. Taking into account the limited data set, originating from one country, it could be considered to collect more data, before establishing an ML.

For **cereal-based products for infants and young children (as is)**, the EU notes that in CX/CF/21/14/8 2537 samples for cereal based foods for infants and young children (expressed as is) were reported with a rejection rate of 3.0% for an ML of 0.01 mg/kg. Now only 634 samples are reported and the rejection rate for an ML of 0.01 mg/kg is 44.8%. An explanation should be given for the discrepancies between the rejection rates in CX/CF/21/14/8 and CX/CF/22/15/7. As children are a more vulnerable consumer group, ingredients of these foods should be selected, to ensure that the lead content is as low as reasonably achievable. The available EU data show that an ML of 0.02 mg/kg is achievable through a careful selection of the ingredients. It is not clear whether the data mentioned in CX/CF/22/15/7 were collected from products for which ingredients with low lead concentrations were used. The EU is in favour of an ML of 0.02 mg/kg for cereal based foods for infants and young children, in order to provide a higher level of health protection for this vulnerable consumer group.

For **ready-to-eat meals for infants and young children**, the EU considers that, because children are a more vulnerable consumer group, ingredients of these foods should be selected, to ensure that the lead content is as low as reasonably achievable. On the basis of the available data an ML of 0.02 mg/kg is achievable. Therefore the EU supports a lower ML of 0.02 mg/kg in order protect children, which are a vulnerable consumer group.