

European Union comments for the
CODEX COMMITTEE ON CONTAMINANTS IN FOOD
14th Session

Virtual session, 3-7 and 13 May 2021

Agenda Item 8:

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

(Codex Circular Letter CL 2021/13-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.

As regards the proposed actions 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 0.04 mg/kg, which is closer to a 5% rejection rate.

-For **duck eggs** the proposed ML of 0.1 mg/kg can be supported by the EU.

Considering the lack of occurrence data for **egg products**, the EU agrees to set an ML for eggs only. For egg products, the ML for eggs should be applied, taking into account an appropriate processing factor.

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

For **culinary herbs (fresh leaves)**, the EU has data available, which indicate that for specific herbs such as oregano and thyme the proposed ML of 0.3 mg/kg would be too low. Therefore

the EU is of the opinion that the data for individual species of herbs should be analysed, before an ML for the entire category of fresh culinary herbs can be considered.

For **culinary herbs (dried leaves or mixed herbs)**, the EU can support the proposed ML of 2.0 mg/kg.

For **spices** the EU considers that for most spices it is sufficient to establish an ML for the dried spices. However for some spices, which are also consumed fresh, it might be useful to also establish an ML for the fresh product: e.g. for fresh ginger and fresh turmeric.

For **fruit and berry spices** the EU can support the proposed ML of 0.6 mg/kg.

For **dried bulb, rhizome and root spices** the EU considers that it should be avoided that samples of turmeric, which were fraudulently coloured with lead chromate, would influence the conclusions on an appropriate ML for this group. For this reason and also because the EU data show that the concentrations of lead in non-coloured turmeric are lower than in other root and rhizome spices, the EU prefers to consider the data set for dried rhizomes, bulbs and roots, excluding turmeric, to set an ML for the entire category of rhizome, bulb and root dried spices. Taking into account this data set, there is margin to set an ML, which is lower than the proposed ML of 2.0 mg/kg. The EU would be in favour of an ML of 1.5 mg/kg, which would lead to a 5.2% rejection rate for the global data set. Especially in view of the known adulteration practices of colouring turmeric with lead chromate, it is important to set an ML, which is low enough to allow enforcement action against those practices.

For **bark spices** the EU can support the proposed ML of 2.0 mg/kg.

For **dried floral part spices** the EU can support the proposed ML of 0.7 mg/kg.

For **dried seed spices** the EU wonders why in CX/CF 20/14/8 371 samples were included and in CX/CF 21/14/8 only 302 samples were available? The EU can support the proposed ML of 0.6 mg/kg.

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

For **raw and brown sugar** the EU can support the proposed ML of 0.2 mg/kg.

For **honey** the EU believes that there is margin to propose a lower ML of 0.05 mg/kg, which would correspond to a global rejection rate of 4.2%.

For **syrops and molasses** the EU can support the proposed ML of 0.1 mg/kg.

For **sugar-based candies** the EU believes that there is margin to propose a lower ML of 0.1 mg/kg, which would correspond to a global rejection rate of 5.2%. As in sugar-based candies typically refined sugar is used, there seems to be no need to set an ML, which is higher than the one for refined sugars.

The EU would prefer the establishment of MLs for **cereal-based products for infants and young children** ‘as sold’ instead of ‘as consumed’, because this would facilitate enforcement in case no clear preparation instruction would be indicated on the product label. Furthermore, the method of preparation is not always straightforward and may be highly variable depending on the types and amounts of additional ingredients used for the final home preparation and depending on possible different options for the preparation of the ready-to-eat food. No

standardized procedures for preparation of different cereal-based baby foods exist and it would also not be realistic to establish such standardized procedures. Therefore, the establishment of MLs for the product ‘as consumed’ might lead to legal uncertainties and complexities in official food laboratories as well as in law enforcement, regardless of whether or not precise information on the product preparation is available. As occurrence data are gathered for these commodities ‘as sold’, it would be logic to also set MLs on an ‘as sold’ basis.

Normally in products expressed ‘as consumed’, lower concentrations of lead would be expected, as these products are reconstituted in some cases. As the data show an opposite trend, the reasons for this should be investigated. The EU prefers an ML for the products expressed ‘as is’.

On the basis of the global data set for cereal-based food expressed ‘as is’ and in view of the need to protect the young and more vulnerable consumer groups, an ML of 0.02 mg/kg for **cereal-based products for infants and young children expressed ‘as is’** would be appropriate, as this corresponds to a rejection rate of 2.6-3%. A recent data collection and stakeholder consultation in the EU has shown that this ML is achievable through a careful sourcing of the raw materials.

For **fruit juice for infants and young children** the EU does not agree to apply the Codex MLs for fruit juices by adding a note that they also apply to these juices for infants and young children. A lower ML of 0.02 mg/kg is achievable, taking into account the EU data and the rejection rate of 3.1% for the global data set. It is possible to set a lower ML for fruit juices for infants and young children compared to the regular juices, through careful sourcing of the raw materials. A lower ML is needed to protect this vulnerable consumer group from the adverse effects of lead exposure.

For **herbal teas** the EU prefers to establish a separate ML for herbal teas for infants and young children as through a careful sourcing of raw materials it is possible to reduce the lead concentrations in these products, which is important for reducing the exposure of these young consumers. For herbal teas, which are not intended for infants and young children, the MLs for dried spices and dried culinary herbs can be applied, taking into account the composition of the tea, so a separate ML for these teas is not strictly necessary. However, the EU could also agree to the establishment of a separate ML for herbal teas, which are not intended for infants and young children. In such case more data need to be collected on teas to be prepared by infusion or decoction, in order to determine what the appropriate ML would be.

For **herbal teas for infants and young children** the Codex data do not allow to distinguish whether the products were ready to drink or to be prepared by infusion or decoction. In view of the different lead concentrations in those categories, the data should not be merged. On the basis of its available data, the EU is of the opinion that an ML of 0.5 mg/kg is achievable for herbal teas for infants and young children to be prepared by infusion or decoction. An ML of 0.02 mg/kg is appropriate for herbal teas for infants and young children marketed as liquids.

For **ready-to-eat meals for infants and young children** the EU can support the proposed ML of 0.03 mg/kg.

The EU can agree to send the proposed MLs for final adoption, provided that sufficient agreement is reached at the CCCF14 meeting.

The EU can agree to the re-establishment of the electronic working group to continue working on the proposals for lead MLs for the prioritised food categories.