Technical and Regulatory Committee Meeting Minutes
Tuesday 23rd March 2021
Via Conference & Video Call

Members present at meeting:

Paul Rooke	BCA Executive Director
Tracy Brown	BCA Secretariat
Nick Boxall	Complete Coffee Ltd (Chair T&R Committee)
Mike Saltmarsh	AVA
Carla Politano	Costa
Jenny Breadmore	FFI
David Short	JDE
Sarah Harrington	Masteroast
Chris Coates	Taylors of Harrogate
Food Standards Agency	Craig Jones

For the benefit of those on the call TB went round the room and introductions were made.

1. Apologies for absence:
None received.

2. Competition Law Compliance
It was confirmed that this video call would run under the FDF competition law compliance rules, as per the Golden Rules previously distributed.

3. Minutes of last meeting
Minutes of the last meeting were duly accepted without comment.
Proposed – SH Seconded – CC

***4.* Food Standards Agency Update and Q&A – Craig Jones – FSA Lead on Process Contaminants**
PR gave an introduction, and how things will be moving forward as we have now left the EU and how bodies such as the FSA were going to embark on this new chapter and what the effect on decision making will be. How we can look to work together and understand the FSA's priorities in food safety and regulatory matters.

CJ noted as we are all aware, at the end of 2020 we exited the transition period and what that meant for the UK and legislation, anything that was EU law at that time was retained into UK law, obviously except for NI which has to apply EU legislation, which has some additional complexities.

Regarding the FSA and FSS (Food Standards Scotland), whilst the split was very clear from an EU perspective with EFSA being the risk assessment body and the Commission being the risk management side of things, this now comes altogether internally within the FSA and FSS. In terms of how that process will work going forward there is a science and research division who will handle the processes. The FSA will be requesting work to be done, which will then go to Ministers for sign off.

As part of the whole risk analysis process, there will be a formal consultation with industry on all the issues FSA present and any change to maximum levels etc, upon agreement these will go to Ministers for final approval, these will form part of UK legislation and amended current EU law.

In terms of the risk analysis process this was developed on the back of us leaving the EU, the FSA are working through the list of priorities of issues that need to be actioned immediately and how this will work through in the risk analysis process. As part of this process a register of questions will be published as part of this process with all interested parties.

CC asked what criteria the priority list is based on and has it been decided. CJ noted that, in part, it would reflect the EU's work programme at the point the UK left. There are issues that are more pressing such as AA, as this was high on the EU high list, with benchmark levels being reviewed. The original date to review benchmark levels was set for April 2021, but this will not happen within this time frame, as they are still working through the process and dependent on not having bottlenecks of work as they move through the risk analysis process.

PR noted that he still a little unclear as to how the timetable is advertised as what the FSA might be working on. He gave the example of the AA forum which the EU invited industry into earlier in the month as part of the evidence gathering process, would the FSA be looking to do something similar to that. CJ noted that the UK would not necessarily look to be basing activities that they are doing on that of the EU but look to run an independent review although it was inevitable there would be some engagement with industry within the overall programme. CJ added that it is important that the FSA do engage early. PR noted that the more industry understands the process, how we fit in and what is expected of industry, it will allow industry to meet those requirements. CJ added that on the FSA website there is an explainer of the risk analysis process, CJ will share the link.

Action: CJ

https://www.food.gov.uk/business-guidance/how-risk-analysis-keeps-food-and-feed-safe

CJ noted as part of the continued work into AA and Furan, the FSA extended the survey that was conducted between 2014 and 2019, the survey ongoing now is to refine some of the data that was needed based on the recommendation put out by the EU in 2019, but also where there were gaps in their understanding. The FSA is extending this survey for another year after this reporting year, and hoping to publish the next reiteration in June, this should give indication as to where the FSA look next regarding this type of work.

CJ added that as you are likely aware the EU are looking to set maximum levels of PAHs in instant coffee, although not clear on current discussions, but are aware OTA proposals put forward in September last year are currently being worked on.

CC asked how this will work in practice now we have exited the EU, do the FSA still receive papers, attend meetings as observers, or a mix of all those things. CJ noted that they have not formerly attended meetings since the start of 2020 and have been reliant on papers being received from various sources but continue to keep a watch on what the EU is doing due to trade. CJ added that the UK should not fall foul of any developments but should be setting our own paths. It is challenging but they are trying to work through this.

CC asked if something comes out of Brussels that we do not necessarily agree with, are we able to feedback into the EU, CJ noted that we do not have a voice so we would not be able to feedback into the EU and develop our own risk analysis process. Anything that the FSA feels needs to be looked at it will pass through the UK framework and through risk analysis and management side before being presented to Ministers.

PR asked how the FSA would view the position of data coming from the industry, as you are aware, we are involved with our European counterpart, and they have been collating good data sets whether on AA or Glyphosate. We would like to understand what the value would be of data that we would be able to gather to assist this process, and to help with any actions that you may want to take forward. CJ noted for example on the AA survey process, the FSA are looking at how they gather data from different sources there is still work to do on this. But data is important to give a

picture of what the UK data sets look like, there is a data team within the FSA that pull together all the information, but we are currently looking at how these submissions will work and look like. CJ added that any data from industry will help to set the landscape.

CC asked would the FSA still respect European data, as this would be reflective to the sector and be larger data sets. CJ confirmed that they would likely look at all types of data to inform the position and for making those risk management decisions.

PR thanked CJ and reiterated that industry would be happy to play its part moving forward.

5. Matters Arising from Previous Minutes

- **Update on provision of samples to LGC**

PR noted that we had the presentation from LGC at the last meeting on the provision of samples. Following this meeting we had a separate working group meeting; we developed a template of Top 10 origins; from these specific origins we were looking to obtain samples of around 200g of both green and roasted from the same batches. PR added that you can see what has been offered, and missing regions where members can assist further. Work is being undertaken over the next 10 months by LGC so there is time for Members to be able to supply these samples direct to LGC. CC noted if the details could be sent through again so that we can see what is still required and what Members can assist with.

Action: BCA

CC asked if the samples get sent direct to LGC, PR confirmed yes that was correct and we can provide the contact names and address for these to be sent to.

6. UK/EU Trade Agreement Issues

PR noted that this is to pick up on some of the ongoing issues post Brexit.

You would have been sent the draft guidance document that has been put together looking at some of the SPS requirements and some demands that some EU members states are making, such as Italy.

There is a small part of the industry in the ready to drink sector, with products that contain milk etc, and therefore gets trapped with health certification, and from an EU perspective will be changing again next month 21st April, so still a confusing picture. Hopefully, this document will try and provide answers to these questions.

PR noted this is a first draft, but an opportunity to feedback if questions have not been answered, or we have misread the requirements that are needed, with the situations that seem to be arising with importing into some Member States in the EU.

NB noted that if Members can review and feedback asap.

Action: ALL

7. Pesticides

- **Glyphosate**

PR noted that this has been one of the main focus points of the ECF Exec and Contaminants Committees.

Any pesticide that is used within the EU must be registered and this has to be reviewed and reregistered. At the last review, a decision was taken in 2017 that it only be authorised for a further 5 years rather than 15. Out of the 2017 review there was a request that went to EFSA to review maximum residue levels for glyphosate. EFSA used a small production of organic coffee produced in the EU in the Canary Islands for this review, and part of that result is a potential reduction of MRLs by half from 0.1mg/kg to 0.05mg/kg.

PR noted that the timeline for 2021, in Q1 the first draft has taken place within the different parts of the Commission (DG SANTE & TRADE). Work is also being undertaken by Bayer regarding residue trials, Bayer is funding these in origin, but we are unlikely to see anything back for another 2-3 years.

Therefore, as we get to the end of 2021 you will see a potential vote on the revised MRL changes.

PR added this will not now apply to the UK as such, but the UK are under an obligation to review MRLs. It is part of the legislation carried over, but at the moment the CRD, part of health and safety who have a moratorium on deciding registrations for 3 years, and we are not sure if and when the UK will undertake a review of the MRLs.

Even though we are outside the EU it is possible that we will see a similar review of the MRLs.

The ECF did some work back in 2018 – 2019, where they looked at a percentage where some origins have exceeded current MRLs. If we end up with a level being set at 0.05mg/kg then there will be several significant origins who will have issues of levels.

Along side the ECF gathering data and lobbying the EU, they are increasing working with other organisations such as WCR to highlight to origins these potential issues. Vietnam are proposing to ban its use, but there is the potential for smuggling that could mean residues on all crops including coffee will mean higher levels.

PR noted that we have been trying to get a UK authority position on this, but currently we have not been able to do this.

PR stated that if the re-registration of glyphosate next year fails, then there will be considerable issues, but there is political will to have this banned.

CC asked why it is such a political issue, PR added that, in part, it goes back to Monsanto who were a provider of the early GMO products. Also there have been claims in a study that Glyphosate is carcinogenic, although this was subsequently challenged other scientific work, although it has not gone away. There have also been implications in loss of biodiversity but compared to other agri-chemicals it is a benign product and widely used.

JB noted that there are several NGOs in America who are also trying to get this banned because of bio-diversity issues.

CC asked are the MRLs from 0.1 to 0.05 across all products or just for coffee, PR noted there are different MRLs for different products and based on trial productions in the EU. Because coffee is not produced in the EU, the only thing they have been working on is on the organic coffee in the Canary Islands, which means other origins are disadvantage. CC added that this is madness for a risk-based approach.

CC asked if there was a possibility of a temporary MRL if a compelling reason was put together to have one, PR added that he was not aware of how these work or how they applied for and would have to discuss with the ECF if this is being investigated. CC added that other sectors have had these applied in the past, so they are possible.

Action: PR

PR summarised that the ECF data is continuing to grow, they now have around 7,500 data entries now.

8. Contaminants

- **OTA**

PR noted that there has not been a lot to report at this time, as CJ noted earlier there is work going through the Commission, and ECF had been looking at the possibility of having the levels raised. Obviously, green coffee is still out of the scope for coffee. But the data that has been collected does not support for it being raised.

- **Acrylamide (AA) Regulation**

PR noted that there was a stakeholder forum at the start of March that the ECF presented at, they have this 2-pronged attack, firstly to maintain benchmark levels and not have maximum levels set and debates are still underway. Secondly whilst not seeking a change on the roasted coffee levels which will stay at 400ppb, there has an argument made to increase levels for soluble coffee from 850 to 900ppb for soluble, this is due to the data that the ECF has collected supports the argument that it is increasingly difficult to meet the levels of 850ppb. The ECF dataset of around 7500 entries is supporting this argument, which is much larger than the Commissions own which is around 1800. The EU data sets suggest that lower levels can be met, there have been questions at what point in the supply chain were the EU data samples drawn from, and we suspect much later down the supply chain.

There is an argument that needs to be considered with the balance between AA / Furan levels, more data needs to be gathered in 2021.

The Commission has proposed some changes to the existing legislation, this was put forward to the EP to the end of last year which was rejected. They rejected the package because not enough account had been taken respect of children and young people, but this was across a wide range of products.

The Commission must now make decision, either to abandon, or they can resubmit their proposal with some changes made that they hope will be acceptable to Parliament. The questions mark is if they can strengthen the work around children and young people and the levels there and if this will be sufficient there, and if this is the case likely there will be less focus on coffee, and we might be able to get the levels up to 900ppb.

As mentioned earlier, this is something that the FSA are also looking at. But likely the FSA would have a more pragmatic approach as coffee is not normally consumed by children or young people.

- **Furan (and its methyl derivatives)**

PR noted nothing to cover off in this meeting.

- **Diacetyl**

CC noted that in advance of this meeting today documentation was circulated, and as you know this has been on our agenda for a couple of years and we have been engaging with the HSE. The proposed safety notice was due to be published around June/July last year, but due to the pandemic this was pushed back. It has recently been revisited with the HSE to see what the plans are for the safety notice, we have not been given a date for this to be issued, but they have asked for feedback on the documents circulated by 1st April 2021. We also circulated the cost benefit analysis with some basic assumptions made that they have also asked for feedback one.

CC noted that if Members could take some time to review, even if they have no comments please could they confirm this back to the Secretariat.

Action: ALL – 1st April 2021

- **Methyl Acetate & 2-Phenylphenol**

PR noted that this has more recently been detected in both soluble and R&G decaffeinated coffee, but it was not part of the decaffeination process, but it was above the MRL for solvents. There is work required to understand the scale of the problem, and there is a continuing ECF project that is underway gathering data, those doing the analysis have nothing to report at this time. One of the questions thrown up which we do not have an answer to at this time is if this is from the roasting process.

CC asked if this is purely for soluble decaf or for R&G decaf coffee as well, PR confirmed it is any coffee that has been decaffeinated.

CP asked if it was related to any decaffeination process or a specific process, PR noted that he will try and establish further information on this at ECF level and come back on this.

Action: PR

- **Ethylene Oxide**

PR noted that his was an issue that cropped up in 2020, and some parts of EU were finding increased instances in sesame seeds from India, but instances now being found in other products other than sesame seeds. France seems to be driving this and we are starting to see retailers demanding testing, including coffee, for instances of this product.

The ECF Contams Group have now decided that there should be some rapid testing of the coffee samples, not just from India but other origins as well. The aim is to try and prove there is not an issue in coffee.

PR asked if the BCA should be assisting and if companies were happy to provide some sample results to the ECF. PR asked that he understands this is a cheap test to undertake, possibly around 90 Euros. Have Members heard of anything cropping up on this?

JB asked if it is just for green coffee, PR noted that he believed at this stage the testing of samples was just going to be on green coffee.

CC noted that where it could be an issue, not linked to Brexit directly, but exports into France of finished produced are being checked being imported back into France, and although there is a testing regime on the raw material, but you could be impacted as to what is going out to be distributed.

PR added that if the problem was from outside the EU or UK then testing would not be required.

PR noted that this perhaps highlights that there is a requirement to have a data available.

CC added that is why we should look at having data at industry level that can be fed into the FSA and confirms that we do need to be doing something at industry level. PR added if we were to pool what everyone is already doing then we could look to build something without any significant additional cost. CC asked that perhaps samples are provided by Industry to the BCA but for the BCA to undertake the testing and collate the results, as companies do their own testing in different ways. PR noted that this is something that we need to debate and push forward on.

Action: BCA

9. BSI / ISO Activities

NB noted no activity at all at this time, apart from the BSI electing a new chair.

10. ECF T&R Committee Update

PR noted that much of this had been covered earlier, but some months ago it was discussed that the ECF produce a food authenticity guide, to complement the work done in the UK, which has now been agreed and they are starting to put this together, taking the BCA document as the basis for this. The ECF members are now feeding back in as obviously there would be some EU specific changes required.

PR added that the ECF raised updating their GMO position statement, which has been done with very few changes, PR asked if Members felt we needed to have or update one. CC asked if the ECF document on GMO had been circulated, PR noted it has not been circulated due to the short turn around required. CC felt that there was value in circulating even if no comments received from the Members. PR added that it is a very short statement, and it will be circulated.

Action: BCA

11. Technical & Regulatory Priorities & Risk Register

No comments received on the previous version, updated list to be circulated in due course.

Action: BCA

12. Date of the next Technical Meeting 2021

- **Tuesday 15th June 2021 – 11.00a.m. -12.30p.m.** – Physical Meeting at the FDF or Via Teams