

**Technical and Regulatory Committee Meeting Minutes
Wednesday 4th November 2020
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	Fine Foods International Ltd
David Short	JDE
Sarah Harrington	Masteroast
Chris Coates	Taylors of Harrogate
Selvarani Elahi	LGC
Dmitriy Malinovskiy	LGC
Philip Dunn	LGC

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

1. Apologies for absence:

Stephanie Jordan JDE

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 – JB

4. Matters Arising from Previous Minutes

No matters arising.

5. Geographical Provenance of Coffee based on Isotope Ration Measurements – Presentation from LGC (Presentation attached separately)

Selvarani Elahi (SE) thanked everyone for allowing them to present today, SE noted for those that do not know her, she is the Deputy Government Chemist at LGC, and introduced her colleagues joining her today Dmitriy Malinovskiy (DM) and Philip Dunn (PD) who are Senior Researchers at the National Measurement Laboratory.

SE went on to give a brief introduction on the history of LGC when it was originally set up in 1842. In 1996 they were privatised where they have grown organically and by acquisition.

Even though a private company, LGC have National Roles, including National Measurement Laboratory, setting the standards for measurement systems across countries, to allow us to have global comparability.

LGC are also a National Reference Laboratory and are named in law as a Referee Analyst for the Government Chemist.

The Food Authenticity Network (www.foodauthenticity.global) was set up in 2015 after the horse meat adulteration in 2013. This is funded by a public/private partnership. This is a one-stop-shop, for everything relating to food authenticity testing, food fraud mitigation, having everything in one place a service which is completely free, LGC would encourage companies to join this.

DM spoke about studies for ascertaining coffee authenticity using isotope ratios, the principle of the technique and causes of isotope abundance variations in coffee, including composition of bedrock, soil and chemical processes involved in plant growth.

The role of NML focus on assessing measurement methods that are fit for their intended use.

With ISO/IEC 17025 there are requirements for chemical labs to establish the traceability of measurements and estimate measurement uncertainty.

The goals of the current project are to develop new and improved measurement methods, including assessing the extent of heterogeneity in the isotopic composition of coffee beans from different regions or territories, and assess the effect of roasting on composition of selected elements, accelerate development of isotope ratio database for the purpose of geographical origin indication.

The project can be greatly supported by authentic coffee beans from specific regions (countries of origin), and provision of the same sample as green coffee beans and as roasted beans.

DM noted that a request going out to the BCA members would ideally be for 4 – 5 samples each from the top ten coffee producing countries, quantity required for each sample is 100-200 grams. With the BCA being acknowledged in the final NML report.

SE stated that as part of their role as a measurement laboratory is to make sure that methods are fit for purpose, and key part of this is their ability to ensure that samples are truly authentic.

CC noted a number organisations had previously approached both the BCA and Members directly regarding isotope testing including Fera and asked about linkages with LGC and Fera.

SE noted that LGC was the BEIS designated laboratory, operating the national measurement system. Fera was now a majority privately owned business and competed for Government and private contracts. The work LGC was undertaking was intended for the public domain.

PD noted that LGC has worked to produce a guidance document. BCA's assistance was sought to help validate the database through the provision of samples of known provenance. Whilst elements of the project were underway the issue of samples and the industry knowledge around their supply, was key.

Considering the request in more detail, LGC suggested there was a need at this early stage to understand the regions of greatest commercial importance with a focus on them. The intention was that this would allow for a proof of concept to be delivered which meant the project could subsequently be built on. At this stage 4-5 samples from approximately 10 regions was foreseen. In response to a question from JB it was confirmed the project was intended to focus on green, roast and ground coffee but a subsequent progression to instant was not ruled out.

It was confirmed BCA would seek the views of members post - the discussion and look to develop possible sample origins, feeding back to LGC as soon as possible., CC noted that this is important area and whilst the project was not a silver bullet, analysis does have a role to play as well as other forms of risk mitigation.

PR noted that he would draft some notes and suggestions on this and if how we support moving forward. CC noted that perhaps we need a separate meeting on this to make sure that we are all joined up on our approach.

Action: PR/BCA

6. Contaminants

• OTA

PR noted that following the EFSA opinion earlier in the year, which talked about coffee being a contributor, there seems some confusion as it mentions green coffee having a maximum limit although limits only apply to roasted and instant.

Following this EFSA have now launched a public consultation, and at the same time the ECF have subsequently put in a request for data and are now analysing this.

There are some proposed revised limits for roasted and instant coffee, not green. Dropping limits from 5 to 3 and 10 to 5 microgrammes/kg, respectively.

Into 2021 there might be a difference of opinion with the UK and EU, any changes in legislation that are not in place at the end of this year will not get transposed across into UK law. But we are still unclear as to the timetable for the UK to look at some of these issues.

CC asked if the revised limits were just based on R&G and Instant and not green. PR confirmed it was not on green, the proposals were looking at the current levels and reducing those, not changing the scope in anyway.

CC asked if there will be some differences with the FSA and EFSA as we go into 2021, are there conversations already taking place with the FSA. PR noted that there were conversations ongoing with FSA, but essentially they will have to do a risk analysis and to look at all outstanding issues to then decide which are the priority in their view and need to be looked at first. There will potentially be discrepancies between the UK and the EU as EU legislation continues to be put in place after the 1st January 2021. The FSA has yet to give a clear understanding as to where individual items will fall within that priority list.

PR noted that as with the EU, data will be crucial, data might be asked for but perhaps not such a comprehensive way as the Commission, but without data we are going to struggle as much as we sometimes do at EU level. We may need to think how good we are at producing data, and perhaps get better at collating it on these issues to support our arguments going forward.

CC noted that perhaps there should be some money in the budget for testing perhaps at isotope level as an Association, so that we hold data ourselves as we come out of Europe.

PR noted that we possibly need a better understanding from the UK and FSA as to format in which they are going to be looking for data, as it might not be as strict as the Commission.

CC noted that there is a document on best practice guidance on OTA, does it need a revamp? TB noted that it was an ICO document, the ECF also still refer to this document as well. PR noted that he will have a look at this and see what needs updating.

Action: PR

• Acrylamide (AA) Regulation

PR noted that there is still the outstanding issue of where levels might end up, and if we move from benchmark levels to maximum levels. As wider food drink industry, Europe is still fighting against that.

Most of the activity is around foodstuffs for infants and young children, but there is concern with the direction of travel on this. The recent proposal by the Commission to reduce levels on a numbers of foodstuffs, in particular cereals and several ingredients for infants and young children has recently been thrown out by the European Parliament as it did not going far enough, and no decision as to what happens next. Does it take on board the views of the Parliament and requires a redraft of its proposal or does it simply abandon it all together leaving things where they are.

PR noted that this is another possibly candidate for divergence. The UK was quite relaxed on areas such as AA, and noted that industry was well aware of the specific challenges and had put systems and best practice in place, and that this is the best way forward for the UK rather than having legislative levels. PR noted again this would be followed up with the FSA in the new year.

Action: PR

PR noted that he has made some changes to the BCA Position Statement and we will circulate this in the coming days for comments.

Action: BCA

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

PR noted the only ongoing issue that is happening in Belgium. The Belgium Federal Agency for the Safety of Food Chain has come up with proposed action levels, not considered as national legislation. As internal Belgium action limits these could potentially be applicable to products coming into Belgium. This is something that has been discussed at ECF level, and the ECF is supporting the Belgium Coffee Association on this, one meeting has already taken place with the authorities and they are due to have a second meeting, but the Belgium Coffee Association are taking the lead on this.

- **Diacetyl**

PR noted that CC had asked what was happening at EU level, through the ECF they received feedback from only a handful of EU Member States. Some countries are manging this through the wider management of explosive atmospheres and some through the management of carbon monoxide concentrations. The conclusion was that nobody was approaching it in the way the HSE has been proposing. CC noted that it was a case of just making the ECF Members aware of this.

PR asked if CC had heard anything further from HSE. CC noted within the HSE all their manpower resources are currently being taken up with the Covid pandemic, and nothing further has been heard from Warren Pennington at HSE at this time.

CC added that we have again liaised with the SCA, but we have so far not received any further feedback from them.

- **Mineral Hydrocarbons**

PR noted that the ECF have a database of results, and they were looking at both the aromatic and saturated results, there are traces on the aromatic and slightly more of a presence in the saturated hydrocarbons, but there are a number of outstanding questions such as understanding the extraction processes and how the samples are drawn. This is ongoing, and the ECF are yet to decide on the next steps.

CC asked if this was just a database of information where Members submitted their own data to the ECF, or was it linked to a specific project that had been undertaken by the ECF, would there be any data available that could be shared. PR noted that he will clarify things with the ECF and will then share the details with the Members.

Action: PR

- **Pesticides**

- **Glyphosate**

PR noted that the ECF have been spending a vast amount of time on this, the reason being there is an ongoing review of the maximum residue limits of glyphosate in all products, and coffee has hit a particular problem. The EU has based its new proposed MRL on a very small amount of coffee that is

produced on one of the Spanish islands, not a really very commercially produced, but has been taken for the read across all the information.

The has resulted in a proposal for a reduction of MRL to 0.05mg/kg, this could impact 30% of coffee imports into the EU, and this could disproportionately impact countries such as Brazil and Vietnam given their importance as producers.

Discussions with the EU and Origin countries is ongoing, but the EU will not review their process and area sticking with what they have done.

The ECF CONTAM Committee, which the BCA does not sit on as specific to member companies, will be taking the lead on this. The view seems to be that putting in a request for an import tolerance, so coffee coming into the EU would be allowed to have a higher level than the European MRL. But this will require quite a lot of data and trials to be run. Discussions with Bayer are ongoing, as costs regarding research are well above the budget that the ECF has.

PR noted that he was in dialogue with CRD (the Chemical Registration department that sits under HSE), to understand what the UK might do and where the UK might be heading, as yet the UK is to determine its approach post 1/1/21, unless any objections from Members PR will continue the dialogue with CRD.

Action: PR

CC asked what benefit it would be to Bayer to invest in research if the Glyphosate patent is open, thus allowing other companies to be able to produce a version of it.

CC asked if there any mileage for a temporary MRL, which has been done in other sectors, so that you can demonstrate effectively with an impact assessment, and that work could continue in the background to improve the situation. PR added therefore continuing to have dialogue with CRD is important.

CC asked how this would work with transshipments would. PR noted that if coming into the EU for onward transmission to the UK the EU would not be controlling it.

7. BSI / ISO Activities

NB noted no activity at all at this time.

8. Labelling

- **Brexit**

PR noted that from a Product Labelling perspective, focus had been on the Food Business Operator (FBO) detail.

We believe that we now have clarity on anything that goes into the EU, you need to have an FBO which has an EU or NI address. By having an FBO if there is any food safety issue, they are the first point of contact for the authorities.

Sales into GB – essentially coming from the EU into GB would need a GB or NI address.

Sales into NI – This has not yet been finalised and it still within the negotiation process, but the expectation is if you are selling into NI, because they stay within the EU common customs area you would need to have an EU or NI address (*Defra guidance has subsequently confirmed this to be the case*).

- **Origin Labelling**

Due to the changes that happened earlier in the year this essentially remains unchanged and carries over into UK law at the end of the year.

- **Organic**

The UK has in the last couple of weeks said that for the whole of 2021 they will recognise the EU as equivalent.

The FDF are quite hopeful that this will be reciprocated by the EU, but discussions are ongoing.

Currently there is nothing to suggest that the EU will allow a transition period. The UK are quite relaxed on labelling for goods coming into the UK from the EU for a period 21 months, but again nothing confirmed from the EU on this. But obviously if you put something on the market before the end of the year, it can go into the EU market in 2021 with its old labelling on. But things may change as we get to the end of the negotiation.

9. Technical & Regulatory Priorities & Risk Register

PR noted that he had put in some thoughts down on the current register, to trigger some discussion and happy for people to challenge these.

NB asked that if anyone has any comments please feedback into the BCA over the next week.

Action: ALL

CC asked if the Methyl Acetate etc. needs to be added in, NB noted that perhaps this goes in as an Amber.

Action: BCA

10. ECF Technical & Regulatory Committee

- **PAHS**

PR noted that regulations entered into force on the 29th September, so again this will be carried over into UK legislation. Goods on the market prior to 29th September then you have 20th March 2021.

Soluble coffee was determined as being in scope. The ECF have had conversations with the Commission and suggestion that there is a possibility of an exemption for coffee, but the Commission does not want data from industry but from Member States or EFSA.

- **Methyl Acetate, 2-Phenylphenol & Furfural**

PR noted that Methyl Acetate has been detected in decaffeinated and roasted coffee, and not quite sure why this is there, and not part of the decaffeination process, it is used for several different reasons including cleaning.

- **Phenyl**

PR noted it is a disinfectant used in the food and agricultural industry and can get used in food processing as well. This is being picked up more and more, there is a project that has now been set up to gather more data, questions if the residues are from either the roasting process or even cleaning down process.

- **Furfural**

PR noted part of the Furan family with an MRL of 1mg/kg, work ongoing.

11. FDF Contaminants Committee

PR noted that the UK is establishing its risk analysis process as we look at the priorities for 2021.

We have discussed AA, and it potentially being one of those where the UK is more relaxed.

That anything not in force on 31st December is not in UK retained law.

We also have the issue of data, and how we approach it as either companies or as an Association, which will come back to after discussions with the Executive Committee.

PR asked those on the call if they were happy with having the presentation of updates, we would be happy to send this out with the minutes. All noted that they were happy with this new format.

12. Date of the next Technical Meeting 2021

Tuesday 23rd March – BCA Board Meetings – 11.00a.m.-4.00p.m. – Via GoToMeeting/Teams

- Technical Meeting / AGM / Board Meeting