

**Technical and Regulatory Committee Meeting Minutes
Tuesday 9th June 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)
Jenny Breadmore	Fine Foods International Ltd
Rhodri Evans	Finlays
Stephanie Jordan	JDE
Sarah Harrington	Masteroast
Chris Coates	Taylors of Harrogate

1. Apologies for absence:

Carla Politano	Costa
Elena Ioannou	Costa

2. Competition Law Compliance

It was confirmed that this conference and 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. Contaminants

- **OTA**

RE noted that there is not a huge amount to say on OTA. There is some discussion around potentially revisiting OTA.

RE added that EFSA has published its [final scientific opinion](#) on the risk assessment of Ochratoxin A (OTA) in food, after considering the comments received during the public consultation period.

They have re-reviewed the exposure assessment, and actually coffee isn't one of the major contributors to OTA exposure at the current regulatory limits, and they will focus on other things where OTA has an impact.

- **Acrylamide (AA) Regulation**

JB noted that there has been quite a lot of development on this, FDE and the ECF have both released position papers on this following the Commission's request for information.

The FDE position is that maximum levels will not enhance consumer safety and the benchmark level approach is effective and further refining by improving description of food and levels, so the new data from the latest EFSA survey is important. They think the as low as reasonably achievable was the best approach, because if we go to legislative levels food manufacturers will focus on legal levels and will not look to improve the product below these levels.

Conclusion from the FDE was to keep benchmark levels as performance indicators and not move to regulatory levels.

The ECF supported the Commissions review of the benchmark levels, they have also asked EFSA for all the data that they have.

The ECF has a database of 7500 samples, and from that indicates by lowering the benchmark levels causes issues, due to the limited mitigation options for coffee to improve or lower the levels.

They want to increase the soluble limit back to 900, when it decreased, it cut out several data points in the database above 850. About 20% of the EU coffee is above 850 for instant coffee. They feel that setting legal limits would mean a destruction of food and not improve food safety.

They have also stated that because IARC have stated that coffee is not cancerous, then this should put us in good stead to not make levels legal.

There is also now a single ISO standard for the determination of AA in coffee, this should mean going forward results should be more reliable.

With roasted coffee, both the Finnish and Greeks prefer a light roast, their results show that 50% of the Finnish market their coffee would be illegal and 30% of the Greek market would be above regulatory levels, they can't move the levels any lower than 400 for roasted coffee.

On coffee substitutions, 35% of samples of chicory alone were above the benchmark of 4000 and 27% for cereals were above the 500 mark.

They are very much in favour of leaving the levels as benchmark, but increasing instant to 900, and for companies to managing their processes and neither the FDE or ECF see no benefit in making these regulatory levels.

PR noted that he sat in on the recent ECF debate and there was quite a lengthy discussion on this, there are one or two members states who have particular issues with the levels, and there was a debate if we have maximum levels or stick with benchmark levels if we could have these lifted across both. and there was an attempt to lift the benchmark levels. From a UK position we were relatively comfortable with where the ECF is heading, and do not have the scale of issues as some of the member states.

RE noted that we are fairly OK as to where discussions had gone, but Finland and Greece could have serious problems if levels are changed. When it comes to the risk management component there could be a sub-division on different coffee types, dependent on the type of roasting, or they may decide that coffee is OK where the levels are. But for the UK we do envisage a major problem.

RE noted that when some countries won't be able to sell their coffee to their consumers if the levels are changed, as it is not the type of coffee that country consumes, then you have an issue and you get into the politics of risk management and not the scientific aspects of risk management. RE noted that we may see one level that will include the higher level required to include all coffee types.

CC asked what the timelines are for getting these decisions. PR noted that benchmarks tend to be reviewed to run on a 3-year cycle, PR will check when the cut-off for this 3-year cycle will conclude. RE added that the Commission is coming under pressure from the Commissioner who would like to move away from benchmark temporary levels to a maximum level, and to stop having the 3-yearly

reviews. This is where this discussion is different, they don't want to kick the can down the road again for another 3 years if they can help it. If you have definitive levels you know where you stand, but you then have these set too low then a perfectly good product gets chucked away.

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

RE noted that there is very little to update on at this time, with the C-19 situation everything has tended to grind to a halt.

Recommendation on the monitoring of furan and methyl furans in food was adopted by SCoPAFF in February 2019, but still has not been published. But EFSA have still been collating data on furan and methyl furans, and the ECF has in the past responded to their call data, and last time submitted over 7.090 data entries.

There is a 2020 call for data, the deadline is the 1st October. Once the EC document is published, then a decision will be taken if the ECF is continue to provide additional data.

There is some further analysis of the mean and 95% percentile data looks like if anyone is interested in seeing this data, this has been collated by Dr Schipp. This gives an idea if we start talking about benchmark or maximum levels, so we have that indication where things might be going if the Commission goes with the 95% percentile.

- **Diacetyl**

CC noted that there is not a great deal of change since the last update. CC noted that he has had a number of conversations with the HSE on the subject, but they are now heavily involved with the C-19 pandemic from an HSE perspective. Publication of the Diacetyl Safety Notice has fallen down the agenda.

As you know internally, we have reviewed the information received on the Safety Notice.

CC added that we have engaged with the SCA, as they were also approached directly by HSE, we wanted to ensure that we have one voice for the coffee industry, CC added that we did communicate with the SCA on a few occasions, but so far no further update from their own members has been received back from them.

CC noted that he will once again engage with the HSE to get an understanding when this might now be published.

CC added that the safety notice is not just specifically about coffee, but a safety notice in general on diacetyl exposure in the workplace, but coffee has a potential risk factor and that businesses need to consider their own risks in light of that.

PR asked in regard to the SCA, do we just hold fire until we have any further information back from the HSE. CC noted that we can put another request back out to the SCA, CC added that the responses from our own Members was also limited. Any further communication that we have with the HSE we can also inform the SCA of this.

Action: TB/CC

CC asked if Diacetyl was on the ECF agenda at all? RE noted that he was not aware that it was. CC asked perhaps we reengage with the ECF on this and that they possible look to have this on their agenda/radar. SJ noted that her colleagues involved with the ECF are aware as she has raised it with them. PR noted that he will make sure that he discusses this with Eileen Gordon and that we have a coordinated approach. RE added that this is being driven in the UK, perhaps not such an issue for the ECF but definitely worth flagging with them again.

Action: PR

- **Heavy Metals & Chemicals**

NB noted nothing to report at this time.

Post Meeting – Update on Nickel in food and drinking water from the ECF

EFSA's Panel on Contaminants in the Food Chain (CONTAM) has launched an [open consultation](#) on the draft scientific opinion on the [update of the risk assessment of nickel in food and drinking water](#). This document presents an estimation of the acute and chronic human dietary exposure to nickel from food and drinking water, and an assessment of the human health risks related to this dietary exposure.

Further details are attached separately in document [BCA/10/06/20/1820](#).

- **Mineral Hydrocarbons**

CC noted in the UK it has been discussed within the FDF, there are further discussions and work ongoing with them and Campden in regard to food contact materials.

In the UK one of the many challenges is getting valid robust methodology that give confidence in the results and there are no reference labs in the UK, it is not something that the FSA will be actively monitoring because of this. There is an expectation that business consider the risk of mineral oils in their supply, if through packaging items or their own material supply, that they understand the risk and act on this accordingly.

There is work ongoing within the FDF but still in its infancy.

RE noted from the ECF perspective as discussed in April, the recommendation from MOSH and MOAH was being reviewed, and a discussion with Member States should they extend the scope of the category of food stuffs. DKV have been active in identifying a small amount of data that in regard to MOAH, there were no residues detected in the samples they took. The understanding is that coffee will not be included should any extension to the monitoring recommendation be made, people are doing a lot of work but are focusing in on where there might be a potential issue. The potential of the transfer from the packaging material could be an issue. There may be a call for data from the ECF, for internal purposes only.

- **Pesticides**

- **Glyphosate**

NB noted that in regard to Glyphosate and Chlorpyrifos there has been no changes.

RE noted that Austria have put a national ban on Glyphosate for plant protection products, it could mean that there might be some noise and consumer interest around this, but nothing around import tolerances. Active substances in preparations are still member state competence, so each one has to be authorised for use in that country, so it does not mean that you can't legally have residues coming into countries it is actually about use not MRLs.

PR added that on Glyphosate the product is currently only approved until 2022, the next registration or extension has been submitted. EFSA are suggesting that the MRLs for coffee should be halved. PR noted that whilst the registration process was ongoing at present it remained very unclear at present as to whether it would be carried through to its conclusion.

PR noted that following a recent call with a Bayer contact, CropLife are wanting to do some work on the economic impact of pesticide revocation and the consequent reductions in MRLs. This work would be focused on Soya, Bananas and Coffee. CropLife would employ a consultant to obtain the views of companies in the three sectors but first were looking for support from the representative European Bodies. PR noted that he has spoken with the ECF and this will be followed up in the ECF T&R Committee.

6. Food Authenticity

CC noted that in regard to C-19, certain businesses have been contacted in regard to their risk management of this, we therefore thought it was prudent to review our own guidelines, the BCA working group for BRC reconvened. It was established that perhaps we pretty much have this covered, but one subsequent bullet point was added to clarify this.

CC gave a potted history as to how the BCA Document came about. When food fraud around horse meat became an issue, the FDF developed a five-step guide, the BCA BRC working group then took this document to make it applicable for coffee. When BRCv8 was released in 2019 the BCA document was once again updated.

CC noted that at a European level, driven by the FDE, is the Food Integrity group, a document was produced with one-page factsheets for individual commodities to consider the risk of fraudulent activities. There is one for coffee which we have had sight of and that the ECF have fed into. It gives a top-level guidance, what should happen is it gives various things to consider then this links back into contacting the individual Associations. If there are any questions on this document please do come back to us.

Action: ALL

PR noted that if people are happy or unhappy with the additional bullet point added to the BCA BRCv8 document, please do let us know.

Action: ALL

CC added that the ECF have used this document as a point of reference. Perhaps there should be a European level document that we are aligned too, PR noted that he needs to follow up with the ECF on this.

Action: PR

7. ISO Activities

NB noted that there is nothing further to report on this at this time.

PR noted that the BSI AW/15 Committee, currently it requires a Chairman and some correspondence has been had with the BCA. In terms of what is happening there does not seem to be much happening at this time.

PR asked CC if he was still interested in joining this Committee, CC noted that currently he does not have the capacity to get involved with this.

PR noted that perhaps we just continue to have NB on the Committee, NB added that currently there seems to be nothing live coming out of this. PR noted that perhaps we just stay involved on the correspondence level, none of the processes work very quickly.

8. Health Claims

• Caffeine Claims

RE noted that there is nothing further for this, the only glimmer of hope is if post-Brexit the UK revisits this. Even though for caffeine we had a positive EFSA opinion, there is no political will to authorise caffeine due to link with energy drinks.

TB was asked to still to keep on the agenda until the Brexit effect is clarified.

Action: TB

9. Food Information for Consumers

• Rules of Origin (FIC)

JB noted that nothing further has changed, as we are all aware from the 1st April Article 26(3) of the regulation was published, and all products should not be misleading. If you indicate an origin on the front of the product and your coffee does not come from there you should also state on the front of the product that it does not come from there but where it comes from, we should all now be following the guidance.

SJ noted that one of the problems is that the guidance states that even if it is very small on the back of your pack you should still give the disclaimer. Products in Switzerland have to say 'made in', and if we and the German Association understand the guidance correctly, we are therefore obliged to put the information about the ingredients because of that statement which is mandatory for Switzerland, even though it is back of pack and not a claim.

JB noted within the guidance that 'made in' and 'produced in' will count as a claim, 'packed in' is not a claim, JB noted that labels have needed to be changed from 'made in' to 'packed in', SJ noted that they are not able to do this in Switzerland. The issue also being that the guidance came out so late and it was not as previously expected.

JB noted that in the UK enforcement agencies have been asked to be more sensitive and tolerant to this, and will not be enforced strongly at this time. SJ noted that there are different approaches in Member States.

- **Labelling (Brexit)**

PR noted in terms of labelling issues we still have some outstanding questions sitting with Defra, and due to the current pandemic, we have not had the engagement with them and there is a backlog of questions. What they do say, will depend on what happens with discussions with the EU at the end of June, if sufficient progress is made or if we go for a no-deal. PR added that all Brexit related activity within the FDF was focused on the end of June decision point.

10. Technical & Regulatory Priorities

NB asked if they were any questions or any updates required on the currently document. None received.

11. Position Statements

- **AA**

PR noted that we have covered a lot of the AA issues earlier on with the ECF documents.

The outstanding question is around our 2018 position statement, PR noted that there are one or two bits in there that need reviewing and changes made.

PR added that perhaps if the Committee is happy that we look to make some changes and then circulate these for further comment.

CC noted that perhaps we need to understand what documents we should be using should it be the CoP or the BCA Position Statement, is the CoP a combination of the ECF and BCA input? CC feels that we need to be careful what we say. PR noted that perhaps we do need to understand what is required. JB stated that we need to focus on coffee, PR he feels that we need to perhaps remove references to other products. PR added that he will have a discussion with the ECF, and perhaps then come round to people to gain a clearer understanding.

Action: PR

12. ECF T&R Committee Representation

PR noted that RE is moving roles at the end of June, so will therefore be stepping down from his responsibilities from the ECF T&R Committee and our Committee. PR expressed his thanks to RE for his involvement and assistance.

PR asked that we therefore need to discuss is we have volunteers to cover this.

NB noted that previously Chris Stemman would have covered this, and prior to that a representative from one of the big companies, NB asked PR if he would be willing to cover this. PR added that he would, and it seems a logical part of his role, but if Members are happy to play active role to allow him to refer to them to make this work. JB noted that she was happy with this and to support PR.

NB asked those on the call if they felt the specific items were being covered adequately, are we addressing the items correctly, is this functioning properly.

JB added that she felt that if PR starts to pick this up, and overtime we respond or feedback to TB and PR as best we can, PR will be able to fully pick this up.

CC added that from his understanding, that even though PR may not have the expertise at present, with time that this would come, and that the current arrangement of certain people picking up certain topics was purely transitional.

PR noted that a number of the issues currently being picked up are at a European level via the ECF, but this may change as we move forward especially towards the end of the year. PR reiterated that he is very happy to pick this up, as long as he is able to continue to refer back to Members, hopefully over time this will be minimal contact.

NB also wanted to extend his thanks to RE for all his help, and wished him the very best for the future.

13. Date of the next 2020 Technical meetings

Wednesday 4th November 2020 – BCA Board Meetings – 11.00a.m.-4.00p.m. – (TBC) FDF, 6th Floor, 10 Bloomsbury Way, London, WC1A 2SL – Room Cleminson

- Technical Meeting / Board Meeting