



**Technical and Regulatory Committee Meeting Minutes
Wednesday 23rd November 2022
FDF, 10 Bloomsbury Way, London, WC1A 2SL & Via Teams**

Present at meeting:

Paul Rooke	BCA Executive Director
Tracy Brown	BCA Secretariat
Jenny Breadmore	Cafea UK (Via Teams)
Kristine Breminer Isgren	Complete Coffee Ltd (Via Teams)
Carla Politano	Costa (Via Teams)
Stephanie Jordan	JDE (Via Teams)
Chris Coates	Taylors of Harrogate (Via Teams)
Katrine Biret	Trade in Space (Via Teams)

PR welcomed KBI to the meeting, who has taken over from Nick Boxall who has now retired.
PR also welcomed SJ and KB.

1. Apologies for absence:

None received.

2. Competition Law Compliance

It was confirmed that this Teams meeting 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.

4. Matters Arising from Previous Minutes

No matters arising.

PR restated that Nick Boxall our former Chair has now retired, which now means we have an opening for a new Chair for this Committee, someone to steer these meetings moving forward. PR noted if anyone would be interested in taking this position, please do contact us. PR noted this role can be as much or as little as time permits you.

CC noted that unfortunately, currently he was not able to take this on due to workload.

JB noted that she would be willing to do this as a trial, as likewise workload have increased. KBI noted that she would be willing to jointly take on the role as a Vice Chairman to JB.

PR thanked both JB and KBI, this would be an ideal situation. PR added that he will follow up with JB and KBI after the meeting.

Action: PR/JB/KBI

5. Glyphosate

• Current EU Position on EU Import Tolerance

PR noted that from an EU position not too much has changed since the last meeting. Imminently the intended re-registration as an active ingredient is expected to be pushed back possibly into 2024. What is less clear is the review of maximum residue limits which originates from the last re-registration 5 years ago. If this is also pushed back, which is anticipated, it could help with the import tolerance work being undertaken by Bayer, which as we discussed previously the 1st year of work had to be binned.

PR noted that there have been suggestions from some parts of the Commission that it would be helpful if industry looked at the processing of coffee and what happens to the residues during the processing. As we know the residues are on the green bean, so no roasting involved, and technically there are no rules or limits to apply to coffee that has been processed. It is therefore not clear if the Commission are looking at ways around their MRL rules and the potential reduction in the MRL that comes from processing and therefore relates more closely to the product as consumed. ECF have been discussing with ISIC to produce a study based on these conversations within the Commission, as yet we do not have a timetable.

• UK Position – Discussions with Bayer

As far as the UK is concerned, HSE / CRD is responsible for registration of active ingredients and looking at MRLs, they have approached chemicals industry wanting to undertake a review of the MRLs and given them a deadline of the end of 2022 to make a submission.

As we know when the UK left the EU there was the 3-year moratorium and the review of Glyphosate in terms of its product re-registration has been pushed back to 2025.

PR reported on a conversation held with Bayer to understand what was happening at a UK level. Their view is whilst HSE are looking at MRLs in Europe and what they are doing, it is more likely that they will also take into account consumer risk assessments. As previously noted, the MRL on coffee is much lower than that for other products, such as wheat, which have a higher daily intake level for most people. As such there should not be a consumer risk concern of glyphosate residues in coffee. Bayer have stressed CRD, and Defra's UK focus is on avoiding trade implications. As such it is very possible that current MRL levels remain the same irrespective of what the EU determine.

PR noted that he has over the last few weeks he has been trying to look at EU MRL levels vs the MRL levels in the UK and has composed a spreadsheet for around 500-600 products highlighting the differences between the UK and the EU. PR added that he will send round to the Technical Committee for their information and comments, if it is helpful and we should be reviewing throughout the year, or is it just confusing, or it would allow Members to keep an eye on things.

Action: PR

CC noted without seeing the spreadsheet there might be some questions on formatting, but he felt that this would be worthwhile document as we get more divergence between the UK and the EU, and the understanding is that UK are going to follow the Codex levels rather than the EU. CC noted that for Glyphosate if this going to be a consumer risk-based assessment and as consumed, this makes more sense and seems a massive change in direction, would this be applicable across other active substances.

SJ noted that the MRL is always based on the agricultural ingredient and if your processing reduces or increases the amount of pesticide then you have to take that into account when you look at your processed ingredient, and as we generally import green beans and not roasted coffee, surely it needs to influence the MRL of the green bean, and it would be a surprising if they base it as brewed as this would set precedent.

PR noted to go back on the processing study, he does not seem this as a formal part of the assessment. As we know what is driving the EU reduction, is the very small amount of organic coffee grown on a Spanish island, about 80 bags a year, which has produced this anomaly and could push this MRL down. Perhaps the Commission is aware of this anomaly and are suggesting if there was evidence, coffee specifically, that this MRL came down further once the product is processed, they might be able to argue that a reduction was not required as not a risk to the consumer.

CC asked if the processing study proposal was going to be available to look at, PR noted not currently it is at the very early stages as to how it would be done and how it would be paid for. CC added that his understanding of the UK and the HSE approach was on a risk-based approach to the consumer, again we are reliant on data, and currently can the BCA provide industry data his understanding that currently we don't have that, would the ECF dataset be able to be

used to help mitigate issues. PR noted from his point of view the ECF have been extremely good at collecting data on several contaminants and presenting this to the EU to help influence where the EU goes. This data is collected from a small number of commercial members of the ECF, the rest of us get to see the overall output but not the full data. PR added that currently we do not have UK industry specific data and where appropriate we have used the ECF data. The FSA are more willing to see that data and to use it, rather than CRD who only want to see the data from applicants/registrants of those products. It is hoped that CRD's position may change and the FDF are working on this, but currently anything submitted to CRD would not necessarily be recognised. PR noted that we have spoken about data gathering previously and perhaps now might be the time to discuss with a group of Members as to how we might take this forward as there are complexities to doing this, but data is invaluable.

Action: BCA

6. Contaminants

• OTA

PR noted that not a lot has changed, we have the ECF guidelines on OTA revamped in February this year. From the 1st January 2023 we will see reductions in OTA levels in the EU. We are not aware of any further ECF data gathering at this time. PR added that any product on the market prior to 1st January 2023, can stay on the market until its normal expiry date.

Regarding the FSA's priorities, it is currently not one of their 1st priorities to review.

PR added that there is no mitigation around this, and if a product was found to exceed it would be destroyed.

• Acrylamide (AA)

PR noted that there is still debate if the EU should introduce maximum levels or remain at benchmark levels, the ECF argue if we move to maximum levels then there is an estimate of some 30,000 tonnes of coffee that could be destroyed each year. Although some of the latest data seems to show some reduction in exceedances of A at the soluble coffee level, we don't have the answer as to why a reduction at this time.

There are further discussions at the SCoPAFF meeting on the 24th November, and we will hear after that if any progress has been made.

Regarding the FSA, AA has always been in their top priority list, and will follow mycotoxins T2/HT2 in terms of priority (not an issue for coffee but for oats).

PR noted that there was some survey work done for the FSA, due to be out in October, but this appears to have been delayed.

The importance of data was reinforced by FSA across all the contaminants work they are involved in.

The focus of the FSA's survey is primarily around crisps and chips, which tends to be marketed at the younger person sector, and they recognise that coffee is not marketed into that high-risk area.

CC asked if the list is going to be a name and shaming list. PR noted that he did not believe so and thought likely that if the data had flagged up issues with some companies the FSA would approach companies directly.

• Furan & Methyl Furans

PR noted not really any further movement or discussions to report since the last meeting.

• Diacetyl

PR asked if CC has any further update from the HSE, as he was not aware of anything coming through from the HSE. CC noted that it appears to have been kicked down the road again and has been passed on to 2 or 3 different people. CC added that he will chase again and try and get a definitive answer from them.

Action: CC

• Mineral Hydrocarbons

PR noted that we will send the slides on this after the meeting.

PR added there have been working groups looking at this at Member State level, which has then gone to a SCoPAFF meeting. There are some growing concerns around the increasing levels.

PR noted that there has been some off the shelf sample work done by the ECF and analysed by the Kirchhoff Institute.

- 9 samples free of MINO.
- 31 samples are MOSH positive, values not of concern, contamination by POSH.
- 4 samples are MOAH positive, this origin of the contamination is believed to be the batching oil for spinning of the jute fibres.

Following a recent ECF Technical Meeting, there were some company representatives who have tried to get this higher up the agenda by some of the jute bag manufacturers.

PR noted that is has been highlight reference under the ESCC Contract Article 5.

PR added that the ECF are trying to understand where the issues are and the contamination is happening, work is also being done with cocoa which has highlighted the point of contamination.

PR noted that is leaves some open questions for coffee, how much coffee is delivered via jute bags vs big bags. With the freight rates dropping will the use of bulk bags drop back now. Is this an issue for coffee packed in certain countries, special focus possibly on Africa, West Africa for cocoa.

Some countries have been taking more of an interest in this than others, such as France and Germany.

PR noted that currently it did not appear to be high on the FSA agenda but if concerns come out of Europe this could rise-up their priority list.

SJ noted that she believed that the DKV did some work on transfer, this was pre-covid, PR noted that he will contact DKV.

Action: PR

CC asked if this was a study being done by the ECF or factfinding exercise, PR noted the latter, and something that we might have some answers to at the next ECF Technical Committee. CC noted that even if coffee is supplied in big bags, it may have started its life in jute sacks so there could always be mineral oils present, CC added that he agreed the more traction this gets in Europe it will go up the FSA's priority list.

PR noted that some of the jute bag manufacturers have been undertaking work, some more receptive than others.

- **Furfural & 2-Phenylphenol**

PR no further update on this from the ECF currently.

7. ECF Additional Items

- **Environmental Factors**

PR noted coming out of the EU Green Deal, part of the current Commissions 7-year plan, the expectation was that we would see at reduction by 50% of pesticides by 2030. We now have a change to the sustainable use of plant reduction products, as well as the ban of more hazardous products.

PR noted that one of the initial concerns is the proposal to amend the rules of 2 pesticides, clothianidin and thiamethoxam. What is being proposed is the introduction of additional measures to determine the MRLs, these checks would be environmental factors and relating to their use on the growing crop, irrespective of where the crop was being grown. The concern from ECF is this opening the door to environmental factors being a more widely used tool for plant protection products. By doing this changes the purpose of what an MRL is as, traditional as a trading standard and not a tool for addressing environmental challenges in other countries. PR noted that it is less likely to happen in the UK at this time, but one for the ECF to monitor because of the direction of travel.

- **Single Serve Units**

PR noted that this is causing a lot of difficulty within the ECF as to their position. There was a leaked document on the proposal to review the current packaging and waste directive, the proposal was due to be published by the end of this month. The proposal only covers those single serve units that are empty after use, those that are not empty would not be covered by the proposal. Additionally, the proposal appeared to make it compulsory that the manufacture of filter coffee pods (this has not been confirmed what is meant) ensured they were compostable.

PR noted if at any point regular plastic and aluminium SSU were to be considered as packaging, the proposal seemed to suggest they would not have the option as being compostable.

This leak has been considered by the ECF Executive Committee on several occasions over the last few weeks, at same time the EP and Parliament wants to see all SSU to be covered by the legislation.

PR added this is where it falls into EPR, with industry picking up the whole lifecycle cost of the products and what they are packed.

There are 3 options to be considered by the ECF Members.

- Option 1 Request that ALL SUU (recyclable and compostable) are considered as PACKAGING with a DELAY in the implementation of EPR fee.
- Option 2 Request that ONLY recyclable SSU are considered at PACKAGING with a DELAY in the implementation of the EPR fee.
- Option 3 Request that ALL SSU are NOT considered as PACKAGING, UNTIL there is sorting and recycling infrastructure in place.

The ECF Executive cannot agree, so it is now going to the whole of the ECF Board as they are trying to ascertain what is position, with both industry and national associations having varying views.

PR noted that the BCA Executive Board decided that at this time the BCA should not be taking a view on what is an EU matter, but to support the ECF on the majority view.

- **Dual Quality – Updated Legislation**

PR noted that there were concerns reappearing around dual quality, with branded goods being sold in Member States (new and old member states) that are considered as inferior quality to same product sold in others. There is legislation in place, and they are intending to bring in more legislation to enhance this.

PR added that JRC introduced a few years ago a framework for monitoring and testing and coffee is within this.

8. Cold Brew

PR noted that we have had a request from a Member to ask if the Committee feels a need to develop a standard around Cold Brew Coffee, and that there seems to be a difference in production methods across a range of businesses in the UK, and should a standard be developed or be called for to be developed. This would be around temperature, additions, food safety precautions etc. The NCA seem to be the only ones to have a current guidance on this. CC noted that he would be supportive of having industry 'best practice guidance' rather than a standard. PR added that perhaps we can look to take the NCA guidance as a starting point.

Action: BCA

9. FSA Update

- **Recent Presentation to FDF Contaminant Committee**

PR noted that we will action early into the new year around setting up a working group for collating UK specific data.

PR added that there is currently a proposal that the UK would sunset all legislation transferred over from the EU when we left into UK rules within 100 days. That would mean that the FSA would need to go through all that legislation and prove that legislation is needed, but they have said they do not have the bandwidth to do this within 100 days to be put into a UK format and go through the legal process.

There is a growing concern about this legislation that after the 100 days, if the work had not completed does this mean they become obsolete.

PR added that from a sustainability point of view, work seems to be being pushed back down the agenda as these issues are taking priority.

10. Isotopic Analysis of Coffee Samples

- **Update on recent LGC Presentation**

PR noted that the BCA Members were able to provide LGC with a range of coffee samples from different origins, there were around 115 samples sent through to LGC.

LGC have been working through these and presented some results that show promise regarding the technology. Can this be used as a sufficiently robust determinant as to where coffee comes from as part of anti-fraud technologies. This is early days and there is more work that needs to be done, but promise seems to have been shown within the work and hope that they can get funding for a 2nd stage. LGC are looking to present these findings in the new year to several technical conferences and the BCA will be recognised as a co-author of the work.

CC noted that LGC accepted that this technology can play a part but is not a silver bullet, understanding your supply chain and origin of the coffee is also key.

11. Technical & Regulatory Priorities & Risk Register

PR noted that following the conversation today if Glyphosate and Mineral Oils sections now need to be updated and asked those on the call if they agreed. All agreed, a draft will be produced ahead of the next meeting.

CC noted asked if for MRLs the divergence between UK and EU could be noted. PR reiterated that he would send round his spreadsheet on the divergencies later this week for comment.

Action: PR

KBI asked if Molecular Coffee could be discussed within this Committee, that companies such as Atomo being able to call their product as coffee when there is zero coffee within it. PR added that we have discussed this previously at the Executive Committee, one of the challenges is there does not seem to be much of an appetite by any regulator to take a stand to do anything about this, but it does not stop us from raising this. One of the arguments raised before was around sustainability, where is the sustainable benefit for the coffee farmer in this as a lot of those coffee producers do not have other options for a way to make a living. PR added that he will speak with Bill Murray at the NCA where this fits in with the work being done by them, as well as the other Associations and Organisations we are now working with.

Action: PR

12. Dates of the 2023 Technical & Regulatory Meetings

Date	Meeting	Location
Thursday 23rd March 2023	BCA Board Meetings • Technical • AGM • Board 11.00a.m. – 4.00p.m. Hybrid Meeting	FDF, 10 Bloomsbury Way, London, WC1A 2SL – Room Machin
Wednesday 14 th June 2023	BCA Technical Committee 11.00a.m. – 1.00p.m. Teams Meeting	Teams
Wednesday 29 th November 2023	BCA Board Meetings • Technical • Board 11.00a.m. – 3.00p.m. Hybrid Meeting	FDF, 10 Bloomsbury Way, London, WC1A 2SL – Room Cleminson