



Technical and Regulatory Committee Meeting Minutes
Thursday 23rd March 2023
FDF, 10 Bloomsbury Way, London, WC1A 2SL & Via Teams

Present at meeting:

Paul Rooke	BCA Executive Director
Thomas de Freitas	Media & PA Manager
Tracy Brown	BCA Secretariat
Jenny Breadmore	Cafea UK (Technical & Regulatory Chair)
Mike Saltmarsh	AVA (Via Teams)
Kristine Breminer Isgren	Complete Coffee (Via Teams – Part of Meeting)
Carla Politano	Costa Coffee
Sei-Wai Tse	Finlays (Via Teams)
Oliver Fletcher	InterAmerican (Via Teams)
Stephanie Jordan	JDE (Via Teams)
Eduarda Cristovam	Matthew Algie (Via Teams)
Kenneth Budts	Molenbergnatie (Via Teams)
Rachel Vennard	Nestlé (Via Teams)
Elaine Kok Xin Yi	Ringtons (Via Teams)
Chris Coates	Taylors of Harrogate (Via Teams)

1. Apologies for absence:

Krisztina Szalai	Caravela Ltd
Kevin Carrington	Vollers UK Ltd

2. Competition Law Compliance

It was confirmed that this 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

• **Molecular Coffee**

PR noted that there was an action from the last meeting to see what priority other associations were giving this – subsequently determined it is not seen as one of their highest priorities, but the aim is to return to the subject when the associations meet again later in the year. Currently most of the discussions are around items such as deforestation, forced labour and due diligence.

KB reported that since the last meeting she had managed to get hold of some of the Atomo coffee from the States, she would be happy to send out a can out if anyone was interested to try! KB noted that they have 3 products including an oat milk latte, which was just like having a mouth full of oat milk. She noted it performs better on aroma than it does on flavour it is quite harsh, it is drinkable but absolutely no comparison to coffee, overall, it does not hold up at all. Not a massive concern regarding quality as yet, although there are other companies out there working on this type of coffee.

Contact: BCA

5. Glyphosate

• Update on UK & EU Positions

PR noted little update from an EU perspective. It was now confirmed that re-registration of the product had been pushed back to end of 2023. Because the re-registration has gone back, discussions around the MRL review has been pushed back as well. This could assist with the import tolerance work that Bayer are undertaking, the ECF are liaising with Bayer. It is hoped that we get some significant data out of this work if not this year, then next.

PR noted that the EC thought it would be interesting if industry looked at the effect to glyphosate levels during processing. The ECF has taken up this with ISIC, this work is ongoing.

JB noted that there was an update at the ECF T&R meeting yesterday (22nd). The ISIC work is taking samples from green, Arabica and Robusta coffee. These have been roasted using various methods, dark roast, normal roast, hot and short, long and cold extraction. There are no results yet, but they working to see how it disappears during the different forms of processing, they expect to have these results at the next ECF T&R meeting in September.

PR added that from a UK perspective all product re-registrations were on hold until the end of 2025 because of the Brexit process. HSE did come out last year to the registrants of the product to ask them to submit MRL data to them. PR stated that he had been in contact with Bayer in the last couple of weeks. It seems the expectation is there will be no change to the GB MRL. PR added that the UK are also looking to adopt Codex levels as part of their overall approach. PR reminded that Committee that he has previously circulated a spreadsheet comparing the different MRL levels. PR stated that speaking with the UKTIA yesterday, they have done a similar piece of work for tea and got similar results to that run by the BCA. We are going to do a piece of work between the two organisations us to see if there any significant changes or discrepancies.

CC noted that we need a degree of certainty as to what will happen as to the divergence, in a lot of cases it may not have a negative impact. In relation to the processing study, as the levels are set at the traded product and not the processed/brewed product, what does this mean in practice, if we show it does not transfer or limited transfer to the roasted product, he was not aware of any situation who has shown a pragmatic approach to adopt a different level because it is based on the residue level rather and not of a process contaminant. CC asked also if the import tolerance work is for the EU, what about the import tolerance by the manufacturers for GB, will these import tolerances apply for GB?

PR stated that if the EU accept the import tolerance work done by Bayer, then it would leave the EU MRL level the same, and this would mean that we would have a single MRL level for both GB/UK and EU.

PR added that it was a surprise that the EU suggested this processing work, it seems that they may have been forced to look at EU production, and they recognise that small EU production was not representative to coffee, and that the rules have thrown up an anomaly. If they were to get a lot of information that showed from a processing point of view that glyphosate diminished even further or eliminated totally, it was possible this could feed back into the MRL discussion.

PR added that no one is clear what the EU may do once they have these results. If that processing work comes out as expected and the import tolerance work gives the evidence to the EU that they can introduce an import tolerance that will keep things as they are.

PR noted that unfortunately we just don't have the clarity that companies are looking for, PR added that NGOs are still applying pressure on the use of glyphosate in general. Which could mean that glyphosate may not get to be reregistered, this could mean that producers of glyphosate such as Bayer may pull the product if it is not financially viable.

CC asked on the import tolerance if the EU gets the import tolerance for coffee and maintains current levels, does this then apply to the GB. PR noted that the import tolerance would apply to the EU, there would need to be a separate import tolerance application to the UK, and likely that the UK would accept the data provided without having to do additional work, but in light of previous comments the need for an import tolerance was less important with higher MRL levels.

JB noted that the ECF will be doing a call for data in May. If any companies have coffee with higher levels, they would be happy to receive as currently higher levels are not being found. CP asked if there were many countries that higher levels were being seen, JB added currently not. PR added that Brazil and Vietnam were the origins that had seen these higher

levels, but with Vietnam now banning this product it has meant that their figures have been reducing. PR noted that there are some 20 odd countries that are above zero. CP asked whether there was any work which showed how levels related to production under certified schemes – i.e., were those producers less likely to have higher levels. PR indicated he was not aware of any work that had addressed this point.

6. Contaminants

CP asked if imidacloprid and thiamethoxan could be put on the radar to monitor. She noted there had been a recent report linking to human health. PR added that this comes under the neonicotinoids, and some of these have now been pulled by registration from the manufacturers, because of their impact on bees. PR added regarding the human health issue he would need to pick up on this. JB noted that the ECF have these on their Top 10 work, they also have a new one added fosetyl-al. CC noted that he would need to check but believe that imidacloprid has a 3-year transition. PR noted that this is now the thin end of the wedge, with the possibility of more and more products being added due to environmental factors. CP asked if the ECF were doing any work on this. PR noted that they are trying to develop an early warning system of products that might well be encapsulated. JB added that perhaps those products on the Top 10 list, companies may want to contact their suppliers to see if these are being used.

Action: PR

PESTICIDE OVERVIEW



Active substance	AS Status	AS Expiry date	EU MRL mg/kg	CODEX mg/kg	Status	Immediate action
Imidacloprid	Non re-approval (ban)	01/12/2020	1,00	1,00	MRL to drop to LOQ	Environmental factor advocacy
Thiamethoxam	Non re-approval (ban)	30/04/2019	0,05*	0,2	MRL dropped to LOQ. Regulation published in Feb 23	Environmental factor advocacy
Clothianidin	Non re-approval (ban)	31/01/2019	0,05	0,05	MRL remains. Regulation published in Feb 23	Environmental factor advocacy
Cyproconazole	Non re-approval (no application)	31/05/2021	0,1	0,07 - coffee beans 0,1 - coffee beans roasted	MRL discussion still pending	Internal call for data
Epoxiconazole	Non re-approval (no application)	30/04/2020	0,05	Not included	MRL to remains. Regulation published in Jan 23	None required
Flutriafol	Non re-approval (no application)	31/05/2021	0,15	0,15	MRL remains. Regulation published in Feb 23.	None required
Triadimenol	Non re-approval (no application)	31/08/2019	0,05*	0,5	MRL remains. Regulation published in Feb 23.	None Required
Pyraclostrobin	Approved (until new approval)	31/01/2023	0,3	0,3	MRLs introduced in August 2022	None required
Azoxystrobin	Approved (until new approval)	31/12/2024	0,03	0,03	MRLs introduced in August 2022	None required
Tebuconazole	Approved (until new approval)	31/08/2023	0,1	0,1	No MRL revision in the pipeline	Internal call for data
Fosetyl-Al	Approved (until new approval)	30/04/2003	5*	30	New applications for MRLs are called for.	Internal call for data

* Limit of Detection

- **OTA**

PR noted that there are now new EU limits that came in January. Anything on the market prior to the 1st January can stay on the market until it expires.

PR noted that regarding the UK, the FSA have noted that OTA is still not a high priority.

PR stated that ECF continues to argue there is a lack of mitigation meaning product which could be safe for use is being treated as a waste product.

PR noted that likely the ECF will do a call for further data at some point.

- **Acrylamide (AA)**

There is still an ongoing debate around Benchmark vs Maximum levels. The ECF have lobbied before around the estimated 30,000 tonnes that would be destroyed if the EU moves to MLs.

There was data around the end of last year, which showed some reduction in soluble coffee exceedances. It was not sure that this was due to a change in practices or just reflecting that companies were targeting their testing as lots they thought likely to have a problem so they would not end up on the market.

JB added that at the ECF meeting it was noted that at EU level there were further discussions in February, it was indicated that a decision may have been made. There is a stakeholder consultation due to be held after the summer.

PR stated that from a UK perspective the FSA have AA as a high priority, but they are focussing on the more vulnerable groups so children and young adults and on crisps, chips etc.

The FSA did run a survey in 2022 and the results are expected around April. Ahead of that they would be contacting any companies with products that exceeded levels. They would be looking to understand how companies would be reacting to these exceedances, and what changes in practices they would be making.

PR added that if you had products tested by the FSA last year, if there was an issue you should be expecting to hear from them shortly.

PR stated that the FSA were reiterating the importance of relevant data from industry and others to help with decision making processes.

CC asked when the results are published, would it be worth reviewing the ECF/BCA mitigation/best practice document. PR noted that this would seem sensible. JB noted that it would be worth reviewing due to legislation changes.

Action: PR/ALL

- **Furan & Methyl Furans**

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

- **Diacetyl**

CC noted that at the time of the safety notice announcement this was prior to Covid, then the focus of HSE was predominantly on Covid. CC added that the HSE have now published this safety notice, companies to consider their own operational risks and best practices. Show that they have considered the risks!

RV asked if the BCA's position needs to be re-circulated. PR noted that he would review and recirculate for comments.

Action: PR/ALL

- **Mineral Hydrocarbons**

PR ran through the MINO work that had been done so far with the timelines happening in Europe. In the UK it is not such a priority as it is at EU level.

PR noted that the work undertaken by the ECF had shown that the bigger number of positive samples was around MOSH, however concern was more focussed on MOAH.

JB noted that at the ECF T&R meeting, there was a presentation from the European Cocoa Association. They have done a lot of work with the supply chain such as jute bag suppliers through to products coming to the UK. They have found that the issue was with the jute mills within India and Bangladesh, where 95% of these bags are produced not using vegetable oils, and they were often cross contaminated. The European Cocoa Association are approaching governments in these countries to try and push these to use vegetable oil which should solve several problems. PR asked if the ECF were happy to support Cocoa, JB added they were and they were also doing more work to push this within these countries and to do more testing.

PR added if individual companies were undertaking, or something that may need to be through the individual supply chains.

CC added that the likelihood of companies contacting their producers and having any impact would be minimal, and that it would need to be via Trade/National Association levels to put pressure onto the manufacturers. CC added that unless they change the legislation in those producing/manufacturing countries to use vegetable oil and not mineral oils there would continue to be an issue and we would not be able to eliminate this.

PR noted that in the UK there was no reliable testing methods to effectively police this, as currently authorities don't have a recognised method to test.

- **Furfural & 2-Phenylphenol**

To be covered under Multiple Source Substances.

7. UK Coffee Data

PR noted that since the last meeting we organised a specific separate Working Group to start looking at this, but the turn out was not great, we really need to build and develop this. As we know the information that the ECF has collated on products has been invaluable, they have been able to use this to back-up position. The FSA are looking to have access to as much data as possible, and this ECF data would also be useful to them. PR added that we would like to collate data that was already being collected by members, amonise this and be able to use along with the ECF data to provide to the FSA. We would also then be able to share this data with the Members/Companies have provided data into the BCA. PR added that since having this Working Group meeting, he has approached some individuals, but again not a great deal of feedback so far, but we do need minimum numbers to make this work. It would be a double win, data that we can take to the FSA and data that we can share with industry. We need to understand that there is sufficient interest from Members, if this was seen a good idea and are Members willing to get involved.

SJ noted that from their perspective she would need to discuss providing data at a higher level, also if a UK specific set of data could be extrapolated, SJ added could the ECF data also not be extrapolated. PR noted that we are not necessarily looking for specific UK data as we are still part of the European market, but to add in UK specific data from those are more UK based.

Action: SJ

CC suggested that if we were in the position where only a very small number of companies were putting in data, then this is not necessarily reflective of the industry as a whole. The ECF data although not purely reflective of the UK market, some of it would be beneficial. If UK companies are providing data into the ECF then it would only seem equitable that we can use this. CC added that if we are asking companies for data that we are comparing like for like, as people test products in different ways. CC added that there is a discussion to be had that perhaps the BCA could look fund specific data from samples provided. PR noted we are perhaps a few steps back from comparing apples with apples, but just the premise on collecting the data. JB noted that if the BCA were collating the data and amonising this then Members would possibly not know that this was just from 2 companies.

JB noted that from her company's perspective, their customers who come to audit are only interested in the products for their brand.

CC reiterated from his perspective if that data was amonised, but this was only from 2 companies, it is not reflective of the industry. JB noted that perhaps some companies do not see the value in providing data. CC added that the FSA will want to act on data and if we are not providing data, we cannot defend our position. JB added that perhaps when an issue occurs, we could be collating data for that current issue such as with Mineral Oils. CC stated that we need to be proactive rather than reactive.

CP noted that there is a benefit to collate data, but CC is correct having only 2 companies providing data does not give a clear picture. Perhaps having samples sent to a central place to have tested to give a continuity of testing.

PR noted that perhaps he needs to survey Members, to try and understand if there is support to take this forward.

Action: PR

8. FDF – Multiple Source Substances (e.g. 2-Phenylphenol)

PR noted that this came out of the last FDF contaminants meeting, several different bodies have concern around the definition of pesticide residues in the regulation as it captures things such as biocides, disinfectant and environmental contaminants.

It was felt there was now an opportunity to seek a UK redefinition of a pesticide and bodies such as the FSA were likely to be supportive of this as they recognised the current rules captured products where the primary use or function was not pesticide related.

From a coffee perspective 2 that have been raised at a European are **Furfural & 2-Phenylphenol**, PR noted that the ECF have circulated a range of product and added that he will circulate to see if anything else needs to be added that could cause an issue. It is a work in progress and FSA are quite supportive of this change, but Department of Health and Defra

to action any changes. JB added that could it also be with compounds already in coffee and added that the ECF are quite interested as to how we get on with this.

9. ECF Additional Items

- **Single Serve Units**

PR noted that this is occupying a lot of time at ECF level. Legislation came out in late November 2022.

The legislation would mean that it would be mandatory requirement that capsules to be compostable within 2 years of adoption. As part of that capsules become classified at packaging. Following the conversation with the UKTIA, this brings together several products into this area such things as coffee bags.

In regard to the UK we have a slightly different system in the UK, our waste is collected and sorted and there are a number of scheme of operation that would mean some are suitable for compositing or recycling, but this does not necessarily conflict with the points of the EU still giving manufacturers the freedom of choice of materials used.

From an EU perspective, how this all gets pulled together to allow freedom of choice of material and collection by authorities.

PR added out of this we are going to be working with UKTIA on a pre-emptive UK position. This will happen over the next few weeks and circulated.

Action: PR

MI noted regarding composability, the government is no longer keen on composting, following a product done by the UCL on compostable packaging, those products that were supposed to be compostable were not. Although this may work for industry composting, if you label compostable for the retail market consumers will put into their composter thinking they will breakdown, but they will not. There is a lot of work to be done on the wording that needs to be used that would cover all the options. As we don't have consistent collection of waste across the country, such as food waste, you will get a total mess and people will lose confidence in composting. Things needs to go into a certain order and wording needs to be considered. JB noted that at the ECF it was noted that there was not an agreed standard form across Member States and agreed what needs to be compostable before they put in legislation.

SJ noted that to force everyone to be compostable when there are these challenges, and that we argue for is a scientific basis. PR noted that it is an area that we need to be careful on wording, where compostable is non-recyclable and this is likely not to change in the not-too-distant future, the aim was to pick up all of that and these are sensible points to raise.

CC noted that when we talk about SSU, we talk about coffee capsules, a coffee bag is SSU but there are different challenges for each as bags are not classed as packaging. PR noted that this is one of the points we wish to raise within this paper and where the differentiators are. JB noted that the ECF are also talking about coffee pads within this group, CC noted that this needs to be made clear at ECF as well. JB noted that the ECF are thinking of going down the line that coffee pads will be compostable, anything that is not pierced is compostable and that plastic and aluminium are recyclable.

- **ECF Committee Report**

JB noted that points raised at the ECF meeting have been discussed within these minutes.

JB did state that there was a concern of copper in coffee, coffee was a source of dietary exposure, but on reflection there is no need to change the legislation in relation to coffee.

10. FSA Update

- **Recent Presentation to FDF Contaminant Committee**

PR noted that we have discussed the FSA priority list.

PR noted that FSA are looking at MOAH for arsenic, but overall, not a significant issue.

11. Plant Health – Transboundary Movement of Pests

PR noted that we have discussed at the Executive Committee and Trade & Logistics Committee, basically it is the transfer of pests from one container to another, and the potential for pest to move on things like coffee containers. There was a PHSI conference last year at which one of our Trade Members was able to present at on our behalf from a

coffee trade perspective. We have the opportunity to create a guidance/best practice document, we are looking at developing this through a working group and taking this forward to discuss with other National Associations. We are raising here as it could have issues to Member of this Committee, you may also have colleagues who might want to be involved in this working group, please contact the PR.

Action: PR/ALL

12. Cold Brew Coffee

PR asked if there is something that we should be looking at regarding standards. The NCA have done quite a lot of work on this, due to some health concerns. The NCA have been looking at definitions, how it is manufactured, food safety, regulatory structure, and manufacturing facilities. They are expecting the results on some commissioned work on shelf-life testing studies. They are happy to present about the work done and to go into more detail. PR noted the work done is accessible to the NCA Members only. PR noted that there is a suggestion the work is showing that cold brew production can suppress microbial activity, but this will only be confirmed once we see this work. PR asked would there be interest for the NCA to present at the next meeting or to have a specific webinar, there was significant interest of those on the meeting. PR noted that he will take the feedback and speak further with the NCA.

Action: PR

13. Technical & Regulatory Priorities & Risk Register

JB asked as we are short on time if the Committee could review and come back to the BCA with any changes that they may have.

Action: ALL

JB suggested that perhaps as we have run out of time today, we change the order of the subjects covered at the next meeting.

14. Dates and Times of the 2023 Technical & Regulatory Meetings

Date	Meeting	Location
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 (Teams & FDF)	FDF, 10 Bloomsbury Way, London, WC1A 2SL – Room Cleminson