



Technical and Regulatory Committee Meeting Minutes
Wednesday 29th November 2023
Via Teams

Present at meeting:

Paul Rooke	BCA Executive Director
Tracy Brown	BCA Secretariat
Jenny Breadmore	Cafea UK (Technical & Regulatory Chair)
Mike Saltmarsh	AVA
Abbie Manning	Caravela
Andy Gibbons	Costa Coffee (<i>Part of Meeting</i>)
Carla Politano	Costa Coffee
Carole Liminiana	Filhet-Allard Maritime
Barbara Usak	Finlays
Stephanie Jordan	JDE
Julie Foster	Nestlé
Elaine Kok	Ringtons

Speaker:

Mark Willis	FSA - Head of Contaminants & Residues
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1. Apologies for absence:

Sei-Wai Tse	Finlays
Rachel Vennard	Nestlé
Chris Coates	Taylors of Harrogate

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

PR noted that regarding single serve units, we are awaiting feedback from some of the Members regarding our draft position paper ahead of wider circulation.

5. FSA Contaminants Update – Update from Mark Willis

JB introduced Mark Willis to those on the call.

MW explained that there will shortly be an updated list of priorities issued, nothing has actually changed as to where the priorities were set.

- Dioxins are more of a science based rather than a risk management at this stage.
- AA is near to the top.
- OTA more to the middle of the priorities list.

The list will reflect that the EU and Codex have both moved on in particular areas.

FSA have had to expand their remit following Brexit including the analysis of data sets setting of maximum and benchmark levels, all of which was previously done by EFSA.

MW noted they launched their first call for data on T2/HT2 back in July, deadline was end of October, a reasonable amount of data has been received. FSA have tried to keep the recording method similar to that of EFSA but trying to keep as simple as possible making some areas optional rather than mandatory.

Regarding T2/HT2 the data does not necessarily fit the data requirement but has still been useful to collate even though it might not be good enough to use in the exposure assessments, it will likely be used as supporting data as part of the narrative.

MW noted that as this is the first set of data to be collected, they are using this as a dry run to see how it can be integrated. It will take a bit longer to go through, and likely they will not have it tidied up until the new year perhaps a bit later, it will then go to CoT for their view.

MW added that the next set of data call will more than likely be on AA, likely to be in January/February of 2024 and be open for around 3 months. One thing to note, the FSA would like this to be as smooth as possible and are therefore happy to reach out to people to discuss how the data is to be collected. MW noted for contaminants the numbers say something but what is the achievability to be managed. AA is somewhat trickier as a process contaminant.

MW noted that following that they will likely be looking at a data call on some metals, but likely will not be until the 2nd quarter of 2024.

MW stated that they are looking at some of the dioxins and these are more risk assessment toxicology heavy. The CoT are looking at those and the recent EFSA opinions and, having a slightly different view as to how EFSA have undertaken the assessment, are doing some additional modelling. With regard to dioxins FSA have been awaiting the work that the WHO have undertaken on toxicity and this report is due to be published in the not-too-distant future. On the back of that it will allow both the CoT a proper look at the risks, and it will trigger work internationally with JECFA, who will be looking at dioxins in the whole, and EFSA, who will be looking at the results and doing a risk-based analysis.

MW noted that EU are still looking at the benchmark levels for AA, the Commissions plans that they do want to finalise this next year. MW added that he does not have any intelligence as to the products that will have maximum levels applied, originally the plan was for baby food and cereals. From a UK perspective we are not looking at any changes until the risk analysis process is completed following the data call.

PR asked when the FSA were setting out their risk strategy, it was noted that the UK were looking at a more nuance-based approach and not all products would be treated the same. PR referenced the work that FERA had done on AA and Furan, how the levels change during processing, and questioned how this work would fit into the FSA risk assessment.

MW noted the FSA were generally supportive of benchmark levels, understanding that AA is very tricky and levels above benchmark levels are expected. The FSA at the time were opposed to maximum levels, if maximum levels were set, they would need to be higher than the benchmark levels, however noting the discussions in the EU there was confusion of benchmark and maximum levels. MW felt FSA would more fully recognise situations where levels were consistent and where there were limited or no options for further mitigation. More focus would be placed in areas where additional mitigation to lower levels was possible. He noted that infant and young children diets would continue to receive more focus because of the additional risks.

MW noted on the Furans work, the FSA surveys over the last couple of years just to gather data will be used when the FSA ask CoT to do a review of exposure, that is not a current priority, and more data calls will be asked for in the future.

PR topics that we have been discussing is on MOSH/MOAH at a European level the issues/challenges coffee has looking at the bag manufacturing and reaching them as outside the EU, with plans to work with cocoa to work with the producers of these jute bags.

MW noted that for MOSH/MOAH the EU have a standing committee approach for their enforcement, not something that we are actively looking at. MW added that the FSA have asked the National Reference Library FERA to get themselves set up for testing of samples by the middle of next year. On the back of that they will put through the risk assessment process to see what possible action they may want to do. At an EU level on the back of the EFSA opinion we have heard that they may planning some risk management actions, which could mean introducing maximum levels for some foods into the contaminants regulation – something which could happen relatively quickly.

MW noted that he has been discussing mineral oils for many years now, even with tricky methodology and looking at where in the process this was coming from, are jute bags still contributing to contamination the FSA would be interested to find out results from this work being done by the ECF.

PR noted the conversations around DCM and the proposal coming out of the ECHA based on the Italian work to move the classification of this particular solvent. Whilst the UK does not have decaf capacity the issue was of concern. It was noted the concern appeared to be primarily around worker exposure rather than with the consumer exposure.

MW added with DCM, it will be interesting to see what happens in the EU with the ECHA review. From a food safety perspective, the extraction in isolation does protect food consumer health as the levels are relatively low. Further consideration was needed from both ECHA and REACH but the outcome could be removal of the approval for the use of the solvent. The FSA would monitor the EU outcome. MW felt that even in the event of a ban, maximum levels would be needed as there would be nothing to enforce against. MW confirmed the review was likely to take some time.

MW noted he understood that most of decaf was not using DCM, using super critical CO2 or other methods.

JB noted that she could only answer for instant, most of the instant coffee imported is already done by using DCM. JB noted that for organic or higher value would be alternatives such as supercritical CO2 method. JB noted they have informed their suppliers in South America who are both interested and concerned. If they banned the use of it in Europe, would they still allow import levels, or would it be a complete ban?. SJ noted that she believed that DCM is largely used for both instant and R&G. MW suggested that if the Commission were to ban the solvent there would still need to be levels established in order to have something to measure against in the final product, this may be close to the limit of detection. JB added that DCM is used as it is the most effective method for both decaffeination and maintaining coffee yield. JF noted that their decaf process uses water. AM noted that they use ethyl-acetate.

PR referred to the FDF letter on multi-source substances and asked how it has been received. MW noted he was surprised that the letter was written to the FSA and not as a CC, as Defra hold all the keys - there is not much that the FSA can do. MW noted that Defra will be responding and will CC the FSA. MW asked what contaminants are of particular concern from a coffee perspective, it would be good to understand and allow for some resolution to be found. PR noted that the example used for a coffee perspective was 2-Phenylphenol and it was a by-product of the roasting process. An EU industry project had been suggested to look at these substances and there was interest in the EU at the UK response. PR asked is there a timeline on the response back to the FDF. MW added that if it can be shown not there in the green bean but is formed in the processing and understanding what the normal levels are and looking at issues individually in a pragmatic fashion then an individual approach might be easier to achieve than a wholesale review of the pesticide MRL definitions.

JB thanked MW for his presentation and response to questions. MW indicated he was happy to return to future meetings as the FSA approach developed.

(Presentation Attached Separately)

6. Glyphosate

• Update on UK & EU Positions

The EU decision on the re-registration of Glyphosate was noted and would apply until December 2033. The Commission will adopt its own proposal, this will be for renewal for 10-years, although France had asked for 7-year period.

A concern for coffee at an EU level is on the review of MRLs, this is still ongoing and nothing much happened. Under this review there was a proposition to half the MRL. The ECF have been doing a lot of work around this as this reduction could mean a huge amount of coffee that would not be accepted. PR reminded the meeting that ECF had initiated a processing study, at the suggestion of the EU and it was hoped its results would confirm significant reductions in Glyphosate post- roasting. This may, in turn, help inform the MRL review.

PR noted that that in the UK it does not have to be reviewed until the end of 2025, there has not yet been a call for data, but the expectation this will happen in early 2024. An MRL review underway, and a data call went out to the registrants of the product. The review is underway, the HSE have no timetable set for this announcement. There remains the potential that we may have different MRL levels in the UK and EU.

7. Contaminants

- **OTA**

Nothing further to report.

- **Acrylamide (AA)**

PR noted that as we have heard from MW of the FSA, the debate continues on Benchmark vs Maximum Levels. The ECF have gathered another 7000 data points looking at what is happening in industry. For R&G the levels have slightly decreased, but soluble has increased slightly, but a longer term drop in the levels seen. There is still the concern with the link to Furans, Benchmark Levels gives you the flexibility industry needs moving forward.

PR noted that MW had stated that they will likely follow the of the EU process, but are less keen reenforcing the strict requirement, and will look at more qualitative rather than quantitative data. PR noted that when this data call comes out the BCA could help to take any issues forward.

- **MOAH/MOSH**

PR noted that the Dutch have decided on introducing controls on Hydrocarbons from January 2024, especially on products such as baby food. The Dutch will apply a 50% uncertainty over the EU action limits. The EU seem to be quite happy to see this go ahead.

- **Furan & Methyl Furans**

PR noted that very little happening at this time in both the EU and the UK.

- **Diacetyl**

PR noted that we can finally put this to bed now as we finally have from the HSE what we had been expecting.

- **Additional Points**

AG asked will BPA / PFAS be covered as contaminants for RTD coffee? PR noted that he would have to take this away, and asked if AG could provide an update that would be appreciated.

Action: AG/PR

BU asked if the NCA are aware of the potential changes relating to DCM, PR noted that he will inform the NCA in case they are not aware.

Action: PR

PR noted that regarding DCM, the expectation of the ECF is that it could be at least another year until the ECHA could come up with a decision.

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

PR noted a reminder that this came about through the specialist nutrition sector and then widened out to other sectors. There as a concern that the definition could mean the capture of several products.

PR added that there has been much discussion within the FDF, and you would have seen the letter that was submitted. If the products contained within the definition could be removed or revise the definition.

PR added that MW and the FSA were supportive of the difficulties that this had thrown up.

PR asked whether the question that MW posed around the coffee specific ones, was a real concern.

JB noted that this could be the case as we had several years ago, until we start testing that you can find more, and it could become an issue and no own knows all the compounds when coffee is roasted.

9. ECF Additional Points

- **Dichloromethane**

JB noted that ECF had submitted a consultation response supporting the position of the Solvents Association, noting that the evidence is not strong enough in the paper to suggest that this is carcinogenic.

10. FDF Update

- **Additional Issues from the Recent FDF Contaminant Committee**

No additional points.

11. Plant Health – Transboundary Movement of Pests

PR ran through how this was originally raised, and the question around the certification of containers. PR noted that from this PHSI conference it gave an opportunity to develop an industry guidance rather than have something pushed on us. PR noted that CC that we should look at it from a technical and regulatory point of view. This has been shared with other Associations. PR asked anyone who has any thoughts on this guidance come back to the BCA asap.

Action: ALL

12. Technical & Regulatory Priorities & Risk Register

PR asked those on the call if there are any changes that should be made.

JB asked if DCM should be added to the register, PR noted that yes and perhaps should be a Rating 3 as it is currently a watching brief until we get some idea of where the ECHA risk committee are heading.

PR noted that under Mineral Oils we are awaiting an update of the work that the ECF are undertaking.

PR noted that we had circulated a draft of the Position Statement on Diacetyl he will re-circulate a revised draft to get sign off.

Action: PR/ALL

PR noted that we will update Glyphosate to state that the re-registration is going ahead at EU level.

13. Dates and Times of the 2024 Technical & Regulatory Meetings

PR noted that following a recent survey to the Members as to the best days to hold future meetings, if we are holding these via Teams, it does give us flexibility. PR added that Thursday seemed to be the best outcome for the majority of the T&R Committee.

The BCA to circulate the dates for 2024.

Action: BCA

PR asked those on the call if they had any speakers, they would like to see in future meetings please do let us know.

Action: ALL