

Attn: Frans Verstraete, European Commission

Consultation response: EC consultation on new natural toxin limits in cereals

Comments:

The consultation on proposed MRLs for pyrrolizidine alkaloids (PAs), tropane alkaloids and ergot alkaloids was forwarded to Institute of Food Science and Technology (IFST) by a member; despite being a registered stakeholder for EFSA, IFST did not receive this consultation directly.

IFST welcome the proposal to set regulatory limits for these important contaminants. It will redress the regulatory anomaly that a subset of mycotoxins has well-established regulatory limits whilst many analogous natural toxins do not. Many Food Business Operators are required to control PAs, tropanes and ergot, but without mutually recognised limits in final product these controls are currently inconsistent. These proposals will improve this position.

We welcome that the Commission have used scientific evidence to target the proposed limits at specific at-risk foods and have taken care to specify the individual alkaloids of concern. We agree with the proposal to treat co-eluting (analytically indistinguishable) PAs as if they were the regulated alkaloids (i.e. worst-case assumption), and the proportionate approach of using the lower-bound assumption for <LoD individual alkaloids.

We agree with the omission of any proposed limit for PAs in honey; we do not perceive current levels of PAs in honey as a consumer risk, and a regulatory limit would remove some honey from the market unnecessarily. In this respect, we do not understand why the proposed text specifies a minimum detection limit for PAs in honey, when honey is not included in the proposed legislation.

We note that the proposed limits are somewhat lower than assumptions in previous EFSA assessments, lower than the current sclerotia limit, and also than some alkaloid benchmarks currently used by industry. We do not see this as a problem per se; we agree with the limits being derived using the As Low as Reasonably Achievable approach, based upon distribution data. However, this distribution-derived approach has led to a potential contradiction within the ergot proposal. We are unaware of any evidence that robustly correlates the sclerotia concentration in unprocessed cereal with the resultant alkaloid concentration in milled product. Therefore, it would be possible for an unprocessed cereal to be legally compliant with the sclerotia MRL and for the primary producer to have taken all due diligence, only for the subsequent milled product to be legally non-compliant with the alkaloid MRL. The most technically robust measure is the alkaloid concentration in the final product; this is what is of concern to the consumer. Best practice guidance about minimising and removing sclerotia from unprocessed cereals, along with target levels for residual sclerotia, could then be taken out of the legislation and moved to a Code of Practice. This would be much more consistent with the Commission's current approach for mycotoxins in nuts; the legislation gives limits for the toxins in the final product but does not attempt to specify legal limits for the frequency of mould growths in storage piles. The mycotoxins legislation is backed up by comprehensive industry Codes of Practice.

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