

Scientific Panel on Contaminants in the Food Chain Minutes of the 71st plenary meeting

**Held on 28-30 April 2015, Parma (Italy)
(Agreed on 26 May 2015)**

Participants

- **Panel Members:**

Diane Benford, Bruce Cottrill¹, Sandra Ceccatelli², Michael Dinovi, Eugenia Dogliotti, Lutz Edler, Peter Farmer, Peter Fürst, Ron Hoogenboom, Helle Knutsen, Anne-Katrine Lundebye³, Manfred Metzler, Antonio Mutti, Carlo Nebbia⁴, Michael O'Keeffe, Annette Petersen, Dieter Schrenk³, Hendrik Van Loveren⁵, Christiane Vleminckx and Pieter Wester.

- **Hearing Expert⁶:**

Britta Michalski (BfR)

- **European Commission and/or Member States representatives:**

Frans Verstraete (EC)

- **EFSA:**

- **BIOCONTAM Unit:**

Katleen Baert, Marco Binaglia, Barbara Dörr, Mari Eskola, Ernesto Liebana Criado, Karen Mackay, Luisa Ramos Bordajandi, Hans Steinkellner and Natalie Thatcher

- **DATA Unit:**

José Ángel Gómez Ruiz (for items 7.2 and 7.3), Davide Arcella (for item 7.1, 7.2, 7.4 and 8.).

- **Observers⁷:**

Not Applicable

- **Others:**

Not Applicable

¹ Present by tele-web on 28 April only.

² Present on 28 April (pm only) and on 29-30 April

³ Present on 28-29 April.

⁴ Present by tele-web on 28 April (pm only), and physically on 29-30 April.

⁵ Present on 28 April and 29 April (am only).

⁶ As defined in Article 11 of the Decision of the Executive Director on Declarations of Interest:

<http://www.efsa.europa.eu/en/keydocs/docs/independencerules2014.pdf>

⁷ <http://www.efsa.europa.eu/en/stakeholders/observers.html>

1. Welcome

The chair welcomed the participants.

2. Apologies for absence

Apologies were received from Marina Marini (European Commission, DG Health and Food Safety, unit 03), Frank Swartebroux (European Commission, DG Health and Food Safety, unit E7), Almut Bitterhof and Veerle Vanheusden (European Commission, DG Health and Food Safety, unit E3).

3. Adoption of agenda

The agenda was adopted without changes.

4. Declarations of Interest of Scientific Panel members

In accordance with EFSA's Policy on Independence and Scientific Decision-Making Processes⁸ and the Decision of the Executive Director on Declarations of Interest⁹, EFSA screened the Annual Declarations of Interest and the Specific Declarations of Interest filled in by the Scientific Panel Members invited for the present meeting. No Conflicts of Interest related to the issues discussed in this meeting have been identified during the screening process or at the Oral Declaration of Interest at the beginning of this meeting.

5. Agreement of the minutes of the 70th Plenary meeting held on 3-5 March 2015, Parma (Italy)

The minutes of the 70th Plenary meeting held on 3-5 March 2015 were agreed by written procedure on 13 April 2015¹⁰.

6. Report on the written procedures since 70th Plenary meeting

The Scientific Opinion on nickel in feed (EFSA-Q-2013-00925) was adopted by written procedure on 31 March 2015

The CONTAM Team Leader communicated by written procedure the Panel members appointed as chair and vice chair of the new WG to be set up.

Annette Petersen will be the chair of the WG on plastic microparticles in food (EFSA-Q-2015-00159).

⁸ <http://www.efsa.europa.eu/en/keydocs/docs/independencepolicy.pdf>

⁹ <http://www.efsa.europa.eu/en/keydocs/docs/independencerules2014.pdf>

¹⁰ <http://www.efsa.europa.eu/en/contam/contammeetings.htm>

7. Scientific outputs submitted for discussion and/or possible adoption

7.1 Draft Scientific Opinion on the risks to public health related to the presence of perchlorate in food, in particular fruits and vegetables - corrected opinion (EFSA-Q-2015-00107)¹¹

The chair of the CONTAM WG on perchlorate in food – correcting opinion presented the draft opinion (EFSA-Q-2015-00107) in which the European Commission had asked EFSA to assess the risk for public health related to the presence of perchlorate in food, in particular fruits and vegetables. The CONTAM Panel discussed the changes made in the opinion following the identification of technical errors in the exposure assessment. The CONTAM Panel adopted the corrected opinion subject to incorporation of minor changes as suggested during the meeting. The chair of the CONTAM Panel expressed her appreciation to the members of the WG and the EFSA staff.

7.2. Draft Scientific Opinion on the risks to human health related to the presence of chlorate in food (EFSA-Q-2014-00534)¹²

The chair of the CONTAM WG on chlorate in food presented the sections of the draft opinion relative to the hazard identification and characterisation (EFSA-Q-2014-00534). The members of the CONTAM Panel discussed the approach and agreed on the proposed health based guidance values proposed by the WG. The WG chair presented the approach taken for the exposure assessment in the draft opinion. The members of the CONTAM Panel discussed the approach and provided their suggestions. The chair of the WG will bring the comments back to the WG which will take them into account in the draft opinion. The draft opinion on the risks to human health related to the presence of chlorate in food will be presented for possible adoption at the 72nd meeting of the CONTAM Panel (3-5 June 2015).

7.3. Draft Scientific Opinion on the risks for human health related to the presence of tetrahydrocannabinol (THC) in milk and other food of animal origin (EFSA-Q-2013-00787)¹³

The chair of the CONTAM WG on THC in milk and other food of animal origin presented the draft opinion (EFSA-Q-2013-00787) in which the European Commission had asked EFSA to assess the risk for human health related to the presence of THC in milk and other food of animal origin. The CONTAM Panel discussed the draft opinion, and proposed further revisions for some chapters. Therefore the draft opinion was not adopted in the plenary meeting. The chair of the WG will bring the comments back to the WG which will take them into account in the draft opinion. The draft opinion on the risks for human health related to the presence of THC in milk and other food of animal origin will be presented for discussion and possible adoption at the 72nd meeting of the CONTAM Panel (3-5 June 2015).

7.4. Discussion on the draft Scientific Opinion on the risk to human health related to the presence of acrylamide in food (EFSA-Q-2013-00007)¹⁴

The chair of the WG on Acrylamide in food presented to the members of the CONTAM Panel the draft opinion on acrylamide in food (EFSA-Q-2013-00007), in which the European

¹¹ <http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2015-00107>

¹² <http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2014-00534>

¹⁴ <http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2013-00007>

Commission had asked EFSA to assess the risk for public health related to the presence of acrylamide in food. The CONTAM Panel discussed the draft opinion and adopted it subject to incorporation of minor changes as suggested during the meeting. The scientific officer of the BIOCONTAM Unit presented to the members of the CONTAM Panel the draft technical report on the outcome of the public consultation on the draft opinion on acrylamide. The CONTAM Panel agreed that all comments made during the public consultation were adequately addressed and reflected the changes made in the draft opinion, and therefore endorsed the technical report. The chair of the CONTAM Panel expressed her appreciation to the members of the WG and the EFSA staff

7.5. Draft Scientific opinion on the risks for human and animal health related to the presence of phorbol esters in Jatropha kernel meal (EFSA-Q-2014-00445)¹⁵

The WG chair presented the approach taken in the draft opinion on phorbol esters in Jatropha kernel meal (EFSA-Q-2014-00445) in which the European Commission had asked EFSA to assess the risk for public and animal health related to the presence of phorbol esters in Jatropha kernel meal. The members of the CONTAM Panel discussed the approach and provided their suggestions. The chair of the WG will bring the comments back to the WG which will take them into account in the draft opinion.

7.6. Draft Scientific Opinion on the risks to human health related to the presence of nitrofurans and their metabolites in food (EFSA-Q-2014-00066)¹⁶

The chair of the CONTAM Standing WG (SWG) on Non-allowed pharmacologically active substances in food and feed and their reference points for action presented to the CONTAM Panel the revised approach for the hazard characterisation and the approach taken for the exposure assessment of the substances under the scope of the opinion. The members of the CONTAM Panel discussed the approach and provided their suggestions. The chair of the SWG will bring the comments back to the SWG which will take them into account in the draft opinion. The draft opinion on the risks to human health related to the presence of nitrofurans and their metabolites in food will be presented for possible adoption at the 72nd meeting of the CONTAM Panel (3-5 June 2015).

7.7. Scientific Opinion on the risks to human and animal health related to the presence of deoxynivalenol and its acetylated and modified forms in food and feed (EFSA-Q-2013-00721)¹⁷

The chair of the WG on *Fusarium* toxins presented to the CONTAM Panel the approach taken for the draft opinion on deoxynivalenol and its acetylated and modified forms in food and feed (EFSA-Q-2014-00445) in which the European Commission had asked EFSA to assess the risk for public and animal health related to the presence of the aforementioned mycotoxins in food and feed. The members of the CONTAM Panel discussed the approach and provided their suggestions. The chair of the WG will bring the comments back to the WG which will take them into account in the draft opinion.

¹⁵ <http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2014-00445>

¹⁶ <http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2014-00066>

¹⁷ <http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2013-00721>

8. Presentation of the BfR opinion on the presence of chlorate residues in food

The hearing expert presented the recent assessment of the German Federal Institute for Risk assessment (Bundesinstitut für Risikobewertung, BfR) of the risks related to the presence of chlorate residues in food. In particular the presentation was focused on the discussion of the rationale for the use of variability factors in the acute exposure assessment of chlorate to account for the presence of composite samples in the occurrence dataset. BfR supported the use of variability factors, following the default approach applied for pesticide residues. Following the presentation, the CONTAM Panel discussed the evidence supporting the use of variability factors. Although it was acknowledged that there is a degree of uncertainty in the acute exposure levels based on occurrence data from composite samples, the CONTAM Panel noted that the application of the default variability factors used in the assessment of pesticides would lead to an overestimation of the acute exposure levels for chlorate. Therefore, the Panel concluded that it is not appropriate to apply these factors in the scientific opinion on chlorate under development. The Panel agreed that this different approach constitutes a scientific divergence with BfR and as such it needs to be addressed in compliance with the Article 30 of the Regulation (EC) No 178/2002¹⁸.

9. New mandates

9.1. Request for an EFSA opinion on the evaluation of substances as acceptable previous cargoes for edible fats and oil (EFSA-Q-2015-00196)¹⁹

The CONTAM Panel discussed the requests and agreed to initiate a new WG on acceptable previous cargoes. Since the activity is not planned to start before the end of the 2012-2015 mandate of the CONTAM Panel, Diane Benford was nominated as WG chair to allow the start of the procedure for the WG set up.

9.2. Request for a scientific opinion on the acute health risks related to the presence of hydrocyanic acid in apricot kernels and products derived from apricot kernels (EFSA-Q-2015-00225)²⁰

The CONTAM Panel discussed the requests and agreed to initiate a new WG on hydrocyanic acid in apricot kernels. Since the activity is not planned to start before the end of the 2012-2015 mandate of the CONTAM Panel, Diane Benford was nominated as WG chair to allow the start of the procedure for the WG set up.

9.3. Request for scientific opinions on the appropriateness to set a group health based guidance value for certain mycotoxins and their modified forms (EFSA-Q-2015-00226, EFSA-Q-2015-00227, EFSA-Q-2015-00228, and EFSA-Q-2015-00229)²¹

The CONTAM Panel discussed the requests and agreed to initiate a new WG group health based guidance value for certain mycotoxins and their modified forms. Since the activity is not planned to start before the end of the 2012-2015 mandate of the CONTAM Panel, Diane Benford was nominated as WG chair to allow the start of the procedure for the WG set up.

¹⁸ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.OJ L 31, 1.2.2002, p. 1-24.

¹⁹ <http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2015-00196>

²⁰ <http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2015-00225>

²¹ <http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2015-00226>

10. Feedback from the Scientific Committee/the Scientific Panel, EFSA, the European Commission

10.1. Scientific Committee and Scientific Panel(s) including their Working Groups

10.1.1 Scientific Committee and its Working Groups of interest to CONTAM Panel

The chair of the CONTAM Panel highlighted the main items discussed in the 72nd plenary meeting of the Scientific Committee (SC) held on 22-23 April 2015. The draft guidance on uncertainty in risk assessment was presented for discussion and following its endorsement for public consultation, the guidance will be applied for trials to scientific opinions of the different EFSA Panels. Following a request from the European Commission regarding the development of a guidance document to conduct risk assessment for infants of less than 12 weeks of age, to be applied in the context of the re-evaluation programme on food additives, the Scientific Committee agreed that this is a cross-cutting issue through several EFSA Panels and took the lead for the development of the aforementioned guidance. More information is available on the EFSA website²².

The respective CONTAM Panel members who are members of the SC WGs of interest to the CONTAM Panel informed about current status of these WGs, namely the standing WG on Emerging Risks (SC), the standing WG on Guidance review (SC), the standing Working Group on Genotoxicity (SC), the WG on Uncertainty in Risk Assessment (SC), and the WG on Safety risks from insects as food and feed (SC), the WG on weight of evidence (SC), the WG on BMD approach (SC) and the WG on Prometheus (AMU).

10.2. CONTAM Panel Working Groups

10.2.1. WG on Perchlorate in food – correcting opinion

See item 7.1

10.2.1. Working Group on Acrylamide in food

See item 7.4.

10.2.3. Working Group on *Fusarium* toxins

See item 7.7

10.2.5. Standing Working Group Non-allowed pharmacologically active substances in food and feed and their reference points for action

See item 7.6.

10.2.6. Working Group on Tetrahydrocannabinol (THC) in milk and other products of animal origin

See item 7.3.

²² <http://www.efsa.europa.eu/en/panels/scer.htm?wtrl=01>

10.2.7. Working Group on Chlorate in food

See item 7.2.

10.2.8. Working Group MCPD and glycidyl esters

The vice-chair of the WG on MCPD and glycidyl esters in food informed the members of the CONTAM Panel that the draft opinion on MCPD and glycidyl esters in food (EFSA-Q-2014-00535) is progressing well. A technical consultation will be held on mid of June with the main industrial stakeholder to gather information on the use of different fats and oils in the food industry.

10.2.9. Working Group on Phorbol esters in Jatropha kernel meal

See item 7.5.

10.3. EFSA

10.3.1. Advisory Forum

This agenda item was deferred to the 72nd CONTAM Panel meeting (3-5 June 2015). More information on the AF and its meeting is available on the EFSA website²³.

10.3.2. Management Board

The Team Leader of the CONTAM Panel and Reports Team informed the CONTAM Panel that the Management Board approved the proposed nominations for the 2015-2018 mandates of the EFSA Panels and Scientific Committee during its meeting held on 19 March 2015. More information on the MB and its meeting is available on the EFSA website²⁴.

10.3.3. Other

The Team Leader of the CONTAM Panel and Reports Team informed the CONTAM Panel that the procedure to document the scientific divergence identified between the EFSA opinion on the *Fusarium* mycotoxins T-2/HT-2 published in 2011 and the recent assessment performed by the French Agency for Food, Environmental and Occupational Health & Safety (Agence nationale de sécurité sanitaire de l'alimentation, de l'environnement et du travail, ANSES) is on-going in compliance with the Article 30 of the Regulation (EC) No 178/2002. A document documenting the diverging positions will be prepared and shared with ANSES following the endorsement of the CONTAM Panel. .

10.4. European Commission

The European Commission representative gave feedback on the activities of the European Commission in relation to the issued scientific opinions of the CONTAM Panel. Several amendments for current legislation are under discussion with the Member States as an outcome of the CONTAM Panel scientific opinions. In addition, several recommendations to the Member States have been made by the European Commission based on CONTAM opinions.

²³ <http://www.efsa.europa.eu/en/af/afmeetings.htm>

²⁴ <http://www.efsa.europa.eu/en/mb/mbmeetings.htm>

11. Other scientific topics for information and/or discussion

11.1. Present status of current outsourcing activities of the CONTAM Team (BIOCONTAM Unit)

For the Article 36 grant on the combined bioaccumulation/toxicity study on a broad mixture of mineral oil saturated hydrocarbons relevant to the human dietary exposure (signed with INRA (France) and NIPH (Norway) in September 2013), the second interim report is currently under preparation.

For the Article 36 grant to collect occurrence data on sterigmatocystin in food (signed with RIKILT (the Netherlands), Unicatt (Italy), Fera (United Kingdom), BPI (Greece) and NVWA (the Netherlands) in September 2013). The final report was published in the EFSA website.

For the Article 36 grant on occurrence data of pyrrolizidine alkaloids in food (signed with RIKILT (the Netherlands), BfR (Germany) and IRTA (Spain) in September 2013), the second interim report was submitted in September 2014. The final report is due in May 2015.

For the Article 36 grant on deoxynivalenol biomarkers in urine (signed with ISS (Italy), Unicatt (Italy), NVI (Norway), NIPH (Norway) and UoH (UK) in December 2013), the draft final report was submitted in January 2015. The final report was submitted in February 2015.

For the Article 36 grant on occurrence of tropane alkaloids in food, the contract was signed with the appointed beneficiary (RIKILT (the Netherlands), IRTA (Spain), FERA (UK) and VSCHT (Czech Republic). The first interim report is due in May 2015.

A call for an Article 36 grant on generation of occurrence data on citrinin in food was launched on the first of April 2015. The deadline to submit proposals is 22 May 2015.

12. Any other business

Not Applicable