

## Food activists say legal flaw could scupper acrylamide bill

-- By Simon Marks  
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Food safety activists are arguing that there is a flaw in the legal basis of planned legislation designed to regulate levels of a carcinogenic contaminant called acrylamide found in popular food items such as bread and potatoes.

In a letter to European Commissioner for Health Vytenis Andriukaitis and Vice President Frans Timmermans dated November 17, Safe Food Advocacy Europe, Corporate Europe Observatory and Client Earth stated that the draft bill under the EU's hygiene regulation "could justify the future annulment of the regulation at hand."

They say the Commission should instead use the EU's regulation on contaminants as the correct legal basis because the hygiene regulation is intended only to eliminate or reduce contact between food and hazards at all stages of production be it in a factory, in transit or during the packaging process.

"As a consequence, it is erroneous to apply to acrylamide legislation on hygiene, because such [a] substance does not correspond to any definition regarding hygiene," the letter states.

"It is difficult to understand how the hygiene regulation, which exclusively establishes rules on hygiene of foodstuffs, can be applied to contaminants," it adds.

A Commission spokesperson said that the cabinet of Andriukaitis had not yet evaluated the letter and would react once the legal team had reached an opinion.

The current legislation on reducing acrylamide levels has caused an uproar among food safety activists who say targets obliging companies to reduce acrylamide in food are non-binding and overly generous.

Acrylamide, which is formed when starchy ingredients are cooked above 120 degrees Celsius, is found in a wide range of popular food items such as breakfast cereals, potato chips, biscuits and instant coffee, meaning binding targets could have far-reaching consequences for the manufacturing processes at companies such as Nestlé, Kellogg's and McVitie's, the British biscuit manufacturer.

The existing target levels for acrylamide — dubbed "indicative values" by the Commission — have been assigned by industry and are much higher than the actual levels of acrylamide already discovered in food during tests conducted by national authorities and industry.

Although Commission officials have said they are willing to use updated data from national food safety authorities to reassess targets in the coming months, activists say food safety can only be guaranteed if acrylamide targets are not only lower but binding and enforced with punitive measures.

"Because of the wrong legal basis in the draft regulation there is an absence of maximum levels of acrylamide in food which is contrary to high standards of protection for human health," said Floriana Cimmarusti, secretary general of Safe, one of the groups bringing the legal analysis to the Commission's attention.

Earlier this month the Commission bowed to some of the public pressure. A leaked draft of the acrylamide bill, seen by POLITICO, stated that the EU's executive would consider legally binding maximum levels for acrylamide if food producers fail to apply so-called "codes of practice" designed to bring down the level of acrylamide present in food sold in the EU.

The regulation now also states that the Commission will conduct a review of currently non-binding acrylamide targets in a long list of food items before the regulation is implemented, which could lead to tougher targets for food companies.