

## Commission to set binding acrylamide limit on RTE foods

**By Sara Lewis**

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The Commission is planning a regulation setting binding limits on the contaminant acrylamide in ready to eat (RTE) foods such as crisps, bread and cereal, Sabine Juelicher, Director of the EU executive's Food and feed safety and innovation unit has told MEPs.

Called before the European Parliament's Environment, Public Health and Food Safety Committee last week to [explain a draft law on acrylamide](#), which forms naturally when starchy foods are cooked or processed at high temperatures, Juelicher explained that the binding limits would come at a second stage.

Socialist and Green MEPs were unhappy that the draft regulation rendering codes of practice for acrylamide reduction mandatory, only sets benchmark limits.

But Juelicher defended the benchmarks opposed to binding maximum limits and the rule that would apply to bring down acrylamide to levels that are as low as reasonably achievable (ALARA).

Nevertheless, she said that binding maximum limits were "foreseen" for "immediately after the regulation's adoption" in a second regulation. This would apply to RTE foods as manufacturers would be able to control acrylamide limits as opposed to products such as frozen chips where consumers have to cook them.

Juelicher underlined that it was important to raise awareness among consumers about not over cooking foods, telling the Committee: "Actually home cooking does contribute to a significant part of exposure to acrylamide."

This was a point that Marta Hugas, Head of the Biological Hazards and Contaminants Unit at the European Food Safety Authority (EFSA), also made. "Preferences in home cooking are also shown to have a significant impact," Hugas told the Committee.

Juelicher moreover argued that "setting of maximum limits is not really straightforward", pointing as example to fries and crisps where the time the potato is stored plays a role.

### **MEPs split on acrylamide**

The MEPs proved divided along broad right-left and Green lines on how tough the EU needed to be on acrylamide.

Irish Socialist Nessa Childers wanted to know what independent experts had examined the codes of practice or whether there had been consumer group involvement.

German centre right MEP Renate Sommer acknowledged that listening to the information from EFSA “it’s hard to resist a feeling of panic.” But she also warned “all of this has to be feasible.”

For Belgian Green Bart Staes there was no question that the EU should be setting binding limits and banning foods that are over these limits. “If it’s as bad as we’ve just heard, why isn’t there a binding maximum level in foods?” Staes asked.

Staes further questioned whether independent experts had been involved in assessing the codes of conduct. Staes continued: “I can’t shake the impression” that the codes were very general and “written with the interests of industry in mind.”

British Conservative Julie Girling suggested that some MEPs were going too far in emphasising the risks, arguing: “We must be careful that we don’t over egg this particular pudding.”

Girling agreed that the ALARA rules should be tightened up but that MEPs should not underestimate the public’s preference for eating sausage and chips. “Setting levels is for me probably a step too far,” she said about maximum limits.

Spain’s Pilar Ayuso, who is from the same European People’s Party (EPP) as Sommer, noted that acrylamide in food was first detected in 2002, and anybody listening to the debate would assume there was some “social scourge.” Yet Ayuso said: “so far we’ve been eating toast and roast meat but there has been no epidemic of disease caused by acrylamide.”

Ayuso agreed that regulators needed to raise consumer awareness, but without alarming them.

She also wanted to see more research. “We shouldn’t be putting the cart before the horse because we may actually create more problems than we’re solving,” she warned.

Maltese Socialist Myriam Dalli asked how the benchmark levels had been chosen, arguing that they were “at the very high end of levels found and not at those that can be achieved by food business operators.”

British UKIP member Julia Reed, said she was a biochemist and “life is about risk – we balance risk.” Reed added: “I’m now 65 and eating burnt toast hasn’t done me much harm.”

Polish EPP member Andrzej Grzyb also argued: “Let us stay balanced.” He agreed that the animal test results showing acrylamide was genotoxic and carcinogenic were likely to be the same in humans, “but it’s also about the intensity of consumption so I wouldn’t go too far.”

He said the EU should “specify the best practices, define them” but warned that industry representatives were already giving “signals” about being able to apply the

codes. “It seems so simple but it might be actually very complex,” Grzyb said, “so let’s be moderate.”

But Italian Socialist Nicola Caputo stressed EFSA’s conclusions in its June 2015 opinion about acrylamide being carcinogenic and genotoxic, arguing: “Unfortunately in the Commission proposal they don’t seem to take these conclusions from EFSA into account.” He agreed with Dalli that the values proposed were higher than actual levels in food.

Not only did Caputo want to see binding limits but also “some form of economic sanction” – so fines – for manufacturers that exceed them. This would mean industry would respect the limits and consumers would not fear eating these foods, he said.

Juelicher defended use of industry codes of conduct, arguing that it was important that the sectors got involving in developing them “because they do hold the knowledge that would allow them to reduce acrylamide levels.”

But she stressed that the Commission had consulted outside experts and consumer groups and said it was not true that the latter opposed the codes of conduct as currently drafted.

### **Hygiene not contaminants choice questioned**

However, the one area where the MEPs were in agreement was in questioning the Commission’s use of the 2004 food hygiene regulation (852/2004) rather than 2006 regulation setting maximum limits for certain contaminants in foodstuffs (1881/2006) as a legal base for the acrylamide law.

Childers kicked off by asking straight out why the Commission intends to use the hygiene law instead of the contaminants regulation.

Staes also questioned the choice, saying he had seen a number of attorneys who agreed that 1881/2004 “would provide a more sound legal basis for approaching this problem.”

Girling said: “I agree with Nessa, why the hygiene base?” She went on to say: “I couldn’t quite work that out either.”

But Juelicher defended the hygiene choice, telling the Committee that it meant that food business operators have to evaluate the risks and hazards for acrylamide formation, devise mechanisms to reduce that risk, monitor their systems and present samples for analysis. Acrylamide assessment and management would have to become part of a company’s hazard analysis critical control points (HACCP) system, required under the hygiene regulation.

Moreover, the hygiene regulations makes it obligatory for regulators to enforce the acrylamide provisions and ensure companies are taken action to reduce levels, by carrying out official controls.

Juelicher stressed that 852/2004 was chosen “because the legislation imposes responsibilities on food business operators” that have a legal obligation to provide safe food. She said it “gives the instrument that they can be obliged to apply preventive measures.”

The Commission official added that the EU’s general food law (regulation 178/2002) in any case allows regulators to remove food from sale if it contains too high acrylamide levels and there was an example of an unnamed Member State doing this for a baby food.

She said that it was “not enough if maximum levels are established and food business operators are not pushed to take responsibility.”

Juelicher further made clear that the 2004 regulation “does not preclude the setting of maximum limits” and that the Commission is considering this as a second stage.

Sommer also questioned whether small and medium-sized enterprises would be able to comply with the codes of practice, to which Juelicher pointed out that they would already have to operate HACCP and so it could be integrated into their existing food safety management system.

Nevertheless, coming back at the end of the debate to respond to the points that the MEPs had raised, Juelicher said: “Just to be very clear the work is ongoing.” She noted that there had been several drafts published: “What you refer to might not be 100% state of play ... it is a work in progress.”

### **Good news, says SAFE**

Floriana Cimmarusti, Secretary General, Safe Food Advocacy Europe (SAFE) welcomed the Commission’s plan to propose “new legislation with maximum binding level of acrylamide in certain foods”.

SAFE has been campaigning for binding maximum levels of acrylamide to be set at EU level and is sceptical about the industry codes of conduct and benchmark levels.

“This is an excellent news and we hope that such a positive intention will be included in the text of the current Draft Regulation on acrylamide in food with a specific timing,” Cimmarusti told ***EU Food Law***.