

SAFE POSITION PAPER:

SAFE's mission is to improve the representation of ordinary citizens in the EU debate concerning the future of EU food regulation.

SAFE is a non-profit European independent organization based in Brussels, in charge of improving the representation of ordinary citizens in the EU debate concerning the future of EU food legislation. SAFE members are consumer, vegan and vegetarian associations spread across Europe. To date our membership collectively represents the voice of over 500.000 European consumers.

SAFE intends to influence the future European Food Legislation in favor of the European consumers' interest and it will contribute to reinforce participatory democracies in Europe.

More information available on www.safefoodadvocacy.eu

Introduction

Acrylamide is a chemical, which is formed during most high-temperature cooking processes; it is naturally present in numerous everyday food products. Most industrial and commercial cooking methods can lead to the formation of acrylamide (frying, roasting, baking), as well as home-cooking ones. Acrylamide is generated through a chemical reaction i.e. – induced by heat (mainly above 120°C) at low humidity levels – which transforms sugar and amino acids that are naturally comprised in starchy food products. This reaction, known as the Maillard Reaction, enhances the taste of the cooked item, while being also responsible for the brownish colour it often gives to food. The level of acrylamide of a given product is thus linked to how it was cooked and to its basic ingredients, but is also notably influenced by storage conditions.

Acrylamide is mainly found in fried products – such as French fries, roast potatoes and croquettes – while those contribute to almost half of both adults and children's exposure to acrylamide. The other principal sources for adults are coffee and bread, while children get the rest of their intake from bread, breakfast cereals, biscuits, potato crisps and snacks. As to infants, their biggest sources of intake include all sorts of processed baby foods, whether

based on potatoes, cereal or other ingredients. Taking into account standard diet composition and body weight information, **children are the age group most exposed to acrylamide.**

In June 2015 the European Food Safety Authority (EFSA) published its first full risk assessment concerning the acrylamide in food. **EFSA experts confirm that acrylamide in food can increase cancer risks for consumers of all age and consider it a public health concern¹.**

In addition, EFSA states that "Acrylamide and its metabolite glycidamide are **genotoxic and carcinogenic**. Since any level of exposure to a genotoxic substance could potentially damage DNA and lead to cancer, EFSA's scientists conclude that they cannot set a tolerable daily intake (TDI) of acrylamide in food." This is why health authorities agree that levels of acrylamide in foods should be kept as low as reasonably practicable (ALARP).

EFSA's experts have nevertheless come up with what they call a "Benchmark Dose Lower Confidence Limit", i.e. an estimation of the lowest dose of acrylamide admissible per day per body weight unit, in order to prevent both genotoxic and carcinogenic effects. Using those estimates as a basis for calculus, EFSA's Scientific Committee has gone further and, by comparing them to average dietary exposure to acrylamide, has determined its "margin of exposure", a data aimed at indicating the level of health concern caused by acrylamide in food.

Main concerns to the Draft Regulation (EU)

SAFE welcomes the initiative of DG SANTE to adopt binding measures to reduce the levels of acrylamide in food: it could be an excellent opportunity for EU consumers to drastically reduce their acrylamide intake. However, SAFE believes that the **current draft Proposal will not deliver any significant positive benefits to EU consumers and so it must be improved.**

SAFE's key concerns on the EU Draft Regulation are summarized here below.

➤ ***Legal basis:***

The legislation proposal is based on Article 4 of the EU Food Hygiene Regulation n. 852/2004 that offers the opportunity to amend this legislation through a Committee procedure and simply proposing a `mandatory` code of good practice. The EU Contaminant Regulation n. 1881/2006, setting a **maximum level for certain contaminants in foodstuffs**, would have been the appropriate legal basis: Regulation

¹ <https://www.efsa.europa.eu/en/press/news/150604>

629/2008 expressly requires that MS should report to EFSA findings of acrylamide in food as it is undoubtedly considered a food contaminant. In addition, the EFSA's scientific Panel of Contaminants is in charge of studies concerning acrylamide. *In order to make sure that acrylamide levels across all food groups are significantly reduced it should be regulated by the Contaminant Regulation.* In this way, the food sector will have a binding maximum level of acrylamide in foodstuff and the health of the EU consumers will be taken care of.

➤ **Codes of good practice and Indicative Values:**

The code of good practice on acrylamide have been developed by the Food Industry to give advice on how to reduce levels of acrylamide in industrial and commercial settings. This code intends to give the food manufacturing and food service industry a set of alternative techniques to help them reduce the quantity of acrylamide their products contain. At point 4 of the Recitals of the Draft Regulation it is written that the Code of Practice is effective to reduce the presence of acrylamide in food and the Indicative Values “are established to check the effectiveness of the Code of Practice applied”. Those Indicative Values are the same published on the Commission Recommendation of 2011 concerning investigations into the levels of acrylamide in food. Those values were based on EFSA monitoring data from 2007-2008. On point 8 of the Commission Recommendation it is written: **“The Indicative values are only intended to indicate the need for an investigation. They are not safety thresholds.”**

It is not clear why the Commission continues to support the use of indicative values when this mechanism has proven ineffective in reducing the levels of acrylamide present in foods since 2007. Moreover, the Commission in its presentation to EFSA raises concerns with regards to the fact that investigations on the ground highlight a number of food operators remain unaware of the need to reduce acrylamide and in some cases are aware but refusing to do so because it is not a legal requirement².

In the annex III of the draft legislation ‘Indicative Values’ it is expressly mentioned that: **the Indicative Values ‘are not safety thresholds. Therefore, enforcement action and/or the issuing of a Rapid Alert shall only be undertaken on the basis of a sound risk assessment carried out on a case by case basis, but not merely because an indicative value is exceeded’.**

² <https://www.efsa.europa.eu/sites/default/files/event/documentset/141210-p13.pdf>

It is evident that the Indicative Values are not mandatory and that the code of practice is just a soft approach that will not reduce the presence of acrylamide in food. The draft Regulation proposes a mandatory application of the code of practice on acrylamide but without setting up provisions on how such application is to **be enforced**.

In addition, the **indicative values are too high** in comparison with those already registered by EFSA in different MS so there will be no benefit for the consumers, should food industry apply the proposed values. Even worse, it could be a way to increase the level of acrylamide in certain MS. In fact, last October 2015 the Danish Minister set out Indicative Values for Danish manufacturers lower than those proposed in the Draft Regulation. In Norway, although is not a MS, the baby food has a lower acrylamide concentration than in the Indicative Values.

➤ **National Food Safety Agency:**

In the text of the Legislation Proposal, the National Food Agencies in the different EU MS are not given a clear role with regards to continue to monitor the presence of acrylamide in foods and it is not mentioned how they should take legal action against food makers that will not follow the code of practice. It is fundamental to give a strong role to the National Food Agencies in the MS and this must be mentioned in the legislation text. In addition, the National Food Agency should control the presence of acrylamide in food products across Europe.

Conclusion

In light of the research results already available, SAFE agrees with EFSA on recommending a very vigilant approach to acrylamide's potential cancer-related risks. **The EC should urgently create awareness campaigns for European consumers regarding this public health concern.**

As it would be impossible to eradicate acrylamide completely from our dietary habits, considering its high prevalence, **we encourage the EC to propose a binding initiative to effectively reduce exposure to acrylamide** from the food industry and at the consumer's level.

Unfortunately, **the draft Regulation, as it stands, will not reduce the presence of acrylamide in food** and may stop other EU MS's initiative to draft national provisions that could seriously reduce the intake of acrylamide for EU consumers.

In conclusion, SAFE stresses the European Commission to:

- **implement a legally binding maximum level** of acrylamide for different food categories which is **much lower** than the proposed Indicative Values (the Denmark experience constitutes an example of lower values). The Indicative Values need to be considered safety thresholds;
- give a **clear role to the National Food Agencies** in different MS to monitor and control the application of the maximum binding levels of acrylamide in foods.