

To: DC Chief Environmental Health Officers
Group Chiefs
NIFLG
Gary McFarlane, CIEH
LACORS

31st July 2007
Reference: ENF/NI/035

Dear Colleague

**APPLICATION OF MAXIMUM LEVELS FOR THE FUSARIUM TOXINS
DEOXYNIVALENOL AND ZEARALENONE IN MAIZE AND MAIZE-BASED
PRODUCTS AS LAID DOWN IN COMMISSION REGULATION (EC) NO.1881/2006**

I would like to bring to your attention the issue regarding maximum levels for deoxynivalenol and zearalenone in maize and maize-based products, which became **applicable on 1 July 2007**. These maximum levels are laid down in the annex to Commission Regulation (EC) No. 1881/2006, specifically sections 2.4.3, 2.5.2, 2.5.4, 2.5.6 and 2.5.8 and are now enforceable through The Contaminants in Food Regulations (Northern Ireland) 2007.

Since these maximum levels were specified in 2006 (albeit with a delayed application date), further information has come to light and following discussions between Member States this year, revised maximum levels have now been proposed and drafted (see annex A). These levels are currently under consultation within the Commission and are substantially higher (i.e. less strict) than those that became applicable on 1 July.

The new proposed maximum levels are due to be voted on at the Standing Committee of the Food Chain and Animal Health at the end of this month, and are expected to be adopted. The Commission has indicated that when the amending Regulation is made giving effect to the new maximum levels, it intends that this instrument should be made to apply retro-actively. However the Commission has also stated that until this Regulation has been put in place, the 2 maximum levels that will apply will be those that became applicable on 1 July as mentioned in the second paragraph above.

In carrying out any sampling on maize or maize-based products from now until the new proposed maximum levels are adopted and come into effect, depending on the results of the analysis, you may wish to take into account the new proposed maximum levels as well as giving consideration to Article 14 of Regulation 178/2002 before forming any view or opinion on what action may be considered appropriate. You will also wish to

take other views into account such as those from ourselves and we would of course be happy to discuss with you if such a scenario should arise on a case by case basis.

We would also suggest that you should consult with your own legal resource about this issue. The advice contained in this letter should not be taken as an authoritative statement of the law or its interpretation. If you have any questions or wish to discuss this matter further, please contact either myself or Mervyn Briggs, e-mail Mervyn.briggs@foodstandards.gsi.gov.uk or tel. 028 9041 7742.

Yours Sincerely

A handwritten signature in cursive script that reads "Maria Jennings". The signature is written in black ink and is positioned to the left of a vertical red line.

Maria Jennings

Head of Consumer Choice & Food Standards Unit

Annex A

Revised maximum levels for deoxynivalenol and zearalenone

2.4	Deoxynivalenol	µg/kg
2.4.1	Unprocessed cereals other than durum wheat, oats and maize	1250
2.4.2	Unprocessed durum wheat and oats	1750
2.4.3	Unprocessed maize with the exception of unprocessed maize intended to be processed by wet milling**	1750*
2.4.4	- Cereals intended for direct human consumption - Cereal flour except maize flour - Milling fractions of maize with particle size > 500 micron - Bran as end product marketed for direct human consumption - Germ for direct human consumption	750*
2.4.4.bis	Milling fractions of maize ≤ 500 µm such as maize flour and maize meal	1250*
2.4.5	Pasta (dry)	750
2.4.6	Bread (including small bakery wares), pastries, biscuits, cereal snacks and breakfast cereals	500
2.4.7	Processed cereal-based foods and baby foods for infants and young children	200

Issues discussed but no conclusion as regards inclusion in the table:

- Increase of the level for unprocessed maize from 1750 µg to 2000 µg/kg: could only be considered if the other partners in the cereal chain accept this higher levels without changing the levels for the derived products
- Inclusion of a level for refined maize oil (at a level of 1250 µg/kg) : possibly not appropriate given the fact that deoxynivalenol is hydrophilic –to be clarified.

2.5	Zearalenone	µg/kg
2.5.1	Unprocessed cereals other than maize	100
2.5.2	Unprocessed maize with the exception of unprocessed maize intended to be processed by wet milling **	350*
2.5.3	Cereals intended for direct human consumption, cereal flour, bran as end product marketed for direct human consumption and germ for direct human consumption , with the exception of foodstuffs listed in 2.5.4, 2.5.7 and 2.5.8	75
2.5.4	- Milling fractions of maize with particle size > 500 micron	200*

	such as larger maize grits	
2.5.4.bis	- Milling fractions of maize \leq 500 μm such as maize flour and maize meal - Refined maize oil	300*
2.5.5	Bread (including small bakery wares), pastries, biscuits, cereal snacks and breakfast cereals, excluding maize snacks and maize based breakfast cereals	50
2.5.6	- Maize snacks and maize based breakfast cereals - Maize intended for direct human consumption	100*
2.5.7	Processed cereal-based foods (excluding processed maize-based foods) and baby foods for infants and young children	20
2.5.8	Processed maize-based foods for infants and young children	20*

Issues discussed but no conclusion as regards inclusion in the table:

- In case there would be a specific request to include also a level for the maize germ intended for the oil processing industry, the level to be considered could be 1000 μ g/kg

2.6	Fumonisin	Sum of B ₁ and B ₂ (μ g/kg)
2.6.1	Unprocessed maize with the exception of unprocessed maize intended to be processed by wet milling **	4000*
2.6.2	- Milling fractions of maize with particle size > 500 micron such as larger maize grits	1400*
2.6.2.bis	Milling fractions of maize \leq 500 μm such as maize flour and maize meal	2000 *
2.6.3	- Maize based foods for direct human consumption, excluding foods listed in 2.6.3.bis and 2.6.4 - Maize intended for direct human consumption, - Refined maize oil	1000*
2.6.3.bis	Breakfast cereals	800*
2.6.4	Processed maize-based foods and baby foods for infants and young children	200*
2.7	T-2 and HT-2 toxin	Sum of T-2 and HT-2 toxin
2.7.1	Unprocessed cereals and cereal products	-

* Maximum levels to be applied as from 1 November 2007, in case of agreement

** The exemption applies only for maize for which it is evident e.g. through labelling, destination that it is intended for use in a wet milling process only (starch production).

An additional provision in case the exemption is granted would provide that the food business operator has to ensure through intensive monitoring that the food products generated by the wet milling process are compliant with the maximum levels on fusarium-toxins and that the by-products destined for animal feed do comply with the guidance values referred to in Commission Recommendation 2006/576/EC of 17 August 2006 on the presence of deoxynivalenol, zearalenone, ochratoxin A, T-2 and HT-2 toxin and fumonisins in products intended for animal feeding (for deoxynivalenol : 12 ppm, for zearalenone: 3 ppm and for fumonisin B1 + B2 60 ppm).