Brussels, 17 February 2022

Targeted stakeholder consultation on review of existing benchmark levels, establishment of new benchmark levels and setting of maximum levels of acrylamide in certain foods

SAFE's contribution to the European Commission

General remarks

SAFE would like to thank the Commission for giving the opportunity to provide feedback regarding the review of existing benchmark levels and the establishment if application of the Commission Regulation 2017/2158.

SAFE also supports the Commission decision of setting maximum levels of acrylamide in certain foods and encourages the Commission to not further postpone its implementation. Considering the discussion on maximum levels started back in 2017, SAFE agrees on the Commission on defending the interest of ensuring a high level of human health protection, but strongly suggests a timely adoption of maximum levels of acrylamide.

We would like to point out the following elements that are worthy of concern, grouped by food category for both existing benchmark levels and establishment of new ones. Each section will also involve suggested maximum levels when relevant.

Revision of existing levels

SAFE collaborated to and collected several studies[1] analysing the presence of acrylamide in different food products. For this reason, below our considerations on the proposed levels:

- **Biscuits and waffles**
  - **Proposed benchmark level**: 300 instead of 350 µg/kg.
  - **Concern and proposal for new established benchmark and maximum levels:** this food category is not always marketed as baby food. However, tests show 44 products considered "biscuits and wafers" were frequently consumed by children, and almost 2 out of 3 were not in compliance with the benchmark values[2]. Therefore, in view of achieving an adequate and effective protection of infants and young children, SAFE proposes that all standard biscuits clearly marketed to children which fall under the group of "biscuits and wafers" shou ld have the same maximum level than "biscuits and rusks for infants and young children" with a benchmark level of 150 µg/kg and 200 µg/kg for maximum levels.
- **Crackers**
  - **Proposed benchmark level:** 300 instead of 400 µg/kg

[1] https://changingmarket.wpengine.com/wp-content/uploads/2016/12/PASSING-THE-HOT-POTATO.pdf
http://www.safefoodadvocacy.eu/wp-content/uploads/2018/02/Politico-16.01.2018_Acrylamide-in-chips-.pdf
http://www.safefoodadvocacy.eu/wp-content/uploads/2017/10/Eu-Food-Law_Acrylamide_26.09.2017-1-1.pdf
http://www.safefoodadvocacy.eu/wp-content/uploads/2018/01/SAFE_PRESS-RELEASE_Acrylamide.pdf

[2] BEUC letter to the Commission on acrylamide: https://www.beuc.eu/publications/beuc-x-2019-010_more_efforts_needed_to_protect_consumers_from_acrylamide_in_food.pdf

- **Concern and proposal for new established benchmark and maximum levels**: A similar situation was observed with other type of products also marketed to children and commonly given to young toddlers (e.g. pretzel-sticks)[3]. It seems clear that the proposed benchmark level and the maximum level of 500 µg/kg would hardly protect young population from excessive acrylamide exposure.

- Vegetable crisps category
  - **Proposed benchmark level: 700 µg/kg**
  - **Concern and proposal for new established benchmark and maximum levels**: Several consumers organisations analysed samples and found an average acrylamide content of 1121 µg/kg, with a median value of 830 µg/kg. This is almost double the median value for acrylamide levels in tested potato crisps. In addition, the RASFF database reports numerous alerts in 2020 where acrylamide contamination reached levels up to 2690 µg/kg, especially for products imported from the East, well above what was revealed in the consumer survey.

    In a 2015 report, European Food Safety Authority (EFSA) estimated the average acrylamide intake as ranging between 0.4 and 1.9 µg/kg bw/day across all age groups. In children, it ranged between 0.5 and 1.9 µg/kg bw/day, whereas the average intake among adolescents, adults, the elderly, and very elderly were between 0.4 and 0.9 µg/kg bw/day. **Therefore, the proposed benchmark will mostly likely not alter the current situation. Considering the current data, SAFE believes it is necessary to establish maximum levels of acrylamide in vegetable crisps to 500 µg/kg and a benchmark level far below**.

Proposal of new benchmark level for additional food categories

We noticed that dried fruits and roasted nuts are not included among the new benchmark levels. According to our research, some samples of roasted nuts highlighted the acrylamide level above 1000 µg/kg, which is higher than any benchmark level set in the Commission Regulation 2017/2158. As from dried fruits, even though they are not subject to high temperatures, they present a surprising amount of acrylamide due to their exsiccation over a long time[4].

Mitigation measures and enforcement issues

SAFE connected data from the RASFF portal to show that relying on mitigation measures carried by the food industry does not guarantee consumers safety.

In 2021, we had 4 notifications in RASFF portal for acrylamide in food (biscuits). The analytical results showed very high level of acrylamide (from 741 to 538 µg/kg) for all the products, and 3 of them were imported from Turkey and North Macedonia. Just one out of the four notification was considered serious.

In 2020, we found 10 notifications in RASFF portal or acrylamide in food in 2020. Products contaminated were all for children consumption (potato and vegetable chips). 8 notifications were considered serious and 2 not. Those last 2 products were destroyed by national authority.

[3] See for instance https://www.podravka.hr/proizvod/kviki-stapici/ tested by Zveza Potrošnikov Slovenije

[4] Look at previous SAFE's contributions https://www.safefoodadvocacy.eu/wp-content/uploads/2020/04/SAFE-Position-on-Maximum-Levels-for-Acrylamide.pdf and https://www.safefoodadvocacy.eu/wp-content/uploads/2020/06/Acrylamide-Position-paper-2020.pdf

The analytical results showed very high level of acrylamide (from 497 to 2690 µg/kg). All the 10 notifications arrived from official controls in the market or in borders. It's clear that the control made by the food sector is not sufficient to safeguard consumers from the contaminated products.

For both years, the period from the analysis results and the notification to MS was too long (from 15 to 30 days). This long period could not allow consumers (especially children and youth) to be protected from consuming high-level acrylamide contaminated food.

Given the data collected above, SAFE would like to underline two main considerations:

- The identified levels of acrylamide are beyond the safety limits that should be established. These cases reported are highlighted by national authorities, but it is reasonable to assume that more products containing high level of acrylamide are purchased by consumers daily, without undergoing any safety assessment.

- The current enforcement system leads to exposure to acrylamide as the time between the laboratory analysis and the notification by national authorities goes between 15 and 30 days. Within this timeframe, the products liberally circulate within the market, and it can be purchased by consumers.

Conclusions

Given the high carcinogenicity of acrylamide and the clear difficulty that mitigation measures have in decreasing its presence in food, as being consumed by children and young people, as well as the MS difficulty in ensuring market diffusion through official control, SAFE calls for the maximum level to be determined according to the principle of maximum precaution.

We recommend the Commission to establish safer binding levels for acrylamide in types of food largely consumed by young children, with attention on biscuits, wafers, and breakfast cereal products and vegetable crisp that are directly marketed to children.

Besides, we would like to highlight that benchmark levels for acrylamide in food are not strong enough and there is a need for regulated maximum levels, as suggested in Recital 15 of Commission Regulation 2017/2158.

Finally, SAFE advocates for the inclusion of Commission Recommendation categories in the acrylamide regulation 2017/2158 and hopes at the monitoring of new categories will be taken into account by the European Commission for the establishments of new benchmark levels.

Most importantly, SAFE agrees on the establishment of maximum levels, but it also recognised the need to ensure proper products controls to avoid consumers exposure to acrylamide. From the data gathered, SAFE would like to stress that the enforcement system effectiveness will be ensured as long as products are properly checked, and maximum levels are established.