



## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON FATS AND OILS

Twenty-Eighth Session

Kuala Lumpur, Malaysia

19 – 23 February 2024

### REVIEW OF THE LIST OF ACCEPTABLE PREVIOUS CARGOES (CXC 36-1987, APPENDIX 2)

(Prepared by the Electronic Working Group chaired by Malaysia<sup>1</sup>)

Codex Members and Observers wishing to submit comments, on the recommendations for the proposed revision to the list of acceptable previous cargoes (Appendix 2 of CXC 36-1987), should do so as instructed in CL 2023/63/OCS-FO available on the Codex webpage/Circular Letters 2023: <https://www.fao.org/fao-whocodexalimentarius/resources/circular-letters/en/>

## BACKGROUND

1. The 23rd Session of the Codex Committee on Fats and Oils (CCFO23) agreed to have a standing agenda item in every session of the CCFO to consider the review of the Codex List of Acceptable Previous Cargoes.
2. At the 27th Session of the Codex Committee on Fats and Oils (CCFO27) in Kuala Lumpur, the Committee agreed to request the Codex Secretariat to issue a Circular Letter inviting interested members and observers to propose further amendments to Appendix 2: List of Acceptable Previous Cargoes of [CXC 36-1987](#).
3. The Committee also agreed to establish an electronic working group (EWG), led by Malaysia and working in English only with the following terms of reference:
  - (i) consider proposals on new substances to be added to the list, provided that such proposals are supported by adequate and relevant information;
  - (ii) prioritise substances to be submitted to FAO and WHO for evaluation;
  - (iii) consider proposals to remove substances from the list in light of new data; and
  - (iv) prepare a report for consideration by CCFO28 to be submitted to the Codex Secretariat at least 3 months before CCFO28, only in cases where proposals for evaluation of new substances or deletions to the lists of acceptable previous cargoes have been received in response to the CL.
4. The Circular Letter ([CL 2021/95/OCS-FO](#)) inviting interested Members and Observers to propose further amendments to Appendix 2: List of Acceptable Previous Cargoes of [CXC 36-1987](#) was issued in December 2021 with the deadline of 28 February 2023.

## ANALYSIS OF RESPONSES TO CL 2021/95/OCS-FO

5. Replies were received from 10 Codex Members i.e. Brazil, Cuba, Iran, Kenya, Norway, Peru, Philippines, Saudi Arabia, Tunisia, Venezuela (Bolivarian Republic of) and one (1) observer organisation-ICUMSA, with proposals from Peru and ICUMSA.
6. The replies are summarised as follows:
  - (i) Norway highlighted that according to JECFA, there is currently insufficient chemical and toxicological information that allows for the evaluation of non-food-grade calcium lignosulfonate and have therefore requested such information to be made available prior to the next evaluation. Norway indicated new

<sup>1</sup> Members of the EWG included: Brazil, Canada, Chile, India, Indonesia, Malaysia, Nigeria, Norway, Peru, Saudi Arabia, Thailand, the United States, the European Union, and International Dairy Federation

data are available and can be submitted for assessment when requested. Norway sought guidance on how and when to submit the assessment dossier, together with relevant toxicological studies.

- (ii) Peru made proposals on new substances to be added to the List of Acceptable Previous Cargoes and notes in accordance with Federation of Oils, Seeds and Fats Association.
- (iii) ICUMSA proposed the use of N/A or similar text when a CAS number is not available, and proposed CAS number to be assigned to few substances as follows:
  - a. Fructose: 57-48-7
  - b. Hydrogen peroxide: 7722-84-1
  - c. Urea ammonium nitrate solution (UAN): 15978-77-5

7. With regards to comment received from Norway, the EWG Chair had communicated to Norway that the comments on calcium lignosulfonate are related to the two JECFA reports (JECFA90 and JECFA91), thus Norway was advised to submit comments to Circular Letter CL 2022/81/OCS-FO under that agenda item. These will be considered during the CCFO28 under agenda on the outcome of the JECFA assessment (Agenda 3). Concerning the submission of the scientific data, in which to be decided after CCFO has considered the comments on the two JECFA reports and agreed on the next step. Based on recommendations of CCFO, JECFA will then issue a call for data in respect of the CCFO discussions.

8. Peru had proposed the addition of new substances to the List of Acceptable Previous Cargoes. The EWG Chair noted that some of the proposed substances are already listed in the List while some of the other substances, namely, drinks – alcoholic and non-alcoholic, dairy products, glucose and lecithin are regarded as foodstuffs and hence the EWG Chair recommended that these substances need not to be included in the List of Acceptable Previous Cargoes in accordance to Notes (1) as mentioned in the Appendix 2: List of Acceptable Previous Cargoes of CXC 36-1987 which already indicated the following statement:

*(1) Where it is not possible to transport edible fats and oils in bulk in tankers reserved for foodstuffs only, the possibility of contamination incidents is reduced by carriage in tankers in which the previous cargo is included in the list below. Application of this list must be combined with: good design of the system; adequate cleaning routines; and, effective inspection procedures (see Section 2.1.3 of the code).*

9. Hence, based on Peru's proposals, the EWG Chair recommended that the remaining of five (5) proposed substances, namely ammonium sulfate solution, cyclohexanol, cyclohexanone, wine iodines and urea, to be further discussed in the EWG.

10. With regards to the comment received from Peru on the addition of note "Leaded products shall not be carried as the three previous cargoes", the CCFO27 (2021) had agreed that no further change is needed since the relevant note is already included in the Codex list of banned immediate previous cargoes. Peru also proposed to amend notes on Ethylene dichloride and styrene monomer in which during CCFO27 meeting FOSFA had indicated their willingness to prepare a discussion paper for consideration of the next CCFO meeting. As such, no further work is needed on this matter.

11. ICUMSA had proposed the assignment of CAS numbers to a few substances (when available) in the List of the Acceptable Previous Cargoes. The EWG recommended that the assignment of CAS numbers also be discussed in the EWG.

## **PARTICIPATION AND METHODOLOGY**

12. The EWG was initiated in May 2023 with an invitation from Malaysia, via the Codex Secretariat to Codex Members and Observer organisations interested in participating in this electronic working group. Representatives from 12 Member countries, one Member organisation and one Observer organisation, namely Brazil, Canada, Chile, India, Indonesia, Malaysia, Nigeria, Norway, Peru, Saudi Arabia, Thailand, the United States, and the European Union, and International Dairy Federation expressed interest to participate.

From the analysis of responses, three recommendations were tabled to the EWG Members for feedback. The EWG Members were invited to:

- (i) consider the appropriateness for some of the proposed substances namely drinks - alcoholic and non-alcoholic, dairy products, glucose and lecithin are regarded as foodstuffs and these substances do not need to be included in the List of Acceptable Previous Cargoes because Notes (1) as mentioned in the Appendix 2: List of Acceptable Previous Cargoes of CXC 36-1987.
- (ii) provide input to the circulated matrix for the addition of five (5) new substances namely ammonium sulfate solution, cyclohexanol, cyclohexanone, wine iodines and urea. The matrix was developed based on Criteria 1, 2, 3 and 4 to determine whether a substance is acceptable as an immediate previous cargo in CXC 36-1987 and had been used in previous evaluation of acceptable list of previous

cargoes in CCFO24 (2015). The response to the matrix will be analysed for the EWG to make appropriate recommendations on the proposed new substances to CCFO28.

(iii) consider the assignment of CAS numbers to substances as follows:

- a) Fructose: 57-48-7
- b) Hydrogen peroxide: 7722-84-1
- c) Urea ammonium nitrate solution (UAN): 15978-77-5

#### (a) First Circulation

13. In the **first circulation**, only the United States responded agreeable to recommendations 12 (i) and (iii) but did not have specific input on five new substances in (ii) at this time.

14. For recommendation 12 (i), the United States agreed with the EWG chair that the proposed substances, namely drinks – alcoholic and non-alcoholic, dairy products, glucose and lecithin would not need to be included in the List of Acceptable Previous Cargoes (Appendix 2 of CXC 36-1987) if they are foodstuffs. The United States further commented that the dairy products and lecithin can contain food allergen milk and soy, respectively, and any cross-contact should be avoided by good design of systems, adequate cleaning routines and an effective inspection as noted in section 2.1.3. The section also mentions that the competent authorities should consider adequate removal of food allergens by subsequent processing of the fat or oil for its intended use, when determining their acceptability as previous cargoes.

#### (b) Second Circulation

15. In the **second circulation**, the recommendations under paragraph 12 were circulated for further comments by members.

16. Based on the recommendations, only Peru responded agreeable to recommendations in paragraph 12 (i) and (iii). For recommendation 12 (i), Peru agreed with the EWG chair based on Section 2.1.3 and Notes (1), with addition of Criterion 3 of Appendix 2 of CXC 36-1987.

17. However, for recommendation 12 (ii), Peru added that they did not have information on the 5 substances, but the FOSFA list establishes those 5 substances in the previous cargo requirements.

### **RECOMMENDATIONS**

18. The Committee is invited to note that the proposed substances, namely drinks – alcoholic and non-alcoholic, dairy products, glucose and lecithin, are regarded as foodstuffs and thus, do not need to be included in the List of Acceptable Previous Cargoes in relation to Section 2.1.3, Notes (1) and Criterion 3 of Appendix 2: List of Acceptable Previous Cargoes of CXC 36-1987.

19. The Committee is invited to consider the following recommendations:

- (i) the five (5) new substances namely ammonium sulfate solution, cyclohexanol, cyclohexanone, wine iodines and urea proposed for inclusion in Appendix 2: List of Acceptable Previous Cargoes will not be considered until adequate and relevant information is provided to the Committee.
- (ii) to agree to the assignment of CAS numbers to the following substances:
  - a) Fructose: 57-48-7
  - b) Hydrogen peroxide: 7722-84-1
  - c) Urea ammonium nitrate solution (UAN): 15978-77-5