

To all interested parties

9 December 2004

Reference: SCO/145/Chem/05/01

Dear Sir/Madam

UPDATE ON DEVELOPMENTS REGARDING NITRATE

I am writing to inform you of recent developments in the area of nitrate policy and research.

- **Outcome of recent discussion of nitrate issues in Europe**

Nitrate in lettuce and spinach was discussed at the European Commission Working Group on Agricultural Contaminants, held on 18 November 2004. The Commission presented Member States' monitoring data for 2003 that contained data on nitrate levels in lettuce, spinach, iceberg, rucola, beetroot, potato, celery and fennel. These data are available from the Agency should you wish to view it.

Interim data from the 2004 Monitoring Programme submitted by the UK suggested that the UK would be unable to comply with limits for lettuce once the derogation ended, despite application of the code of Good Agricultural Practice. This is most likely due to low light levels in poor weather during the summer. Several other Member States were facing the same situation.

The Commission accepted that there was a problem and several possibilities were discussed to overcome this. The Commission will consider these and produce a paper setting out a proposal for further discussion at the next meeting of the Standing Committee for the Food Chain and Animal Health (Section: Agricultural Contaminants) on 17 December 2004. We will circulate this paper as soon as we receive it.



INVESTOR IN PEOPLE

6th floor, St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ

Tel: 01224 285170 Fax: 01224 285168

E-mail: fiona.bruce@foodstandards.gsi.gov.uk



Data for nitrate levels in spinach were also discussed, with several Member States, including the UK, reporting that the problem of compliance with the limits was even worse for this crop. Again, a range of options was discussed and this issue will be discussed at the next Standing Committee meeting in mid-December.

A Member State highlighted the issue of rucola (or rocket) in which high levels of nitrate had been measured. Consumption of this food in the Member State appears to be increasing. The Commission requested further information and I would be grateful for any information on amounts of rocket grown in or imported into the UK and the levels of nitrate found in any testing that has been carried out.

The Commission indicated that it would draft a new Directive to cover sampling and analysis of lettuce and spinach for nitrate. This would replace the current arrangements, where sampling of lettuce and spinach for nitrates is covered by pesticide sampling directives.

- **UK Monitoring programme for lettuce and spinach**

Every Member State in the European Union is required to monitor and report levels of nitrate in lettuce and spinach as part of European Commission Regulation No 563/2002 (see below). The Agency has carried out monitoring of nitrate in lettuce and spinach since 1996. The results for most years show that the bulk of lettuce grown in the UK would be below EU limits, if those limits applied in the UK. These results are used in negotiations of limits in Brussels, and to monitor the effect of the code of Good Agricultural Practice that must be applied by growers.

The results of the Monitoring Programme from 2000-2002 were published on the Agency website on 6 September 2004 and can be viewed at <http://www.food.gov.uk/science/surveillance/fsis2004branch/fsis6304>. The results of the 2003 Monitoring Programme will be published shortly. Sampling and analysis for the 2004 Programme is approaching completion.

- **Publication of a survey of nitrate in retail salads**

In addition to the Monitoring Programme discussed above, which sampled lettuce and spinach in the field, in 2002 the Agency carried out a survey of nitrate in 201 vegetables and bagged salads from the retail market. Samples included whole lettuce, bagged mixed salads, rocket and spinach. This work was published on the Agency website on 23 September 2004 and can be found at <http://www.food.gov.uk/multimedia/webpage/retailsaladsurvey>.

- **Implementation of Regulation (EC) No 466/2001 setting a limit for nitrate in infant foods**

On 7 April 2004 the European Commission published EC Regulation 655/2004 which sets a limit of 200mg/kg of nitrate in baby foods and processed cereal-based foods for young children. The limits apply to these products as consumed. The limit came into force across the EU on 1 October 2004.

Provisions for enforcing this Regulation are currently being transposed into law in Scotland as The Contaminants in Food (Scotland) Amendment Regulations 2004. A Scottish Statutory Instrument has been drafted and was put out for consultation on 24 October 2004. The consultation package is available electronically on the Agency website at

<http://www.food.gov.uk/foodindustry/Consultations/consultscot/contfoodregs>

Responses to this consultation, as well as any requests for further information, should be sent to my colleague Dr Will Munro (phone 01224 285161, fax 01224 285168, e-mail will.munro@foodstandards.gsi.gov.uk).

- **Review of FSA research and surveillance programmes on chemical contaminants**

The Food Standards Agency is reviewing and evaluating its research and survey programmes in the area of mycotoxins, process contaminants and nitrate. As part of the review, there will be two stakeholder meetings to provide interested parties with the opportunity to discuss the work funded by the Agency to date and help identify priorities for the future.

A meeting to review the mycotoxins and nitrate programmes will be held on Monday 18th April 2005 in central London (venue to be confirmed). A meeting to discuss the process contaminants programme will be held the following day at Aviation House. The events are free, but those wishing to attend must register by 31 January 2005.

Campden and Chorleywood Food Research Association is facilitating the Agency in the review and persons interested in receiving further details of these meetings are asked to contact either Dr. Carmen Tudorica (c.tudorica@campden.co.uk; tel. 01386 842144) or Dr. Anton Alldrick (a.alldrick@campden.co.uk; tel. 01386 842127).

We would welcome any comments or information you may have on these issues.

Yours sincerely

Fiona Bruce
Contaminants, Hygiene, Additives & Shellfish Branch