



Comments on CFIA's August 2017 proposal

Maximum Chemical Contaminant Levels in Livestock Feeds

Submitted by the Animal Nutrition Association of Canada
September 22, 2017

The following comments are submitted by the Animal Nutrition Association of Canada (ANAC) and were developed with input from our members and industry partners. As we considered the recommendations on proposed chemical contaminant levels, we were mindful of the scope of the proposal as outlined by CFIA in the document:

- allow the CFIA to maintain regulatory oversight for hazards that may negatively impact human health, animal health and/or the environment;
- provide stakeholders with clear standards, referenced in the Regulations, for identified hazards;
- allow for timely updates to the standards as new information for specific chemical contaminants are provided;
- harmonize, to the extent possible, with other jurisdictions such as the U.S. and European Union; and,
- assure that domestic feeds and those in international trade originating from Canada are as safe as possible.

For almost 90 years, the Animal Nutrition Association of Canada (ANAC) has represented the interests of Canada's livestock and poultry feed sector. Our 160 members include feed and ingredient manufacturers and distributors, as well as suppliers of a wide range of goods and services to the feed industry. Taken together, ANAC's membership represents 90 percent of commercial feed manufactured in Canada. The sector is an important component of the agri-food chain and intersects with everyone from grain growers to suppliers of nutrient supplements to producers of meat, eggs, and milk. In 2016, animal feed and animal feed ingredients generated more than C\$3.5 billion dollars in cross-border trade between Canada and the United States and more than C\$230 million between Canada and the European Union. During the same time period, cross-border trade in animal products such as meat, dairy products, eggs, and seafood – all of which rely directly on animal feed - totalled C\$12.8 billion between Canada and the United States and C\$920 million between Canada and the European Union.

Since its creation, ANAC has worked with its members and partners from other industry segments to ensure the Canadian agriculture and agri-food sector reaches its full potential. ANAC also works closely with its American and European counterparts on industry issues and hopes that the Canadian government continues to focus on harmonizing regulations and policies to maintain smooth trading relationships between the three regions.

ANAC looks forward to discussing our comments with CFIA.

General Comments

ANAC and its members recognize that the limits being proposed are intended as maximum levels and do not represent target levels.

For most of the contaminants discussed in the proposal, CFIA formalizes longstanding action levels into maximum levels. While ANAC supports this initiative, any changes must be based on scientific evidence. ANAC encourages CFIA to ensure maximum limits are set using safety and/or risk assessments of specific ingredients which are conducted according to CODEX guidelines and are based on levels indicated on the product's labels. Additionally, it is unclear in the proposal whether the regulations will reference both action levels and maximum levels or just maximums.

The chemical contaminant proposal affects many feed ingredients which are exported to Canada's two biggest trading partners, the United States and the European Union. One of the objectives of this proposal is to "harmonize, to the extent possible, with other jurisdictions such as the U.S. and European Union." Many feed ingredients are traded globally and companies already have internal controls to ensure they comply with international regulations. For the purposes of this consultation, ANAC has recommended adopting EU levels as they are the trading partner with the strictest regulations. It should be noted that the maximum levels referenced in this proposal are based on total weight (not corrected for moisture or fat), which is inconsistent with other jurisdictions and adds an extra level of nuance when trading globally. Additionally, terminology and definitions should be clarified and harmonized where possible as the regulations vary based on specific chemicals.

Regardless of the final outcome of CFIA's consultation on maximum chemical contaminant levels, it should be recognized that standards in foreign jurisdictions (including Canada's major trading partners such as the US and EU) may differ. Consequently, to facilitate trade, maximum contaminant levels for feed and feed ingredients designated for export markets should be subject to the regulations of the importing country, and not those established by CFIA in Canada. For example, if an ingredient is deemed by a CFIA inspector to be out of compliance due to a chemical contaminant, but the level of the certain contaminant does not contravene US levels, this shipment should be allowed to be exported to the US. CFIA's consolidated proposal stipulated that feeds and feed ingredients for export need to meet Canadian regulations; however, this is impractical and must be addressed.

1 Dioxins, Furans, and Dioxin-Like PCBs

CFIA proposes to lower the current action levels for fish oil, fish meal and mineral feeds and move to maximum levels for these contaminants. The rationale for this change outlined by CFIA in the proposal does not appear to be based on scientific risk assessments. ANAC believes that maximum limits should consider safety as well as be based on levels that can be achieved when good manufacturing practices and guidelines are implemented. This would ensure that industry can still meet market demands. The justifications for the decreased levels proposed seem to rely on a scan of a data set (survey), applying two standard deviations and rounding to the nearest 0.5 ng WHOTEQ/kg. Key data points may be missing as many companies follow a global sourcing strategy. Finally, this approach is especially objectionable since the subsequent maximum limits proposed are lower than other international norms and will cause compliance challenges. This further emphasizes the need for rigorous scientific risk assessments when limits are tightened.

1.1 Fish Meal

CFIA's discussion document states that the proposed maximum level of 2.5 ng WHO-TEQ/kg is "similar to those established by the EU for fish and aquatic animal products and by-products"; however, the maximum value in the EU is 4.0 ng WHO-TEQ/kg. CFIA's proposed level is similar to the EU's action threshold, not its maximum level. If CFIA intends the levels in this proposal to be considered maximum levels, there is no rationale for comparing proposed levels to action thresholds in other jurisdictions. ANAC recommends CFIA adopt the EU maximum level of 4.0 ng WHO-TEQ/kg relative to a feed with a moisture content of 12%.

1.2 Fish Oil

CFIA proposes a maximum level of 12 ng WHO-TEQ/kg for fish oil. Similar to the case for fish meal, the proposal states that the "maximum value is similar to the action threshold established by the EU for fish oil". To truly harmonize regulations as stated in the objectives of the proposal, it is important that CFIA compare levels which serve similar purposes. ANAC recommends CFIA adopt the EU maximum level of 20.0 ng WHO-TEQ/kg relative to a feed with a moisture content of 12%.

For both fish oil and fish meal, there are concerns among industry suppliers that CFIA's proposed levels would eliminate a large percentage of fish meal and fish oil from the market leading to a shortage of these ingredients. ANAC recommends that CFIA adopt the EU's stance "maximum levels must be safe and as low as reasonably achievable based upon good manufacturing practices."

1.3 Single Mineral Feed Ingredients, Mineral Complexes/Chelates/Proteinates, and Trace Mineral Micro-Premixes

Single mineral feed ingredients, mineral complexes, mineral chelates, mineral proteinates, and trace mineral micro-premixes have been grouped together in the proposal with a maximum level of 1 ng WHO-TEQ/kg. Although Canada does not currently differentiate between feed additives and feed materials, this is an important distinction in relation to these ingredients for these contaminants. CFIA notes for these ingredients that a level of 1 ng WHO-TEQ/kg (the level proposed) is "similar to the EU maximum content allowed". On the contrary, the EU maximum limit for additive compounds of trace elements and premixtures (including zinc oxide and copper sulphate) is 1.5 ng WHO-TEQ/kg. The EU's maximum level for "feed materials of mineral origin", which only includes substances in the European Catalogue of Feed Materials (e.g. calcium carbonate, sodium carbonate) is 1.0 ng WHO-TEQ/kg. Many of the minerals included in the catalogue are macrominerals or used at much higher inclusion rates than trace or micro minerals; therefore, this is not a reasonable comparison.

Furthermore, the EU limit for a trace mineral feed additive is already quite restrictive (1.5 ng WHO-TEQ/kg). Decreasing the limit to 1.0 ng WHO-TEQ/kg has the potential to create significant market issues as many ingredients are based on the European tolerances and will not be able to comply with this limit.

Each of the EU's levels concerning trace and micro minerals have a maximum level of 1.5 ng WHO-TEQ/kg relative to a feed with a moisture content of 12%, which is ANAC's recommended level.

2 Cadmium

ANAC is concerned by the proposed maximum levels for cadmium in livestock diets. The levels proposed are too restrictive and would interfere with the feed industry's ability to obtain sufficient ingredients to formulate diets as these levels would eliminate high percentages of ingredients such as fish meal. Interestingly, the EU increased its initial published maximums for cadmium, stating: "On the basis of

new information, good agricultural and fisheries practices do not allow keeping levels of lead, cadmium and mercury in certain aquatic species and fungi as low as required in the Annex of Regulation (EC) No 1881/2006. It is therefore necessary to revise the maximum levels fixed for those contaminants while maintaining a high level of consumer health protection.” Therefore, ANAC proposes that CFIA adopt the EU’s current cadmium levels of 1 mg/kg relative to a feedingstuff with a moisture content of 12% for cattle, sheep and goats and 0.5 mg/kg relative to a feedingstuff with a moisture content of 12% for other species.