

Ms Sandra Gallina

Director General - DG Sante
European Commission,
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Brussels, 28 June 2021

Re: Ethylene Oxide – strict application of European regulations

Dear Ms Gallina,

We were informed that the European Commission, together with the Member States, will take an important decision on Tuesday 29 June which will provide guidance on how countries should deal with the ethylene oxide food contaminations.

According to our information, since September 2020 and the first RASFF alert by Belgium, several Member States have not proceeded with recalls of products contaminated with ethylene oxide, a substance which is banned in the European Union.

Some countries, such as France, have strictly applied the precautionary principle and recalled more than 6,200 products: foodstuffs made from Indian sesame seeds, but also shallots, pepper, coffee, guar gum (found in many processed products), sugar for jams and almost all industrial ice creams which contain an additive based on carob flour contaminated in Turkey, supplied by the company Cargill.

We have also been reliably informed that the French authorities are alerting their inspectors that many infant milk products contain carob flour and that they will have to be closely monitored for contamination.

Several reliable sources inform us that the European Commission might accept that products remain on the market – therefore suspending the recall process – although traceability shows that they are treated on purpose with ethylene oxide – but to a level which is below the detection limit of 0.02mg/kg (for products manufactured before 14 June 2021).

These non-compliant products are clearly **violating Article 11 of Regulation 178/2002** which clearly states that: “Food and feed imported into the Community for placing on the market within the Community shall comply with the relevant requirements of food law...”, and **Art. 14 of the same regulation which deals with food safety requirements**.

We are writing to urge you to **strictly apply the EU General food Law (178/2002) and to strive for its enforcement in all Member States and with all batches of imported commodities and food**.

Any deviant decision means a breach of this regulation by the European Commission. It is setting a precedent and sending a wrong message to the food products operators that it is acceptable for their non-compliant products containing a prohibited substance to continue to be marketed in the EU Member States.

In terms of toxicity, ethylene oxide represents a risk to human health. It is a category 1B mutagen, category 1B carcinogen and category 1B reproductive toxicant. The list of over 6,000 products recalled in France includes products purchased in 2019. The situation seems therefore to have been going on for some time. The overall exposure of the population to ethylene oxide molecules is therefore probably higher than previously thought. Yet, to our knowledge, there is no assessment of a possible cumulative effect today.

We ask you to protect the health of consumers and to strictly respect, apply and enforce the General Food Law of the EU.

We also ask you to rapidly inform us about the decision that will be taken tomorrow on the management guidelines for this crisis.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Matthias Wolfschmidt', with a long horizontal flourish extending to the right.

Matthias Wolfschmidt

International Strategy Director

c.c. Commissioner Kyriakides

Commissioner for Health and Food Safety

European Commission

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