



REPORT OF THE U.S. DELEGATE, 26TH SESSION, CODEX COMMITTEE ON FATS AND OILS

FEBRUARY 25-MARCH 1, 2019

KUALA LUMPUR, MALAYSIA

The 26th Session of the Codex Committee on Fats and Oils (CCFO26) met in Kuala Lumpur, Malaysia, February 25 - March 1, 2019. The meeting was chaired by Ms. Noraini Mohd Othman, Senior Director for Food Safety, Ministry of Health Malaysia. The Session was attended by participants from 40 Member countries, one Member organization (the European Union) and five observer organizations.

The United States (U.S.) Delegation was led by Dr. Paul South (Head of Delegation) from the U.S. Food and Drug Administration, Center for Food Safety and Applied Nutrition, and Dr. Robert Moreau (Alternate Delegate) from the Agricultural Research Service (ARS) of the U.S. Department of Agriculture (USDA), assisted by two U.S. government advisors, Marie Maratos of the U.S. Codex Office, USDA, and Lindsay Carter of the Foreign Agricultural Service, USDA.

The 26th Session was very productive, resulting in a number of items being forwarded to the Codex Alimentarius Commission (CAC) for final adoption its July 2019 session (CAC42), including the following revisions to the *Standard for Named Vegetable Oils*:

- 1) Addition of Palm Oil with a Higher Content of Oleic Acid;
- 2) Amendment to the values of the Refractive Index and Apparent Density of Palm Superolein;
- 3) Replacement of Acid Value with Free Fatty Acid for Virgin Palm Oil and Inclusion of Free Fatty Acid for Crude Palm Kernel Oil; and
- 4) Inclusion of Almond Oil, Flaxseed (linseed) Oil, Hazelnut Oil, Pistachio Oil, and Walnut Oil.

The Committee also made progress on provisions relating to food additives and agreed to align the food additive provisions in fats and oils standards with the Codex General Standard for Food Additives (GSFA).

The full report of the 26th Session of the CCFO can be found in REP 26/FO, posted on the Codex website at: www.fao.org/fao-who-codexalimentarius/meetings/detail/en/?meeting=CCFO&session=26.

MEETING SUMMARY

The following is a summary of notable issues raised during the meeting.

DRAFT REVISION TO *STANDARD FOR NAMED VEGETABLE OILS*: ADDITION OF PALM OIL WITH HIGH OLEIC ACID (AGENDA ITEM 3)

As in previous sessions, there were divergent views on whether the use of the term “high oleic acid” was appropriate for the proposed range of oleic acid (48.0 – 58.0%) or would be best described as “mid oleic acid” palm oil. The United States, in written comments provided in advance of the Committee, supported the addition of a new category for palm oil to address “higher” oleic acid content. However, to be consistent with ranges for percent oleic acid (C18:1) in mid and high oleic acid oil categories currently found in the *Standard for Named Vegetable Oils* (CXS 210-1999), the United States

recommended that palm oil containing 48-58% oleic acid be named “Palm Oil - Mid Oleic Acid,” not “Palm Oil - High Oleic Acid.” Following discussion of this revision, the Committee agreed to:

- define the product as “Palm oil with a higher content of oleic acid [that] is derived from the fleshy mesocarp of hybrid palm fruit OxG (*Elaeis oleifera* x *Elaeis guineensis*);”
- include the following text at the end of Section 3.1 of the standard: “Palm oil with a higher content of oleic acid must contain not less than 48% oleic acid (as % of total fatty acids);” and
- forward the draft revision to *the Standard for Named Vegetable Oils* (CXS 210-1999): Addition of palm oil with a higher content of Oleic Acid (OXG) to CAC42 for final adoption.

The United States supported the revised language and agreed to forwarding the draft revision to CAC42 for final adoption.

DRAFT REVISION TO THE STANDARD FOR OLIVE OILS AND OLIVE POMACE OILS: REVISION OF SECTIONS 3, 8 AND APPENDIX (AGENDA ITEM 4)

Significant progress was made on the sections of the *Standard for Olive Oils and Olive Pomace Oils* that are currently being revised: Section 3 (Essential Composition and Quality Factors), Section 8 (Methods of Analysis and Sampling), and the Appendix. In addition to the work of the electronic Working Group (EWG) over the last two years, a physical Working Group (PWG) convened an all-day session on Saturday, February 23rd in advance of the start of plenary. The Committee noted, however that many provisions still required further discussion and/or clarification and that the draft revised Sections 3 and 8 and the Appendix were not ready to advance in the step process. Therefore, the Committee agreed to:

- return the proposed draft Sections 3 and 8 and the Appendix to Step 2 for redrafting by an EWG;
- establish an EWG, convene a physical meeting prior to CCFO27 (2021) and if possible, convene an inter-session PWG within a year of CCFO26, chaired by Spain, and co-chaired by Argentina and Canada, working in English only, with following terms of reference:
 - review and revise the text in Appendix V of the CCFO26 report (Sections 3,8 and Appendix), focusing on items in square brackets and issues where delegations expressed strong concerns during the CCFO26 and written comments submitted to this session, with a view to reaching agreement;
 - collect available data and information on Diacylglycerols (DAG’s), Pyropheophytins (PPP’s), and Fatty Acid Ethyl Esters (FAEE’s), and to study ways of how these could be taken into account;
 - review and discuss the data provided by Codex members and the International Olive Council (IOC), if available, on linolenic acid and propose a possible limit for this provision.
 - discuss other issues raised by the members related to Sections 3 and 8 and the Appendix: lampante oil, campesterol content, waxes content for blends of refined oils and virgin oils, and review of the format of the tables in the standard;
 - to prepare a report of the EWG to be submitted to the Codex Secretariat at least three months in advance of CCFO27 for circulation and consideration by CCFO27.

The United States supports the efforts to amend the *Standard for Olive Oils and Olive Pomace Oils* (CXS 33-1981) to safeguard the integrity of olive oils and to ensure fair practices in trade. The United States therefore supported the Committee's actions and plans to actively participate in, and contribute to, the new EWG.

DRAFT REVISION TO THE STANDARD FOR NAMED VEGETABLE OILS: CHANGE IN THE TEMPERATURE FOR THE ANALYSIS OF REFRACTIVE INDEX AND APPARENT DENSITY OF PALM SUPEROLEIN (AGENDA ITEM 5.1)

At CCFO 25 (2017), Malaysia proposed a revision to the temperature in this standard since the current Codex limits for Refractive Index and Apparent Density for palm superolein could only be achieved when analyzed at 30 °C, but not 40 °C. In order to be consistent with the temperature required for analysis of Refractive Index and Apparent Density for most other oils found in the standard, the United States recommended that the temperature for analysis be maintained at 40 °C. Following discussion of Malaysia's proposal, the Committee agreed to maintain the temperature of analysis at 40°C. It also agreed to forward revised values for refractive index and apparent density for palm superolein to CAC42 for final adoption (See REP 19/FO Appendix II, Part A-1).

DRAFT REVISION TO THE STANDARD FOR NAMED VEGETABLE OILS: REPLACEMENT OF ACID VALUE WITH FREE FATTY ACIDS FOR VIRGIN PALM OIL AND INCLUSION OF FREE FATTY ACIDS FOR CRUDE PALM KERNEL OIL (AGENDA ITEM 5.2)

At CCFO25 (2017), Malaysia proposed new work to revise the way acidity of virgin palm oils was expressed in the Appendix of the *Standard for Named Vegetable Oils* and to include a similar provision for crude palm kernel oil since the existing situation was creating difficulties in the trade of this commodity. Following discussion of this proposed revision at CCFO26, the Committee agreed to:

- forward the proposed draft revision to the *Standard for Named Vegetable Oils* (CXS 210-1999): Replacement of Acid Value with Free Fatty Acid for Virgin Palm Oil and Inclusion of Free Fatty Acid for Crude Palm Kernel Oil to CAC42 for final adoption at Step 5/8.
- forward the method for the determination of Free Fatty Acids and Acid Value for endorsement by CCMAS (Appendix V, Part A).

The United States supported the CCFO'S decision to forward the method for endorsement by CCMAS and the draft revision to CAC42 for final adoption.

DRAFT REVISION TO THE STANDARD FOR NAMED VEGETABLE OILS: REVISION OF THE ESSENTIAL COMPOSITION OF SUNFLOWERSEED OILS (AGENDA ITEM 5.3)

As in several previous CCFO sessions, there were divergent views on revising product definitions for sunflowerseed oils and the ranges for fatty acid composition for oleic and linoleic acid. Following discussion in plenary on Section 2.1 (Product definitions) and Section 3.1 (GLC ranges of fatty acid composition), the Committee agreed to:

- retain the original product definitions in the standard;

- endorse the proposed ranges (percentages) of oleic and linoleic acid for sunflowerseed oil as follows;
 - Oleic acid C18:1 14.0 – 43.0
 - Linoleic C18:2 45.4 - 74.0
- establish an EWG, chaired by Argentina and co-chaired by Brazil, working in English only, with the following terms of reference:
 - to collect, analyse and review data for refractive index, saponification value, iodine values and relative density and propose appropriate values for these parameters; and
 - to prepare a report of the EWG to be submitted to the Codex Secretariat at least three months in advance of CCFO27 for circulation for comments.

The United States supported the approach agreed on by the Committee.

DRAFT REVISION TO THE STANDARD FOR NAMED VEGETABLE OILS: INCLUSION OF WALNUT OIL, ALMOND OIL, HAZELNUT OIL, PISTACHIO OIL, FLAXSEED OIL AND AVOCADO OIL (AGENDA ITEM 5.4)

Over the last few sessions of the CCFO, the Committee generally supported the revision of the *Standard for Named Vegetable Oils* to include the following new oil categories: Almond oil, Flaxseed (linseed) oil, Hazelnut oil, Pistachio oil, and Walnut oil. The Committee did note the challenge that, although these nut oils are not major oils in terms of current trade volume, they were emerging as high value and nutritionally important oils in international trade, albeit with limited trade data.

Following discussion on including these new oil categories and agreement on the available parameters, the Committee agreed to:

- forward the proposed draft revision to the *Standard for Named Vegetable Oils* (CXS 210- 1999): Inclusion of Almond oil, Flaxseed (linseed) oil; Hazelnut oil; Pistachio oil; and Walnut oil to CAC42 for final adoption at Step 5/8;
- return the proposed draft revision to the *Standard for Named Vegetable Oils* (CXS 210- 1999): Inclusion of Avocado oil for further consideration at Step 2/3, taking into account the comments made at and/or submitted to CCFO26;
- establish an EWG, chaired by Mexico and co-chaired by the United States, to:
 - review all available data on the characteristics and origins of avocado oil with a view to revising the provisions for avocado oil; and
 - prepare a report of the EWG to be submitted to the Codex Secretariat, at least three months in advance of CCFO27 (2021) for circulation for comments.
- to request the Codex Secretariat to issue a Circular Letter (CL) calling for submission of data on the characteristics and origin of avocado oil (including a clarification on whether the oil is derived from the mesocarp or other parts of the fruit).

The United States supported the approach agreed upon by the Committee. As co-chair of the EWG on avocado oil, the United States will work with Mexico to establish and lead the EWG.

REVIEW OF THE LIST OF ACCEPTABLE PREVIOUS CARGOES (APPENDIX II TO RCP 36-1987) (Agenda Item 6)

At CCFO23 (2013), the Committee agreed to have a standing agenda item at every session to consider the review of the Codex List of Acceptable Previous Cargoes. Although no new proposals have been submitted since 2013, the Committee agreed to maintain the same procedures, which include to:

- retain this as a standing item on the agenda of CCFO;
- request the Codex Secretariat to issue a CL inviting interested members and observers to propose further amendments to Appendix 2: List of Acceptable Previous Cargoes of CAC/RCP 36-1987;
- establish an EWG, led by Malaysia and working in English only, with the following Terms of Reference:
 - consider proposals on new substances to be added to the list provided that such proposals are supported by adequate and relevant information.
 - prioritize substances to be submitted to FAO and WHO for evaluation.
 - consider proposals to remove substances from the list in light of new data.
 - prepare a report for consideration by CCFO27.
- convene an in-session Working Group, if needed, chaired by Malaysia, to consider the report of the EWG and report back to the Committee.

The United States supported the approach agreed upon by the Committee.

ALIGNMENT OF FOOD ADDITIVES PROVISIONS IN STANDARDS FOR FATS AND OILS (EXCEPTS FISH OILS) AND TECHNOLOGICAL JUSTIFICATION FOR USE OF EMULSIFIERS IN FC 02.1.2 OF THE GSFA (AGENDA ITEM 7)

The United States participated in the EWG created following CCFO25 (2017) and supported the use of a general reference to the *General Standard on Food Additives* (GSFA), rather than listing individual food additives in commodity standards. Following discussion in the in-session Working Group and in plenary on the alignment of food additive provisions and technological justification for use of emulsifiers, the Committee agreed to:

- Forward to CAC42:
 - the proposed food additive provisions for addition to *the Standard for Edible Fats and Oils Not covered by individual Standards* (CXS 19-1981), *Standard for Named Vegetable Oils* (CXS 210-1999), and *Standard for Named Animals Fats* (CXS 211-1999), for adoption; and
 - the specific food additive provisions in *Standard for Fat Spreads and Blended Spreads* (CXS 256-2007) for revocation.
- Forward to the Codex Committee on Food Additives (CCFA):

- the proposal for the alignment of food additive provisions in relevant fats and oils Standards with GSFA for consideration;
- the technological justification for use of emulsifiers in FC 02.1.2 of the GSFA;
- a request to consider updating CXG 36-1989 to include the technological function “anti-oxidant synergist” to Lecithin (INS 332 (i)); tricalcium citrate (INS 333(iii)); and tripotassium citrate (INS 332(ii)); and
- a request to clarify the error in the INS for Tricalcium citrate (Ref: REP15/FA para 72).

The United States supported the approach agreed upon by the Committee.

REPORT ON THE OUTCOME OF MONITORING THE CONFORMITY OF NAMED FISH OILS WITH THE REQUIREMENTS (ESPECIALLY THE FATTY ACID PROFILE) OF THE *STANDARD FOR FISH OILS* AND ITS EFFECT ON TRADE (AGENDA ITEM 8)

CAC40 (2017) adopted the *Standard for Fish Oils* as recommended by CCFO25 (2017). At that time, the Committee acknowledged that there may be difficulties associated with using only the fatty acid ranges in Table 1 as a measure to determine compliance of a fish oil with Section 2.1 of the Standard. Specifically, the positive verification of the fish species used as raw material may not always be unequivocal. It was agreed that current practice to refer to supplementary information from traceability and certification systems could assist stakeholders (industry, control authorities, etc.). The Committee agreed to encourage members to monitor the application of the standard with respect to the conformity of named fish oils with the requirements (especially the fatty acid profile), its effect on trade, and to bring this information to CCFO26.

Following discussion by the Committee at this session, members agreed:

- that no further monitoring on the implementation of the newly adopted standard for fish oils was needed and that data received indicated that the use of the fatty acid profiles for named fish oils did not present a problem;
- that if members identify any problems in the future with the implementation of the standard they can submit a proposal for review of the standard;
- to refer to the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) a concern expressed by Chile related to food fraud in oils in general and fish oil in particular, noting that the current format of commodity standards does not provide for traceability;
- to encourage Chile and concerned members to participate in the recently launched EWG on food fraud established by CCFICS and to bring this issue to the attention of the chairs of the EWG; and
- to retain the current Spanish translation for anchovy oil.

The United States supported the approach agreed upon by the Committee. The United States chairs the CCFICS EWG, with the European Union and the Islamic Republic of Iran as co-chairs.

DISCUSSION PAPER ON BETTER MANAGEMENT OF THE WORK OF THE CODEX COMMITTEE ON FATS AND OILS (AGENDA ITEM 9)

The 70th Session of the Codex Executive Committee (CCEXEC70) (2015) recommended to all Committees to consider the need to develop an approach for the management of their work. CCFO25 (2017) agreed that the CCFO Secretariat (Malaysia) would prepare a discussion paper on the guidance needed for revision of parameters/inclusion of new parameters and editorial amendments to existing fats and oils standards, for consideration at its next session (CCFO26).

CCEXEC73 (2017) welcomed the CCFO initiative and recommended that the Committee consider whether a simplified project document or procedure would expedite such work. It also recommended that CCFO consider developing a mechanism (e.g., forward plan) to better manage its agenda.

Following discussion of options to better manage CCFO work, the Committee agreed to:

- continue to use the existing project document for submission of proposals for amendments of existing fats and oils standards. Identification of redundant criteria should be done on a case-by-case basis by the member preparing the project document. It would then be the responsibility of the in-session Working Group on new work and the CCFO to determine if the relevant criteria were identified and fulfilled.
- request the Codex Secretariat to issue a CL to call for proposals for new work including amendments to existing standards well in advance of each session of CCFO, with a specific deadline within which proposals should be submitted. Submissions in response to the CL should include both a discussion paper and proposed project document. Submissions received after the deadline would not be considered by that session but by the following session of the Committee.
- establish an in-session Working Group at each session of the CCFO with the following Terms of Reference:
 - to screen all new work proposals and related project documents for completeness against the criteria in the Codex *Procedural Manual* regarding proposals for new work and the decision of CCFO16 (found in paragraph 43 of ALINORM 99/17: text clarifying the relationship of new proposals with the Standard for Named Vegetable Oils and specifying the information required when proposing the addition of new oils to the standard), taking into account written comments received from members in relation to the proposals;
 - to assess whether the information provided fulfils the requirements for the new work proposed and make recommendations to the plenary; and
 - to prepare a report to be presented to the plenary to enable CCFO to make informed decisions on the work proposals.
- appoint a Chairperson of the in-session working group at each session of the committee.
- to have a standing agenda item in every session of the CCFO to consider new work proposals.

The United States supported the approach agreed upon by the Committee.

DISCUSSION PAPER ON THE INCLUSION OF UNREFINED EDIBLE TALLOW IN THE STANDARD FOR NAMED ANIMAL FATS (CXS 211-1999) (AGENDA ITEM 10)

The Committee noted that Australia no longer wished to pursue inclusion of Unrefined Edible Tallow in the *Standard for Named Animal Fats* (CXS 211-1999). As such, the Committee agreed to remove the item from the agenda.

The United States supported this conclusion.

DISCUSSION PAPER ON THE APPLICABILITY OF THE FATTY ACID COMPOSITION OF OTHER OILS LISTED IN TABLE 1 IN RELATION TO THEIR CORRESPONDING CRUDE FROM IN THE STANDARD FOR NAMED VEGETABLE OILS (CXS 210-1999) (AGENDA ITEM 11)

At CCFO25 (2017), the Committee agreed to establish an EWG to consider the applicability of the fatty acid composition of all oils in Table 1 of the *Standard for Named Vegetable Oils* (CXS 210-1999) in relation to their corresponding crude forms. The EWG, chaired by the United States, with the assistance of the American Oil Chemists' Society (AOCS), was tasked with preparing a discussion paper on this topic. At this session, the United States introduced the agenda item and the proposed draft footnote to Table 1. After some discussion, the Committee agreed to:

- add a new footnote to Table 1 in the *Standard for Named Vegetable Oils* (CXS 210-1999) and forward it to CAC42 for adoption that states:
The fatty acid values in this table apply to the vegetable oils described in Section 2.1 presented in a state for human consumption. However, in order to provide clarity in trade of crude oils, the values of the table may also be applied for the corresponding crude forms of the vegetable oils described in Section 2.1.;
- consequently delete the "Note" on the applicability of the fatty acid composition of rice bran oil to the crude form of the oil from Section 2 Composition and Quality Characteristics of the Appendix to CXS 210-1999; and
- request the Codex Secretariat to revise the numbering of the footnotes as a consequential change to incorporation of the new footnote following adoption by CAC42.

The United States is pleased the Committee agreed to the footnote as proposed by the EWG.

OTHER BUSINESS (AGENDA ITEM 13)

The United States informed the Committee that the methods of analysis for the determination of five of the composition and quality factors in the *Standard for Olive Oils and Olive Pomace Oils* (CXS-33-1981) were obsolete and withdrawn by the International Olive Council (IOC) and needed to be replaced with valid methods. The United States presented a list of new methods to replace the obsolete and withdrawn methods and proposed that these replacement methods be forwarded for endorsement by CCMAS 40 (scheduled in May 2019) and subsequent updating of the corresponding methods in the Recommended Methods of Analysis and Sampling (CXS-234).

The Committee noted the urgency of this matter, and agreed:

- to request the Codex Secretariat to issue a CL requesting comments on the new methods with a deadline of 6 weeks from the date of issue;
- to forward the methods to CCMAS for endorsement provided there were no concerns expressed in response to the CL (should there be concerns expressed, the methods would then be forwarded to the EWG on Olive Oils for further consideration); and
- that once the methods are endorsed by CCMAS, CXS 33-1981 will be updated accordingly.

The United States supported the approach agreed upon by the Committee.

DATE AND PLACE OF THE NEXT SESSION (AGENDA ITEM 14)

The next session of CCFO (CCFO27) is tentatively scheduled for February 22-26, 2021 in Malaysia, the final arrangements being subject to confirmation by the host government in consultation with the Codex Secretariat.