



EU Fish Processors and Traders Association

Brussels, 29 July 2021

AIPCE CEP Position on proposal of EC related to PFAS in fish, crustaceans and molluscs

AIPCE CEP thank the Commission for providing the opportunity to comment on the proposal related to PFAS in fish, crustaceans and molluscs. Please find below a set of remarks on the proposal.

General remarks

AIPCE CEP strongly advise the Commission to include in its proposal a **plan** on how it foresees to act **on the reduction** of Perfluoroalkyl Substances (**PFAS**) in the environment.

In our opinion, the solution lies in tackling the source(s) of the pollution. This means that the industry that produces PFAS is the main industry that can reduce the future concentrations of PFAS in the environment, e.g. through collaboration with waste management facilities.

Food Business Operators (FBOs) are at the end of this chain, which means they are not in a position to do anything about the actual PFAS concentration in the environment. More research is needed as to the actual **life-span of PFAS** and a **management plan on decreasing the PFAS concentration in the environment** should be developed.

There are a lot of species of seafood (>30.000). It is therefore likely that a **variation of PFAS concentrations** exists between species because of their way of life (**life-cycle**). It is similarly likely that PFAS concentrations vary within species due to their living area (**habitat**) and their **dietary habits** (herbivore, carnivore or omnivore). **Biological composition of fish** (fat vs. lean) will also have an impact on how much PFAS are stored in the fish meat.

Furthermore, the Commission should reconsider the **transition period** for those products with a long shelf life. In consideration of these products we believe that foodstuffs lawfully placed on the market prior to the entry into force of the Regulation should remain on the market after that date until their date of minimum durability or use-by date.

Specific remarks on the Commission proposal

AIPCE CEP believes MLs in seafood are not the solution for the problem. The solution lies in the tackling of the PFAS' source in combination with environmental analyses of the concentration of PFAS in certain areas (fishing/aquaculture). If the conclusion is that these areas are highly polluted, a temporary fishing closure of these areas is much more effective in managing the PFAS concentration in consumer products. This should

rather come in form of a **consumption advice**, not a ML. Regular analyses of the areas should be performed to monitor whether the fishing closure can be lifted.

The proposed MLs for PFAS in fish, crustaceans and molluscs are based on a small number of products. Additionally, proposed MLs are based on small **sampling sizes**. This does not take into account the variation of PFAS concentrations in species. For this variation to be levelled out sampling sizes should be bigger (for example sampling sizes should exceed 1 kg. of consumption ready product).

It seems that the proposed Maximum Levels (MLs) are based on the data available, not on **data based on** the actual **food safety** and/or **consumer exposure**. The proposed categories of PFAS concentrations seem to place a few (researched) species in a specific category and all others in a residual group. This increases the risk that some species exceed the proposed PFAS levels of that category without there being an actual food safety issue.

Additionally, we believe it is strange that a ML is proposed only for certain products, while the Commission recommends (Commission Recommendation) MSs to monitor PFAS in food and feed during the years 2022, 2023, 2024 and 2025. This may indicate that the EC is not certain about the available data regarding the food categories for which a ML is proposed.

We therefore ask the Commission to **extend its monitoring practices to seafood products**. Considering that no information is at hand at FBO level regarding the concentrations of PFAS in end products, it is important for the actual consumption pattern to analyse the PFAS content of products that are actually consumed. As there is little to no information about PFAS concentrations in consumer products at FBO level, it is not possible for the FBOs to react in a proper and motivated way to the PFAS levels proposed by the Commission. More research is necessary.

Furthermore, in the calculation of the MLs we miss the actual **consumption patterns** of consumers. This is important for the calculation of intake of PFAS through seafood products. Without consumption patterns it is difficult to explain to FBOs why certain species fall under higher categories than others when there does not seem to be a food safety risk.

Concluding remarks

In summary, we consider it too early to establish legal MLs, due to the limited data and limited understanding of food safety issues. Legal MLs can lead to the rejection of sustainably caught fish products without really ensuring food safety. More research into types of end products and areas of origin is needed in order to address the PFAS problem in a meaningful way.

Additionally, it is more important to conduct research of PFAS concentration in the environment rather than in individual fish samples due to multiple parameters that can vary and influence the concentration of PFAS in fish meat.

AIPCE CEP recommend the Commission to:

- develop a management plan on decreasing PFAS in environment
- conduct more research of the actual life-span of PFAS

- conduct more research of the concentration of PFAS in the environment rather than on individual fish samples
- recommend Member States to provide consumption advice linked to fishing areas with high PFAS concentrations
- establish consumption patterns in order to determine consumer exposure
- establish monitoring practices with BFOs before establishing MLs of PFAS in products

Kind regards,

