



**European Organic Certifiers Council**

# **Interpretation of residue analysis by european Control bodies**

Civil Dialogue Group meeting  
EU Commission  
Brussels, 25/11/2016  
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# **Content**

## **Introduction**

- 1. General aspects**
- 2. Qualitative aspects**
- 3. Quantitative aspects**
- 4. Actions**
- 5. Conclusions and further actions by EOCC**

# Introduction

The information presented is the result of an EOCC inquiry on this topic and an EOCC Workshop (29/9/2016).

EOCC members active in the following countries replied to the inquiry : France, Spain, Norway, Slovakia, Germany, Belgium, The Netherlands, the United Kingdom, Slovenia, Austria, GD Luxemburg, Italy and third countries.

EOCC members active in Poland and Ukraine only participated in the workshop

# Introduction

Regulation 834/2007 :

-Art 27.2 => control system shall comprise [...] application of **precautionary** and control **measures**

-Art 27.3 => nature and frequency of controls shall be determined on the basis of an assessment of the risk of occurrence of **irregularities** and infringements as regards requirements from this Regulation

-Art 27.12 => control bodies shall **ensure** that at least precautionary and control measures [...] are applied to operators subject to their control

# Introduction

Regulation 834/2007 :

-Art 30.1§1 : Where an irregularity is found as regards compliance with the requirements laid down in this Regulation, the control body shall ensure that **no reference to the organic production method** is made in the labelling [...] of the entire lot or production run affected by this irregularity, where this would be **proportionate** to the relevance of the requirement that has been violated and to the **nature** and particular **circumstances** of the irregular activities.

# Introduction

Regulation 889/2008 :

-Art 65.2§1 => control body shall take and analyse samples for **detecting** of products not authorised for organic production, for **checking** production techniques not in conformity with the organic production rules or for **detecting** possible contamination by products not authorised for organic production. [...] The selection of the operators where samples have to be taken shall be based on the general evaluation of the risk of non-compliance with the organic production rules.

# Introduction

Regulation 889/2008 :

-Art 65.2§2 => control body shall take and analyse samples in each case where the **use** of products or techniques not authorised for organic production is suspected.

-Art 65.2§3 => Samples may also be taken and analysed by the control body **in any other case** for **detecting** of products not authorised for organic production, for **checking** production techniques not in conformity with the organic production rules or for **detecting** possible contamination by products not authorised for organic production



# Introduction

Regulation 889/2008 :

-Art 91.2 => where a control body has a substantiated **suspicion** that an operator intends to place on the market a product not in compliance with the organic production rules but bearing a reference to the organic production method, this control body can require that the operator may **provisionally not market** the product with reference for a time period to be set by that control body. [...] This decision shall be supplemented by the obligation to **withdraw** from this product any reference to the organic production method if the control body is **sure** that the product does not fulfil the requirements of organic production.

# Introduction

## Summary :

- The sampling and analytical testing takes place in the context of **verification of compliance** to the organic production rules
- The presence of non authorised substances in organic products is considered as **suspicious** situation which may result into **blocking** of suspected products
- Downgrading** organic products due to **irregularities** should be **proportionate** and in relation to the nature and particular circumstances of the irregularity
- The organic Regulation contains rules to prevent the presence of non authorised substances but no rules regarding the amounts of such substances

# Introduction

The aim of the inquiry and workshop was to identify

- the general process applied by every CB involved in organic
- the particularities of existing processes

Process applied by every CB involved in organic

Risk  
Based  
Approach

Sampling

Analysis

Investigation

Decision  
taking

Communication

Follow up



Process applied by every CB involved in organic :  
particularities : sampling

Risk  
Based  
Approach

Sampling

Framework

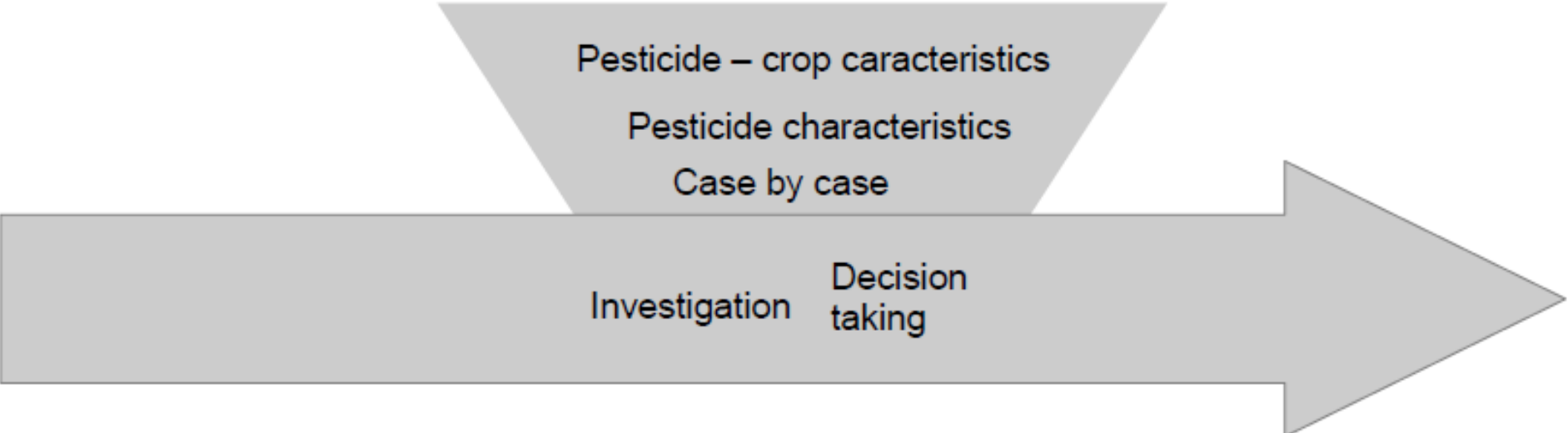
Representative  
sampling

A, B, C samples

Sampling  
context

Drift ?

Process applied by every CB involved in organic :  
particularities : investigation and decision taking

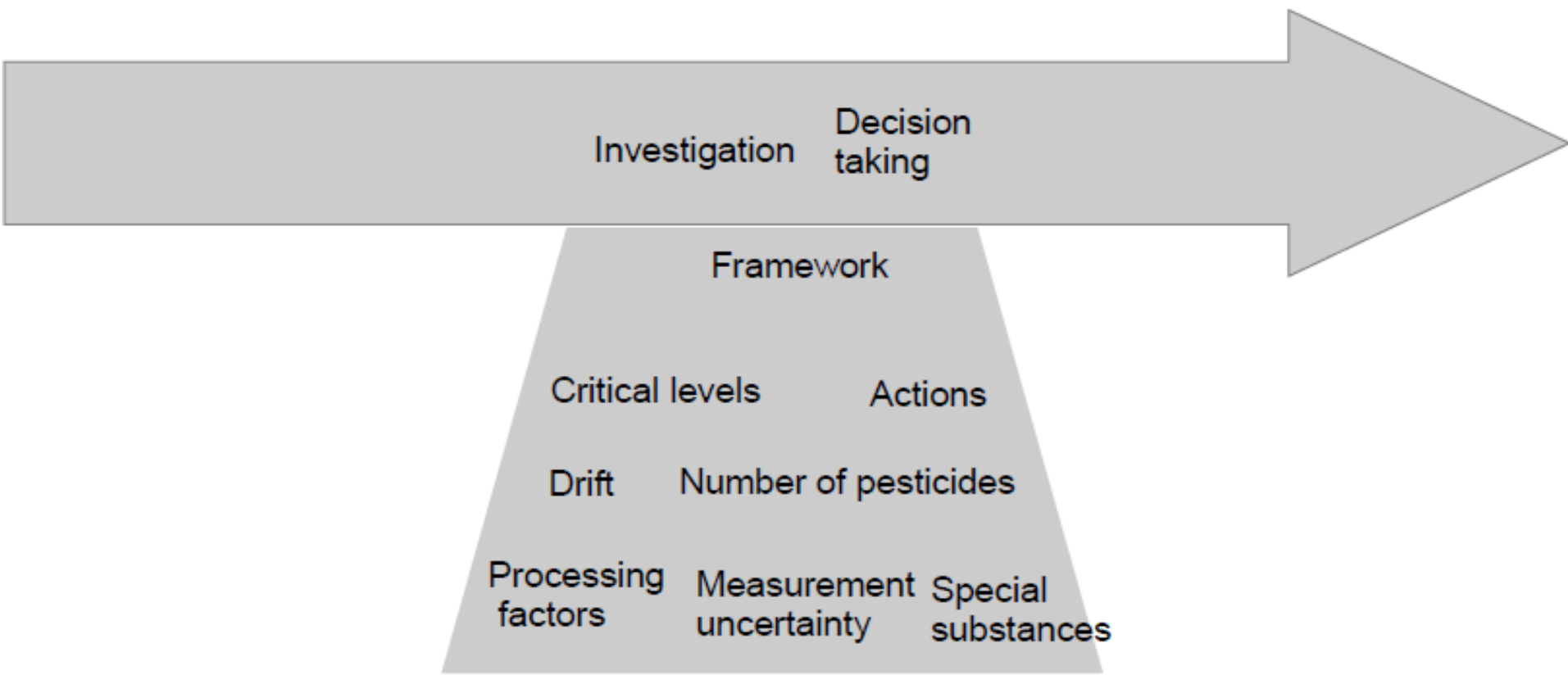
A diagram illustrating the organic process. It features a large, light gray arrow pointing to the right. Inside the arrow, the words 'Investigation' and 'Decision taking' are written. Above the arrow, a gray trapezoidal shape contains the text 'Pesticide – crop characteristics', 'Pesticide characteristics', and 'Case by case'.

Pesticide – crop characteristics  
Pesticide characteristics  
Case by case

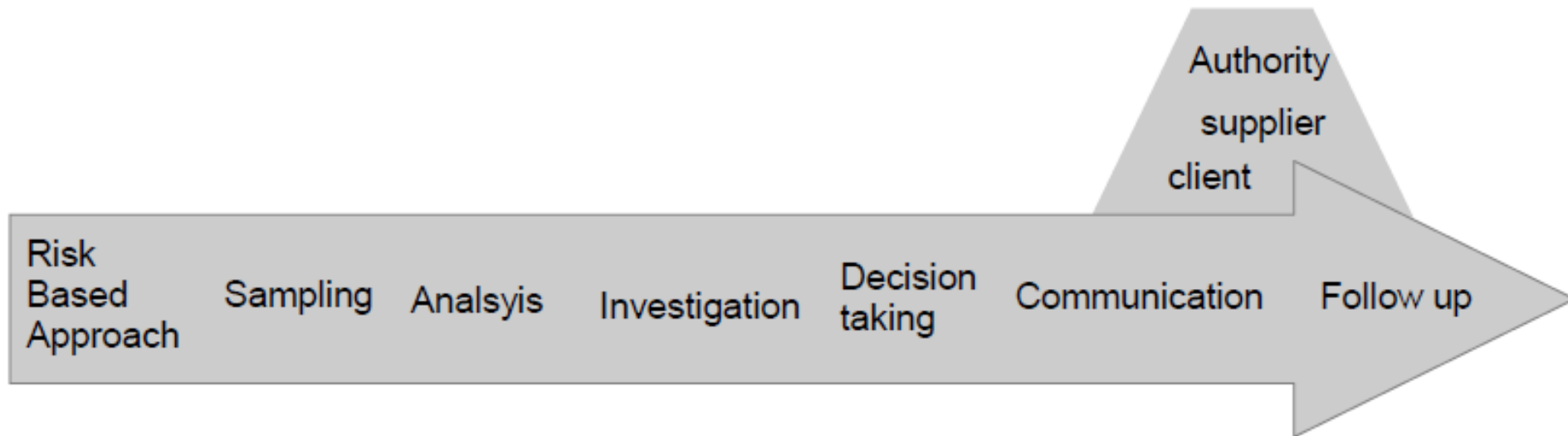
Investigation

Decision  
taking

Process applied by every CB involved in organic :  
particularities in investigating and decision taking



Process applied by every CB involved in organic :  
particularities in communication





Process applied by every CB involved in organic :  
particularities

Pesticide – crop characteristics  
Pesticide characteristics  
Drift  
Actions

Authority  
supplier  
client

Risk  
Based  
Approach

Sampling

Analysis

Investigation

Decision  
taking

Communication

Follow up

Framework

Representative  
sampling

A, B, C samples

Sampling  
context

Drift ?

Framework

Critical levels

Actions

Drift

Number of pesticides

Processing  
factors

Measurement  
uncertainty

Special  
substances

# 1. General aspects

## 1.1 Framework\* :

- Legislation
- International guidelines
- Official national guidelines
- Non official (sub)national guidelines
- Publicly available CB policy
- CB policy

\* determining the rules for risk based approach, sampling and/or interpretation of analytical results

# 1. General aspects

## 1.2 Sampling context\* :

- if risk of use identified during sampling, block while investigating
- if risk for drift identified, adapted sampling method for identification of drift
- if irregularities may result in contamination or commingling, block while investigate
- no influence

\* during the on-site inspection

# 1. General aspects

## 1.3 Representative\* or targeted sampling ?

- always representative for the batch
- representative for the affected object\*\*
- risk based sampling\*\*\* = targeted sampling = sampling where and when the probability for detection of non authorised substances is highest
- representative in primary production but not possible in secondary production
- not clear when operator takes sample

\* imposed by accreditation bodies/Competent Authorities in some MS

\*\* products/batch, field, dust, irrigation water, ...

\*\*\* cfr Art 65.2 of Reg 889/2008 (> 5%)

# 1. General aspects

## 1.4 Analysis of counter sample\* :

- the average is used
- the result of sample C is used
- value of counter sample B is used
- concentrations are not important unless both values exceed MRL
- and measurement uncertainty
  - 50%
  - not taken into account

\* Observation from the group discussion during WS : the active substance is every CB's concern, the concentration is not

## **2. Qualitative aspects**

## 2. Qualitative aspects

### 2.1 Special substances\* :

- require special approach
- do not require special approach

\* pesticides present in soil, (irrigation) water, air or some parts of some plants due to historical, industrial or environmental pollution. Attention for false positives due to possibly natural presence

## **2. Qualitative aspects**

### 2.2 Systemic vs contact pesticides :

- no direct impact
- impact depends on crop, substance and field history



## **2. Qualitative aspects**

2.3 Detection of pesticide not authorised for that crop in non-organic farming :

- default MRL (0,01 mg/kg) applies
- downgrading
- special approach in case of drift

## **3. Quantitative aspects**

## 3. Quantitative aspects

### 3.1 « Critical\* » levels:

- MRL values
- 0,04 mg/kg
- 0,02 mg/kg
- 0,01 mg/kg
- 1,5xLOQ<sub>(lab)</sub>
- LOQ<sub>(lab)</sub> (Reporting Limit)
- LOQ<sub>(Reg 396/2005)</sub> & 0,015 mg/kg

\* requiring particular action(s) when exceeded.

Some interpretation schemes have more than one critical level

## **3. Quantitative aspects**

### 3.2 Presence of 2, 3 or more pesticides

- no influence
- downgrading if 2 or more
- downgrading if 3 or more

## **3. Quantitative aspects**

### 3.3 Measurement uncertainty\*

is

- taken into account by the laboratory prior to reporting
- 50% on the lab result
- 50% also for exceedance of MRL values
- not taken into account (concentration is not important)

\* measurement uncertainty according to EFSA GL

## **3. Quantitative aspects**

### 3.4 Processing factors

- are taken into account
- are taken into account according to official GL
- are taken into account only when unavoidable contamination occurred before the processing step
- are taken into account to a certain extent
- are not taken into account

## **4. Actions**

## 4. Actions

### 4.1 On products

- downgrading
- downgrading after investigation except for leaf samples, feed and special substances
- blocking during investigation
- investigate without blocking

but always :

- offer possibility for counter analysis



## 4. Actions

### 4.2 By operators\*

- inform the control body
- block affected products
- investigate to identify the origin
- trace affected batch and related products
- evaluate possibility for other batches
- propose corrective actions
- inform clients after downgrading
- inform clients in case of fraud

\* various combinations are applied

## 4. Actions

### 4.3 By control bodies :

- inform
  - the operator in writing about decisions
  - the competent authority
  - the control body of the clients
  - the control body of the supplier
- follow up

## 4. Actions

4.4 in case of drift (1):

- downgrading harvest if exceedance of orientation level ; test at harvest if exceedance of action level
- targeted sampling to detect drift, only affected crops lose organic status
- affected crops lose organic status, but whole plot has to be converted again
- affected crops lose organic status, affected part of the plot has to be converted again

## 4. Actions

### 4.4 in case of drift (2):

- measures depend on circumstances and impact
- affected crops lose organic status and in case of herbicides, affected part of plot has to undergo new conversion period
- no downgrading of affected crops if precautionary measures are in place and absence of irregularities
- resample before harvest
- no particular measures
- only specific sampling to identify drift

## **5. Conclusions and further EOCC Actions**

- Sampling by control bodies takes place in a context of risk for non compliance with organic production rules
- Sampling by operators should require decisions by operators
- Variations in sampling requirements for control bodies results in variations of interpretation schemes
- Variations in the interpretation of analytical results are due to variations in the complexity of reality
- variations in risk based approach for sampling, the analytical techniques and exchange of information will be further investigated by EOCC

# **Thank you for your attention**

Questions and remarks can be sent to  
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