



Date: 10 August 2017

Subject: Fipronil in eggs, response to statements made by Belgian government

Dear Madam Speaker,

This letter considers the statements made yesterday by the Belgian Minister of Agriculture and reports on this matter that have appeared in the media. Referring to a memorandum by the Netherlands Food and Consumer Product Safety Authority (Nederlandse Voedsel- en Warenautoriteit, NVWA) dated 22 July last, the Belgian minister asserts that the NVWA had been aware of the presence of fipronil in eggs since November 2016. The NVWA would like to emphasise that this assertion is untrue. The incident that the Belgian minister refers to concerned news from an anonymous source that a biocide containing fipronil was possibly being used in cleaning sheds as a treatment for red poultry mite. The NVWA stated in the memorandum of 22 July 2017 that there was no indication in November 2016 of the substance ending up in chickens or eggs. The initial notification and the subsequent steps taken will be included in the investigation of the events leading up to this incident and the measures necessary to prevent it from recurring in future, announced on 3 August. This letter is to inform you of our current state of knowledge.

The NVWA receives hundreds of tips and reports concerning suspected fraud on an annual basis. One anonymous source of news concerned the possibility that biocides containing fipronil were being used illegally in cleaning sheds as a treatment for red poultry mite. The NVWA discussed this information internally with the NVWA Intelligence and Investigation Service (Inlichtingen- en Opsporingsdienst, IOD). In turn, the IOD asked the supervision divisions whether the possible use of fipronil as a treatment for red poultry mite in the poultry sector posed any immediate public health threat. This question was referred to the Office for Risk Assessment and Research (Bureau Risicobeoordeling en Onderzoeksprogrammering, BuRO), which subsequently sent out exploratory queries to the National Institute for Public Health and the Environment (Rijksinstituut voor Volksgezondheid en Milieu, RIVM) and the Board for the Authorisation of Plant Protection Products and Biocides (College voor de toelating van gewasbeschermingsmiddelen en biociden, Ctgb). These contacts and the available knowledge at BuRO led to the conclusion at the time that there was no immediate public health risk, because the substance had been categorised as 'moderately toxic' to humans by the European Food Safety Authority (EFSA) and the World Health Organization (WHO), and there was no evidence that it would end up in the food chain. Based on the information of the Ctgb, however, it was established that the use of the substance in the poultry sector was prohibited. The consultation between the IOD and BuRO signalled that fipronil was indeed known to be a harmful substance, but that there was no reason to assume its eventual presence in eggs or chickens. Neither was it known whether the alleged use was either incidental and limited in scale, or prolonged and extensive. As a result, the NVWA saw no reason at that time to notify the responsible members of the government.

Given the large number of reports which the NVWA receives on an annual basis, the need for additional research is assessed on the basis of the risks involved. It would only be possible for the NVWA to conduct additional research by default, without a risk-based assessment, through a manifold increase of its current capacity. Moreover, the question remains to what extent food safety would benefit from such a procedure.

The NVWA also conducted research into fipronil on previous occasions. Under the supervision of the RIVM and the Wageningen University RIKILT research institute, BuRO conducted a risk assessment of fipronil in 2012. This assessment did not provide any evidence for an immediate public health risk. The NVWA also sampled eggs to test for fipronil in 2015, and the substance was not detected at the time. The foregoing led to the conclusion that there was no basis for further research, although there were grounds to pass on the information to the IOD so that it might consider

initiating a criminal investigation. By mid 2017, sufficient information had been gathered to proceed with the actual preparations for such a criminal investigation. The report from Belgium caused the case to gain momentum. In our letter of 3 August last, we informed you that we are unable to provide any further information on the criminal investigation.

When asked, BuRO stated that with hindsight, and with the benefit of information currently available on the scope of the use and presence of fipronil in eggs, it would have recommended to launch enforcement actions in addition to the criminal investigation track. Regardless, BuRO remains convinced that the public health risk is small. It was only when the records from the implicated poultry service company were confiscated on 7 July, however, when the full scale of the use of fipronil came to light. Fipronil, a prohibited substance in certain parts of the food production chain, was indeed found in egg samples taken on 19 July last. Incidentally, it should be noted that fipronil and many other substances are not incorporated in the National Residues Plan. This National Plan, which is drawn up and implemented on an annual basis, determines which selection of substances to measure through sampling. Each year, the choice of substances to be measured and reported is managed internationally. BuRO recommends taking a more risk-based approach in the National Plan by performing selective monitoring of other substances, such as fipronil. Since then, the NVWA Inspector-General has informed us of his request for the elaboration of this recommendation, taking account of the laboratory capacity available.

In early June 2017, fipronil was found in eggs on a Belgian laying hen farm. In response, the Belgian Federal Agency for the Safety of the Food Chain (Federaal Agentschap voor de Veiligheid van de Voedselketen, FAVV) initiated an investigation into the possible origin of the contamination. In this connection, the FAVV contacted the NVWA on 19 June regarding two Dutch companies which might have been at the source of the Belgian fipronil contamination. Consequently, the NVWA was asked whether it had previously received any alarming news about the two companies. In its reply of 28 June, the NVWA stated that it did not have enforcement information on one of the companies and that it had not found any violations at the other company in recent years. On the same day, the NVWA received a request from the FAVV to conduct an investigation into the service company that administers treatment for red poultry mite in laying hens. Only the Public Prosecution Service may release details from this investigation according to current legal procedures. The NVWA notified Belgian authorities of this possibility on 13 July, when information on the companies receiving treatment had become available. We are presently unable to provide further information on this matter due to the ongoing criminal investigation into the service company.

Only when the Belgian FAVV broke the news of the presence of fipronil in eggs on 19 June could this information be connected to the criminal investigation in preparation. Because of its newly discovered connection with food safety, this investigation was subsequently prioritised by the IOD. The follow-up measures taken since then were described in our letter of 3 August, to which you are referred. As a result of the discovery of fipronil in eggs sampled on 19 July, the NVWA saw fit to notify the responsible members of the government. Our letter of 3 August informed you of the detection of fipronil in Belgian eggs at the beginning of June 2017 and the measures taken in response. The discovery of fipronil in the food chain was our point of departure in formulating these measures. The anonymous tip received in November was not mentioned in our letter of 3 August because of its inclusion in and relevance to the preparation of the criminal investigation.

In the meantime, we have received several sets of questions on this issue from the House of Representatives. It is our ambition to answer all of these questions in as much detail and as soon as possible, but no later than the beginning of next week.

Yours faithfully,

the Minister of Health,
Welfare and Sport,
Ms E.I. Schippers

the Minister for
Agriculture,
Martijn van Dam