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Order No 1386 of 29/11/2023 (in force)

Order on per- and polyfluoroalkyl substances (PFAS) in cattle and sheep

Ministry: Ministry of Food, Agriculture and Fisheries

Order on per- and polyfluoroalkyl substances (PFAS) in cattle and sheep

Pursuant to Sections 30a(1) and (3), 61(1) and 70(3), first sentence, of the Act on the keeping of animals, cf. Consolidation Act No 9 of 6 January 2022, the following is laid down pursuant to Section 7(1)(1) of Order No 1721 of 30 November 2020 on the tasks and powers of the Danish Veterinary and Food Administration:

Scope

§ 1 The Order applies to cattle and sheep suspected or confirmed suspected of being contaminated with PFAS at levels that may pose a risk to food safety.

Paragraph 2. The Order shall also apply to for feed and water found to be PFAS-contaminated.

Paragraph 3. This Order is without prejudice to relevant quality criteria for PFAS in water and on land established by other authorities.

Definitions

§ 2 For the purposes of this Order, the following definitions shall apply:

- 1) Identification code of the animal: As defined in Commission Delegated Regulation (EU) 2019/2035 of 28 June 2019.
- 2) Feed: As defined in Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002.
- 3) Sheep: As defined in Commission Delegated Regulation (EU) 2019/2035 of 28 June 2019.
- 4) Indicator value: The DVFA indicator values for PFAS in water, feed and blood indicate when there is a risk that the EU maximum levels of PFAS in meat are exceeded, in accordance with Commission Regulation (EU) 2023/915 of 25 April 2023. The indicator values for water and feed have been established on the basis of the total daily tolerance for the intake of PFAS by the animal species.
- 5) Cattle: As defined in Commission Delegated Regulation (EU) 2019/2035 of 28 June 2019.
- 6) Operator: As defined in Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016.
- 7) PFAS: Per- and polyfluoroalkyl substances.
- 8) PFOS: Perfluorooctane sulfonic acid.
- 9) Representative sample: Samples from a group of animals exposed during the same period to the same contamination, taken and analysed in accordance with the principles laid down in Commission Regulation (EU) 2022/1428 of 24 August 2022, Annex, Part A, Table 4. However, at least two animals must be sampled.

Suspected and confirmed suspected of contamination with PFAS

§ 3 Animals are considered to be suspected of contamination with PFAS, which may pose a risk to food safety, when the animals for a total period of 30 calendar days or more within 12 months have ingested feed or water found to be contaminated with PFAS.

Paragraph 2. The Danish Veterinary and Food Administration considers that feed or water has been found to be contaminated with PFAS, which may pose a risk to food safety when the indicator values for feed or water, respectively, set out in Annex 1, have been exceeded for the animal's daily intake.

§ 4 A feed or water is no longer considered to be found contaminated with PFAS, which may pose a risk to food safety, cf. Section 3(2), where:

- 1) the suspicion of PFAS contamination of the animals, cf. Section 3(1), which during the same period have been exposed to the same contamination, is rebutted by blood or meat samples, cf. Section 7(1), and the result of the samples reflects the time of the animals' exposure to the contamination, or
- 2) On another basis, the Danish Veterinary and Food Administration considers that the feed or water does

not pose a risk to food safety.

Paragraph 2. A rebuttal of a contamination of feed or water, see. paragraph 1, no. 1, is only applicable to the animal species, which forms the basis for sampling, cf. however, paragraph 3.

Paragraph 3. If a contamination of feed or water is ruled out for cattle, the contamination of feed or water is also considered to be ruled out for sheep.

Section 5. Animals are considered to be under confirmed suspicion of contamination by PFAS, which may pose a risk to food safety when:

- 1) the blood PFOS indicator values set out in Annex 1 have been exceeded; or
- 2) the Union established maximum limits for PFAS in meat have been exceeded in accordance with Commission Regulation (EU) 2023/915 of 25 April 2023.

Paragraph 2. The sampling referred to in paragraph 1 shall be carried out as a representative sample.

Official supervision in case of suspicion of contamination with PFAS

§ 6. The Danish Veterinary and Food Administration shall place the animals suspected of being contaminated with PFAS, cf. Section 3(1), under official supervision.

Paragraph 2. Official supervision may include, among others:

- 1) The operator shall ensure that the animals do not continue to be exposed to the contamination found, cf. Section 3(2)
- 2) The operator shall inform the Danish Veterinary and Food Administration before measures referred to in Section 6(2)(1) are implemented.
- 3) The operator must inform the Danish Veterinary and Food Administration before placing the animals on the market, including the buyer's herd number and the identification numbers of the relevant animals.
- 4) The operator may not slaughter the animals without the permission of the Danish Veterinary and Food Administration.

Paragraph 3. Offspring of dams subject to official supervision, cf. paragraph 1, shall also be subject to supervision.

Paragraph 4. Animals which, after permission from the Danish Veterinary and Food Administration can be delivered for slaughter, see. paragraph 2, no. 4, must be accompanied by a certificate of approval issued by the Danish Veterinary and Food Administration.

Paragraph 5. Request for a certificate of approval, see. paragraph 4, must be sent digitally to the Danish Veterinary and Food Administration no later than 14 calendar days before the animal must be delivered for slaughter. A request shall not be deemed to have been submitted until all relevant information has been received by the Danish Veterinary and Food Administration.

Paragraph 6. The request for a certificate of approval referred to in paragraph 4 shall contain information on:

- 1) the slaughterhouse to which the animal or animals are to be delivered;
- 2) the date of delivery of the animal or animals to the slaughterhouse; and
- 3) identification code of the animal(s).

Paragraph 7. When issuing a certificate of approval as referred to in paragraph 4, the Danish Veterinary and Food Administration shall lay down, as a condition for slaughter, that the carcass is to be detained at the slaughterhouse until a meat sample has established that the meat complies with the maximum levels for PFAS laid down in the Union in accordance with Commission Regulation (EU) No 2023/915 of 25 April 2023.

§ 7 At the request of the operator, the Danish Veterinary and Food Administration shall, within 14 calendar days or by agreement, take blood or meat samples from animals which are subject to official supervision, cf. Section 6, in order to obtain, by analysis thereof, disproval or confirmation of the suspicion of contamination of the animals with PFAS.

Paragraph 2. The sampling referred to in paragraph 1 shall be carried out as a representative sample.

Official supervision in case of confirmed suspicion of contamination with PFAS

§ 8 The Danish Veterinary and Food Administration shall place under official supervision animals which have been confirmed as being suspected of being contaminated with PFAS, cf. Sections 5 and 7.

Paragraph 2. Official supervision may include, among others:

- 1) The operator shall ensure that the animals do not continue to be exposed to the contamination found, cf. Section 3(2).
- 2) The operator shall inform the Danish Veterinary and Food Administration before measures referred to in Section 8(2), point 1, are implemented.
- 3) The operator must inform the Danish Veterinary and Food Administration before placing the animals on the market, including the buyer's herd number and the identification numbers of the relevant animals.
- 4) The operator may not slaughter the animals without the permission of the Danish Veterinary and Food Administration.

Paragraph 3. Offspring of dams subject to official supervision, cf. paragraph 1, shall also be subject to supervision.

Paragraph 4. Animals which, after permission from the Danish Veterinary and Food Administration can be delivered for slaughter, see. paragraph 2, no. 4, must be accompanied by a certificate of approval issued by the Danish Veterinary and Food Administration.

Paragraph 5. Request for a certificate of approval, see. paragraph 4, must be sent digitally to the Danish Veterinary and Food Administration no later than 14 calendar days before the animal must be delivered for slaughter. A request shall not be deemed to have been submitted until all relevant information has been received by the Danish Veterinary and Food Administration.

Paragraph 6. The request for a certificate of approval referred to in paragraph 4 shall contain information on:

- 1) the slaughterhouse to which the animal or animals are to be delivered;
- 2) the date of delivery of the animal or animals to the slaughterhouse; and
- 3) identification code of the animal(s).

Paragraph 7. When issuing a certificate of approval as referred to in paragraph 4, the Danish Veterinary and Food Administration shall lay down, as a condition for slaughter, that the carcass is to be detained at the slaughterhouse until a meat sample has established that the meat complies with the maximum levels for PFAS laid down in the Union in accordance with Commission Regulation (EU) No 2023/915 of 25 April 2023.

§ 9 At the request of the operator, the Danish Veterinary and Food Administration shall take new blood or meat samples from animals which are subject to official supervision, cf. Section 8, in order to be able to assess, by analysing them, whether official supervision can be lifted.

Paragraph 2. Sampling referred to in paragraph 1 shall be carried out when the Danish Veterinary and Food Administration assesses that the level of contamination has fallen below the indicator values set out in Annex 1, and presupposes that the animals

- 1) no longer be fed with the feed that has been found contaminated, and
- 2) no longer have access to the water that has been found to be contaminated.

Paragraph 3. The sampling referred to in paragraph 1 shall be carried out as a representative sample.

Lifting of official supervision

Section 10. The Danish Veterinary and Food Administration shall lift the official supervision referred to in Sections 6 and 8 when:

- 1) analysis of blood samples taken from the animals shows that the indicator values for PFOS in blood shown in Annex 1 is not exceeded, or
- 2) analysis of meat samples taken from the animals shows, no exceedance of the Union maximum levels for PFAS in meat laid down in Commission Regulation (EU) No 2023/915 of 25 April 2023.

Penalty clause

Section 11. A fine shall be imposed on anyone who to comply with measures given under section 6 and section 8.

Paragraph 2. Companies and legal persons may be held criminally liable in accordance with the provisions of Chapter 5 of the Criminal Code.

Entry into force

Section 12. This Order shall enter into force on 1 January 2024.

DVFA, 29 November 2023

Nikolaj Veje

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DVFA indicator values for contamination with PFAS

Contamination in feed, water and blood

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| 1. Contamination found in feed | |
| <p>The indicator values for <u>PFOS</u> are: 0.03 microgram/kg for bovine animals. 0.15 microgram/kg for sheep.</p> | <p>The indicator values refer to the sum of linear and branched stereoisomers, regardless of whether they are chromatographically separated or not. The indicator values have been established on the basis of the total daily tolerance for the intake of PFAS by the animal species.</p> |
| <p>For the sum of <u>PFAS</u>, corresponding values are: 0.12 microgram/kg for bovine animals. 0.6 microgram/kg for sheep.</p> | <p>The indicator values refer to the sum of 4PFAS and their linear and branched stereoisomers, whether chromatographically separated or not, and to the sum of measured PFAS. The indicator values have been established on the basis of the total daily tolerance for the intake of PFAS by the animal species. For the sum of PFAS, the lower concentrations are calculated on the assumption that all the values below the limit of quantification are zero.</p> |
| 2. Contamination found in water | |
| <p>The indicator values for <u>PFOS</u> are: 0.02 microgram/liter for bovine animals. 0.11 microgram/liter for sheep.</p> | <p>The indicator values refer to the sum of linear and branched stereoisomers, regardless of whether they are chromatographically separated or not. The indicator values have been established on the basis of the total daily tolerance for the intake of PFAS by the animal species.</p> |
| <p>For the sum of <u>PFAS</u>, corresponding values are: 0.08 microgram/liter for bovine animals. 0.44 microgram/liter for sheep.</p> | <p>The indicator values refer to the sum of 4PFAS and their linear and branched stereoisomers, whether chromatographically separated or not, and to the sum of measured PFAS. The indicator values have been established on the basis of the total daily tolerance for the intake of PFAS by the animal species. For the sum of PFAS, the lower concentrations are calculated on the assumption that all the values below the limit of quantification are zero.</p> |
| 3. Confirmed suspicion of contamination in blood | |
| <p>The indicator values for <u>PFOS</u> are: 3.3 microgram/liter for bovine animals. 6.7 microgram/liter for sheep.</p> | <p>The indicator values refer to the sum of linear and branched stereoisomers, regardless of whether they are chromatographically separated or not.</p> |