



## **Codex Alimentarius: Scott Tips Shreds The Use Of “Scientific Consensus” At CAC42 Meeting**

Scott Tips, current head of the venerable National Health Federation, schooled delegates to the CAC42 meeting on using the phony propaganda phrase, ‘Scientific Consensus’, when in fact none existed. Codex Alimentarius sets UN food safety standards as a joint Food and Agriculture Organization and World Health Organization program. Scott is an example of what one person can do to turn the tide of discussion at the right time. □ TN Editor

Styled as “CAC42,” the Codex Alimentarius Commission (CAC) met in its 42<sup>nd</sup> session in Geneva, Switzerland this past week of July 8-12, 2019, and I attended the meeting as the National Health Federation’s sole delegate. Populated with 632 participants, this was a large meeting, but one carefully shepherded by CAC Chairman Guilherme Antonio da Costa, Jr. of Brazil and efficiently run by a small platoon of professionals fielded

by the Codex Secretariat.

As always, the main object of this meeting was to adopt (approve) all of the food standards and any guidelines already considered and adopted by the subsidiary (lower-level) Codex committees during their own meetings since the previous CAC41 session. And there were plenty to adopt: cadmium levels in chocolate, milk additives, a slew of pesticide levels, lead levels in wines and other commodities, and even quinoa grain size, among numerous others. Some of these agenda items were real snoozers while others were of keen interest and debated harshly. Regardless, the bureaucratic trajectory both underlying and driving this meeting was relentless - get the generally industry-driven standards adopted. To bureaucrats, procedure is everything, the outcome is nothing.

## **Out of Thin Air ...**

If you don't get your way, just move the goal posts. Or at least invent a new term out of thin air. That is the way the Codex science officer decided to react to the unexpectedly stubborn resistance of 55 African countries to a standard for milk additives (emulsifiers and stabilizers), such as trisodium citrate, that the United States and a number of other countries and industry INGOs wanted adopted. With 55 stubborn African countries arguing against adoption, the Chairman could not find "consensus," the preferred Codex method of reaching agreement to adopt or reject any standard. After all, when consensus is defined as "the absence of sustained opposition," the Chairman could hardly find "consensus" in the face of 55 naysaying delegations.

So, Markus Lipp, the FAO/Codex science officer and former Monsanto employee, reached into his bag of tricks and pulled out the nearly freshly coined term of "scientific consensus." First tried, to my knowledge, at the April 2018 Codex Committee on Residues of Vet Drugs in Foods (CCRVDF) meeting in Chicago - where Dr. Lipp sprinkled that pixie dust on the Codex delegates in a vain attempt to overcome the European Union's and NHF's strong objections to the adoption of a standard for Zilpaterol, the notorious vet drug that has no therapeutic purpose but to cure sick financial balance sheets - the magical phrase "scientific

consensus” was not so magical since it failed to fool most of the delegates and the Chairman there.[1] The Zilpaterol standard went down to defeat.

But with a certain moth-like quality within him that kept him circling the flame that had burned him before, Dr. Lipp could not help but chance using the “scientific consensus” argument at this meeting as well in an attempt to out-maneuver the solid 55-African country roadblock. And the Codex Chairman echoed the phrase as if on cue. You see, if there could be found a “scientific consensus” in favor of the milk-additives standards, as dictated by the Codex Science Officer, then the Codex head table would argue that “scientific” consensus trumps “regular” consensus. Their logic behind this assertion is that since Codex is a scientific body, then scientific consensus is what counts. Forgotten by them, however, is that Codex also makes policy.

As Warren Buffet said once, “It’s only when the tide goes out that you learn who’s been swimming naked.” Well, the tide went out and those at the head table who had staked their position on “scientific consensus” were soon enough exposed as swimming naked.

I spoke out at the meeting against the fake term “scientific consensus.” ***In fact, I was the only one.*** As NHF’s representative, I told them that: (1) I had spent a considerable amount of time reading through the Codex Procedural Manual and that nowhere in it does it use the term “scientific consensus”; (2) That the term “consensus” without any qualifiers appears in the Manual on page 8 and again on page 18 and should be given its ordinary and normal meaning; (3) a dangerous precedent would be set by using a contrived term to push through a standard so strongly opposed; and (4) you simply cannot make up terms as you go along and we either have integrity at Codex or we don’t. I concluded by hammering home the point that the milk-additive standard could not be adopted.

In the end, the Chairman called for a “side session” where the chairman of the Codex Committee on Food Hygiene would mediate between the two sides and reach a general (not scientific) consensus. That was done and the following day the Commission agreed to put back for further

study one of the milk-additive standards (trisodium citrate) while adopting the other standards for emulsifiers and stabilizers.

For NHF, though, the most important result to come out of this discussion was to put a stake through the heart of the concept of “scientific consensus.” Without a doubt, the Codex science officer was floating this concept once again so that delegates would start getting used to the concept. It would then be put to use at the next Vet Drug Residue committee meeting (May 2020) to adopt a worldwide standard for Zilpaterol. We cannot have that happen. By strongly challenging this biased and unsupported definition of consensus now, NHF was laying the groundwork for defeating the Zilpaterol standard next year. And interestingly enough, several Codex delegations thanked NHF for having spoken out against “scientific consensus.”

## **Pesticide Heaven**

On another agenda item, NHF unfortunately did not score as well. The Codex Committee on Pesticide Residues (CCPR) had referred to the Commission a number of Maximum Residue Levels (MRLs) for pesticides that CCPR suggested be adopted at Steps 5/8 (Diquat, Imazalil, Oxamyl, Propamocarb, Propiconazole, Profenofos, Bentazone, Abamectin, Fenpyroximate, Kresoxim-Methyl, Pyriproxyfen, Cyprodinil, Pyraclostrobin, Fludioxinil, Mandipropamid, Spinetoram, Fluopyram, Sulfoxaflor, Fluxapyroxad, Benzovindiflupyr, Cyantraniliprole, Cyazofomid, Lufenuron, Isofetamid, Oxathiapiprolin, Ethiprole, Fenpicoxamid, Norflurazon, Pydiflumetofen, Pyriofenone, and Tioxazafen). The European Union, Norway, and Switzerland objected to the MRLs for a number of these toxic pesticides while Brazil objected to just one of them, Pyraclostrobin, due to acute risk concern for their consumers.

With solid research to back NHF’s objections at Codex – thanks to NHF Executive Director Katherine Carroll who spent a significant amount of time researching their toxicity – NHF supported the comments of the EU, Norway, and Switzerland but went even further and objected to the adoption of all of the named pesticides as health hazards for humans and animals.

So, I told the delegates that “**the first problem** not considered by the risk assessors is that these pesticides are cumulative. They accumulate in the body, even at low doses, and over time they accumulate greatly and detrimentally to humans. This has not been considered by Codex in setting the MRLs here. **The second problem** is essentially one of synergy. They are often used together with other pesticides and herbicides. And they have never been tested for safety when used together like this. We do not even know what harm their interactions can cause. We suspect these will be even more harmful than when they are used alone and, indeed, science points in this direction. And **the third problem** is that these pesticides are Endocrine Disruptors, “gender benders,” even at low levels. It has been demonstrated that fertility problems and birth problems result from their use. This is an increasing concern that we cannot let these problems continue. We must be especially cautious in approving any MRLs for endocrine disruptors.”

I continued, “One of our introductory speakers yesterday morning very correctly stated that ‘*We cannot have food security without food safety.*’ We agree. The EU and others at CCPR and here at CAC - in written comments - have mentioned toxicological and similar concerns with a number of the pesticides up here for adoption. We agree with the concerns expressed by the EU and supported by Norway and Switzerland at CCPR, and for that very reason we ask that none of these MRLs be adopted but especially those for Diquat, Imazalil, Propiconazole, and Norflurazon **not** be adopted and that they be sent back to CCPR for further review and discussion.”

Naturally, the Codex science officer could not resist responding to my comments, claiming that the Joint FAO/WHO Expert Consultation on Food Additives (JECFA) risk assessments considered all factors and were comprehensive. Never having seen an unhealthy standard that it did not like, the United States delegate spoke up and helpfully asked that the JECFA reply be put in the record.

## **Cadmium Standard Approved Despite**

## **Substantial Objections**

Surprisingly, when it came to considering the Maximum Limit (ML) for cadmium in chocolates, there was a knock-down, drag-out fight. Proposed at 0.3 mg/kg, this ML for cadmium was approved by the CAC despite the fact that some 30 countries objected to it as being too lax and a health hazard to children especially. Others, such as Argentina and the United States, dismissed the health concerns in agreement with the JECFA Secretariat, who called any health concerns “insignificant.”

In the mêlée, the EU (representing 21 countries at this meeting) stood its ground opposing the ML of 0.3 mg/kg but was subjected to a short health lecture by the Chairman that there is never a zero risk. The Cameroon delegate responded by asking if it is Codex’s goal to place as many food products on the market with the highest levels of heavy metals as possible? In turn - and taking a page out of NHF’s playbook - the outspoken delegate for the Economic Community of West African States (ECOWAS) correctly challenged whether there was consensus on this standard and said we should not put too much faith in JECFA science. Plucky Finland pointed out that there were more delegations against the standard than in support and that it was bad form for the JECFA Secretariat to suggest that he might need to explain the science to a delegation. Cameroon supported Finland while ECOWAS reminded the delegates that “there is still room for improvement with JECFA.”

## **Papal Infallibility**

The cadmium ML for chocolate passed despite strong objections by numerous delegates. Under Codex procedural rules on consensus, the standard should have been stopped. This procedural failure highlights the outsized influence wielded by the Codex “science” officer and overall by JECFA itself.

One of the biggest problems at Codex is delegate susceptibility to the “Papal Infallibility” complex when it comes to science. It doesn’t help that the JECFA Secretariat definitely believes in its own infallibility when it comes to scientific matters (despite frequently admitting large data gaps in available science from which to draw a conclusion). Any

pronouncements on the safety of a food standard or pesticide standard that is handed down by JECFA is treated as if they are the stone tablets that Moses brought down from the Mount.

Yet, NHF's written and oral comments in April 2015 after the Vet Drug Residue (CCRVDF) meeting in Costa Rica reveal that far from handing down stone tablets from the Mount, the JECFA Secretariat has clay feet instead. At that meeting JECFA had announced that recombinant Bovine Growth Hormone (rbST) use had resulted in **no** increase in mastitis or in pus in milk. "Why then," I asked, "after such a thorough and systematic literature review did JECFA miss **the industry's own data** showing a 79% increase in mastitis from rbST use along with a 19% increase in pus and bacteria in the milk?" I then read from Monsanto's own warning label for Posilac, its rbST injectable drug, expressly stating that cows injected with Posilac are at increased risk for mastitis. I again asked the Committee, how could JECFA's supposedly systematic review have missed the industry's own safety issues? So much for thorough and "systematic" reviews.

Recombinant Bovine Growth Hormone is not JECFA's only scientific stumble. When it came to aspartame - the well-known artificial sweetener with less-known, but still-proven deleterious effects upon humans and animals, which can include seizures, brain tumors, dementia, and weight gain[2] - JECFA got it wrong. Notwithstanding the considerable and increasingly accumulating evidence of aspartame's toxicity, JECFA declared aspartame "safe" in the early 1980s at a consumption level of 40 mg per kilogram of body weight.[3]

This happened too with glyphosate, ractopamine, and Zilpaterol, all of which JECFA pronounced safe to use at levels that are harming people and animals. In my article published last year about the Codex Vet Drug Residue committee victory over Zilpaterol, I describe in more detail JECFA's scientific errors and how Codex delegates were and still are seriously mistaken to trust JECFA "science." [4]

Yet, JECFA and most Codex delegates expect all of us to accept its scientific pronouncements without question. For a scientific body, Codex certainly has a congregation of religious adherents. Of course it is

understandable that Codex delegates would want to defer on scientific issues to JECFA because it certainly saves those delegates from having to do their own scientific due diligence. Still, that is what they must do - their own independent inquiries, with an open mind as well. Part of the problem stems from what the JECFA Secretariat himself admitted matter of factly at CAC42 on July 10th, when he confessed that JECFA relies heavily on studies and data from the industry in order to make its safety assessments.

JECFA lacks credibility when it deems a systematic review as complete and yet misses important safety data plainly visible to even the general public. NHF keeps pointing this out to fellow delegates and finally it seems as if some other delegates are catching on, as shown by ECOWAS' comments at CAC42.

At this most recent Codex meeting - the most important one of the year - the National Health Federation was there to remind fellow delegates that Codex science can be mistaken, misguided, and even corrupted, and that we should not blindly accept whatever swill we have been given to swallow.

NHF thanks its donors who made it possible for NHF to attend and to stop the drive towards twisting Codex procedure so that a new meaning of "consensus" would allow unhealthy standards to be adopted. Without its generous donors, NHF would not have been there to shoot down this stealth tactic that would have gained deceptive momentum in successive Codex meetings. Instead "scientific consensus" lays smoldering in the dust as a reminder to Codex to act with integrity.

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[1] Scott Tips, "Victory at Codex Over Dangerous Vet Drug," *Health Freedom News*, Summer 2018, pp 5-9, at <https://thenhf.com/wp-content/uploads/2018/11/Victory-at-Codex-Over-Dangerous-Vet-Drug.pdf>.

[2] Mark D. Gold, Independent Analysis of "Opinion of the European Commission, Scientific Committee on Food: Update on the Safety of Aspartame / E951," Feb. 3, 2003, at



<http://www.holisticmed.com/aspartame/scf2002-response.htm>.

[3] *See, e.g.*, InChem, "Aspartame," undated, at <http://www.inchem.org/documents/jecfa/jecmono/v15je03.htm>. *See also* JECFA Evaluation Monograph, dated 2018, at <http://apps.who.int/food-additives-contaminants-jecfadatabase/chemical.aspx?chemID=62>.

[4] Tips, *supra*.