Escalex® LIMITS food regulation and compliance

NEWS & ALERTS

A monthly snapshot of key regulatory updates from across the globe

www.ifis.org February 2020

Why Escalex Limits News & Alerts?

One of the biggest challenges faced by food business operators today is to comply with multiple regulations on maximum residue limits (MRLs). Producers, processors and traders engaged in the food chain all need to meet rules on residues in food, irrespective of the region in which they operate. However, identifying and monitoring rules on MRLs is no easy task. Food is governed by a complex and dynamic set of rules. In addition to international instruments, several jurisdictions establish and regularly update their own prescriptions in terms of residue levels, making it difficult for businesses to keep track of the frequent regulatory changes and variations from jurisdiction to jurisdiction.

This difficulty has recently been evidenced in our 2019 market research study on the crucial pain points the food industry has to endure when navigating food regulatory data. The survey identified that 72% of international food industry professionals interviewed found regulatory limits on additives, contaminants, nutrients, microbiological criteria, veterinary drugs, food contact materials and pesticides difficult to locate, interpret and apply to their food businesses.

Our News & Alerts intends to assist the food and beverage industry in their compliance needs with MRLs' legal requirements. Published once a month, it captures national and international updates on regulatory limits for several jurisdictions – Australia, Canada, China, EU harmonised law, US federal law and California state law, and New Zealand – providing an easily accessible platform for the food community to stay in touch with legal developments and upcoming legislation. When possible, links are given to relevant websites from where further information is available.

Here is the latest from Escalex Limits!

Amina Lattanzi
Food Law Editor
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IFIS food and health information

molecular connections

Escalex Limits Updates

Escalex Limits is a new regulatory database, which IFIS has been working on to create over the past four years. Escalex Limits aims to make finding, understanding and applying legislation covering limits data easier for food industry and regulatory professionals. In particular, our database covers limits data on the following substances: additives, contaminants, microbiological criteria, pesticides, veterinary drugs, nutrients and food contact materials.

In January, we have entered an internal user-testing phase of the database. Several stages are planned for content and user interface testing over the next three months, starting with internal testing via our in-house team of food regulatory experts. We will then proceed to phase two, testing with the help of our esteemed law firm partners / details of our current partners can be found via our Meet The Experts Page. Our expert partners will be putting Escalex Limits through its paces with real industry scenarios and use case queries. A final round of testing is intended to be rolled out to food regulatory and food industry professionals worldwide by the end of Q1 this year.

If this is something you would be keen on getting involved in, then please contact our Senior Regulations & Compliance Executive - Joanna Becker (j.becker@ifis.org) for more details on the project.

HOT TOPICS

- **China takes further action towards food safety: new rules against residues of toxic substances on their way**
- **"A Union that strives for more": this year's Commission Work Programme specifically tackles legislations on food contact materials and MRLs for pesticides**
- **Codex Committees planned in China postponed due to Novel Coronavirus**

ADDITIVES

CANADA

Health Canada modifies list of permitted food additives

Canada has approved the use of glucose oxidase from Aspergillus niger J39 as a food enzyme in certain commodities, including bread, flour, whole wheat flour, pasta, and unstandardized bakery products.
The modification was published in the List of Permitted Food Enzymes and came into force on 21 January 2020.


By Orlova Maria_www.unsplash.com

Canada gives the go-ahead for spirulina as a food colour

On 9 January 2020, Health Canada has proposed to modify the List of Permitted Colouring Agents in order to include the use of spirulina extract as a food colouring substance. Public consultations are open until 23 March 2020.

UNITED STATES FEDERAL LAW

Final ruling on several food additives

In January 2020, the Food and Drug Administration responded to the objection submitted by several stakeholders on the amendments to the food additive regulations that no longer authorize the use of certain substances as synthetic flavouring substances in food. The additives targeted include benzophenone, ethyl acrylate, eugenyl methyl ether, myrcene, pulegone, and pyridine.

CONTAMINANTS

CANADA

Health Canada updates list of contaminants in foods

The Canadian List of food contaminants and other adulterating substances has been updated in January 2020. It establishes the conditions under which specific foods are adulterated and includes both prohibitions for certain substances and maximum levels for others in certain foods.

New cyanide limit to moderate risks when eating apricot kernels

Health Canada establishes a new maximum level - 20 ppm - for total extractable cyanide in apricot kernels sold for human consumption.
The new limit is effective as of 25 January 2020.

By Maša Žekš_www.unsplash.com

CHINA

China invites public feedback on standards covering food contaminants

On 31 December 2019, China's National Health Commission opened consultations on 13 national food safety standards, including those regulating maximum levels of contaminants in foods (GB 2762). Submissions closed on 28 February 2020.

CODEX ALIMENTARIUS COMMISSION

Request for comments on Priority List of Contaminants and Toxicants

The Codex Alimentarius Commission is inviting feedbacks on the Priority List of Contaminants and Naturally Occurring Toxicants. The comments must be received before 31 March 2020 and will be assessed by the Joint FAO/WHO Expert Committee on Food Additives.

EUROPEAN UNION HARMONISED LAW

The EU modifies legal framework on undesirable substances in animal feed

On 3 February 2020, the EU Commission notified the WTO Committee on Sanitary and Phytosanitary Measures about the adoption of Regulation 2019/1869 amending and correcting Annex I to Directive 2002/32 as regards maximum levels for certain undesirable substances in animal feed. The substances involved include arsenic, lead, and mercury.

Risks of perfluoroalkyl in food under consideration in the EU

On 30 January 2020, EFSA endorsed its draft Scientific Opinion on the risks related to the presence of perfluoroalkyl substances in food for public comments. The consultation is open as of 24 February and will include a meeting in Brussels on 12 March 2020 to receive feedbacks from interested stakeholders. For more information and to register: here.

HONG KONG

Hong Kong reviews rules on metallic contamination of food

The Amendment to the Food Adulteration (Metallic Contamination) Regulations entered into effect in November 2019 and covers fresh and perishable products, such as fresh fruits and vegetables, fresh meat, aquatic animals and poultry eggs. The new rules will be applicable to all other food as of November 2020. Among other topics, the amendment deals with MRLs for metallic contaminants with respect to individual food categories. Part 2 of the regulation lists maximum levels for each metal targeted and specifies the commodities involved. More information can be found here.

FOOD CONTACT MATERIALS

EUROPEAN UNION HARMONISED LAW

Safety assessment of bis (2-ethylhexyl) cyclohexane-1,4-dicarboxylate as food contact material

On 29 January 2020, EFSA published its evaluation of the additive bis(2-ethylhexyl)cyclohexane-1,4-dicarboxylate, intended to be used as plasticizer in poly(vinyl chloride) (PVC) film in contact with aqueous, acidic and low-alcohol foods for long-term storage at room temperature or below, refrigerated and frozen. The Scientific Opinion can be found here.


By Sri Lanka_www.unsplash.com

MICROBIOLOGICAL CRITERIA

CHINA

China invites public feedback on standards covering mycotoxin in food and pathogens in prepackaged food

On 31 December 2019, China's National Health Commission opened consultations on 13 national food safety standards, including those regulating maximum levels of mycotoxin in food and pathogens in prepackaged food (GB 2761 and GB 29921). Submissions closed on 28 February 2020.


By Syd Wachs_www.unsplash.com

PESTICIDES

AUSTRALIA & NEW ZEALAND

Modifications to the Agricultural and Veterinary Chemicals Code (MRL Standard)

Dated 9 January 2020, the amendment involves certain pesticides and respective MRLs, including bixlozone, carbetamide, bifenthrin and oxamyl.

CANADA

Canada sets new MRLs for ethylene oxide and ethylene chlorohydrin

Adopted on 10 January 2020, the provision covers dried vegetables and sesame seeds. The new limits are the following: 7 ppm for ethylene oxide and 940 ppm for ethylene chlorohydrin. The updated MRLs can be found here.

New MRLs for malathion

On 6 February 2020, new residue levels for malathion were adopted:

- 8.0 ppm in or on bushberries small fruits vine climbing, except fuzzy kiwifruit, low growing berries, wild raspberries;
- 6.0 ppm in or on cherries.

MRLs established in Canada may be found using Health Canada's Maximum Residue Limit Database.

Health Canada opens consultations on limits of several pesticides

The Pest Management Regulatory Agency invites comments until 3 March 2020 on the following substances:

- chlorfenapyr in cucumbers: 0.5 ppm;
- clopyralid in pome fruits: 0.05 ppm;
- malathion in annual canarygrass seeds: 0.8 ppm;
- prometryn in parsley leaves: 15 ppm in dried leaves, 3 ppm in fresh leaves.

Levels of cyprodinil and fludioxonil in beans and peas under revision

The maximum residue levels of these substances in dried shelled bean and pea, except soybean, have been recently reviewed by Health Canada's Pest Management Regulatory Agency:

- cyprodonil: 0.6 ppm;
- fludioxonil: 0.5 ppm.

The Agency closed consultations on 10 February 2020.

Canada tackles tetraniliprole in or on various agricultural commodities

Health Canada's Pest Management Regulatory Agency proposes new MRLs for tetraniliprole. The commodities covered and respective limits include:

- leafy vegetables (crop group 4-13): 20 ppm;
- citrus oil: 7.0 ppm;
- oranges: 1.0 ppm;
- milk: 0.05 ppm;
- fat of cattle, goats, horses and sheep: 0.04 ppm;

eggs: 0.01 ppm.

The consultation is available for comments until 4 April 2020.

Proposed maximum residue limits for pyroxasulfone

These are the MRLs proposed by Health Canada for pyroxasulfone in and on various commodities: 0.2 ppm in potato flakes and potato granules; 0.08 ppm in tuberous and corm vegetables. 10 February 2020 marked the final date for comments.

By Hai Nguyen_www.unsplash.com

CHINA

Significant revision of MRLs adopted last summer entered into force

On 15 August 2019, China released its new National Food Safety Standard - Maximum Residue Limits for Pesticides in Foods (GB 2763-2019). The new rules, which are effective as of 15 February 2020, lay down 7,107 MRLs of 483 pesticides in 256 categories of foods.

New MRLs for 68 pesticides in food

The Ministry of Agriculture and Rural Affairs of the People's Republic of China has notified the World Trade Organization of a new food safety standard proposing 642 maximum residue limits for numerous pesticides in or on foods. Comments can be submitted until 21 March 2020. Details on the substances involved and respective limits can be found here.

CODEX ALIMENTARIUS COMMISSION

Request for comments on MRLs for pesticides arising from JMPR evaluations

Following assessments from the 2019 Joint FAO/WHO Meetings on Pesticide Residues, Member governments and interested international organizations are invited to submit feedbacks on the proposed draft MRLs that correspond to Step 3 of the Codex Procedure. Deadline: 28 February 2020. More information on the commodities, substances and respective residue levels can be found here.

EUROPEAN UNION HARMONISED LAW

The European Commission reviews maximum residue levels for various pesticides

The substances covered by the draft rules are chromafenozide, fluometuron, pencycuron, sedaxane, tau-fluvalinate and triazoxide and the commodities involved include pulses, cereals and commodities of animal origin. Submissions of public comments closed on 2 February 2020. Further information can be found here.

EFSA proposes to modify several existing MRLs

Substances involved in the amendments published between 22 and 28 January 2020 are:

- chlormequat in barley, sheep muscle and sheep kidney;
- mandipropamid in kohlrabies and herbs and edible flowers;
- fosetyl/phosphonic acid in various crops;
- abamectin in various commodities, including almonds, walnuts, papayas, tomatoes and lettuces;
- imazamox in soyabeans.

Several pesticide active substances under revision in the EU

According to Article 12 of Regulation 396/2005, EFSA has reviewed the maximum residue levels currently established at EU level for several active substances, including: acequinocyl; tefluthrin; ipconazole; diclofop; bixafen; spirotetramat; ametoctradin; metamitron; proquinazid; cycloxydim; spinetoram; terbuthylazine; fenazaquin; thiencarbazone-methyl and fluxapyroxad.
The Reasoned Opinions were published in the EFSA Journal between 16 and 30 January 2020.

Import tolerances for fluxapyroxad

EFSA sets import tolerances for the active substance fluxapyroxad in certain root crops and coffee beans produced in the US and Brazil. The Reasoned Opinion was published on 21 January 2020.

By Nadia Valko_www.unsplash.com

Co-formulants in plant protection products under scrutiny in the EU

The European Commission proposes a list of co-formulants not accepted for inclusion in plant protection products. The Draft Regulation is set to enter into force at the end of 2020 and will amend Annex III to Regulation 1107/2009 concerning the placing of plant protection products on the market. Member States will be expected to withdraw existing plant protection products or adjuvants containing the substances listed at the latest by 2 years from the date of entry into force.
The feedback period ended on 13 February 2020.

EFSA reviews maximum residue levels for fludioxonil in certain oilseeds

EFSA proposes to amend the existing MRLs of the substance in several seeds, including mustard seeds, borage seeds and hemp seeds. The complete table displaying current and proposed levels can be found here.

UNITED STATES FEDERAL LAW

Final rule on pesticide tolerances for flutianil

The EPA Regulation, entered into force on 20 December 2019, establishes new limits for flutianil in berry, low growing, subgroup 13-07G; cherry subgroup 12-12A; fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13-07F; hop, dried cones; and vegetable, cucurbit, group 9. Objections and requests could be submitted before 18 February 2020.

The Environmental Protection Agency establishes tolerances for residues of fenhexamid

Regulation 40 CFR Part 180 adopts MRLs for fenhexamid in various commodities, including arugula, berry, kiwi, leafy greens and onion. The Regulation is effective as of 16 January 2020 and objections can be filed before 16 March 2020.

Limited tolerance for residues of fenpropathrin in kiwi

A new EPA Regulation establishes a time-limited tolerance - 31 December 2022 - for residues of fenpropathrin in or on fuzzy kiwifruit. Objections could be submitted until 21 February 2020.

By Sara Cervera_www.unsplash.com

VETERINARY DRUGS

AUSTRALIA

Modifications to the Agricultural and Veterinary Chemicals Code (MRL Standard)

Dated 9 January 2020, the amendment targets certain compounds, such as flubendazole, lasalocid and tylosin.

CHINA

Hundreds of new MRLs about to enter into force in China

On 12 October 2019, the National Food Safety Standards – Maximum Residue Limits for Veterinary Drugs in Foods were issued (GB 31650-2019), establishing 2,191 maximum residue limits and use requirements for 267 veterinary drugs in livestock and poultry products, aquatic products and bee products. The standards will enter into force on 1 April 2020. An unofficial translation of the measures to English can be found here.

EUROPEAN UNION HARMONISED LAW

Commission Implementing Regulation on ciclesonide adopted in January 2020

Regulation 2020/43 of 17 January 2020 amends Regulation 37/2010 on pharmacologically active substances and MRLs in foodstuffs of animal origin to classify the substance ciclesonide as regards its maximum residue limit.

New maximum residue level for bambermycin

In January 2020, the Commission adopted Regulation 2020/42 amending Regulation 37/2010 to classify bambermycin as regards its MRL. The amendment involves rabbits.

NEW ZEALAND

Proposals to amend the New Zealand Food Notice on Maximum Residue Levels for Agricultural Compounds

The public consultation, which closes on 3 April 2020, targets Schedule 3 (veterinary medicines) of the Notice and includes proposals for new exemptions from compliance with an MRL. The substances involved in the consultation are glycerol when used topically as a skin conditioner or as an active ingredient in a teat sanitiser and sorbitol, used topically as a skin conditioner or as an active ingredient in a teat sanitiser.


By Annie Spratt_www.unsplash.com

GENERAL

AUSTRALIA & NEW ZEALAND

Schedule 20 of the Food Standards Code under revision

Food Standards Australia New Zealand seek to amend maximum residue limits for various agricultural and veterinary chemicals to ensure consistency with other national regulations. Substances targeted include bifenthrin, bixlozone, carbetamide, diafenthiuron, difenoconazole, etoxazole, fluopyram, glufosinate and glufosinate-ammonium. The proposed rules are expected to enter into force in March 2020. Deadline for public submissions expired on 11 February 2020.


By chatnarin pramnapan_www.unsplash.com

CHINA


By Dan Gold_www.unsplash.com

Chinese authorities are preparing new rules on the quality and safety of agricultural products for human consumption

The draft measures, notified to the WTO Technical Barriers to Trade Committee, regulate the supervision and administration of the quality and safety of food and include monitoring requirements on residues of high toxic pesticides and veterinary drugs, residues of forbidden chemicals, and food additives that are frequently used excessively. The deadline for comments was 2 February 2020. A proposed date of entry into force has not been announced yet. An unofficial translation of the draft measures can be found here.

Entry into force of revised Implementing Regulations of the Food Safety Law

Adopted on 31 October 2019, the new rules are effective as of 1 December 2019. Their goal is to strengthen the guarantee and surveillance of food safety requirements by, among others: clarifying the responsibilities of business operators with regards to food safety; requiring local and county level authorities to establish a unified regulatory regime and introduce additional regulatory means such as random checks; and reinforcing liability for food safety infringements.

CODEX ALIMENTARIUS COMMISSION

Harmonization of meat mammalian MRL

The Codex Alimentarius Commission is requesting comments on the harmonization of meat mammalian maximum residue limits between the Codex Committee on pesticide residues and the Codex Committee on residues of veterinary drugs in foods. Consultations closed on 28 February 2020.

By Max Delsid_www.unsplash.com

Schedules of 2020 Codex Committees

Due to the outbreak of Novel Coronavirus (2019-nCoV), the 52nd Session of the Codex Committee on Food Additives, originally scheduled for 2-6 March 2020, in Lanzhou, China, has been postponed to 22-26 June 2020 in the same location. Similarly, the 52nd Session of the Codex Committee on Pesticide Residues, originally scheduled for 30 March-4 April 2020, in Guangzhou, China, has been postponed and the Codex Secretariat is expected to provide updates in the coming weeks.

EUROPEAN UNION HARMONISED LAW

The Commission Work Programme for 2020 has been published

This year, the EU Commission plans to examine, among others:

- all aspects of the current EU food contact materials' legislation, including the effectiveness of the declaration of compliance, which is currently required for specific measures at EU level;
- Regulation 1924/2006 on nutrition and health claims made on food with regards to nutrient profiles and health claims made on plants;
- maximum residue levels for pesticides, covering the functioning of Regulation 396/2005 on maximum residue levels in all Member States since its applicability in 2008.

NEW PARTNERSHIPS

Food Law Practice Team at Daldewolf

We are pleased to announce that in February 2020, Aude Mahy and her Food Law Practice Team at Daldewolf have joined the Escalex Partnership Project. Aude and her team will be providing food law information from Belgium to food professionals using Escalex, helping us keep up to date with the most recent legal developments within their jurisdiction.

THANK YOU

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IFIS maintains a global network of legal experts and consultants in the area of food law and regulation. Locate a food law expert or find out more here: www.ifis.org/meet-the-experts.

Interested in working in partnership with Escalex? Email Joanna Becker at j.becker@ifis.org for more information.

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