

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!



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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

- **COVID-19: no current evidence that food is a source or route of transmission of Novel Coronavirus**
- **Schedule of Codex Committees modified due to COVID-19 outbreak: update**
- **New Organic Standard currently in the works before New Zealand Parliament**

ADDITIVES

CHINA

National Health Commission's consultation on draft labelling rules

On 28 February 2020, the NHC closed its call for comments on the draft Food Safety National Standard for Labelling of Pre-packaged Foods (GB 7718-20XX), intended to replace GB 7718-2011. Among other topics, the Standard plans to provide clarified rules on labelling formats for food additives.

EUROPEAN UNION HARMONISED LAW

Amendments to the use of two food additives

Commission Regulation 2020/279 concerning the use of soybean hemicellulose (E 426) and Commission Regulation 2020/268 concerning the use of sorbic acid (E 200) in liquid colour preparations for the decorative colouring of egg shells were published on 28 February 2020.

Their respective dates of effect are 19 and 18 March 2020.

Annatto, bixin, norbixin (E 160b) under review in the European Union

The draft Commission Regulation intends to update the current authorisation of the food additive Annatto, bixin, norbixin (E 160b) following the conclusions of the re-evaluation of its safety by EFSA. The text removes Annatto, bixin, norbixin (E 160b) from the Union list of permitted food additives in Regulation 1333/2008 and replaces it with two new separate food additives, i.e. Annatto bixin (E 160b(i)) and Annatto norbixin (E 160b(ii)). More information can be found here.

The text is expected to be adopted in June 2020.



EFSA publishes outcome of assessment on sweeteners

Published on 18 February 2020, the Technical Report outlines the results of the public consultation on a draft protocol for the hazard identification and characterisation of sweeteners. Comments were received between 5 July and 19 September 2019.

The protocol was developed by the EFSA Panel on Food Additives and Flavourings, supported by the working group on the re-evaluation of sweeteners.

CONTAMINANTS

CODEX ALIMENTARIUS COMMISSION

Requests for comments on cadmium and lead

On 31 March 2020, the Codex Secretariat closed its calls for comments on the proposed maximum residue levels for:

- cadmium in chocolates and cocoa-derived products ([Circular Letter 2020/19-OCS-CF](#));
- lead in selected commodities ([Circular Letter 2020/21/OCS-CF](#)).

EUROPEAN UNION HARMONISED LAW

New certified reference material (CRM) for aflatoxins in paprika powder

On 17 February 2020, the Joint Research Centre [released](#) a new certified reference material for aflatoxins in paprika powder, considered as one of the major contributors to aflatoxin exposure. This new CRM intends to support measurement laboratories in monitoring maximum levels of aflatoxin in food.



By hue12 photography_www.unsplash.com



By Tetiana Bykovets_www.unsplash.com

Proposed maximum levels for certain contaminants in oils and infant formula

The [draft Commission Regulation](#), amending Regulation 1881/2006, sets maximum levels for:

- glycidyl esters in fish oil and oils from other marine organisms and young child formula (in addition to the already existing maximum levels for glycidyl esters for vegetable oils, infant formula and follow-on formula);
- 3-MCPD and 3-MCPD esters in vegetable oils, fish oils and oils from other marine organisms, infant formula, follow-on formula and young child formula.

The text is expected to be adopted in June 2020 and to enter into force early 2021.

Proposed maximum levels for perchlorate in certain foods

The [draft rules](#) establish maximum residue levels for perchlorate in certain commodities, including fruits and vegetables, tea, herbal and fruit infusions, infant formula, and foods for special medical purposes intended for infants and young children.

Proposed date of adoption: May 2020; proposed date of entry into force: July 2020.

Outcome of a public consultation on chlorinated paraffins in food

On 9 March 2020, EFSA published the results of a public consultation on the draft risk assessment of chlorinated paraffins in food and feed. Comments were submitted from 6 August to 17 September 2019.

EFSA's open consultation on glycoalkaloids in food

The Panel on Contaminants in the Food Chain is inviting comments until 15 April 2020 on EFSA's draft scientific opinion concerning the risks of glycoalkaloids in feed and food, especially in potatoes and derived products.

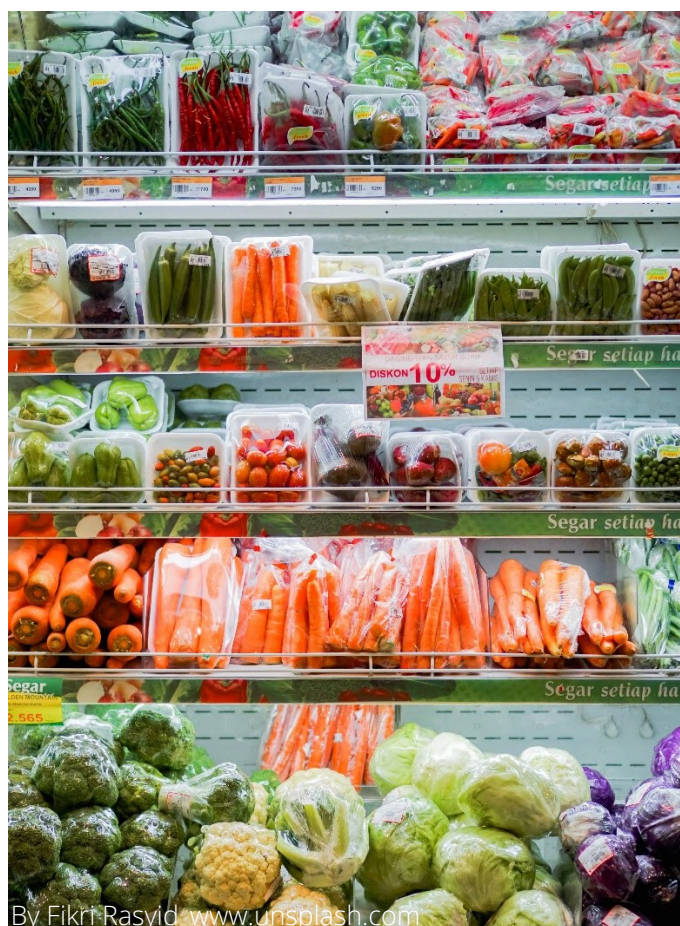
EFSA plans meeting to tackle risks of micro and nanoplastics in food

The Scientific Colloquium 25 entitled "A coordinated approach to assess the human health risks of micro and nanoplastics in food" will be held in Lisbon, Portugal, from 8 to 9 June 2020. Deadline to register: 10 April 2020.



By Nic D_www.unsplash.com

FOOD CONTACT MATERIALS



By Fikri Rasyid_www.unsplash.com

EUROPEAN UNION HARMONISED LAW

The European Parliament vetoes on lead in PVC

With 394 votes for, 241 votes against and 13 abstentions, on 12 February 2020 the EP rejected a Commission proposal on recycled polyvinyl chloride (PVC). The proposal would have amended current rules on lead concentration in PVC, allowing up to 1% lead in recycled flexible/soft PVC and up to 2% in recycled rigid PVC. MEPs believe that the Commission proposal goes against the REACH Regulation's main goal of protecting human health and the environment and that the levels proposed by the Commission cannot be considered safe.

Proposed rules on articles intended to come into contact with foods

The draft Regulation amends Regulation 10/2011 on plastic materials and articles intended to come into contact with food. The proposed rules authorise new substances; update limits to the general list of migration limits applicable to all plastics in point 1 of Annex II; and add testing rules for food processing equipment and appliances. More details can be found in the Draft Annex to the Regulation.

MICROBIOLOGICAL CRITERIA

EUROPEAN UNION HARMONISED LAW

No current evidence that food is a source or route of transmission of Novel Coronavirus

On 9 March 2020, the European Food Safety Authority confirmed that there is currently no evidence that food products are a likely source or transmission route of the virus causing COVID-19 and that there have not been reports of transmission through food. Therefore, EFSA is not as of today involved in the response to the COVID-19 outbreak.

However, EFSA headquarters are based in Parma, Italy. Therefore, all events, staff travels and public visits to EFSA premises have been suspended until 8 April 2020.

UNITED STATES FEDERAL LAW

FDA's goals towards safer leafy greens

The 2020 Leafy Greens STEC Action Plan aims at guaranteeing the safety of leafy greens, too often implicated in outbreaks of foodborne illnesses, especially due to E.coli infections tied to consumption of romaine lettuce.



PESTICIDES

AUSTRALIA

Maximum residue limits for imazapyr in barley grain

Food Standards Australia New Zealand has approved an application to increase the MRL for imazapyr in barley in Schedule 20 of the Australia New Zealand Food Standards Code from 0.05 mg/kg to 0.7 mg/kg.

Public consultations on various pesticides

In the past month, public consultations promoted by the Australian Pesticides and Veterinary Medicines Authority involved:

- glyphosate for use in barley; consultations closed on 27 March 2020;
- glufosinate-ammonium for use on canola; consultations closed on 31 March 2020;

- azoxystrobin and cyproconazole for use on oats, triticale and rye; consultations will close on 2 April 2020.

AUSTRALIA & NEW ZEALAND

Variations of Schedule 20 of the Australia New Zealand Food Standards Code

Dated 2nd March 2020, the new MRLs pertain to several agricultural chemical products, including bifenthrin, glyphosate, mesotrione, and methiocarb. More details can be found at p.43 of the Australian Pesticides and Veterinary Medicines Authority's Gazette, published on 10 March 2020.

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

Dated 15 January 2020, the amendments of the Australian Pesticides and Veterinary Medicines Authority (APVMA) modify several residue limits for substances contained in agricultural chemical products as currently set out in the MRL Standard. The amendments are divided into five tables: MRLs in food commodities, Commodity portions, Residue definitions, Animal Feed Commodities, MRLs not necessary. More information can be found [here](#).

The APVMA is proposing to incorporate those variations into Schedule 20 - Maximum residue limits in the Australia New Zealand Food Standards Code and is inviting comments on the proposal until 7 April 2020.

CANADA

Newly established residue limit for pethoxamid

The following maximum residue limit was adopted on 19 February 2020 and is now available in the [Maximum Residue Limits Database](#):

0.01 ppm in dry soybeans; eggs; fat, meat and meat by-products of cattle, goats, hogs, horses, poultry and sheep; field corn; milk; popcorn grain; sweet corn kernels plus cob with husks removed; undelinted cotton seeds.



By Rachael Gorjestani_www.unsplash.com

Proposed residue limits for deltamethrin and pyriofenone

Health Canada's Pest Management Regulatory Agency is inviting [comments](#) on the following residue limits:

- 0.07 ppm for [deltamethrin](#) in or on dried shelled pea and bean, except soybean;
- 0.3 ppm for [pyriofenone](#) in or on fruiting vegetables.

Deadline: 19 April 2020.

Three neonicotinoids under review by Health Canada

In February 2020, Health Canada's Pest Management Regulatory Agency provided updates on the multi-year review it has undertaken on the risks to human health, terrestrial vertebrate health, pollinator health, and risks to aquatic organisms, of three neonicotinoid pesticides ([imidacloprid](#), [clothianidin](#), and [thiamethoxam](#)).

Implementation of restrictions and mitigating measures are planned to occur over a 24-month period taking effect in April 2021. More details can be found in the United States Department of Agriculture's [GAIN Report](#).

Health Canada requests comments on pyriproxyfen

Health Canada's Pest Management Regulatory Agency has [closed](#) on 6 February 2020 its consultation on its proposed re-evaluation decision regarding the active substance pyriproxyfen, used as an insect growth regulator on a large variety of crops.

CHINA

China to set new residue levels for dozens of pesticides

In January 2020, China notified 642 draft maximum residue limits for 65 pesticides to the World Trade Organization SPS Committee (G/SPS/N/CHN/1149). The proposed MRLs involve several commodities, including horticultural products, oilseeds, grains, poultry meat, and eggs. Submissions of comments closed on 21 March 2020. More details can be found in the United States Department of Agriculture's GAIN Report of 24 February 2020 ([CH2020-0019](#)).

EUROPEAN UNION HARMONISED LAW

New rules on MRLs for prochloraz

Commission Regulation 2020/192 of 12 February 2020, amending Annexes II and III to Regulation 396/2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin, concerns maximum residue levels for prochloraz in or on certain products and has entered into force on 4 March 2020. The new rules lower the MRLs for prochloraz in or on certain products, including citrus fruits, tree nuts, pome fruits, stone fruits, berries, root and tuber vegetables, bulb vegetables and fruiting vegetables.

Prohibitions to repeat authorisations for plant protection products

Pursuant to article 53(1) of Regulation 1107/2009, the EU has prohibited the following countries to repeat grant authorisations for certain pesticides:

- Romania, in relation to plant protection products containing clothianidin or imidacloprid for use on Brassica napus against Phyllotreta spp. or Psylliodes spp;
- Lithuania, in relation to plant protection products containing the active substance thiamethoxam for use on spring rape against Phyllotreta spp. and/or Psylliodes spp.

The two Commission Implementing Decisions were published on 5 February 2020.

Proposed non-renewal of fenamiphos' approval

The draft Commission Implementing Regulation concerns the non-renewal of approval of the active substance fenamiphos, in accordance with Regulation 1107/2009. The decision only concerns the placing on the market of the active substance and plant protection products containing it.

Proposed date of adoption: third quarter of 2020.

The European Commission proposes the non-renewal of beta-cyfluthrin for use in insecticides

The draft Commission Implementing Regulation refers to the non-renewal of approval of the active substance beta-cyfluthrin, in accordance with Regulation 1107/2009 concerning the placing of plant protection products on the market. EU Member States are expected to withdraw authorisations for plant protection products containing the active substance. The proposed date of adoption falls in the third quarter of 2020.

The Regulation only concerns the placing on the market of this substance and products containing it. The Commission is planning to take further separate action on residue levels.



By Nitin Bhosale www.unsplash.com

EFSA publishes peer review of the pesticide risk assessment on the active substance chloropicrin

The peer review was published in the EFSA Journal on 5 March 2020. The assessment was carried out on the basis of the evaluation of the uses of chloropicrin as a soil fumigant on strawberries, tomatoes, peppers, cucurbits and tree crops.



Pyridaben under review in the EU

According to article 6 of Regulation 396/2005, EFSA has modified the existing maximum residue level for pyridaben in sweet pepper/bell pepper and has established an import tolerance in tree nuts. The Reasoned Opinion was published in the EFSA Journal on 25 February 2020.

EFSA tackles prothioconazole in celeriac and rapeseeds

On 21 February 2020, EFSA published a Reasoned Opinion on the evaluation of confirmatory data following the review of the existing residue levels for prothioconazole in celeriac and rapeseeds under article 12 of Regulation 396/2005.

Risk assessments of thifensulfuron-methyl and isoprazam

- On 14 February 2020, EFSA published the outcome of the commenting phase concerning the risk assessment of the active substance thifensulfuron-methylare;
- On 6 March 2020, EFSA published the outcome of the commenting phase concerning the risk assessment of the active substance isoprazam.

Requests for evaluations and risk assessments from EFSA

The European Commission has requested evaluations, peer reviews and scientific and technical assistance from EFSA on the following topics regarding pesticides:

- updated peer review concerning the risk to non-target arthropods for cyazofamid;
- peer review on the active substance esfenvalerate according to article 13 of Regulation 844/2012 (AIR V);
- reporting table for an extension of use of the basic substance equisetum arvense in accordance with article 23 of Regulation 1107/2009;
- outcome of the pesticides peer review meeting on general recurring issues in mammalian toxicology risk assessment;
- oxathiapiprolin - IT MRLs in various crops.

EFSA announces tentative dates for the 2021 Plenary Meetings of the Panel on Plant Protection Products and their Residues (PPR)

- 108th Plenary Meeting: 24 February 2021 to 25 February 2021;
- 109th Plenary Meeting: 21 April 2021 to 22 April 2021;
- 110th Plenary Meeting: 23 June 2021 to 24 June 2021;
- 111th Plenary Meeting: 8 September 2021 to 9 September 2021;
- 112th Plenary Meeting: 10 November 2021 to 11 November 2021.

Dates and agenda will be confirmed in the following months.

UNITED STATES FEDERAL LAW

The Environmental Protection Agency publishes new tolerances for selected pesticides

Effective as of 14 February 2020, the new rules involve:

- acetamiprid in or on multiple commodities;
- cyantraniliprole in or on strawberry;
- chlorfenapyr in or on basil, chive, cucumber and vegetable, fruiting, group 8-10;
- difenoconazole in or on multiple commodities;
- prohexadione calcium in or on alfalfa forage, alfalfa hay, and field corn forage, grain, and stover.

Objections and requests for hearings must be sent before 14 April 2020.

Banda de Lupinus Albus Doce (BLAD): proposal to revoke exemption and set tolerances

In May 2015, the Environmental Protection Agency proposed to revoke the exemptions from residue tolerances of BLAD in relation to all foods and to establish tolerances for residues in almonds, grapes, strawberries, and tomatoes. The Agency is now reiterating this initial action, while expanding the commodities for which tolerances are proposed. Public comments are welcome until 13 April 2020.



By Marcos Paulo Prado_www.unsplash.com

VETERINARY DRUGS

CODEX ALIMENTARIUS COMMISSION

Requests for comments on residue limits for veterinary drugs

The substances involved include: flumethrin in honey; diflubenzuron in salmon; halquinol in swine; ivermectin in sheep, pigs and goats.

Submissions will close on 25 April 2020.

Priority list of veterinary drugs for evaluation by the Joint FAO/WHO Expert Committee on Food Additives

The Codex Alimentarius Commission is inviting members and observers to submit proposals for veterinary drugs to be included in the priority list for further recommendation to JECFA for evaluation or re-evaluation. Deadline: 25 April 2020. More information can be found here.



By Luke Stackpoole_www.unsplash.com

GENERAL

EUROPEAN UNION HARMONISED LAW

2020 Farm to Fork Strategy

The new Strategy establishes regulatory and non-regulatory measures aimed at building efficient, climate-smart systems to ensure healthy food and a decent living for farmers and fishermen based in the European Union. The initiative's goals are to provide, among others, measures to significantly reduce the use and risk of chemical pesticides, as well as the use of fertilizers and antimicrobials. The feedback period opened on 17 February and closed on 16 March 2020.



By Markus Spiske_www.unsplash.com

EFSA reports on zoonoses, antimicrobial resistance and food-borne outbreaks

EFSA's Technical Report was published on 4 February 2020 and provides guidelines to EU Member States and non-Member States on how to report data on antimicrobial resistance, animal population, zoonoses and food-borne contaminants. The full Report can be found [here](#).

EFSA publishes guidance on chemical monitoring reporting

On 11 February 2020, EFSA published a Technical Report on chemical monitoring reporting, providing guidelines on how to submit to the EU analytical results of food samples taken during monitoring activities of residues of pesticide, veterinary medicinal products, contaminants and additives. The Report can be found [here](#).

CODEX ALIMENTARIUS COMMISSION

Schedule of Codex Committees modified due to COVID-19 outbreak: update

The 52nd Session of the Codex Committee on Food Additives, originally scheduled for 2-6 March 2020, in Lanzhou, China, has been postponed. The Codex Secretariat is still exploring whether the meeting could be held in China from 22-26 June 2020, with the working groups taking place on 19-20 June 2020.

The 52nd Session of the Codex Committee on Pesticide Residues, originally scheduled for 30 March-4 April 2020, in Guangzhou, China, has been postponed as well and alternative options are currently being assessed.

The 32nd Session of the Codex Committee on General Principles, originally scheduled for 23-27 March 2020, in Bordeaux, France, has been postponed too and the Codex Secretariat is expected to inform on new dates in the coming weeks.

Any update will be published on the [Codex Committees' reports page](#).

NEW ZEALAND

New Food Notice – Maximum residue levels for agricultural compounds

Dated 9 March 2020 and issued under section 405 of the Food Act 2014, this [Food Notice](#) replaces the previous Notice of 30 August 2019 and lays down a new list of New Zealand MRLs for a range of agricultural compounds. For those not listed, it sets a default residue level of 0.1 mg/kg.

Update in the MRLs' promulgation process

The Ministry for Primary Industries has recently provided an [update](#) on the new trial system for the promulgation of MRLs announced in December 2019. The new mechanism includes fixed cut-off dates for maximum levels' promulgation. The cut-off dates for the next MRL rounds this year will be 1 June, 1 September and 1 December.

New Organic Standard currently in the works before New Zealand Parliament

The draft [Organic Products Bill](#) was introduced on 27 February 2020 and its goal is to ensure consumer confidence in purchasing organic products, increase certainty in relation to organic claims and facilitate international trade of organic products. The Bill is currently in the first reading stage.

UNITED STATES FEDERAL LAW

Consultations reopened regarding “Food Standards: General Principles and Food Standards Modernization”

The Food and Drug Administration is reopening the period for comments on the [rule](#), published in the Federal Register of 20 May 2005, proposed to set a series of principles for FDA when planning to establish, modify, or eliminate a food standard. [Submissions](#) close on 21 April 2020. Further details can be found [here](#).



By LUM3N_ www.unsplash.com

EVENTS

Westminster Food & Nutrition Conference 25 March 2020

This month, we have attended the Westminster Food & Nutrition Conference on "The UK food supply chain - regulation and fairness, climate change commitments and the future for trading relationships".

The Conference, originally scheduled to take place in central London, was moved to an online platform due to COVID-19 restrictions.

The topics covered were a fantastic opportunity to learn more about future regulations applicable to the UK food industry in a post-Brexit world, how the food sector can work towards reaching net-zero emissions in the next coming years, and how new trading relationships are currently evolving for the UK and other nations.

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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