CODEX ALIMENTARIUS COMMISSION

Food and Agriculture Organization of the United Nations

World Health Organization

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Agenda Items 4a, 7b, 11, 12, 13 **CRD12**

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Comments submitted by The International Fruit and Vegetable Juice Association

Agenda Item 4a

As part of the discussions held at CCGP, FAO highlighted the results from a study on the harmonisation of pesticide MRLs for Rice around the world (Understanding international harmonization of pesticide maximum residue limits with Codex standards A case study on rice). They concluded that in developing countries there was a general alignment with Codex MRLs as these countries find it is a most effective way to ensure the safety of their food products and of imported materials. However, in the more developed world there was far less alignment with Codex standards. This lack of harmonisation of pesticide regulation at the national level can lead to significant trade issues and a potential increase in unnecessary food waste.

Recent examples:

- **US:** Products being held at national borders due to regulation infringement such as was seen in the US with orange juice produced in Brazil which contained trace levels of carbendazim, as there is a "zero tolerance" for this material in the US. This can lead to possible food waste due to the perishable nature of the product if testing takes too long.
- **EU:** The removal of clearance for the use of chlorpyrifos and chlorpyrifos-methyl with a relatively short transition period. Due to the very short transition allowed for treated materials, a legally treated raw agricultural product, grown before the regulation modification, could be converted into juice and this material would not have had time to pass through the food chain and be consumed by the consumer before the regulation change took place. A product such as fruit juice concentrate would typically have a minimum shelf life of 12 months or longer between production and sale to another business (B2B) partner. The reconstituted (diluted) concentrate could then have an additional shelf life of 9 to 18 months in its final packaging. So, a legal product can be processed but when the finished product is put on sale it is no longer legal.
- **Destination markets may not be known at time of pesticide application:** The application of a particular plant protection product (PPP) is controlled by the need/s during the growth of fruits or vegetables to control infestations that may affect growth during production. The use here will depend on the growing area's regulation. As PPP regulations are not harmonised, this may restrict juice producer's options to export to a particular country/region as they cannot guarantee that their juices will be free of certain pesticide/s that is/are approved in their regulatory area but not by the importing country. This can lead to restrictions in the trade of food commodities including juices and juice concentrates.

During the meetings of CCPR it is not uncommon for the EU and associated countries (Switzerland and Norway) to raise their flags and ask for a derogation from a particular Codex MRL due to differences in opinion between JMPR and EFSA in their safety assessments. Under these circumstances it is clear that these countries would not adopt the MRLs, and producers would be aware of their scope. However, if no other countries raise concerns it might be assumed that these MRLs would be adopted by the member countries. If this was the case it would make international trade easier as all producers would be working off the same list of approved pesticides e.g. they would be "trade friendly" MRLs. This could also reduce food waste as perishable materials would not be held at national borders, due to possible regulatory infringements. However, from the results of the FAO survey on rice, it would appear that the majority of the developed member countries do not align their MRLs with the Codex values, and so trade issues may ensue. Trade issues could be reduced by countries deferring to Codex MRLs, where there is no national/regional MRL established for that PPP/food commodity combination.

Therefore, in the interest of food waste reduction, supply chain compliance, and world trade, IFU would encourage member countries to align their values so that "trade enabled MRLs" are adopted.

Agenda Item 7b

The International fruit and vegetable juice association (IFU) would like to thank the USA & the Netherlands for their work on this EWG. IFU would have the following observations concerning the proposed modifications to Group D for processed products given in CL 2021/37/OCS-PR.

1) The preamble for group 70 is reprinted below (CX/PR 21/52/7, Page 25):

"Fruit and vegetable juices, Group 070, are pressed from various mature fruits, either from the whole fruits or from the pulp or from vegetable commodities. A small amount of preserving agent(s) may be added to the juices during processing. The juices are often prepared for international trade in a concentrated form which is reconstituted for wholesale or retail distribution to about the original juice concentration as obtained by the pressing process."

In this preamble it uses some terms that are NOT in line with the relevant Codex standard for fruit juices & nectars (CODEX STAN 247-2005, 2005). Currently there is no Codex Standard for vegetable juices that defines this type of product. IFU asks, Is the intent to update the General Standard for Fruit Juices and Nectars (CODEX STAN 247-2005) to incorporate vegetable juices or to develop a separate new General Standard for Vegetable Juices?

With regards to the yellow highlighted text above: In CODEX STAN 247-2005 it stipulates that juice is pressed from "the edible part of the fruit", not from the whole fruit or the pulp, and we would suggest that this text should be used in the preamble.

With regards to the blue highlighted text above: In CODEX STAN 247-2005 the addition of preservatives are not permitted in this type of product, with the exception of grape juice, and IFU would therefore suggest that this sentence is removed.

With regards to the green highlighted text above: In CODEX STAN 247-2005 it stipulates that for juices from concentrate, that are listed in the annex, should be reconstituted to the values given there & IFU would suggest that this sentence is adjusted accordingly.

IFU would suggest the group preamble should read as follows: -

"Fruit and vegetable juices, Group 070, are pressed from the edible part of mature fruits or from vegetable commodities. Juices are often prepared for international trade in a concentrated form, which is reconstituted for wholesale or retail distribution. Fruit juice concentrates should be reconstituted (diluted) to the relevant provision listed in the Annex of Codex STAN 247-2005. In processing vegetables, a small amount of preserving agent(s) may be added. Vegetable juice concentrates should be reconstituted to about the original juice concentration as obtained by the pressing process."

2) IFU suggests that the grouping of fruit and vegetable juice products in one class (Group 70) is not advisable. Although these products use similar post processing techniques to liberate the juice from the fruits or vegetables, the use of pesticides on the fruits versus vegetables are different as these commodities are likely subject to different pests. Therefore, IFU would suggest that a better group structure might be to split this into two separate groups "fruit juices" and "vegetables juices".

If this is adopted the preamble should be modified as defined below for the two separate sub-groups:

Fruit juices

"Fruit juices, Group 070a, are pressed from the edible part of mature fruits. Juices are often prepared for international trade in a concentrated form, which is reconstituted (diluted) for wholesale or retail distribution. These products should be reconstituted in line with the relevant provision given in the annex of Codex STAN 247-2005."

Vegetable juices

"Vegetable juices, Group 070b, are pressed from various vegetable commodities. A small amount of preserving agent(s) may be added to the juices during processing. The juices are often prepared for international trade in a concentrated form which is reconstituted (diluted) for wholesale or retail distribution. This reconstitution should be made to about the original juice concentration as obtained by the pressing process."

Agenda Item 11

The International fruit and vegetable Juice association (IFU) would like to thank the European Union, Brazil, and Uganda for their work on this EWG. IFU would have the following observations concerning the required revision of the IESTI equation.

The conclusions from the work done by JMPR would suggest the present equation is adequately protective for consumers. Therefore, IFU is supportive of no modifications to the IESTI equation and no further work is required.

JMPR concluded that the IESTI equation is protective based on comparison of the IESTI equation and probabilistic models from all countries and populations of interest (FAO/WHO 2020, chapter 2.4). JMPR also reviewed FAO/WHO's level of protection analysis that assessed exposure using the MRL for each pesticide-commodity combination instead of the actual pesticide residue monitoring data. JMPR concluded that this approach is extremely conservative –because it assumes "all commodities have residues present at the MRL" – and suggested an approach to perform a more realistic analysis of the level of protection might be useful.

As was highlighted by the USDA, from their food monitoring study, in 2019 at CCPR 51 most foods show levels of pesticides well below their MRL's. It is also IFU's findings that most fruit and vegetable juices (*ca* 85 %) when analysed for pesticide residues show no detectable residues even when upwards of 300+ compounds are screened for. If a compound is detected, the levels seen are generally well below the regulatory MRL. This evidence supports the JMPR conclusion that the current IESTI equation overestimates exposure indicating that the current equation is highly conservative and adequately protective of the consumer.

Agenda Item 12

The International fruit and vegetable juice association (IFU) would like to thank Canada, Costa Rica and Kenya for their work on this EWG. IFU would have the following observations concerning the parallel review of new compounds by JMPR.

IFU supports the idea of a pilot trial to assess the feasibility of carrying out a co-ordinated assessment of the safety of new pesticides as outlined in the paper (PR 21/52/16). This would assist in ensuring that there was world harmonisation of MRLs for these compounds and would assist in the development of "trade enabled" MRLs that juice and food producers could rely on to ensure free passage of food commodities across national borders in the future.

Agenda Item 13

The International Fruit and Vegetable Juice association (IFU) would like to thank Chile, Australia, Kenya & India for their work on this EWG. IFU would have the following observations concerning the management of unsupported pesticides without health concerns.

A periodic review of the safety of a pesticide is a critical element of the work of CCPR and cannot be overlooked. The present use of "four-year rule", as defined now, is an acceptable practice to allow interested parties (manufactures or member countries) to prepare the relevant data for submission to JMPR for safety reassessment. If these data are acceptable this would lead to the retention of modification of the Codex MRLs for that PPP and food commodity.

The concept, as defined in Option 3, seems a pragmatic approach. This would allow interested countries/parties time to collect the required data for reconsideration by JMPR within the 10-year window from 15 yrs, when it would be due for safety reassessment, and 25 yrs when it use would normally be withdrawn, without an additional safety assessment. This "window" would also provide a country's agriculture a similar timeframe to define a suitable replacement pesticide that could be used instead of the "out of time" compound.

This allowed extension would require that the compound was still approved for use by a Codex member country and listed in their national pesticide database (NPD). The retention of all MRLs should be considered, even it is no longer listed for all commodities in a NPD/s, until 25 yrs is reached.

If a significant health concern is raised by a member country, from new toxicology data, in the period 15 to 25 yrs after assessment/reassessment, the data associated with this safety concern should be reviewed by JMPR and CCPR should review these MRL/s.

IFU is of the opinion that compounds that have exceeded 25 yrs from their previous safety assessment should be reassessed and CCPR and their possible safe use should be considered by JMPR and CCPR. If concerns are raised the continued use of the existing MRLs should be considered by the committee.