The role of Codex standards including MRLS for tea in the context of WTO

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1. Codex Alimentarius - what it is
2. Implications of WTO for Codex standards
3. What to do in order to establish MRLs for tea brew
Codex Alimentarius Commission:

Established in 1961-1963 by FAO and WHO to implement the Joint FAO/WHO Food Standards Programme
Codex Alimentarius: what it is

- Latin, meaning *Food Law or Code*

- Collection of internationally adopted food standards, guidelines, codes of practice and other texts
Codex Alimentarius

- To protect the health of consumers
- To ensure fair practices in the food trade
- To coordinate all food standards work
Codex Alimentarius Commission

- The only Worldwide Intergovernmental Food Standards Organization consisting of:
  - 182 Member countries and one Member Organization (EU) – total 183

- Observers:
  - United nations organizations
  - International Scientific Organizations;
  - Consumer organizations;
  - Food Industry and Trade
Basis for the establishment of Codex standards including MRLs

1. Sound scientific analysis and evidence based on risk analysis - JMPR;

2. Other legitimate factors - CCPR
2. Implications of WTO for Codex standards
Implications of WTO for Codex

- Non-mandatory in nature, Codex standards and related texts have since 1995 become international benchmarks for harmonization under the SPS and TBT Agreements of WTO.
WTO AGREEMENTS RELEVANT TO FOOD

- The Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement – covers food safety)
- The Agreement on Technical Barriers to Trade (TBT Agreement – covers quality aspects)
The WTO SPS Agreement: Article 5.1

Members shall ensure that their sanitary and phytosanitary measures are based on an assessment, as appropriate to the circumstances, of the risks to human, animal or plant life and health, taking into account risk assessment techniques developed by the relevant international organizations.
BODIES RECOGNIZED BY WTO/SPS

- Codex Alimentarius - (FAO/WHO, FAO HQ, Rome)
- International Office of Epizootics (Paris)
- International Plant Protection Convention (FAO, Rome)
According to the SPS

- Countries may introduce or maintain different (higher) standards (measures) or use a higher level of protection (Article 2.3)
- The justification for that must be based on a risk assessment (Article 2.3 and Article 5)
SPS states that:

- Food Safety Measures which conform to Codex Standards are considered necessary to protect public health.

- National regulations which are consistent with Codex meet the requirements of the SPS Agreement.
3. What to do in order to establish MRLs for tea on tea brew
Benefits of Codex MRLs:

- Allows harmonization of Maximum Residue Limits (MRLs) to eliminate trade barriers:
  - Benefits for the entire food value chain: growers, food processors, traders, retailers & crop protection product manufacturers
  - Less resources needed for national authorities
  - Data might be used in several regions, higher predictability, less cost for industry
  - Benefits for governments to save resources
Why MRLs globally differ

- Different use patterns driven by differing pest/disease/weed spectrum pressure
- Lack of harmonization in crop grouping
- Differences in the Residue definition(s) (DoR)
- Differences in toxicological end points: ADI and ARfDs
- MRL calculations
- Consumer exposure calculations
- Politics: MRLs misused as trade barriers

Legislative gaps:
- Lack of regulatory procedure for granting of Import Tolerances
- MRLs not granted at the same time of product authorizations
- Codex MRLs not established shortly after national MRLs or not respected!
Establishment of Codex MRLs

• CCPR bases its risk management recommendations to the CAC on JMPR’s risk assessments of the respective pesticides, and considering, where appropriate, other legitimate factors that[1] are relevant to the health protection of consumers and to the promotion of fair practices in food trade

[1] Statement of Principle Concerning the Role of Science in the Codex Decision-Making Process and the Extent to Which Other Factors are Taken into Account, Codex Procedural Manual, 18th Edition
Criteria for selecting food commodities for which Codex MRLs should be established

• The commodity for which the establishment of a Codex MRL is sought, shall be such that it may form a component in international trade. A higher priority will be given to commodities that represent a significant proportion of the diet.
Establishment of MRLs for tea brew

- Data requirements for submission to the JMPR for evaluation will not be changed
- Changes should be done in the CCPR MRL establishment procedure
Data requirements of pesticide residues for the estimation of MRLs

The FAO manual on data requirements of pesticide residues for the estimation of MRLs is available at the FAO website:

Data requirements of pesticide residues for the estimation of MRLs

Data requested for the evaluation of additional MRL

- Use Pattern--Good Agricultural Practice (GAP)
- Supervised residue trials
- Residue definition
- Analytical methods
- Food processing study
Current Codex MRLs for Tea, Green, Black (black, fermented and dried DT 1114) - 2010

<table>
<thead>
<tr>
<th>Pesticide</th>
<th>MRL (mg/kg)</th>
<th>Note</th>
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<tbody>
<tr>
<td>Chlorpyrifos (17)</td>
<td>2</td>
<td></td>
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<tr>
<td>Dicofol (26)</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>Endosulfan (32)</td>
<td>30</td>
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<tr>
<td>Methidathion (51)</td>
<td>0.5</td>
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<tr>
<td>Paraquat (57)</td>
<td>0.2</td>
<td></td>
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<tr>
<td>Chlorpyrifos-Methyl (90)</td>
<td>0.1</td>
<td>Revocation recommended – CCPR 42 - 2010</td>
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<tr>
<td>Propargite (113)</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Cypermethrins (including alpha- and zeta-cypermethrin) (118)</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Permethrin (120)</td>
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<tr>
<td>Deltamethrin (135)</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Fenpropathrin (185)</td>
<td>2</td>
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Steps to be taken for establishment of MRLs “tea brew”

1. Present scientific evidence and results and get full agreement on the establishment of MRLs on “tea brew”

2. A Member country(ies) should present a discussion paper at the CCPR Working Group on Methods of Analysis and Sampling and the CCPR explaining the situation and get full agreement at the CCPR

3. This paper should contain analytical method, processing studies, all other relevant information

4. Convince the CCPR and then CCPR to ask JMPR feedback

5. Amend the CCPR Procedures for establishment MRLs
Conclusions

- Codex standards, maximum residue limits, codes of practice and other recommendations form a considerable source of harmonized information which governments (food control agencies / bodies) can use now, saving on that substantial amount of human and financial resources.
www.codexalimentarius.net
Thank you very much for your kind attention and I wish you all the best and success!