

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
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Agenda Item 4b

CRD08

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON FOOD ADDITIVES

#### Fifty-second Session

#### ALIGNMENT OF THE FOOD ADDITIVE PROVISIONS OF COMMODITY STANDARDS: REPORT OF THE EWG ON ALIGNMENT

##### Replies to CL 2021/24-FA of United States of America

This responds to CL 2021/24-FA (April 2021): **Request for comments on alignment of the food additive provisions of commodity standards.** The United States appreciates the opportunity to provide the following comments for consideration at the forthcoming 52<sup>nd</sup> Session of the Codex Committee on Food Additives (CCFA).

The United States would like to provide comments on the three key issues identified in Appendix 1 of CX/FA 21/52/6, as well as the discussion in Appendix 6 of CX/FA 21/52/6 regarding the prevention of future divergence of commodity standards with the GSFA.

#### Comments on Appendix 1 of CX/FA 21/52/6

##### Issue 1 – Development of Table 3 Notes

The United States supports our proposal discussed in “Issue 1 – Development of Table 3 notes” to utilize notes in Table 3 to capture specific information on the use of Table 3 additives in standardized foods that fall within food categories that are not listed in the Annex to Table 3.

The Preamble to the GSFA states that Table 3 “*lists additives... that are acceptable for use in foods in general.*” and that the Annex to Table 3 “*lists food categories and individual food items excluded from the general conditions of Table 3. The provisions in Tables 1 and 2 govern the use of additives in the food categories listed in the Annex to Table 3.*” In conformance with the preamble of the GSFA, CCFA has historically **not** included provisions for the use of Table 3 additives in Tables 1 and 2 of the GSFA for food categories that are not listed in the Annex to Table 3, as the general use of Table 3 additives in those food categories is already allowed by the listing of the additive in Table 3.

However, beginning at the last session of CCFA (CCFA51), as part of the exercise of aligning the food additive provisions of the GSFA and corresponding commodity standards, the committee initiated a practice of adding provisions to Tables 1 and 2 of the GSFA in food categories that are not in the Annex to Table 3 when a corresponding commodity standard has specific restrictions on the use of a Table 3 additive. This practice was introduced during the alignment exercise for the purpose of recording in the GSFA any restrictions (such as a numerical use level, or use singly or in combination with other additives) on the use of the Table 3 additives listed in a commodity standard corresponding to a specific food category not in the Annex to Table 3.

The United States is concerned that the practice begun at CCFA51 is not consistent with the description of Table 3 in the Preamble to the GSFA and the typical practice of not listing Table 3 additives in Tables 1 and 2 of the GSFA for food categories that are not included in the Annex to Table 3. Furthermore, the presence of provisions in Tables 1 and 2 for certain Table 3 additives in food categories that are not in the Annex to Table 3 will cause confusion for users of the GSFA. New users of the GSFA may incorrectly infer that Table 3 additives without provisions in those food categories in Tables 1 and 2 cannot be used in other foods that fall within the scope of the food category but are not within the scope of the commodity standard.

As an example of the practice begun at CCFA51, a provision for the Table 3 additive Calcium silicate (INS 552, Functional Class: Anticaking agent) was adopted in 2019 in Tables 1 and 2 of the GSFA for food category 01.6.2.1 (which is not in the Annex to Table 3) for use at GMP with a note indicating “Except for use at 10,000 mg/kg, singly or in combination: silicon dioxide, amorphous (INS 551), calcium silicate (INS 552), magnesium silicate, synthetic (INS 553(i)) and talc (INS 553(iii)) in products conforming to the Standards for Cheddar (CXS 263-1966), Danbo (CXS 264-1966) Edam (CXS 265-1966), Gouda (CXS 266-1966), Havarti (CXS 267-1966), Samsø (CXS 268-1966), Emmental (CXS 269-1967), Tilsiter (CXS 270-1968), Saint-Paulin (CXS 271-1968) and Provolone (CXS 272-1968), as anticaking agents only: silicates calculated as silicon dioxide.” We believe that it would have been more appropriate and in line with the standard practices of the GSFA to have aligned

the use of Calcium silicate with commodity standards covered under food category 01.6.2.1 as a listing in Table 3 of the GSFA.

The United States proposes that the CCFA maintain the typical practice of not listing Table 3 additives in Tables 1 and 2 of the GSFA for food categories that are not included in the Annex to Table 3. As a compromise and a potential way forward, the United States proposes that instead of introducing new provisions for Table 3 additives in Tables 1 and 2 of the GSFA for food categories that are not in the Annex to Table 3, that those uses be captured by means of "Table 3 Notes" in the fifth column of Table 3 as necessary. These "Table 3 Notes" would have the same effect of capturing the particulars of the use of the additive as required in the commodity standard, but they would allow it to be done in a manner that is consistent with the use of Table 3 and the Annex to Table 3 as described in the Preamble to the GSFA.

Below, the United States provides an example of the use of a Table 3 Note (Note T3-1) to indicate the use of Calcium carbonate (INS 170(i)) in CXS 207-1999 (Standard for Milk Products and Cream Powder) with the restrictions included in the commodity standard:

INS	Additive	Functional Class	Year Adopted	Acceptable, including foods conforming to the following commodity standards
170(i)	Calcium carbonate	Acidity regulator, Anticaking agent, Colour, Firming agent, Flour treatment agent, Stabilizer	1999	CS 207 (Note T3-1)

**Note T3-1:** For use in products conforming to the Standard for Milk Products and Cream Powder (CXS 207-1999): calcium carbonate (INS 170(i)), calcium silicate (INS 552), magnesium carbonate (INS 504(i)), magnesium oxide (INS 530), magnesium silicate, synthetic (INS 553(i)), silicon dioxide, amorphous (INS 551), tricalcium phosphate (INS 341(iii)), trimagnesium phosphate (INS 343(iii)) singly or in combination for use as anticaking agents only at 10,000 mg/kg.

We believe that the use of the new Table 3 Notes provides a compromise that maintains the numerical use levels or additive restrictions found in commodity standards that are deemed necessary to maintain, without going against the rules and practices of the GSFA pertaining to Table 3 additives as described in the Preamble to the GSFA.

#### Issue 2: Proposed amendments to Codex Standard titles listed in Annex C of GSFA

Issue 2 of Appendix 1 discusses a proposed amendment to Annex C of the GSFA. Specifically, the request is to remove the association between CXS 283-1978 and GSFA food category 01.6.1 (Unripened Cheese) in Annex C of the GSFA.

The United States supports the Alignment EWG proposal to remove the entry in Annex C of the GSFA that associates CXS 283-1978 with GSFA food category 01.6.1. Although CXS 283-1987 (General Standard for Cheese) applies to cheese overall, the food additive section of this standard pertaining to unripened cheese refers solely to additives as listed in the Group Standard for Unripened Cheese including Fresh Cheese (CXS 221-2001). As CXS 221-2001 is already associated with food category 01.6.1 in Annex C of the GSFA, listing CXS 283-1987 in Annex C is redundant. We believe that the proposed change may help reduce confusion, especially in regards to the alignment of commodity standards with GSFA food category 01.6.1.

#### Issue 3: Should the general processing aid sentence be added to all cheese commodity standards, or all dairy standards

The Alignment EWG recommends that the standard processing aid sentence "Processing aids used in products conforming to this standard should be consistent with the Guidelines on Substances used as Processing Aids (CXG 75-2010)" be added to CXS 278-1978 and CXS 283-1978 since they both refer to processing aids in the standard. The Alignment EWG is seeking comments from CCFA to consider whether this same sentence should also be added to all other cheese standards since various processing aids are used in their production, or even for all dairy standards.

The United States considers that the addition of the standard processing aid sentence is appropriate across all standards, including cheese and dairy, for which processing aids are used. The addition of the standard sentence provides clarity and transparency regarding the use of processing aids in commoditized products.

### **Comments on Appendix 6 of CX/FA 21/52/6 – Alignment of Food Additive Provisions in the GSFA – Avoiding Future Divergence Between the GSFA and Commodity Standards**

The physical WG on Endorsement and Alignment<sup>1</sup> which met just prior to CCFA51, discussed the future divergence between the GSFA and commodity standards as the Commodity Committees amend or develop new food additive provisions. The Alignment EWG was tasked to consider the issue of how future divergence of the GSFA and the commodity standards can be avoided. After discussion within the Alignment EWG, the EWG recommended that the CCFA agree to put forward the *Guideline on avoiding future divergence of food additive provisions in the GSFA with Commodity Standards* (see Annex 2 of Appendix 6 of CX/FA 21/52/6) and if agreed upon by CCFA, communicate the guideline to the active Commodity Committees and publish the guidance as an information document.

The United States supports the *Guideline on avoiding future divergence of food additive provisions in the GSFA with Commodity Standards* in Annex 2 of Appendix 6 of CX/FA 21/52/6. We believe the guideline addresses the importance of the GSFA as the single source of food additive provisions in Codex. If any changes are sought relating to food additive provisions by active Commodity Committees to standards that are already aligned with the GSFA, the Commodity Committee can propose changes to the general reference to the GSFA in the commodity standard (in consultation with CCFA) or submit requests to CCFA for the addition of particular additives. The important thing is that the work is done with notification and consultation of CCFA so that the alignment with the GSFA and the commodity standard is maintained.

However, the United States strongly encourages the Committee to investigate at a future session the best approach to communicate to the active Commodity Committees on the utility of the *Guideline on avoiding future divergence of food additive provisions in the GSFA with Commodity Standards*. While publishing the guideline as an information document is an important first step, we are concerned that this alone may not prevent future divergence between the GSFA and aligned commodity standards by active commodity committees. Over time, an information document may be forgotten, or considered by the Commodity Committee to be “For Information Only” and not procedural guidance. We encourage CCFA to consider how adherence to the guideline can be made stronger so as to help guarantee that the GSFA and commodity standards remain in alignment.

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<sup>1</sup> CRD 3, CCFA51