

# CODEX ALIMENTARIUS COMMISSION



Food and Agriculture  
Organization of the  
United Nations



World Health  
Organization

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Agenda items 3, 7(c), 9

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## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON PESTICIDE RESIDUES

54th Session

Beijing, P.R. China

26 June - 1 July 2023

*Comments submitted by IFU*

#### Agenda item 3

CX/PR 23/54/2

#### Matters referred to the Committee by the Codex Alimentarius Commission and/or its Subsidiary Bodies

The use of ethylene oxide (EO) has been banned as a fumigant in a number of countries due to the toxicity of this material for many years. However, it has recently been detected in some samples of food additives (CCCF) and in other food products such as sesame seeds and other foods imported from Asia (as reported on the EU RASFF site).

In the Codex online pesticide database there is presently no listing for ethylene oxide as a fumigant or for any other pesticide use. Although it is not normally an issue in fruit juices, traces of ethylene oxide (EO) and its degradation product 2-chloroethanol, may sometimes be detected in food products or fruits where they have been stored in an area after fumigation with EO.

IFU is of the opinion the use of EO should be formalised by a Codex committee (CCPR or CCCF) one way or another. Its safe use does not seem to have been examined for a number of years since its initial approval by JECFA in 50's. It has subsequently been examined on a number occasions by JMPR. Due to toxicological concerns the JECFA specification was removed in 2006.

In light of this "dual" assessment IFU would suggest that the safety of this compound should be considered by JECFA or JMPR or a combination of these safety experts, which ever seems more appropriate by the safety experts.

If no "safe" level can be determined, which seems very likely, then the risk communication committees CCPR and/or CCCF should decide if this material should be prohibited for the treatment of foods and food storage areas due to the toxicological risks associated with any residual levels that these treatments may lead to.

#### Agenda item 7c

CX/PR 23/54/8

#### Revision of the Classification of Food and Feed: Portion of the commodity to which the MRLs apply, and which is analysed for Group 006 Assorted Tropical and Sub-tropical fruits - Inedible Peel and Group 023 Oilseeds

a) IFU is of the opinion that the portion of the raw agricultural product (RAP) to which an MRL should apply shall be in-line with that used during its JMPR assessment, otherwise there would be a significant amount of new work for JMPR to re-evaluate these agrochemicals, which would add to their backlog of work.

b) However, as by definition in these products, the peels will not be eaten it seems more sensible in any new assessments that MRLs should be based on the "edible" part of the commodity. As this is the part of fruit that will be consumed and so would be give the best estimate of the intake of the agrochemical that a consumer is likely to be exposed to.

**Management of Unsupported Compounds without Public Health Concern Scheduled for Periodic Review**

Another item to consider when MRL's are to be revoked is the issue with processed products. Generally, Codex and other regulating bodies do not set MRLs for processed goods, only raw agricultural materials (RAM). However, in the fruit and vegetable juice area these same RAMs are processed to prepare fruit or vegetable juices. Now these products, especially the concentrated products are likely to be stored for a year or more before they are sold and shipped to the company who will place the reconstituted product in the finished container (can/carton/bottle) for sale to the consumer. These finished products are likely to typically have a 9 to 12 months shelf life or longer, depending on the storage conditions. This means that fruits or vegetables, that were legally grown using an approved pesticide with a defined MRL, could come on to the market at least 12 months after the agrochemical's usage was modified or removed and still be available for up to a year further and would appear, if analysed by a regulator, to contain an agrochemical above the regulated MRL at that time. This is an important consideration when an agrochemical is no longer supported by a manufacturer and comes up for its periodic review.

IFU is of the opinion that all agrochemical that are used on foods or feeds have to be safe and there is only one way to achieve this and that is using the review/periodic review process. In the period of 15 years between the time that an agrochemical has a "safe usage" level defined by JMPR and when it comes up for review, attitudes to chemical safety are likely to have changed/improved and so there is a need for a toxicological review of the compound. In some ways, unless there has been a change to the GAP the residue levels are likely to be similar to those seen during its original safety assessment. If this is the case the compound may only require an updated Toxicity dossier. Unfortunately, this is the more expensive part of the assessment process.

If the approved MRLs are likely to be revoked, for safety reasons, the application of the 4-year rule should be considered as "standard" in this situation. This would allow time for any interested parties, manufacturer and/or government, to prepare the relevant toxicity and field trial dossiers to be submitted to JMPR for the reassessment to be carried out. Or for agricultural practices to be updated, to use a newer "safer chemical" to be introduced. This time-frame would also allow any processed fruit or vegetable juice to "work its way out" of the storage/retail system to limit any barriers to trade.

Often when a MRL is withdrawn, or significantly reduced, by a regulator, it (the regulator) allows a "period of grace" when a product containing the agrochemical will be considered acceptable, which is often 6 months. This is likely to be totally appropriate for many RAMs, which will have a short shelf life, but would be entirely inappropriate for a processed product such as a fruit or vegetable juice, which could take two years to "work through the system".

Therefore, IFU thinks the standard adoption of the "four-year" rule should apply at the end of the approval period be considered as standard for an unsupported compound to limit barriers to trade.