



## Delegate's Report, 40th Session of the Codex Alimentarius Commission

The 40th Session of the Codex Alimentarius Commission (CAC 40) met in Geneva, Switzerland, July 17 – 22, 2017. The Commission is the governing body of the joint World Health Organization (WHO) and UN Food and Agriculture Organization (FAO) food standards program and is recognized in international trade agreements as the international standards setting organization for food safety.

The 40th Session was attended by delegates from 152 member countries, one member organization and 46 international intergovernmental and nongovernmental organizations. The United States was represented by Mary Frances Lowe, U.S. Manager for Codex Alimentarius, 14 governmental and 10 non-governmental advisors. Overall, the session was very productive, and the United States achieved its principal objectives in cooperation with other Codex members.

### HIGHLIGHTS

The Commission:

- Amended the *Procedural Manual* to recognize the Joint Expert Meeting on Nutrition (JEMNU) as a primary source of scientific advice for the Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU).
- Approved work proposals for the new Task Force on Antimicrobial Resistance (TFAMR) and established electronic working groups to prepare draft documents for its first meeting, set for November 27-December 1, 2017.
- Agreed that the U.S. –hosted Committee on Processed Fruits and Vegetables would work by correspondence and report back to the next CAC in July, 2018.
- Approved several hundred new provisions for food additives and maximum residue limits (MRLs) for pesticides and veterinary drugs.
- Adopted the Revision of the Code of Hygienic Practice for Fresh Fruits and Vegetables.
- Adopted maximum levels (MLs) for lead in selected processed fruits (including jams, jellies and marmalades) and vegetables.
- Adopted the Standard for Fish Oil and the Standard for Dairy Permeate Powder.
- Adopted Principles and Guidelines for Monitoring the Performance of National Food Control Systems.
- Agreed to discontinue work on a Standard for Processed Cheese.
- Reaffirmed the importance of Codex as a unique, independent, member-driven organization, with its own dual mandate and transparent and inclusive procedures.
- Elected a new chairperson (Guilherme Costa) and three new vice-chairpersons.

The official report of the session and related documents can be found on the Codex website at: <http://www.codexalimentarius.org/meetings-reports/en/>.



## MEETING SUMMARY

Following is a summary of the CAC's discussions.

### AMENDMENTS TO THE PROCEDURAL MANUAL

The CAC adopted the following amendments:

- As proposed by the Codex Committee on Methods of Analysis and Sampling (CCMAS),
  - Amended Note 2 in the Principles for the Establishment of Codex Methods of Analysis (*Codex Procedural Manual*, Section II, p. 80 in the 25th Ed.) by adding the statement:
    - There are numerous ways in which methods and limits that involve a sum of components can be converted into methods performance criteria, but this should be undertaken with care on a case-by-case basis.
- As proposed by Codex Committee on Nutrition and Foods for Special Dietary Uses (CCNFSDU),
  - Amended the CCNFSDU risk analysis principles to include the Joint Expert Meeting on Nutrition (JEMNU) as a primary source of scientific advice. This follows the model of other Codex committees that rely on joint FAO/WHO panels of independent international experts for scientific advice.

### ADOPTION OF STANDARDS AT STEP 8 AND 5/8

All committee recommendations were adopted. Many of the adopted standards are important to the United States from the perspectives of food safety, public health and international trade.

The CAC adopted the following standards and related texts at Step 8 and 5/8 (final adoption):

- Annex on Canned Pineapples for inclusion in the Standard for Certain Canned Fruits
- Annex for Certain Quick Frozen Vegetables
- Amendment to the Scope of the Standard for Certain Canned Fruits
- Amendments to the food additive provisions in Codex standards for processed fruits and vegetables
  - MRLs for residues of the veterinary drugs lasalocid sodium, ivermectin and teflubenzuron
  - Nutrient Reference Values for Vitamins D and E and conversion factors for Vitamin E equivalents for labelling purposes
  - Revision to the Standard for Olive Oils and Olive Pomace Oils, and to the Standard for Named Vegetable Oils,



- Amendment to the sections on flavorings in the Standards for Edible Fats and Oils, Named Vegetable Oils, and Fat Spreads and Blended Spreads
- Amendment to the Appendix of the Standard for Named Vegetable Oils
- Standards for Dried Thyme, for Black, White and Green Pepper and for Cumin (Note: The United States, joined by some other delegations, expressed concern that these standards would permit excessive contamination, compared to current trade practices, and suggested that the sections on defects be returned to the Committee on Spices and Culinary Herbs (CCSCH) for additional review. The CAC did proceed to adopt the standards but noted that these sections could be revised as part of the broader group standards that CCSCH planned to develop. See discussion of CCSCH new work.)
- Code of Practice for the Prevention and Reduction of Mycotoxin Contamination in Spices
- Specifications for the Identify and Purity of Food Additives
- Food additive provisions to the General Standard for Food Additives (GSFA)
- Amendments to the International Numbering System for Food Additives
- Amendment to the Introduction of the List of Codex Specifications for Food Additives
- Revised food additive provision in the GSFA related to the alignment of standards for Fish and Fishery Products
- Amendment to the MLs for lead and arsenic in edible fats and oils
- Code of Practice for the Prevention and Reduction of Arsenic Contamination in Rice
- Code of Practice for the Prevention and Reduction of Mycotoxin Contamination in Spices
- Amendment to the Annex to the Code of Practice for the Prevention and Reduction of Mycotoxin Contamination in Cereals (Annex on ergot and ergot alkaloids in cereal grains)
- Over 480 pesticide MRLs for pesticide/commodity combinations, including over 70 MRLs for crop groups and subgroups
- Revision of the Codex Committee on Pesticide Residues (CCPR) Classification of Food and Feed: Vegetable Commodity Groups
- Revision of the CCPR Classification of Food and Feed: Grasses
- Guidelines on Performance Criteria for Methods of Analysis for the Determination of Pesticide Residues in Food and Feed
- Methods of analysis for provisions in Codex Standards
- Several regional standards : laver (Asia), shea butter (Africa), yacon (Latin America and the Caribbean) and doogh (Near East)

## **STANDARD HELD AT STEP 8 (SHORT OF FINAL ADOPTION)**

### **Bovine Somatotropin (rBST)**

The standard for recombinant bovine somatotropin (rBST), recommended for adoption by the Codex Committee on Residues of Veterinary Drugs in Food (CCRVDF), has



been held at Step 8 since 1995. This means that the standard has completed all requirements for approval, but has not been finally adopted by the CAC. (It is extremely rare for standards to achieve Step 8 status without being adopted.) The 35th Session of the CAC (2012) agreed that an updated scientific review by the Joint Expert Committee on Food Additives (JECFA) should be undertaken and the CAC presented JECFA with a series of questions they wished to be addressed. The full report was to be provided to the CCRVDF, which would then make recommendations to the CAC.

The resulting JECFA report, discussed at the April 2015 CRVDF meeting, concluded that rBST, when used in accordance with Good Veterinary Practices, poses no human health concerns. The margin of safety is so large that JECFA concluded that it was not necessary to establish numerical MRLs, and therefore the MRLs should be characterized as “not specified.” Although CCRVDF agreed that JECFA had addressed all of the questions posed by the CAC, the committee could not reach agreement on recommendations, and therefore CCRVDF could not reach agreement on the report. Thus, the committee’s discussion was forwarded to the 38th CAC without any recommendation.

The 38th CAC (2015) did acknowledge the validity of JECFA’s risk assessments, but was not able to reach consensus on the MRLs for rBST. Therefore, the MRLs would continue to be on the CAC’s agenda and open to discussion at future CACs.

This issue was not discussed at the 39th Session of the CAC (2016) as there had been no request from any member country to change the status of the draft MRLs for rBST.

At this session, the CAC again noted that there was no request to change the status of the draft MRLs for rBST, so there was no discussion. The MRLs remain held at Step 8.

## **ADOPTION OF STANDARDS AT STEP 5**

The following standards were adopted at Step 5, for further consideration in the relevant committees:

- Risk management recommendation (RMR) for gentian violet (CCRVDF)
- Standard for Quinoa (Codex Committee on Cereals, Pulses and Legumes)
- Revision of the Standard for Named Vegetable Oils: Addition of Palm Oil with High Oleic Acid (Codex Committee on Fats and Oils)
- MRLs for lead in processed tomato concentrates and canned brassica (Codex Committee on Contaminants in Food)
- Revision of the Classification of Foods and Feed: Seeds for Vegetables and Sweets (CCPR)
- Regional Standard for Fermented Cooked Cassava-Based Products (Coordinating Committee for Africa, CCAFRICA)
- Regional Standard for *Gnetum Spp* leaves (CAFRICA)
- Regional Standard for Mixed Zaatar (CCNEAR EAST)



## PROPOSALS FOR NEW WORK

### **Codex Committee on Spices and Culinary Herbs (CCSCH)**

The CAC approved a proposal by CCSCH to start new work on the development of standards for the following commodities, using a general concept of horizontal group standards based on plant parts: dried or dehydrated ginger and dried garlic (as part of the group category of dried roots, rhizomes, bulbs); dried chili peppers and “paprika” (as part of the group category dried fruits and berries); cloves and saffron (as part of the group category dried floral parts); nutmeg (as part of the group category dried seeds); and basil (as part of the category dried leaves). This new grouping strategy should enable the committee to complete its work more expeditiously.

### **Codex Committee on Import and Export Certification Systems (CCFICS)**

The CAC approved three CCFICS proposals for new work: Guidance on the Use of Systems Equivalence; Guidance on Paperless Use of Electronic Certificates and Guidance on Regulatory Approaches to Third Party Assurance Schemes in Food Safety and Fair Practices in the Food Trade.

### **Codex Committee on Processed Fruits and Vegetables (CCPFV)**

In accordance with a process agreed to by the 28th Session of CC PFV (2016), proposals for new work for CC PFV were submitted to the 73rd Session of the Codex Executive Committee (CCEXEC 73, July 10-13, 2017). Nine CC PFV proposals were submitted, seven of which were recommended by the Secretariat and forwarded by CCEXEC for CC PFV work. The CCEXEC also considered proposals for conducting future work in CC PFV and submitted three options to the CAC. The CAC accepted a U.S. proposal that the Committee work by correspondence to prioritize the new work proposals and to conduct a review of work on existing standards. Based on the outcome of these reviews, the committee, continuing to work by correspondence, would develop a work plan and prepare recommendations for CAC 41 (2018) on the establishment of electronic working groups which would be tasked with standard development work. This would ensure that a physical meeting, which could be scheduled for 2019, would have substantive documents on which to work. It was agreed by the CAC that this process would assist the committee in managing its workload in a transparent and inclusive manner.

### **Task Force on Antimicrobial Resistance (TFAMR)**

The TFAMR physical working group which met in December 2016, chaired by the United Kingdom with the United States and Australia as co-chairs, submitted the following two proposals for new work to the Commission: (1) Revision of the Code of Practice to Minimize and Contain Antimicrobial Resistance, and (2) Development of Guidance on Integrated Surveillance of Antimicrobial Resistance.

The CAC approved the establishment of electronic working groups (eWG) to prepare draft documents for consideration by the TFAMR. The United States will chair the eWG on Revision of the Code of Practice, with China, Kenya and the United Kingdom as co-chairs. The Netherlands will chair the eWG tasked with developing guidance on



integrated surveillance, with Chile, China and New Zealand as co-chairs. The reports of the eWGs are to be completed by September 15, to allow for circulation and comment before the meeting of the Task Force on Antimicrobial Resistance in late November 2017.

### **Codex Committee on Fats and Oils (CCFO)**

The CAC approved several proposals for new work submitted by the CCFO, including revision of the Standard for Named Vegetable Oils, specifically in terms of work on sunflowerseed oil and palm oil. Additionally, the CAC approved new work on the revision of the Standard for Olive Oils and Pomace Olive Oils.

### **Codex Committee on Contaminants in Foods (CCCF)**

The CCCF submitted proposals for new work on the establishment of MLs for Mycotoxins in Dried or Dehydrated forms of Nutmeg, Chili, and Paprika, and on the establishment of MLs for Methylmercury in Fish. Both proposals were approved by the CAC. The CAC also approved CCCF to begin new work on two Codes of Practice; one related to revision of the Code of Practice for the Prevention and Reduction of Dioxin and Dioxin-like PCB Contamination; and the other related to Reduction of 3-monochloropropane-1,2-diol esters and glycidyl esters in refined oils and products made with refined oils (a U.S. initiative). Additionally, the CAC approved new work in CCCF on Guidelines (Best Practices) for Risk Analysis of Chemicals Inadvertently Present in Foods and Feed at Low Levels.

## **CODEX COMMITTEES WORKING BY CORRESPONDENCE**

### **Non-Centrifuged Dehydrated Sugar Cane Juice - Codex Committee on Sugars (CCS)**

Despite the fact that the CCS had made little progress since the original 2013 deadline for completing work on such important aspects as scope of the standard and quality factors, the CAC agreed to extend work for one more year on the Standard for Non-Centrifuged Dehydrated Sugar Cane Juice (panela). This was primarily due to the request from the Latin American countries.

### **Standard for Quinoa- Codex Committee on Cereals, Pulses and Legumes (CCCPL)**

The standard was adopted at Step 5 with further work required on moisture content, saponin content, testing methods, color and size. This work will be conducted by an electronic working group, chaired by Bolivia and co-chaired by the United States. The Codex Committee on Contaminants in Food was also requested to consider including quinoa in the MLs for lead and cadmium in cereals.

### **General Standard for Processed Cheese - Codex Committee on Milk and Milk Products (CCMMP)**

Although the CCMMP has worked on this standard since 1994, the committee has never been able to achieve consensus on fundamental aspects such as minimum cheese content. The 39th CAC (2016) requested countries to submit ideas for moving



the work forward, however, none were received. Accordingly, with no prospects for progressing work on this standard, the CAC approved discontinuation of work. Twenty four countries requested that their reservations to this decision be noted in the report.

In light of discontinuation of work on this standard and completion of the standard on dairy permeate powders, CCMMP was adjourned *sine die*.

### **Standard for Mozzarella- CCMMP**

With the adjournment of the CCMMP, the Commission assigned work on the food additive provisions of this standard (specifically, technical justification for use of anti-caking agents in high moisture mozzarella) to the Codex Committee on Food Additives.

## **OTHER MATTERS ARISING FROM CCEXEC 73**

### **Proposal to Pilot a Codex Committee on Standards Advancement (CCSA)**

In an effort to address some of the problems associated with doing work by correspondence, e.g., less transparency in determining when consensus has been reached, the 73rd Session of the CCEXEC (July 2017) recommended the establishment of a pilot program, which would involve the creation of a standards advance committee (CCSA). Such a committee could be established under Rule XI.1 (a) of the Codex Rules of Procedure and could be convened as necessary in connection with a session of the Commission. The CCSA would not have a host government; rather it would meet in Geneva or Rome (depending on the site of the CAC) and the cost of the meeting would be borne by the Codex Secretariat. The Secretariat was tasked with developing a paper outlining the advantages and disadvantages of such a committee.

Many countries, including the United States, recognized that the approach offered by the Secretariat to resolve some of the problems encountered when committees work by correspondence was innovative, but believed more time was needed to consider this proposal. The CAC agreed that there was no consensus on beginning a pilot program and requested the Secretariat to prepare a paper analyzing the pros and cons of a CCSA which would be discussed at the 2018 sessions of CCEXEC and CAC.

### **Relations between FAO and WHO Policies, Strategies and Guidelines and Codex Work**

At recent meetings of the CAC and the CCEXEC, representatives from WHO, in particular, expressed concern regarding what they viewed as inconsistencies between Codex work and WHO "policies, strategies and guidelines." At CCEXEC 73 (July 10-13, 2017), members reviewed a document prepared by the Secretariat that suggested that the Secretariat prepare additional guidance and possible amendments to the Codex *Procedural Manual* (Document CX/EXEC 17/3/12, Paragraph 15). The Executive Committee concluded its discussion of the topic by noting that there was no need to revise the rules and procedures that govern the development of Codex standards to accommodate WHO proposals, and "highlighted the specific and different mandate given to Codex by FAO and WHO, which have much broader mandates, and asked for this to be respected by the parent organizations." (REP 17/EXEC 2)



While this item was not on the agenda for the CAC, there was discussion in the context of another agenda item related to WHO and FAO (CX/CAC 17/40/16, a late document that outlined recent developments in the two organizations that might be of interest to Codex). The United States took a leadership role, working with other countries in supporting the conclusions of the Executive Committee. Consistent with the conclusions the Commission reached at its last session (CAC 39, 2016), CAC 40 further concluded that WHO and FAO policies are important, and that they are already taken into account by Codex “as appropriate in accordance with the need to respect the unique and specific mandate of Codex.” Member Countries, including the United States, also challenged the premise that Codex policies were inconsistent with those of WHO and FAO.

An updated report on activities of WHO and FAO that may be relevant to Codex will be discussed at the next session as a regular agenda item. CCEXEC and CAC did not agree to the Secretariat’s suggestion that additional guidance or *Procedural Manual* amendments be drafted, so that matter should be closed.

## **CODEX TRUST FUND**

The original Codex Trust Fund (CTF1) came to an end in December 2015, and the new trust fund (CTF2) has been officially launched. CTF2 focuses on in-country capacity building to promote more effective participation in Codex, in contrast to CTF1, which focused on increasing participation at Codex meetings by developing countries. FAO announced that projects in the first countries which submitted successful applications for CTF2 funding (Ghana, Kyrgyzstan, Madagascar and Senegal) were underway and involved mentoring and twinning by those with significant Codex experience. It is hoped that up to 12 countries will be awarded funding in the next round of applications. The FAO representative stressed that raising the awareness of Codex in developing countries could increase the political commitment in these countries to support Codex.

Member countries were asked to contribute to CTF2, with a special request for multi-year contributions. While the Netherlands made a significant pledge to CTF2 in 2016, it was contingent on matching funds and Member Countries were reminded of this. Several countries indicated that providing in-kind assistance through the work of experts should also be recognized as a contribution to CTF2.

## **FAO/WHO SCIENTIFIC SUPPORT TO CODEX**

The United States is one of a small handful of Codex member countries that contribute both financial support and expertise to the joint WHO/FAO international, independent expert bodies whose scientific reviews and consultations underpin science-based Codex standards. At this CAC, member countries emphasized the importance of scientific advice to Codex work and noted that the lack of funding for the expert bodies could negatively impact the work of Codex. Member countries indicated that they looked forward to the findings of the FAO open-ended working group that was investigating options for more sustainable funding.



## **ELECTIONS**

Mr. Guilherme Antonio da Costa of Brazil is the newly was elected chairperson of Codex. Three new vice chairs were also elected: Purwiyatno Hariyadi of Indonesia; Mariam Eid of Lebanon and Steve Wearne of the United Kingdom. The United States has worked very closely, in most cases at our colloquia, with the newly elected candidates and has developed good working relationships with them. After the elections, the candidates all thanked the United States for their contributions to Codex and asked for our continued support, both on a personal and organizational level.

Elections were also held for the members of the Executive Committee Elected on a Geographical Basis and the United States was elected to represent North America for a two year term.

## **OTHER BUSINESS**

### **World Food Safety Day**

The Commission was informed that the FAO Conference had adopted a resolution to declare June 7 as World Food Safety Day. Member Countries were encouraged to bring this to the attention of their representatives in the WHO governing bodies so that a similar resolution could be endorsed and adopted by the World Health Assembly and forwarded to the United Nations General Assembly. The CAC recognized that a permanent World Food Safety Day would raise the awareness of Codex.

### **Biopesticides, Biofertilizers, Biostimulants**

Chile introduced this topic, which they believe is an emerging issue that Codex should address (Document CAC/40 CRD/28). Members had not had time to review the subject in any detail with their experts. The United States indicated that the types of products involved and any gaps in current coverage would need to be clearly defined. Chile will prepare a more detailed discussion paper for consideration by the Codex Committees on Food Labeling, Pesticide Residues, and Contaminants in Foods.

## **NEXT SESSION**

The 41st Session of the Codex Alimentarius Commission is scheduled for July 1-6, 2018, at FAO headquarters in Rome, Italy.