

**Report of the United States Delegate
to the 44th Session of the Codex Alimentarius Commission**

Virtual Plenary Sessions: November 8-13, and 15, 2021

Virtual Report Adoption Sessions: November 17- 18 and December 14, 2021

The 44th Session of the Codex Alimentarius Commission (CAC44) convened virtually, due to the continuation of global COVID-19 pandemic restrictions that have forced cancellation of large in-person international meetings. Codex members agreed in advance to suspend certain rules and approve procedures that permitted the conduct of a virtual session and election of new officers.

The Commission is the governing body of the joint World Health Organization (WHO) and United Nations Food and Agriculture Organization (FAO) international food standards program and is recognized in international trade agreements as the international standards setting organization for food safety. Attendees from 158 Member Countries and one Member Organization (the European Union/EU), as well as 49 observers from intergovernmental and nongovernmental organizations, United Nations agencies, and Palestine participated in CAC44. The United States was represented by U.S. Delegate Mary Frances Lowe, U.S. Manager for Codex Alimentarius, along with 16 additional governmental and 7 non-governmental advisors.

The primary work of the Commission was to consider the recommendations developed by its subsidiary bodies since the end of the CAC43 (2020). The official report of the session as well as other CAC44 documents may be accessed at the following link: <https://www.fao.org/fao-who-codexalimentarius/meetings/detail/en/?meeting=CAC&session=44>

CAC 44 HIGHLIGHTS

Overall, the Commission was highly successful in this virtual session. As recommended by its subsidiary bodies, CAC44 adopted hundreds of new and revised international food safety and quality standards and several amendments to the Codex *Procedural Manual*. The Commission also approved significant new work proposals recommended by its subsidiary bodies. Newly adopted texts include many standards/provisions related to the Codex Committee on Spices and Culinary Herbs (CCSCH), the Codex Committee on Food Additives (CCFA) and a record number (over 400) of Maximum Residue Limits (MRLs) recommended by the Codex Committee of Pesticide Residues (CCPR), as well as significant new texts related to combatting foodborne antimicrobial resistance, preventing lead contamination, labeling non-retail containers, and front-of-pack nutrition labeling. The United States was generally pleased with the outcome of CAC44 as most of the conclusions reached were consistent with United States positions and objectives for the meeting. A major source of disappointment, however, was the failure of CAC44 to advance MRLs for the veterinary drug zilpaterol, consistent with Codex procedures and principles for science-based decision-making and the recommendations of its Executive Committee in response to an appeal from the Chair of the Codex Committee on Residues of Veterinary Drugs in Foods (CCRVDF).

Using a new, in-person secret ballot procedure previously employed by the FAO, the CAC elected a new chair, three vice chairs, and members of the Codex Executive Committee, as detailed below.

Of note, the United States was particularly pleased that CAC44:

- Adopted the revised *Code of Practice to Minimize and Contain Foodborne Antimicrobial Resistance* (CXC 61-2005) as well as the new *Guidelines on Integrated Monitoring and Surveillance of Foodborne Antimicrobial Resistance*. This concludes the mandate of the Codex *ad hoc* Intergovernmental Task Force on Antimicrobial Resistance (TFAMR). CAC44 agreed to dissolve the Task Force, in accordance with its time-limited mandate.
- Adopted Maximum Levels (MLs) for cadmium in chocolates containing or declaring <30% total cocoa solid on a dry matter basis and >30% to <50% on a dry matter basis. as recommended by the Codex Committee on Contaminants in Food (CCCF).
- Adopted the new *General Standard for the Labelling of Non-retail Containers of Foods*, the consequential amendment to the *Codex Procedural Manual* (Format for Codex Commodity Standards, section on labelling), and *Guidelines on Front-of-Pack Nutrition Labelling* (FOPNL) and inclusion as an Annex to the *Guidelines on Nutrition Labelling* (CXG2-1985), as recommended by the Codex Committee on Food Labelling (CCFL).
- Adopted the *Principles and Guidelines for the Assessment and Use of Voluntary Third-Party Assurance (vTPA) programmes*, as well as the *Guidance on Paperless Use of Electronic Certificates (Revised Guidelines for Design, Production, Issuance and Use of Generic Official Certificates)* (CXG 38-2001), recommended by the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS).
- Adopted MRLs for flumethrin in honey, diflubenzuron (salmon - muscle plus skin in natural proportion), and for halquinol (swine - muscle, skin plus fat, liver, and kidney) recommended by the Codex Committee on Residues of Veterinary Drugs in Foods (CCRVDF).
- Established a Joint CCRVDF/CCPR electronic Working Group (EWG) to review work already done cooperatively between CCRVDF and CCPR and identify and if possible, prioritize areas of possible further collaboration between the two committees, in order to facilitate the consideration of compounds that are used as both pesticides and veterinary drugs and the possible establishment of harmonized MRLs.
- Approved new work to develop guidance on the prevention and control of food fraud.

Unfortunately, notwithstanding all these achievements, the United States was disappointed with the discussion on the adoption of MRLs for zilpaterol hydrochloride (cattle fat, kidney, liver, muscle) and the Commission's failure to advance the MRLs, despite consensus on the robustness of the risk assessment conducted by the Joint Expert Committee on Food Additives (JECFA), which found no food safety concerns with the recommended MRLs (an assessment also confirmed by the European Food Safety Authority (EFSA)). The CAC Chair proposed compromise approaches that would have allowed for the consideration of any new scientific evidence and the use of existing tools like reservations, consistent with the *Codex Procedural Manual*, to signal disagreement but still allow for the advancement of the recommended standards.

SUMMARY OF STANDARD SETTING WORK (Agenda Items 3-5)

During CAC44, all standard setting work (Agenda Items 3-5) was considered committee by committee, following the chronological order of committees that convened since CAC43 (2020) and the order of the Critical Review reported by the 81st Session of the Codex Executive Committee (CCEXEC81) (2021). This included all standards and other Codex texts considered for final or interim adoption (at Steps 8, 5/8, and 5), revocations of Codex texts, proposals for new work and discontinuation of work, amendments to the *Codex Procedural Manual*, and matters referred to the Commission by Codex committees. A compilation of the decisions reached by CAC44 follows, along with references to the reports of the

relevant subsidiary committee/task force. Adopted standards and related texts will be published as final on the Codex website after necessary endorsements from Codex Committee on Food Additives (CCFA and CCFL).

AMENDMENTS TO THE CODEX PROCEDURAL MANUAL

CODEX COMMITTEE ON GENERAL PRINCIPLES (CCGP)

- Section III, Criteria and Procedural Guidelines for Codex Committees and *ad hoc* Intergovernmental Task Forces Working by Correspondence (REP21/GP, paragraphs 22 and 23, Appendix II, and Conference Room Document (CRD)2)

CODEX COMMITTEE ON RESIDUES OF VETERINARY DRUGS IN FOODS (CRVDF)

- Risk Analysis principles applied by CCRVDF: Approach for the extrapolation of MRLs for veterinary drugs to one or more species (REP21/RVDF, paragraph 105(i, ii), Appendix III)

CODEX COMMITTEE ON FOOD LABELLING (CCFL)

- Consequential amendment to the Codex *Procedural Manual* Section II - Elaboration of Codex Standards and Related Texts: Format for Codex Commodity Standards: Section on labelling, following the adoption of the new *General Standard for the Labelling of Non-retail Containers of Foods* (REP21/FL, paragraph 60(i.,b), Appendix III)

FINAL ADOPTION OF CODEX TEXTS (Step 8 and/or Step5/8)

CODEX COMMITTEE ON SPICES AND CULINARY HERBS (CCSCH)

- *Standard for Dried Oregano* (REP21/SCH, paragraph 36, Appendix II)
- *Standard for Dried Roots, Rhizomes and Bulbs - Dried or Dehydrated Ginger* (with the food additive provisions as amended and endorsed by the CCFA) (REP21/SCH, paragraph 65, Appendix III)
- *Standard for Dried Floral Parts – Dried Cloves* (REP21/SCH, paragraph 81, Appendix IV)
- *Standard for Dried Leaves – Dried Basil* (REP21/SCH, paragraph 115, Appendix V)

CODEX COMMITTEE ON CONTAMINANTS IN FOODS (CCCF)

- ML for cadmium in chocolates containing or declaring <30% total cocoa solid on a dry matter basis (CXS 193- 1995) (REP21/CF, paragraphs 18-27, Appendix II)
- ML for cadmium in chocolates containing or declaring ≥30% to <50% total cocoa solid on a dry matter basis (CXS 193-1995) (REP21/CF, paragraphs 28-40, Appendix II)
- Amendment to the MLs for lead in fruit juices and grape juice in the *General Standard for Contaminants in Food and Feed* (CXS 193-1995) to cover infants and young children (REP21/CF, paragraphs 98 and 101, Appendix IV)
- Revision of the *Code of Practice for the Prevention and Reduction of Lead Contamination in Foods* (CXS 56-2004) (REP21/CF, paragraph 106, Appendix V)

CODEX COMMITTEE ON METHODS OF ANALYSIS AND SAMPLING (CCMAS)

- Methods of analysis/performance criteria for provisions in *Recommended Methods of Analysis and Sampling* (CXS 234-1999) (REP21/MAS, paragraphs 24(i), 42(i), Appendix II, Part 1) noting the corrections to the method for determination of potassium, sodium and zinc in infant

formula (AOAC 2011.14/ ISO 15151 | IDF 229) and the footnote to the provision “Water (moisture)” for blend of skimmed milk and vegetable fat in powdered form and reduced fat blend of skimmed milk powder and vegetable fat in powdered form; and the method for determination of acid-insoluble ash in mixed zaatar (ISO 939 and ISO 930)

- Amendments to methods of analysis / performance criteria for provisions in *Recommended Methods of Analysis and Sampling* (CXS 234-1999) (REP21/MAS, paragraph 42(i), 51(i), Appendix II, Part 3 and Part 4.3)
- Editorial amendment to the provision in Section 3.3 of the *Standard for Edible Casein Products* (CXS 290-1995) (REP21/MAS, paragraphs 23 and 24(ii))
- Revision to the *Guidelines on Measurement Uncertainty* (CXG 54-2004) (REP21/MAS, paragraph 70(i), Appendix III)

CODEX COMMITTEE ON FOOD IMPORT AND EXPORT INSPECTION AND CERTIFICATION SYSTEMS (CCFICS)

- *Principles and Guidelines for the Assessment and Use of Voluntary Third-Party Assurance (vTPA) Programmes* (REP21/FICS, paragraph 37, Appendix II)
- *Guidance on Paperless Use of Electronic Certificates (Revised Guidelines for Design, Production, Issuance and Use of Generic Official Certificates* (CXG 38-2001) (REP21/FICS, paragraph 64 Appendix III).

CODEX COMMITTEE ON RESIDUES OF VETERINARY DRUGS IN FOODS (CCRVDF)

- MRLs for: flumethrin in honey (REP21/RVDF, paragraph 39, Appendix II)
- MRLs for diflubenzuron (salmon - muscle plus skin in natural proportion) (REP21/RVDF, paragraph 43, Appendix II)
- MRLs for halquinol (swine - muscle, skin plus fat, liver, and kidney) (REP21/RVDF, paragraph 50, Appendix II)
- Amendment to the Glossary of Terms and Definitions (CXA 5-1993): Definition of edible offal (REP21/RVDF, paragraph 116 (i), Appendix IV)

CODEX COMMITTEE ON PESTICIDE RESIDUES (CCPR)

- MRLs for different combinations of pesticide/commodity(ies) for food and feed with the revisions to the MRLs for metaflumizone for mammalian fats (excluding milk fats) at 0.15 mg/kg and milk fats at 0.6 mg/kg (REP21/PR, paragraph 163(i), a), Appendix II)
- Revision to the *Classification of Foods and Animal Feeds* (CXA 4-1989), Class C - Primary feed commodities, Type 11 - Primary feed commodities of plant origin and revised *Principles and Guidelines for the Selection of Representative Commodities for the Extrapolation of MRLs for Pesticides to Commodity Groups* (CXG 84-2012) Table 7 - Representative commodities for Class C, (REP21/PR, paragraph 170, Appendix VII)
- Revision to the *Classification of Foods and Animal Feeds* (CXA 4-1989) Class D - Processed foods of plant origin; and revised *Principles and Guidelines for the Selection of Representative Commodities for the Extrapolation of MRLs for Pesticides to Commodity Groups* (CXG 84-2012) Table 8 - Representative commodities for Class D (REP21/PR, paragraph 173 (i), Appendix VIII)

CODEX COMMITTEE ON FOOD ADDITIVES (CCFA)

- Specifications for the Identity and Purity of Food Additives (REP21/FA, paragraph 66, Appendix III)

- Food-additive provisions of the *General Standard for Food Additives (GSFA)* (CXS 192- 1995) (REP21/FA, paragraph 182 (i), Appendix VI, part D)
- Revision of the Class *Names and the International Numbering System for Food Additives* (CXG 36- 1989) (REP21/FA, paragraph 201 (i), Appendix X)
- Inclusion of xanthan gum (INS 415) and pectins (INS 440) in FC 13.1.3 “Formulae for special medical purposes for infants” of the *GSFA* (CXS 192-1995) (REP21/FA, paragraph 27, Appendix VI, part A)
- Changes related to the group header STEVIOL GLYCOSIDES in the *GSFA* (CXS 192-1995) (REP21/FA, paragraph 203 (ii), Appendix VI, part B)
- Revised provisions of the *GSFA* in relation to the amendments to the title and food category number for the *General Standard for Cheese* (CXS 283-1978) in Annex C of the *GSFA* (CXS 192-1995) (REP21/FA, paragraph 106 (ii), a) Appendix VI, part C.1)
- Revised food-additive provisions of the *GSFA* in relation to the alignment of nine standards from the Codex Committee on Milk and Milk Products (CCMMP), six standards from the Codex Committee on Fats and Oils (CCFO), and three standards for CCSCHE (REP21/FA, paragraph 106 (ii), b) Appendices C.2 -C.4)
- Revised food-additive provisions of the *GSFA* in relation to the partial alignment of *Standard for Instant Noodle* (CXS 249-2006), *Standard for Cottage Cheese* (CXS 273-1968), *Standard for Cream Cheese* (CXS 275-1973) and CXS 288-1978) to include tamarind seed polysaccharide (INS 437) (REP21/FA, paragraph 106 (ii), c) Appendix VI, Part C.5){
- Revised food-additive provisions of the *GSFA* in relation to the linked entry for food category 12.5 in the References to Commodity Standards for *GSFA* Table 3 Additives in the Annex to Table 3 (REP21/FA, paragraph 106 (ii), d), Appendix VI, part C.6)
- Revised provisions for sweeteners in different food categories *General Standard for Food Additives* (CXS 192-1995) (REP21/FA, paragraph 173(i), Appendix VI, part E)
- Revised food-additive sections of the nine standards for milk and milk products (i.e. *Group Standards for Cheeses in Brine* (CXS 208-1999); *Unripened Cheese including Fresh Cheese* (CXS 221-2001); *Standards for a Blend of Evaporated Skimmed Milk and Vegetable Fat* (CXS 250-2006); a *Blend of Skimmed Milk and Vegetable Fat in Powdered Form* (CXS 251-2006); a *Blend of Sweetened Condensed Skimmed Milk and Vegetable Fat* (CXS 252-2006); *Standards for Cottage Cheese* (CXS 273-1968); *Cream Cheese* (CXS 275-1973); *Extra Hard Grating Cheese* (CXS 278-1978); and *General Standard for Cheese* (CXS 283-1978))(REP21/FA, paragraph 106(i), a), Appendix V, part A)
- Revised food-additive sections of the six standards for fats and oils (i.e., *Standards for Edible Fats and Oils not covered by Individual Standards* (CXS 19-1981); *Olive Oils and Olive Pomace Oils* (CXS 33-1981); *Named Vegetable Oils* (CXS 210-1999); *Named Animal Fats* (CXS 211-1999); *Fat Spreads and Blended Spreads* (CXS 256-2007); and *Fish Oils* (CXS 329-2017))(REP21/FA, paragraph 106(i), b), Appendix V, Part B)
- Revised food-additive sections of the three standards for spices and culinary herbs (i.e., *Standards for Black, White and Green Peppers* (CXS 326-2017); *Cumin* (CXS 327-2017); and *Dried Thyme* (CXS 328-2017)) (REP21/FA, paragraph 106(i), c), Appendix V, Part C)
- Amendments to the *Standards for Bouillons and Consommés* (CXS 117-1981) and *Wheat Flour* (CXS 152-1985), due to alignment of methylate copolymer, basic (INS 1205); (REP21/FA, paragraph 106(i), d), Appendix V, Part D)

CODEX COMMITTEE ON FOOD LABELLING (CCFL)

- *General Standard for the Labelling of Non-retail Containers of Foods* (REP21/FL, paragraph 60 i., Appendix III)
- *Guidelines on Front-of-Pack Nutrition Labelling* (Annex to the *Guidelines on Nutrition Labelling* (CXG 2-1985)); and consequential amendment to Section 5 of the *Guidelines on Nutrition Labelling* (CXG 2-1985) (REP21/FL, paragraph 99, i. and ii., Appendix IV)
- Amendment to the labelling provision 4.2.1 in Annex C Raisins of the *General Standard for Dried Fruits* by including a reference to the *General Guidelines on Claims* (CXG 1-1979) (REP21/FL, paragraph 40 ii), Appendix II)¹

CODEX AD HOC INTERGOVERNMENTAL TASK FORCE ON ANTIMICROBIAL RESISTANCE (TFAMR)

- Revised *Code of Practice to Minimize and Contain Foodborne Antimicrobial Resistance* (CXC 61-2005) (REP21/AMR, paragraph 89, Appendix II)
- *Guidelines on Integrated Monitoring and Surveillance of Foodborne Antimicrobial Resistance* (REP21/AMR, paragraph 152, Appendix III)

INTERIM ADOPTION OF CODEX TEXTS (Step 5)²

CCSCH

- Draft Standard for Dried Seeds - Nutmeg (REP21/SCH, paragraph 149, Appendix VI)

CCCF

- Draft Code of Practice for the Prevention and Reduction of Cadmium Contamination in Cocoa Beans (REP21/CF, paragraph 59, Appendix III)

CCMAS

- Revision to the *General Guidelines on Sampling* (CXG 50-2004) (REP21/MAS, paragraph 110(i), Appendix IV)

CCRVDF

- Draft MRLs for ivermectin (sheep, pigs, and goats - fat, kidney, liver, and muscle) (REP21/RVDF, paragraph 59, Appendix II)

CCPR

- Draft Guidelines for Compounds of Low Public Health concern that may be Exempted from the establishment of Maximum Residue Limits for Pesticides (CXLs) or do not give rise to residues (REP21/PR, paragraph 194(i), Appendix XII)

REVOCATIONS OF CODEX TEXTS AND DISCONTINUATION OF WORK

CCMAS

¹ Since the Codex Committee on Processed Fruits and Vegetables (CCPFV) has been adjourned *sine die*, this amendment had been forwarded to CAC44 for adoption.

² Step 5 is an intermediary step in the Codex Step process which allows for an additional round of consideration and comments by Codex Committees and Task Forces.

- Revocation of certain methods of analysis in the *Recommended Methods of Analysis and Sampling* (CXS 234-1999) (REP21/MAS Appendix II, Part 2)

CCPR

- Revocation of MRLs for different combinations of pesticide/commodity(ies) for food and feed (REP21/PR Appendix III), except for the CXL on acetamiprid for cardamom, which will be retained for one year awaiting clarification by the Joint Meeting on Pesticide Residues (JMPR) at CCPR53 (2022)
- Discontinuation of work on MRLs in the step procedure for different combinations of pesticide/commodity(ies) for food and feed (REP21/PR Appendix VI)

CCFA

- Revocation of food additive provisions of the GSFA (REP21/FA, para. 182(ii), Appendix VII)
- Discontinuation of the work on draft and proposed draft food additive provisions of the GSFA (REP21/FA, para. 182(iii), Appendix VIII)

PROPOSALS FOR NEW WORK

CCSCH

- Standard for small cardamom (REP21/SCH, Appendix VII and CX/CAC 21/44/3, Annex I)
- Standard for turmeric (REP21/SCH, Appendix VIII and CX/CAC 21/44/3, Annex II)
- Group standard for spices in the form of dried fruits and berries (all spice, juniper berry, star anise and vanilla) (REP21/SCH, Appendix IX and CX/CAC 21/44/3, Annex III)

CCCF

- MLs for methylmercury in orange roughy and pink cusk eel (REP21/CF, Appendix VI and CX/CAC 21/44/4, Annex I)
- Code of practice for the prevention and reduction of mycotoxin contamination in cassava and cassava-based products (REP21/CF, Appendix VII and CX/CAC 21/44/4, Annex II)

CCFICS

- Guidance on the prevention and control of food fraud (REP21/FICS, Appendix IV and CX/CAC 21/44/6, Annex I)

CCRVDF

- Priority list of veterinary drugs for evaluation or re-evaluation by JECFA (REP21/RVDF, paragraph 150, Appendix VI (Parts I and V))

CCPR

- Priority lists of pesticides for evaluation by JMPR (REP21/PR, paragraph 249, Appendix XV)

CCFA

- Priority list of food additive substances proposed for evaluation by JECFA (REP21/FA, paragraph 227, Appendix XI)

CCFL

- Food Labelling Information Provided through Technology (REP21/FL, Appendix V and CX/CAC 21/44/10, Annex I)

STANDARD SETTING WORK OF PARTICULAR INTEREST IN DEPTH

CCRVDVDF: MRLs for Zilpaterol

As part of its Critical Review of standards development, the CCEXEC81 reviewed the work on development of MRLs for zilpaterol hydrochloride (in cattle fat, kidney, liver, and muscle). The CCRVDVDF Chairperson had reported that CCRVDVDF was unable to reach consensus either to advance the MRLs to Step 5 or 5/8 or to retain them at Step 4, and that all efforts to reach consensus had been exhausted, although CCRVDVDF25 (July 2021) had reiterated that there were no public health concerns regarding the proposed MRLs and supported the conclusions of JECFA's scientific evaluations, while recognizing that some Members disagreed. The CCRVDVDF Chairperson requested CCEXEC81 to provide a recommendation on the way forward in the framework of the Critical Review and to inform a CAC decision on the path forward for the proposed MRLs in the Codex step process (REP21/RVDF, paragraph 87).

CCEXEC81 recommended that the Codex Secretariat circulate the proposed draft MRLs for zilpaterol for comments at Step 5, to be considered in the next Critical Review of CCEXEC, together with the outcome of the discussion on the development of practical guidance to promote the operationalization of the *Statements of Principle (SOP)* in the *Codex Procedural Manual*, and subsequent discussion at and adoption by CAC. The CCEXEC Member for Europe, the Regional Coordinator for Europe, the Member for the Near East, and the Regional Coordinator for the Near East recorded reservations to the CCEXEC81 recommendation.

The United States and many delegations from Africa, Asia, Latin America, and the Caribbean supported the recommendation of CCEXEC81, noting that the proposed draft MRLs met the scientific and procedural requirements for advancement in the step process and progress of this work was not dependent on the completion of the work on the operationalization of the SOP. Delegations that opposed advancing the draft MRLs argued that any decision should be postponed until after completion of that work. Following extensive debate, the Chairperson proposed a conclusion to CAC44 closely based on the CCEXEC81 recommendation, noting that:

- the proposed draft MRLs for zilpaterol had met all the procedural and scientific requirements for advancement
- advancement for comments at Step 5 was a compromise that would still allow for Members to submit any new scientific information
- The proposed draft MRLs will be considered in the next Critical Review of CCEXEC, together with the output from the discussion on operationalization of the SOP at CCEXEC82 and will be discussed subsequently by CAC.

Unfortunately, while there was support for his proposed conclusion, there were also been objections to it, so the Chairperson then proposed alternative conclusions to reflect the concerns expressed by Members, but this was also unsuccessful in achieving consensus. The Chairperson then invited Members to submit further comments via Conference Room Documents (CRDs) suggesting possible ways forward to reach consensus. Based on those comments, the Chairperson proposed a third conclusion for which there was support, but there continued to be opposition to it despite several attempts to adjust it

further to facilitate consensus-building. The Chairperson then acknowledged that there was no consensus on any of the proposed options. The Legal Office of WHO, speaking on behalf of the Legal Offices of FAO and WHO, confirmed that CAC44 did not have all tools at its disposal to resolve the issue in the context of the current session, since voting procedures had been suspended except for the election of officers. The JECFA Secretariat intervened to express appreciation for the strong support voiced by many delegations for the FAO/WHO scientific advice program in general and for JECFA in particular. He stressed further that the FAO/WHO risk assessments were evidence-driven and took data from all applicable sources into consideration, including data received in response to calls for data, data from sponsors as identified by members, and scientific publications from a variety of databases.

Following much debate, the following conclusions were reached:

- i. CAC44 extensively discussed several proposed conclusions from the Chairperson that were based on the CCEXEC81 recommendation.
- ii. CAC44 could not reach agreement on any of these proposed conclusions.
- iii. CAC44 noted that as per the advice of the Legal Office of WHO speaking on behalf of the Legal Offices of FAO and WHO, the Commission did not have all tools at its disposition to resolve this issue in the context of the current Session due to the suspension of the rule relating to voting on any matter other than elections.
- iv. Expressing his regret for not finding an agreement on any of the conclusions, the Chairperson noted there was no dispute on the risk assessment provided by JECFA, which, in his view, was the key requirement for advancement and adoption of the proposed draft standard.
- v. CAC44 requested the Chairperson and Vice-Chairpersons of the Commission to undertake informal consultations with all relevant parties to encourage and enable sustained effort to build consensus in advance of CAC45.
- vi. CAC44 directed the Chairperson and Vice-Chairpersons of the Commission to submit a report two months in advance of CCEXEC83 to inform its further monitoring and Critical Review, and then to inform further discussion at CAC45.
- vii. CAC44 acknowledging that, even with informal consultation mechanisms, consensus might not be forthcoming and that, having exhausted all the opportunities that successive Chairpersons would then have explored all options/avenues to find consensus, requested the Codex Secretariat to ensure that all tools, including voting, are at the disposal of CAC45 to allow resolution of this issue.

There was also extensive discussion during the scheduled report adoption, which required the scheduling of an extraordinary additional day for report adoption on this agenda item. The United States remains extremely concerned that some members are seeking to prevent further discussion of setting MRLs for zilpaterol or advancing the proposed MRLs, for reasons that are based on factors that the *Procedural Manual* states should not be taken into account in Codex. Such a precedent threatens to undermine the scientific basis of Codex decision making.

Under normal Codex procedures, members typically express reservations without attempting to block decisions that are supported by the international, independent scientific reviews that support the development of Codex food safety standards. While the United States hopes that the process outlined by CAC44 will be successful in breaking the current impasse without requiring voting at the next session of the CAC, the Secretariat should ensure that voting is possible if required.

TFAMR: Code of Practice (COP) to Minimize and Contain Foodborne Antimicrobial Resistance

The revised and updated COP represents a great achievement by Codex in doing its part in the overall fight against the major public health threat posed by antimicrobial resistance. The United States, led by the U.S. delegate to the TFAMR, Dr. Donald Prater, chaired the work to revise the COP over the last few years, and the United States strongly supported final adoption of the text at CAC44, along with final adoption of new the *Guidelines on Integrated Monitoring and Surveillance of Foodborne AMR*.

Members congratulated TFAMR on completing its mandate despite the challenges posed by both the topic and the COVID-19 pandemic, bringing this second round of TFAMR to a successful completion.

CODEX BUDGETARY AND FINANCIAL MATTERS (Agenda Item 7)

The Codex Secretariat presented an overview of expenditures during the 2020-21 biennium as well as a budget proposal for the 2022-23 biennium. Most of the available budget has been directed to support the inclusiveness and transparency of Codex work during the COVID-19 pandemic, while the remainder has supported key work areas in line with the Codex Strategic Plan 2020-25, including preliminary work on a mechanism to monitor the use and impact of Codex standards (Goal 3) and renewal of Codex Information Technology (IT) systems (Goal 5).

MATTERS ARISING FROM FAO AND WHO (Agenda Item 8)

SCIENTIFIC ADVICE

CAC44 welcomed the reports from FAO and WHO, commended their work during the COVID-19 pandemic, and encouraged both organizations to continue in their efforts to sustain scientific advice to support Codex work. CAC44 also extended special appreciation to the experts who contribute to the FAO/WHO scientific advice program and highlighted the importance of national governments in providing experts with the time needed to fully participate in the various expert bodies.

The United States strongly believes that the advice provided by the expert bodies--JECFA, the Joint FAO/WHO Expert Meetings on Microbiological Risk Assessment (JEMRA), JMPR and the Joint FAO/WHO Expert Meetings on Nutrition (JEMNU)-- is critical to the scientific basis of Codex standards and related texts. The United States is a long-standing and consistent supporter of the scientific advice program that supports Codex standards development and will continue to support the expert bodies in both financial contributions and in providing experts to meetings.

NEW FOOD SOURCES AND PRODUCTION SYSTEMS: NEED FOR CODEX ATTENTION AND GUIDANCE

CAC44 requested that the Codex Secretariat issue a Circular Letter to collect information from Members and Observers on ongoing developments related to new food sources and production systems (e.g., regulatory initiatives to address safety and fair-trade practices). The CCEXEC subcommittee could then consider the information received through the CL and provide an assessment of the range and suitability of Codex tools that could be used to progress work on safety, quality, labelling, nutrition and/or fair-trade practices related to new food sources and production systems for consideration by CCEXEC83 (2022) recommending a way forward to CAC45 (2022).

ELECTION OF THE CHAIRPERSON AND VICE-CHAIRPERSONS AND MEMBERS OF THE EXECUTIVE COMMITTEE ELECTED ON A GEOGRAPHICAL BASIS (Agenda Item 9)

CAC44 followed previously approved in-person, by appointment voting procedures to elect the following persons to hold office through the end of the next regular session of the Commission (CAC45, 2022):

- Chairperson: Mr. Steve Wearne (United Kingdom)
- Vice-Chairpersons:
 - Mr. Diego Varela (Chile)
 - Mr. Allan Azegele (Kenya)
 - Mr. Raj Rajasekar (New Zealand)

CAC44 elected/re-elected the following Members of the Executive Committee on a geographic basis through the end of the second succeeding regular session of the Commission (CAC46) (2023):

- Africa: United Republic of Tanzania (re-elected)
- Asia: Japan (re-elected)
- Europe: Germany (re-elected)
- Latin America and the Caribbean: Uruguay (re-elected)
- Near East: Iran (Islamic Republic of)
- North America: Canada
- South-West Pacific: Vanuatu

CAC44 concluded with expressions of deep appreciation to the outgoing Commission Chairperson and Vice-Chairpersons for their dedication and excellent contributions to the work of Codex, including through the very challenging time of the COVID-19 pandemic.

NEXT SESSION

The next session of the Commission (CAC45) is planned for November 2022.