

**For discussion
on 14 January 2014**

**Legislative Council
Panel on Food Safety and Environmental Hygiene**

**Proposed updating of Schedule 1 to the Pesticide Residues in Food
Regulation (Cap. 132CM)**

PURPOSE

This paper briefs Members on the Administration's proposal of updating Schedule 1 to the Pesticide Residues in Food Regulation (Cap. 132CM).

BACKGROUND

2. On 26 April 2012, the Director of Food and Environmental Hygiene (DFEH), in exercise of the power under section 55(1) of the Public Health and Municipal Services Ordinance (Cap. 132), made the Pesticide Residues in Food Regulation (the Regulation). The Legislative Council (LegCo) completed scrutiny of the Regulation in June 2012 and the Regulation will come into operation on 1 August 2014.

3. The Regulation aims to strengthen the regulation of pesticide residues in food to protect public health and promote harmonization between local and international standards. The standards for pesticide residues in food developed by the Codex Alimentarius Commission (Codex)¹ form the backbone of the regulatory framework. The Regulation specifies in Schedule 1 a list of maximum residue limits (MRLs)² and extraneous maximum residue limits (EMRLs)³ for certain pesticide-food pairs, i.e. the maximum concentration of specified pesticide residues permitted in specific

¹ Codex was established by the Food and Agriculture Organization (FAO) and the World Health Organization (WHO) of the United Nations in 1960s and has been the single most important international reference point for consumers, food producers, processors, national food control agencies and the international food trade in developing food associated standards.

² MRL is the maximum concentration of specified pesticide residues legally permitted in specified food commodities.

³ EMRL refers to a pesticide residue arising from environmental sources (including former agricultural uses) other than the use of a pesticide directly or indirectly on the commodity. It is the maximum concentration of specified pesticide residues legally permitted in specified food commodities.

food commodities. The formulation of Schedule 1 to the Regulation was based primarily on the available standards recommended by Codex in 2011, supplemented by standards of the Mainland and other major food exporting countries to Hong Kong available at the time, while taking into consideration comments received from stakeholders during the public consultation held in July to September 2011. These standards had been scrutinized by conducting risk assessment to ensure that they are adequate to protect public health in Hong Kong, taking into account the heavy reliance of Hong Kong on imported food.

4. Schedule 2 to the Regulation specifies a list of exempted pesticides with no MRLs/EMRLs. These are pesticides that are natural and the residues of which are identical to or indistinguishable from natural food components. Exemption of these pesticides is intended to facilitate their use by the trade.

5. The levels of pesticide residues present in food are not permitted to exceed the MRLs/EMRLs set out in Schedule 1. For pesticide residues with no specified MRLs/EMRLs in Schedule 1, the Regulation stipulates that except for exempted pesticides, import and sale of food containing such pesticide residues is only allowed if the consumption of the food concerned is considered not dangerous or prejudicial to health based on risk assessment conducted by the Centre for Food Safety (CFS).

6. As we had previously informed the LegCo Panel on Food Safety and Environmental Hygiene (FSEH) and the trade, we would update the Schedules to the Regulation regularly, having regard to the latest international developments on application of pesticides, particularly changes to the Codex standard, and proposals received from the trade. DFEH would consider the proposals on a case-by-case basis, taking into account whether the limits concerned could pass the risk assessment scrutiny based on local food consumption pattern before deciding whether the Schedules should be amended.

PROPOSED AMENDMENTS TO SCHEDULE 1

Summary

7. In summary, for the MRLs/EMRLs listed in Schedule 1 to the Regulation, 431 will be added, 347 will be removed, and 417 (449 in the Chinese version of the Schedule) will be revised. Overall, the number of MRLs/EMRLs will increase from 7 083 to 7 167. As for the number of

pesticides, one pesticide will be added to Schedule 1 while three others will be removed. As a result, the number of pesticides contained in Schedule 1 to the Regulation will be reduced from 360 to 358. Details are provided in paragraphs 8-14 below.

(a) Update of MRLs/EMRLs in Schedule 1

8. The proposed amendments to Schedule 1 incorporate the latest changes to MRLs adopted by Codex in 2012 and 2013, while taking into account proposals put forth by relevant stakeholders since the enactment of the Regulation in June 2012. All of the proposed amendments have undergone risk assessment to protect public health.

(b) Update of pesticides in Schedule 1 proposed by stakeholders

9. We have received a technical proposal to add one pesticide, i.e. thiodicarb, to Schedule 1. After conducting analysis, we recommend adding thiodicarb to Schedule 1 as a separate pesticide to make our regulation of pesticides more refined. As thiodicarb has already been included in the residue definition for another pesticide, i.e. methomyl, the residue definition of methomyl is revised accordingly to reflect the separate application of thiodicarb and methomyl.

10. We have also received a proposal from a stakeholder on the removal of three pesticides, i.e. fosetyl aluminium, thidiazuron and triphenyltin hydroxide, from Schedule 1 on the grounds that Codex has not established any MRLs or residue definitions for the three pesticides and there is no international consensus on the regulation of these three pesticides in terms of both residue limits and residue definitions. We accept the proposal and therefore recommend the removal of these three pesticides from Schedule 1. If the residues of these three pesticides are detected in food in the future, CFS would conduct risk assessment to determine whether the consumption of the food concerned is dangerous or prejudicial to health in accordance with the Regulation.

(c) Update of residue definitions in Schedule 1

11. In addition, the residue definitions of six pesticides in Schedule 1 will be updated, based on the latest recommendations from Codex and other regulatory authorities, and the availability of reference materials for laboratory analysis. These six pesticides are 2-methyl-4-chlorophenoxyacetic acid (MCPA), clothianidin, imidacloprid, methomyl, pyrethrins and quintozone.

(d) Update of item number (Column 1 of Schedule 1) and description of food (Column 4 of Schedule 1) due to new Codex's food classification

12. In formulating the list of MRLs in the Regulation, we have adopted the Codex's food classification system. Having conducted a review, Codex has adopted a new classification on fruits since 2012. Accordingly, we need to reflect the new classification by amending Column 1 of Schedule 1. In addition, since the name of a food subgroup "Shaddocks or Pomelos" has been renamed "Pummelo and Grapefruits", the corresponding food description in Column 4 of Schedule 1 needs to be updated.

13. We have also reviewed the need to retain the MRLs on flaxseed in Schedule 1 to the Regulation. Codex, the Mainland and other overseas jurisdictions have generally regulated flaxseed as food, and established the relevant MRLs/EMRLs. However, the situation is different in Hong Kong. Section 2 of Cap. 132 states that food does not include Chinese herbal medicine as defined under the Chinese Medicine Ordinance (Cap. 549). Flaxseed, in the name of "Semen Lini" (Ripe seed of *Linum usitatissimum* L.), is listed in Schedule 2 to Cap. 549. As such, we propose to repeal 19 MRLs on flaxseed for a clear delineation of the purview of the Regulation and Cap. 549.

(e) Refinement of Chinese translation of food commodities

14. We have identified a number of food commodities/food groups whose Chinese translation needs to be refined. The changes are also included in the present exercise.

LEGISLATIVE TIMETABLE

15. We plan to table the above amendments to the Regulation in LegCo in the first quarter of 2014.

PREPARATION FOR COMMENCEMENT OF THE REGULATION

16. Over the past year, CFS has conducted a series of briefings for the trade and other interested stakeholders to prepare for the commencement of the Regulation on 1 August 2014. CFS has also prepared guidelines on the interpretation of MRLs/EMRLs in the Regulation as well as use of the Codex's food classification to identify the appropriate pesticide residue limits to assist the trade in complying with the requirements of the Regulation.

ADVICE SOUGHT

17. Members are invited to comment on the proposed amendments at paragraphs 8-14 above.

**Food and Health Bureau
Food and Environmental Hygiene Department
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