



## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON PESTICIDE RESIDUES

52<sup>nd</sup> Session

(Virtual)

26-30 July and 3 August 2021

#### MATTERS REFERRED BY THE CODEX ALIMENTARIUS COMMISSION AND/OR OTHER SUBSIDIARY BODIES

#### MATTERS FOR INFORMATION

##### Codex Alimentarius Commission

##### **42<sup>nd</sup> Session of the Codex Alimentarius Commission (CAC42)**

Adoption of standards and related texts: Maximum residue limits (MRLs) for different combinations of pesticide/commodity(ies) for food and feed

1. CAC42 (2019) **adopted**<sup>1</sup> the MRLs with the exception of the pesticide for chlorfenapyr in fruiting vegetables, cucurbits at 0.3 mg/kg erroneously included, noting the reservations of the EU, Norway and Switzerland on a number of pesticide/commodity combinations for the reasons provided in CX/CAC 19/42/4 Add.1 and of Brazil on Pyraclostrobin for "lettuce, head", due to acute risk concern for their consumers.
2. CAC42 (2019) **revoked**<sup>2</sup> associated CXLs as proposed by CCPR51 (2019).

##### **43<sup>rd</sup> Session of the Codex Alimentarius Commission (CAC43)**

Priority list of pesticides for evaluation by the Joint FAO/WHO Meeting on Pesticide Residues (JMPR) in 2021<sup>3</sup>

3. CAC43 (2019) **approved** the new work proposal on priority lists of pesticides for evaluation by JMPR in 2021.

##### **79<sup>th</sup> Session of the Executive Committee (CCEXEC79)**

Priority lists of pesticides for evaluation by the Joint FAO/WHO Meeting on Pesticide Residues (JMPR)<sup>4</sup>

4. CCEXEC79 (2020) **recommended** that CAC43 approve the priority lists of pesticides for evaluation by JMPR in 2021; and encourage FAO and WHO to make use of virtual electronic means to advance its provision of scientific advice that underpins the work of Codex on food safety standards.

##### **Other matters**

##### **Recognition of the Commission of the current situation and necessary actions between CAC43 and CAC44**

5. CAC43 (2020)<sup>5</sup>:
  - (i) **recognized** the challenges facing the Codex Alimentarius Commission in fulfilling its duties as the pre-eminent international food standards setting body due to the COVID-19 pandemic;
  - (ii) **recognized** that while many Codex Committee meetings had to be postponed in 2020 this could not continue in 2021; and
  - (iii) **supported** the use of modern tools and approaches by Codex subsidiary bodies in line with the Codex core values to ensure Codex work progressed in a timely and effective manner.

<sup>1</sup> REP19/CAC, paras 46-48, Appendix II

<sup>2</sup> REP19/CAC, Appendix IV

<sup>3</sup> REP20/CAC, para 145

<sup>4</sup> REP20/EXEC2, paras 67-69

<sup>5</sup> REP20/CAC, para 10

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## Procedural aspects

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6. CAC43<sup>6</sup>:

- (i) **agreed**, on an exceptional basis in view of the circumstances surrounding the pandemic that, with respect to meetings and sessions of the Codex Subsidiary Bodies to be held in 2021, Rule XI (7) and (8) may be interpreted in a manner that includes a virtual setting;
- (ii) **agreed** on this basis, that Codex Subsidiary Bodies may be held virtually in 2021, if determined appropriate by FAO and WHO, in consultation with the host governments concerned and the Codex Secretariat.

## Ongoing work of subsidiary bodies

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7. CAC43 **recommended** to all subsidiary bodies and Members and Observers to make full use of existing remote working mechanisms such as EWGs and CLs and to plan their virtual committee meetings in such a manner as to optimize the possibility to complete their agendas.<sup>7</sup>

## Executive Committee

### Implementation of CAC42: *Feedback on Changes and Proposals for Further Improvements*

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8. CCEXEC78 (2020) **requested** that Chairpersons of subsidiary bodies and CAC together with the Secretariat<sup>8</sup>:

- (i) develop strategies to prevent or mitigate technical discussions at CAC on topics for which there was no consensus and communicate these strategies to Members. Such strategies may include short adjournments of the session for informal discussions or suspension of discussions on items that overrun the planned time limit; and
- (ii) ensure that, at CAC meetings, written comments received were given due consideration and the technical basis of reservations were included in meeting reports.

### Regular Review of Codex Work Management 2018-2019: *Critical Review Process*

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9. CCEXEC78 concluded that the Critical Review was overall an efficient and effective work management tool and that there was no urgent need to revise it substantively while recognizing that improvements could be further discussed.

10. In this regard, CCEXEC78 also recognized that CCEXEC could provide guidance and advice to subsidiary bodies and that subsidiary bodies could also seek advice from CCEXEC and that such exchange could take place outside of the Critical Review process.<sup>9</sup>

### Regular Review of Codex Work Management 2017-2018: *Periodic Review of Codex Standards*

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11. CCEXEC78 concluded that the current approaches to standards review were working for active subsidiary bodies, and encouraged these bodies to continuously enhance their work management processes to consider the need for reviewing existing Codex standards.<sup>10</sup>

### Regular Review of Codex Work Management 2017-2018: *Use of References in Codex Texts*

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12. CCEXEC78 emphasized that while there may on occasion be merit in including references to standards of another standard setting organization, these should be kept to a minimum since they become an integral part of a Codex text and require life-long monitoring.<sup>11</sup>

### Regular Review of Codex Work Management 2018-2019: *Critical Review Process*

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#### Advice on the coordination of work

13. The Secretariat noted that there are ways to facilitate and promote cooperation between committees such as alignment of the meeting schedule and parallel EWGs such as those piloted between the Codex Committee on Residues of Veterinary Drugs in Foods (CCRVDF) and CCPR.

14. CCEXEC78 **noted** that cross-committee cooperation including joint EWGs was important and should be encouraged and taken into account in future work planning.<sup>12</sup>

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<sup>6</sup> REP20/CAC, para 20

<sup>7</sup> REP20/CAC, para 31

<sup>8</sup> REP20/EXEC1, para. 30

<sup>9</sup> REP20/EXEC1, paras. 46 and 51

<sup>10</sup> REP 20/EXEC1, para. 57

<sup>11</sup> REP20/EXEC1, para. 64

<sup>12</sup> REP20/EXEC1, paras. 46 and 51

### Codex virtual meetings in 2021

15. CCEXEC80 (2021) recognized that CAC43 had agreed on the possibility of holding virtual meetings in 2021 and endorsed the proposals from the sub-committee on Codex and the pandemic to operationalize this decision, noting that this did not at present require any change to formal Codex procedures.<sup>13</sup>

### **Codex work on foodborne antimicrobial resistance**

#### Revision of the Code of practice to contain and minimize foodborne antimicrobial resistance (CXC 61-2005)

16. The 7<sup>th</sup> Session of the Codex Ad Hoc Intergovernmental Task Force on Antimicrobial Resistance (TFAMR07, 2019) agreed to forward the revised COP to CAC for adoption at Step 5 and to establish an Electronic Working Group (EWG), chaired by the United States of America, to address the outstanding issues in square brackets and report back to the next session of TFAMR08 (2021). Further details on key points of discussions can be found in the report of the session.<sup>14</sup>

17. CCEXEC79 recommended that CAC43 adopt the revision of COP at Step 5; and that TFAMR08 focus its discussion on the issues that had not been extensively discussed to date and avoid reopening provisions to the extent possible. Further details on key points of discussions can be found in the report of the session.<sup>15</sup>

18. CAC43 adopted the revised COP at Step 5. Further details on key points of discussions can be found in the report of the session.<sup>16</sup>

19. The COP, as revised by the EWG, was subsequently circulated for comments through a circular letter CL 2021/32-AMR and considered by a virtual meeting of the WG/COP established by TFAMR07 (June 2021). The report of the EWG, together with the COP, would be issued in July and circulated for further comments and consideration by TFAMR08 (October 2021).

#### Development of Guidelines for integrated monitoring and surveillance of foodborne antimicrobial resistance

20. TFAMR07 agreed to return the proposed Guidelines to Step 2/3 for re-drafting and to establish an EWG, chaired by the Netherlands, to revise the document focusing on those areas that were not considered in the physical meeting of the working group (PWG) held prior to the session and not reopening definitions already agreed in the COP with a view to reporting back to the next session of TFAMR08 (2021). Further details on key points of discussions can be found in the report of the session.<sup>17</sup>

21. CCEXEC79 reiterated that the guidelines should focus on providing high level principles and guidance on the design and implementation of integrated monitoring and surveillance of foodborne AMR along the food chain, giving a framework under which every country could build their own specific monitoring and surveillance according to their capacity and needs and EWG and recommended that TFAMR08 do not reopen, to the extent possible, provisions common to both the code of practice and the guidelines, which have already been agreed by TFAMR during the consideration of the code of practice, recognizing that as the work progresses the guidelines may need to elaborate concepts not included in the code of practice text. Further details on key points of discussions can be found in the report of the session.<sup>18</sup>

22. The Guidelines, as revised by the EWG, was subsequently circulated for comments through a CL 2021/33-AMR and considered by a virtual meeting of the WG/GL established by TFAMR07 (June 2021). The report of the meeting, together with the COP, would be issued in July and circulated for further comments and consideration by TFAMR08.

### Additional information

23. Information on Codex work on AMR can be found on the Codex dedicated website on TFAMR.<sup>19</sup> Specific information related to the next session of TFAMR, including webinars providing an insight of the key issues for consideration in both documents to facilitate their finalization at the next TFAMR, can be found on the TFAMR08 website.<sup>20</sup>

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<sup>13</sup> REP21/EXEC1, para 35-36

<sup>14</sup> REP20/AMR, paras. 13-127

<sup>15</sup> REP20/EXEC2, paras. 42-43

<sup>16</sup> REP20/CAC, paras. 96-113, Appendix III

<sup>17</sup> REP20/AMR, paras. 128-133

<sup>18</sup> REP20/EXEC2, paras. 44-46

<sup>19</sup> <http://www.fao.org/fao-who-codexalimentarius/committees/committee/related-meetings/en/?committee=TFAMR>

<sup>20</sup> <http://www.fao.org/fao-who-codexalimentarius/meetings/detail/en/?meeting=TFAMR&session=8>

<b>MATTERS FOR ACTION</b>
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**Timeliness of Codex working documents**


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24. CCEXEC78 requested that the Codex Secretariat bring the information<sup>21</sup> on the timeliness of Codex working documents, reports and the availability of adopted standards to the attention of subsidiary bodies for their review and suggestions.<sup>22</sup>

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**Coordination of work between CCPR and CCRVDF**


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**CCEXEC**
**Overall work**

25. CCEXEC73 (2017) encouraged closer collaboration between CCRVDF and CCPR when considering MRLs for compounds used as both veterinary drugs and pesticides and invited the two Committees to explore innovative ways to foster such collaboration.<sup>23</sup>

**Critical review**
**Coordination of work on the definition of animal tissues including edible offal:**
***Electronic working groups of CCPR/CCRVDF***

26. CCEXEC75 (2018) **recommended** that the CCPR/EWG on the revision of the *Classification of Food and Feed* (CXA 4-1989), in addition to its existing terms of reference (ToRs), work closely with the CCRVDF/EWG on the definition of animal tissues (including edible offal) to develop a harmonized definition that would facilitate the establishment of MRLs for pesticides and veterinary drugs.<sup>24</sup>

27. CCEXEC75 further **recommended** that the CCRVDF/EWG on the definition of animal tissues, including edible offal, work closely with the CCPR/EWG on the revision of the *Classification of Food and Feed* to develop a harmonized definition that would facilitate the establishment of MRLs for pesticides and veterinary drugs.<sup>25</sup>

28. CCEXEC77 (2019) **called** upon CCPR and CCRVDF to collaborate and synchronize work on issues of common interest to both committees to the extent possible to facilitate the establishment of maximum residue limits (MRLs) for pesticides/veterinary drugs for compounds with dual uses.<sup>26</sup>

**CCRVDF**
**Definition of edible offal for the purpose of harmonization and the elaboration of MRLs (Coordination between CCPR/CCRVDF for the establishment of harmonized MRLs for dual compounds)**

29. CCRVDF25 (2021) agreed to forward the definition of edible offal as amended by the Committee for inclusion in the *Glossary of Terms and Definitions* (CXA 5-1993) to CAC44 for adoption (Appendix IV).

30. CCRVDF25 further agreed to recommend CCPR to adopt the same definition for consistency and facilitation of establishment of MRLs for compounds with dual purposes.<sup>27</sup>

**Coordination of work between CCPR/CCRVDF and JMPR/JECFA to set single/harmonized MRLs for the same tissue/ food for compounds with dual uses**

31. Some delegations raised concerns on the ongoing lack of harmonization on the setting of MRLs for compounds with dual purposes (i.e. use as veterinary drugs and as pesticides). This lack of harmonization sometime led to different ADIs and ARfDs being proposed by Joint Committee on Food Additives (JECFA) and JMPR, respectively with resultant differing MRLs for the same tissue/food. These delegations noted that the same toxicological package/data should be used regardless of whether the compound was used as a pesticide or veterinary drug and that the question(s) posed by the risk managers in CCPR and CCRVDF to their respective risk assessment bodies was more important than which expert body did the assessment. Proposals were made for joint JECFA/JMPR reviews for compounds with dual uses and they referred to some joint activities such as the JECFA/JMPR residue definition working group that could assist in this regard.

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<sup>21</sup> CX/EXEC 20/78/8

<sup>22</sup> REP20/EXEC1, para. 111

<sup>23</sup> REP17/EXEC2, para. 19

<sup>24</sup> The joint recommendations to CCPR and CCRVDF are consistent with the recommendation of CCEXEC73 to encourage CCPR and CCRVDF to work closely together on cross-cutting issues for compounds with dual uses and explore innovative ways to foster collaboration (REP17/EXEC2, paragraph 19).

<sup>25</sup> REP18/EXEC2-Rev.1, paras. 27-28

<sup>26</sup> REP19/EXEC2, para 19-20

<sup>27</sup> REP21/RVDF, Appendix IV

32. The Chairperson noted that sponsors provide data to JECFA and JMPR with specific expectations of confidentiality and often, for reasons appropriate and necessary, are often unwilling to share that data outside of the purpose for which it is provided (e.g., to support the health based guidance value for a pesticide, rather than for a veterinary drug). He then requested that the JECFA secretariat offer some additional comment.

33. The WHO JECFA Secretariat clarified that JECFA looked at all relevant information when doing an assessment, including JMPR assessments. In particular JECFA experts considered the detailed JMPR monographs rather than only relying on the reports which did not always provide detailed information. Using all available information, JECFA came up with its own independent evaluation and establishes its own health guidance values. He further explained that there was coordination between JMPR and JECFA and that they were looking at common approaches for their work such as evaluation of toxicological information, exposure assessment, etc.

34. The WHO JECFA Secretariat further clarified that sometimes the Acceptable Daily Intakes (ADIs) and Acute Reference Doses (ArFDs) differed because of the large difference in time between evaluations and that data and science might have changed. A solution could be that when a compound is re-evaluated in one committee this should be flagged especially if there is a difference between the ADIs.

35. The FAO JECFA Secretariat confirmed the confidentiality of data and emphasized that data sponsors provide that may support the use of a substance as a pesticide, may not be in support of the same substance as a veterinary drug (and vice versa). He further reminded CCRVDF that each expert committee can only act within its scope and it is important for risk managers to forward corresponding questions to the respective scientific meeting/committee. A suitable coordination of requests for scientific advice that would cover dual use compounds beyond the already occurring cooperation on technical issues cannot be achieved through JECFA and JMPR and would need to occur at the level of CCPR and CCRVDF.

36. The Codex Secretariat explained that currently there are no established procedures or mechanisms in Codex to allow CCPR and CCRVDF to work coordinately to establish single/harmonized MRLs for compounds with dual uses and that it might be necessary to request advice from CCEXEC on how CCPR and CCRVDF could work together to address this issue.

37. CCRVDF **agreed** to request CCEXEC advice on a mechanism for cooperation between CCPR and CCRVDF on establishment of harmonized MRLs for dual use compounds.

#### **RECOMMENDATIONS FOR ENDORSEMENT BY CCPR**

38. CCPR is invited to:

- (i) **note** the information referred by CAC and CCEXEC (paragraphs 1-10, 12, 15-23, 31-36);  
*Codex work management regular review*
- (ii) **note** that CCPR has procedures in place for the regular review of MRLs for pesticides (i.e. periodic review) and continues to explore ways to keep Codex standards for pesticides relevant to public health and international trade (paragraph 11);  
*Critical review of Codex standards*
- (iii) **note** that the Codex Secretariat continues to work closely with the Chair of CCPR, Chairs of Electronic Working Groups and the Host Country Secretariat on ways forward to improve work management of the Committee (including the review of the information provided in CX/EXEC 20/78/8) (paragraph 24);  
*Coordination between CCPR/CCRVDF*
- (iv) **note** the recommendations of CCEXEC in relation to cooperation of work on issues of common interests between CCPR/CCRVDF (paragraphs 25-28);
- (v) **note** the decision of CCRVDF25 on the definition of edible offal and that this matter will be further considered under Agenda Item 7(e) (paragraphs 29-30);
- (vi) **support** CCRVDF to request CCEXEC advice on a mechanism for cooperation between CCPR and CCRVDF on establishment of harmonized MRLs for dual use compounds (paragraph 37);
- (vii) **encourage** innovative ways of working to facilitate and promote cooperation on cross-sectoral issues between CCRVDF and CCPR as needed and to the extent possible (paragraphs 13-14).