Regulation of Pesticide Residues in Food without Maximum Residue Limit

Trade Consultation Forum

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食物環境衞生署
Food and Environmental Hygiene Department

食物安全中心
Centre for Food Safety

Introduction

- Pesticide Residues in Food Regulation (Cap. 132CM)
  - Has come into operation since 1 August 2014

Section 4

- Import and sale of food containing pesticide residues is only allowed if —
  1) the food and the pesticide residues concerned are specified in Schedule 1 and the amount of the residues does not exceed the limit specified in the Schedule;
  2) the pesticide residues concerned are residues of an exempted pesticide set out in Schedule 2;
  3) Section 5 or 6 applies to the food and the amount of the residues does not exceed the limit applicable to the food; or
  4) the consumption of the food is not dangerous or prejudicial to health.

Schedule 1

- Sets out the maximum limits of certain pesticide residues that are allowed in certain food and the interpretation provisions for that Schedule

Column 1 Item	Column 2 Pesticide	Column 3 Residue definition	Column 4 Description of food	Column 5 Maximum residue limit (MRL) (mg/kg)
82.8	Cypermethrin	Cypermethrin (sum of isomers)	Durian	1
82.9	Cypermethrin	Cypermethrin (sum of isomers)	Longan	1
82.10	Cypermethrin	Cypermethrin (sum of isomers)	Litchi	2
82.11	Cypermethrin	Cypermethrin (sum of isomers)	Mango	0.7
82.12	Cypermethrin	Cypermethrin (sum of isomers)	Papaya	0.5
82.13	Cypermethrin	Cypermethrin (sum of isomers)	Milk fats	0.5
82.14	Cypermethrin	Cypermethrin (sum of isomers)	Pome fruits	2
82.15	Cypermethrin	Cypermethrin (sum of isomers)	Stone fruits	2
82.16	Cypermethrin	Cypermethrin (sum of isomers)	Carambola	0.2
82.17	Cypermethrin	Cypermethrin (sum of isomers)	Olives	0.05
82.18	Cypermethrin	Cypermethrin (sum of isomers)	Persimmon, Japanese	2
82.19	Cypermethrin	Cypermethrin (sum of isomers)	Cereal grains, except barley, oats, rice, rye	0.3

Schedule 2

[s. 2]

Exempted Pesticide

Column 1 Item	Column 2 Description of pesticide
1.	1,4-Diaminobutane
2.	Acetophenone
3.	Alder bark
4.	*Alternaria destruens* strain 059
5.	Ammonium acetate
6.	Ammonium bicarbonate / potassium bicarbonate / sodium bicarbonate
7.	Amorphous silicon dioxide
8.	*Ampelomyces quisqualis* isolate M10 and strain AQ10
9.	*Bacillus cereus* strain BP01
10.	*Bacillus pumilus* strain QST2808
11.	*Bacillus subtilis* strains GBO3, MBI600 and QST713
12.	*Bacillus thuringiensis*
13.	*Beauveria bassiana* strain GHA
14.	Boric acid / borates (borax (sodium borate decahydrate), disodium octaborate tetrahydrate, boric oxide (boric anhydride), sodium borate and sodium metaborate)
15.	Bromochlorodimethylhydantoin (BCDMH)
16.	Calcium carbonate / sodium carbonate
17.	Capsaicin

Section 7

- Factors for determining safety of food with pesticide residues –
  - toxicological profile and safety reference values of the pesticide concerned;
  - characteristics of the pesticide and level of the pesticide residues in the food concerned;
  - consumption pattern of the food, and long-term and short-term dietary exposure data;
  - any statutory requirement related to the food;
  - information provided by an importer/supplier of the food;
  - information, reports or testing results provided by a public analyst;
  - information (including reports, decision documents) provided by an international food or health authority or food or health authority outside Hong Kong;
  - etc.

Will it be an offence under the Regulation if pesticide residues are detected in food with no specified MRLs/EMRLs? (1)

- For pesticide residues with no specified MRLs/EMRLs in Schedule 1, the Regulation stipulates that except for exempted pesticides, import or sale of food containing such pesticide residues is allowed if the consumption of the food concerned is not dangerous or prejudicial to health based on risk assessment conducted by CFS.

  Risk assessment is a science-based method which has been well-recognised in the international arena. The adoption of risk assessment approach will also make our Regulation more flexible and practical.

Will it be an offence under the Regulation if pesticide residues are detected in food with no specified MRLs/EMRLs? (2)

- The list of MRLs/EMRLs laid down in Schedule 1 to the Regulation was formulated based primarily on the available standards recommended by Codex, supplemented by the available standards of the Mainland and other major food exporting countries to Hong Kong (the United States and Thailand), taking into account comments received from stakeholders during the public consultation. As such, the list should have covered most of the existing pesticide residue limits relevant to our major food supplying places.

Other Considerations

- Recent cases with no MRLs specified in the Regulation
  1. Dichlorvos in salted fish samples (press release issued on 2 April & 22 May 2015)
  2. Triazophos in a jasmine floral tea sample (press release issued on 13 May 2015)

Dichlorvos in Salted Fish

- The levels detected (0.019 – 0.081 mg/kg) will not cause any adverse effects upon normal consumption
  - One of the illegally added substances in the Mainland
  - Might have breached Section 52 of PHMSO (Cap. 132)
  - CFS will seek legal advice over the case

Triazophos in Jasmine Floral Tea

- The level detected (0.41 mg/kg) is far beyond the reasonable level under the Good Agricultural Practice (GAP), though adverse effects are not expected under normal consumption
  - Taking into account the standards established in the country of origin of the product concerned and latest development in the international community
  - Might have breached Section 52 of PHMSO (Cap. 132)
  - CFS will seek legal advice over the case

Section 52 of PHMSO

- any person who sells to the prejudice of a purchaser any food which is not of the nature, substance or quality of the food demanded by the purchaser shall be guilty of an offence

- liable to a maximum fine of $10,000 and imprisonment for three months upon conviction

End