Pesticide Residues in Food Regulation

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
  - Passed by LegCo on 6 June 2012
  - Will come into operation on 1 August 2014 after a grace period of about two years

Section 1

- Commencement
  - This Regulation comes into operation on 1 August 2014.

Section 2

- Interpretation
  - To adopt Codex's definition of "pesticides" and other related terms
    - The main structure of the framework has taken reference from that of Codex
    - It defines terms, e.g. "pesticide" and "pesticide residue", in a way consistent with Codex
    - Promote harmonisation of local and international standards

Section 2

- Including the following -
  - Compounded food
  - Exempted pesticide
  - Extraneous maximum residue limit (EMRL)
  - Maximum residue limit (MRL)
  - Pesticide
  - Pesticide residues
  - Primary food commodity
  - Residue definition

Section 3

- Application

  This Regulation does not apply to the food which is imported solely for the purpose of export if the food –

  (a) is air transhipment cargo; or

  (b) during the period between its import and export, remains in the vessel, vehicle or aircraft in which it was imported.

Section 4

- Import and sale of food containing pesticide residues is only allowed if —
  - 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;
  - the pesticide residues concerned are residues of an exempted pesticide set out in Schedule 2; or
  - the consumption of the food is not dangerous or prejudicial to health
    - when there is no MRL/EMRL specified in Schedule 1
    - except for exempted pesticides

Section 4

- Special types of foods
  - Section 5
    - Food in a dried, dehydrated or concentrated food
    - Food in other processed forms
  - Section 6
    - Compounded food
- Penalty
  - Maximum penalty of a fine at level 5 and imprisonment for 6 months

Section 5

- Principles for determining MRL/EMRL for certain food (other than compounded food)
  - Food in a dried, dehydrated or concentrated form
    - MRL/EMRL is to be adjusted proportionately by reference to the ratio between the weight of the food before and after dilution or reconstitution
  - Food in other processed forms, e.g. rice flour
    - MRL/EMRL of the primary food commodity from which the food is derived is applicable to the food

Section 6

- Principles for determining MRL/EMRL for compounded food
  - Pro-rata MRL/EMRL
    - % of MRL/EMRL for the residue definition of the pesticide in respect of an ingredient that equals the % of the ingredient in the compounded food.

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.

Section 8

- Provides that a prosecution of an offence under the Regulation may be brought in the name of DFEH.

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	Column 2	Column 3	Column 4	Column 5
Item	Pesticide	Residue definition	Description of food	Maximum residue limit (MRL) (mg/kg)
78.29	Cyfluthrin	Cyfluthrin (sum of isomers)	Milks (F)	0.04
78.30	Cyfluthrin	Cyfluthrin (sum of isomers)	Meat (from mammals other than marine mammals) (Fat)	1
78.31	Cyfluthrin	Cyfluthrin (sum of isomers)	Kidney of cattle, goats, pigs and sheep	0.05
78.32	Cyfluthrin	Cyfluthrin (sum of isomers)	Liver of cattle, goats, pigs and sheep	0.05
78.33	Cyfluthrin	Cyfluthrin (sum of isomers)	Edible offal of cattle, except kidney and liver	0.1

Schedule 1

- Explanatory notes
  - ***aquatic products*** (水產) means any product derived from any edible part of any aquatic organism, including—
    (a) fish;
    (b) fish roe;
    (c) edible offal of fish;
    (d) crustacean;
    (e) mollusc (including cephalopod); and
    (f) any other aquatic invertebrate animal,

  but does not include an amphibian, marine mammal or reptile

Schedule 1

- Explanatory notes
  - ***milk*** and ***milks*** (奶、奶類) mean the normal mammary secretion of milking animals—
    - (a) obtained from one or more milkings without either addition or extraction; and
    - (b) is intended for consumption as liquid milk or for further processing.

Schedule 1

- Explanatory notes
  - Where “(Fat)” forms part of the description of a food, e.g., meat, poultry meat
    - the MRL/EMRL applies only to the fat of the food (i.e., expressed on a fat basis)

Schedule 1

- Explanatory notes
  - Where “(F)” forms part of the description of a food, i.e., milk
    - Fat content < 2% (e.g., skimmed milk): MRL/EMRL of the milk X 50%
    - Fat content ≥ 2% (e.g., butter): MRL/EMRL of the milk X 25 (expressed on a fat basis)

Schedule 2

- Sets out the exempted pesticides (78)
  - Criteria –
    - whether the use of the pesticide will result in residues occurring in food;
    - whether the residues of the pesticide are identical to or indistinguishable from natural food components; and
    - whether the residues of the pesticide have any toxicological significance or will be dangerous or prejudicial to human health.
  - Made reference to the lists adopted by major food exporting countries to Hong Kong in drawing up our own

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

End