

**DRAFT**

**U.S POSITIONS  
FOR  
THE  
33<sup>RD</sup> SESSION OF THE  
CODEX ALIMENTARIUS COMMISSION**

*These positions may be revised or updated prior to the Commission meeting.*

June 7, 2010

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## Codex Agenda Item 1: Adoption of the Agenda

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- ***BACKGROUND:***

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- It is at the adoption of the provisional agenda in which member countries may offer new items to be considered, or may request a change in the order in which the agenda items are considered.
- In most cases countries that wish to add items to the agenda, prepare background papers for circulation to all well in advance of the Commission session. If this is not done, countries may object to the addition of that item on the grounds that they have not had adequate time to develop a national position or prepare for a discussion at the Commission.

- ***STATUS:***

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- To date, no submissions have been circulated.

- ***U.S. POSITION***

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- The United States has no additional items to be added to the agenda.

## Codex Agenda Item 3: Proposed Amendments to the Procedural Manual

### CCFA: Codex Committee on Food Additives

#### ***Revision of the Section on Format for Codex commodity standards (Food Additives) in Section II “Elaboration of Codex texts” (ALINORM 10/33/12, para. 15)***

- **BACKGROUND:**

- The 32<sup>nd</sup> (2009) CAC requested CCFA to prepare a proposal for the revision of the Section on Format for Codex Commodity Standards (Food Additives) in Section II “Elaboration of Codex texts” of the Codex Procedural Manual.
- The CCFA agree to forward to the CAC the following text to be included at the end of the section on food additives:
- Proposal:
- This section should contain the following reference to the Guidelines for the use of flavourings (CAC/GL 66-2008), as appropriate:  
***The flavourings used in products covered by this standard should comply with the Guidelines for the use of flavourings (CAC/GL 66-2008), as appropriate.”***

- **U.S. POSITION**

- The U.S. supports adoption of this revision.

### CCFH: Codex Committee on Food Hygiene

#### ***Proposed draft Risk analysis principles and procedures applied by the Codex Committee on Food Hygiene (ALINORM 10/33/13, paras. 139-150 and Appendix VII)***

- **BACKGROUND:**

- The 26<sup>th</sup> (2003) session of the CAC, requested that all Codex committees develop or complete specific guidelines on risk analysis in their respective areas for inclusion in the Procedural Manual.
- The 39<sup>th</sup> (2006) session of CCFH agreed to establish an EWG, chaired by India, to develop the Committee’s Risk Analysis Policy.
- The 42<sup>nd</sup> (2009) session of CCFH adopted the risk analysis polices and forward it to the CCGP for endorsement.
- CCFH’s risk analysis policy was endorsed by CCGP and forwarded to CAC for adoption and inclusion in the Procedural Manual.

- The Committee did note however that some inconsistencies might exist between the main document (on CFFH Risk Analysis Principles and Procedures) and the Annex (Process by Which the Codex Committee on Food Hygiene Will Undertake its Work) and agreed to ask CCGP to resolve the inconsistencies while reviewing the texts.

- ***U.S. POSITION***

- The U.S. **supports adoption** of the CCFH risk analysis principles and procedures, i.e., both the main document and the annex.
- The U.S. views this as a process document that describes the policies and procedures by which CCFH should undertake its risk analysis activities, using risk analysis principles provided in other Codex texts.
- Thus, the U.S. believes the guidance in the document will be very helpful to the CCFH in carrying out its risk analysis work.

## **CCGP: Codex Committee on General Principles**

***Proposed amendment to the Guidelines to Chairperson of Codex committees and ad hoc intergovernmental task forces (ALINORM 10/33/33, para. 46 and Appendix III.)***

- ***PROPOSAL:***

- The proposed amendment is to insert the following additional guidance to the section on “consensus” within the Codex *Guidelines to Chairpersons of Codex Committees and Ad-Hoc Intergovernmental Task forces*.
  - ***“Where there is opposition to an issue under discussion, the chairperson should ensure that views of concerned members be taken into consideration by striving to reconcile conflicting arguments before deciding whether consensus has been reached.”***

- ***BACKGROUND:***

- At the 25<sup>th</sup> (2009) Session of CCGP, Malaysia proposed the addition of the following provision to the Codex *Guidelines to Chairpersons of Codex Committees and Ad-Hoc Intergovernmental Task forces*:
- “Where there is justified sustained opposition to substantial issues, the chairperson should ensure that the views of concerned members be taken into consideration by reconciling conflicting arguments before deciding that a consensus has been reached.”
- While several delegations supported the proposal, other delegations, expressed the need to study the proposal in more detail.
- CCGP agreed to seek guidance from the CAC on whether the committee should devote further study to the proposal..
- The CAC at its 32<sup>nd</sup> (2009), Session considered the proposal during its broader discussion on consensus.
- Concern was raised regarding interpretation of the phrase “justified sustained opposition.”

- The CAC agreed to issue a Circular Letter (CL) requesting further comments on the proposal for consideration by the CCGP at its' 2010 Session.
- The CAC also agreed that any discussion on the definition of “consensus” would be held in abeyance until the discussion on the Malaysian proposal was completed.
- The CCGP, at its 26<sup>th</sup> (2010) Session, considered the Malaysian proposal in the context of comments received through the CL.
- .As in prior discussions, some delegations expressed concern with the phrase “justified sustained opposition” and how this problematic phrase could be implemented by chairpersons.
- Many delegations supported either the proposal as drafted, or the “sense” of the proposal recognizing that modification to the difficult phrase was needed.
- After significant discussion the Committee agreed to a redrafted proposal as noted above and submitted it to the CAC for its consideration.

• ***U.S. POSITION:***

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- The United States **does not object** to the adoption of the proposed additional provision on reaching consensus, recognizing that significant guidance on reaching consensus currently exists within Codex procedures, and that the proposed provision does not provide substantial new guidance but provides additional emphasis on the need to resolve conflicting views.

• ***POSITIONS OF OTHER KEY DELEGATIONS:***

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- The United States believes that opposing views on this proposal from Malaysia have been resolved as a result of the discussion at CCGP and that the redrafted provision has general support within Codex member countries.
- We are not aware of any significant opposition to the adoption of the proposal as redrafted by CCGP.

***Proposed amendment to the Guidelines to Host Government of Codex Committees and Ad Hoc Intergovernmental Task Forces (ALINORM 10/33/2 para. 98 and Appendix V).***

• ***BACKGROUND:***

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- The 2009 CAC discussed issues of co-hosting arrangements in light of a paper prepared by the Codex Secretariat.
- The paper concluded that while there were some benefits to co-hosting, participation in co-hosted meetings was less than that in sessions held in host countries.
- The factors that may have contribute to this include a delay in issuing the invitation which is a direct consequence of delays in preparing and signing the Memorandum of Responsibilities.
- The Secretariat introduced several proposals to expedite the formal processes for co-hosting, including:



- The issuance of Amendments to the Guidelines for Host Governments of Codex Committees and ad-hoc Intergovernmental Task Forces to provide additional clarification and guidance, and
- Creating a web page containing a timeline for completion of the necessary arrangements between FAO, hosting country and co-hosting country.
- CCGP agreed to the development of the amendments and the webpage, which would make the information available to all Members and to forward to the CAC for adoption

- ***U.S. POSITION***

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- The United States **strongly supports** the amendments and is actively participating in developing the revised timeline for completing critical tasks in the process.
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## **CCEXEC: Codex Executive Committee**

***Proposed amendment to the Criteria for the establishment of work priorities and inclusion of new Guidelines on the application of the Criteria for the establishment of work priorities applicable to commodities. (ALINORM 10/33/3, para. 8 and Appendix II***

- ***BACKGROUND:***

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- At their 2009 session, the Executive Committee agreed that when evaluating new work proposals from Regional Committees, it would carefully consider the Note under paragraph 2(a) of the “Guidelines on the Application of the *Criteria for the Establishment of Work Priorities Applicable to Commodities.*”
- This note states that:
- “The coordinating committee concerned should provide well-documented and objective evidence that there is significant intra-regional trade, and that there is no significant trade, between or within other regions.

- ***U.S. POSITION***

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- The United States **supports** adoption of this amendment.
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**Codex Agenda Item 4: Draft Standards and Related Texts at  
Step 8 of the Procedure (including those submitted at Step 5  
with a recommendation to omit Steps 6 and 7 and those  
submitted at Step 5 of the Accelerated Procedure)**

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**CCFFV: Codex Committee on Fresh Fruits and Vegetables**

***Draft Section 6 “Marking or Labelling” (Draft Standard for Bitter Cassava Step 8)  
(ALINORM 10/33/35 para. 23 and Appendix II)***

• ***BACKGROUND:***

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- The Codex standard for Cassava (CODEX STAN 238-2003) denotes sweet cassava as containing no more than 50 mg/kg hydrogen cyanide (fresh weight basis).
- Some traditional markets banned imports of cassava with higher hydrogen cyanide levels.
- The affected exporting countries (Fiji and Tonga) approached CCFFV and requested a standard for “Bitter Cassava”.
- CCCFV developed the standard for Bitter Cassava but could not get consensus on the labeling provisions.
- Due to some delegations’ concerns re: human safety, the draft Standard for Bitter Cassava was held at Step 8 by the 2008 CAC pending finalization of the labeling provisions (ALINORM 08/31/REP, para. 38).
- After a lengthy debate, in 2009, the CCFFV revised the labeling provisions and submitted it to the CAC for adoption.
- Both sides agreed that sweetness and/or bitterness is not a varietal factor; but one due to the impact of water. If sweet Cassava is stressed due to drought conditions the hydrogen cyanide levels increases, and if there is an abundance of water, the hydrogen cyanide levels decreases.

• ***U.S. POSITION:***

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- The United States **supports** adoption of the new text in Section 6 “Marking or Labelling” of the Draft codex Standard for Bitter Cassava for the following reasons:
- This product has been consumed for centuries without any incidence of consumers being poisoned due to ill preparation and handling.
- Prior to the development of the Codex Standard for Sweet Cassava (CODEX STAN 238-2003) there were no international safety concerns expressed about the safety of sweet or bitter cassava being traded.
- The U.S. is concerned about the precedent that more detailed wording will set a precedent within Codex for other FFV such as white potatoes (solanum) and hot peppers (capsicum)

• **POSITIONS OF OTHER KEY DELEGATIONS:**

- The African nations that were present at the 2009 CCFFV session expressed their concern about the safety of bitter cassava but supported the document and were very active in developing the wording.
- All QUAD and CCNAWP members support the document while most of CCLAC is opposed to the wording and to the entire standard -- they are the largest producers of sweet cassava and want to retain market dominance.
- The EC was very supportive of this document and was responsible for some of the revised language.

**Draft Standard for Apples (Step 8) (ALINORM 10/33/35, para. 47 and Appendix III)**

• **BACKGROUND:**

- At the 6<sup>th</sup>(1996) session, the Committee agreed to Uruguay's request to add **Apples** and **Pears** to the Priority List (Report of the 6<sup>TH</sup> CCFFV Session).
- At the 8<sup>th</sup> (1999) session, CCFFV agreed that Uruguay, assisted by Argentina and the U.S. would elaborate a proposed draft Codex Standard for Apples, subject to approval as new work by the CAC.
- The CAC approved the elaboration of a proposed draft Codex Standard for Apples.
- The 2000, 2002 and 2003 CCFFV Sessions returned the proposed draft Standard for Apples to Step 2 for redrafting by the U.S. with the assistance of Chile, India, Mexico, New Zealand, South Africa and the EC, and was subsequently circulated for comments at Step 3 and further consideration at the present session. ALINORM 01/35),. (ALINORM 04/27/35)
- Physical WGs were held in:
  - Santiago Chile: February 2006;
  - Washington D.C.: September 2007
  - Fredericksburg VA: August 2009
- At the last physical WG, apple samples and standardization and inspection experts were available for consultation.
- This WG was very successful in preparing the draft Codex apple standard that was eventually adopted by the CCFFV in 2009 with some slight modifications.
- This enabled the CCFFV to meet the deadline of finalizing the standard by the 33rd Session of the Commission in 2010. (ALINORM 07/30/35).

• **U.S. POSITION:**

- The U.S. **supports** the adoption of Codex Draft Standard for apples by the CAC as a new Codex Standard.
- This draft standard is a compromise standard; with input from all countries; it took more than a decade to develop.
- Though it is not as perfect as all Codex member countries and organizations would like, it is the best that was achievable.
- The U.S. **supports** the simplified minimum sizes requirements for all apple varieties in an effort to simplify the standard and to facilitate its international use.

- Due to the perishable nature of fresh fruits and vegetables, long sea voyages and for transparency in trade, the U.S. supports the inclusion of “Quality tolerances” for decay and internal breakdown as indicated in the standard within Section 4. Provisions Concerning Tolerances
- **POSITIONS OF OTHER KEY DELEGATIONS:**
  - All Quad countries, Mexico, Chile, Argentina, Brazil, South Africa and The European Union supported the adoption of the standard.
  - India prefers higher minimum maturity and minimum size requirements; however, this does not correspond in having a single requirement for these parameters for all apple varieties. India’s attempt to indicate a reservation to the Minimum requirement for “stalk may be missing” was deemed too late by the CCFFV chair and they may try to voice such concerns.
  - The EU was very supportive of this standard and is responsible for some the sections on minimum size, maturity and uniformity requirements.
  - India and many developing countries proposed but failed to enact more restrictive limits on the percentages of apples affected by decay and internal breakdown during shipment. Had narrow allowances been adopted for these defects which the exporter may have difficulty in controlling, they could pose a potential barrier to international trade.
  - Germany and some developing countries oppose the inclusion of the Annex – Maximum Allowance for Defects; instead they preferred to locate them within the classification section of the standard. It was felt that the annex was easier to use.
  - India and some of the Southeast Asian countries such as Thailand proposed not to allow Scars caused by Scabs (*Venturia inaequalis*) in the Annex indicating that it is banned by their national legislation.
  - The U.S. believes that this issue is best resolved by the IPPC and in the meantime importers of apples from countries with such legislation should communicate such with their suppliers. While India and Thailand did not oppose the final maximum allowances for such a defect, they stated they would adopt their National Legislation in dealing with this issue.

## CCFFP: Codex Committee on Fish and Fishery Products

***Draft Code of Practice for Fish and Fishery Products (Lobsters and Crabs and relevant Definitions) (ALINORM 10/33/18, para. 27 and para 47, Appendix II), Step 8***

- **BACKGROUND:**
  - Work on the Lobsters and Crabs sections of the Draft Code of Practice (CP) for Fish and Fishery Products has been ongoing for several years.
  - Initially the section was drafted with processing steps for lobsters and crabs contained within one document, but that was too cumbersome, so the U.S. proposed a revision that would separate the two into more manageable parts.

- Lobsters and crabs have some similar processing steps, but they are unique enough to warrant their own sections in the CP.
- A WG was established to ensure that all processing steps and all appropriate product forms were included; frozen raw lobster tail, chilled and frozen cooked whole lobster and cooked lobster meat, chilled pasteurized crab meat, and chilled and frozen cooked crab.
- The only controversial issue was the ability to use chlorinated water in processing.
- During the 2008 Session of the CCFFP, an agreement was reached to allow an establishment to use chlorinated water during processing provided that the residual chlorine in the water did not exceed levels for potable water.
- CCFFP forwarded the draft with that provision included to the CAC for adoption at Step 8; discussion and debate continued at the CAC and due to lack of consensus, the CAC returned the section on lobsters and its relevant definitions back to Step 6 for comments and further consideration by the CCFFP at its 2009<sup>h</sup> Session.
- The CCFFP discussed this issue at its 2009 Session in light of the FAO/WHO Expert Consultation on the Benefits and Risks of the Use of Chlorine Containing Disinfectants in Food Production and Food processing, as presented by the FAO representative.
- Although the consultation was based on limited data and the final report was not yet complete, the available data did not raise significant health concerns about the current use of chlorine containing disinfectants in fish processing as long as they are not used to mask poor hygienic practices.
- Because the issue of water treatment through chlorination does not apply only to the lobster and crab sections of the CP, the CCFFP decided it would be more appropriate for this provision to be included in the Pre-Requisite Program section of the CP. The language was moved to section 3.4.5.1 Water and reads as follows:
- “[When an establishment has its own supply of fresh water or seawater or other water sources, and chlorine is used for water treatment, the residual content of chlorine should not exceed that of potable water]”.
- The CCFFP will further consider the provision in 2011 prior to which the final report of the expert consultation will be available so that the CCFFP as well as other Committees will be able to review it in depth and consider what, if any, additional questions need to be answered.
- The same language was contained within the section of the CP on Processing of Crabs so the CCFFP took the same approach and removed the reference to chlorinated water for it to be dealt with on a more overarching context in Section 3 of the CP
- The CCFFP reviewed the remaining language in both documents, making minor editorial and technical amendments, and forwarded them, along with relevant definitions, for adoption at Step 8 by the CAC.

• ***U.S. POSITION:***

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- The U.S. **supports** adoption of both the section on Processing of Lobsters and the section on Processing of Crabs in the Proposed Draft CP, along with the relevant definitions, at Step 8, as proposed with no changes.
- The U.S. supports the decision to move the reference to chlorinated water use to the Pre-Requisite Program section where it will be further deliberated during the next session of the CCFFP taking into consideration the FAO/WHO Expert Consultation.
- The U.S. allows a maximum limit of 4.0 ppm residual disinfectant level of chlorine in community water systems (potable water) and allows fish to be rinsed in water containing less than or equal to 10 ppm free chlorine.

• ***POSITIONS OF OTHER KEY DELEGATIONS:***

- The Canadian delegation suggested removing the reference to chlorinated water from these documents and placing it in the Pre-Requisite Program section in order to allow these documents to move forward. Several delegations supported this change in order to move the documents forward for adoption, but the issue will still be debated at the next CCFFP Session.
- The EU would like to see the chlorine level in the rinse be that allowed in potable water.
- Brazil would like to see a higher level than that of potable water be allowed and expressed reservations on the decision to delay discussion. They felt that the preliminary presentation from FAO supported the safety of current levels of chlorine and they did not think that the CCFFP took the advice of FAO/WHO offered at the CCFFP session into full consideration.

***Draft Standard for Sturgeon Caviar (ALINORM 10/33/18, para.68, Appendix V),  
Step 8***

• ***BACKGROUND:***

- This Draft Standard was prepared by Russia and represents Russia's first significant participation in CCFFP.
- The draft has been discussed by the CCFFP for a few years. Considerable discussion over whether this standard should apply only to caviar from sturgeons and not to caviar from other fish, but the CCFFP finally decided that the standard would apply only to sturgeon.
- Some members of the CCFFP, including the U.S., questioned whether the use of ovulated eggs should be allowed considering the possible use of unapproved hormones for the induction of ovulation.
- Other members of the CCFFP pointed out that caviar produced from ovulated eggs is a common practice and already traded in several countries.
- The CCFFP decided to retain the ability to use ovulated eggs in the definition, but also decided to include a provision under *Process Definition* that would require hormones used in the production of ovulated eggs to be approved for use by the competent authority and the product name shall be labeled "caviar from ovulated eggs" to avoid any risk of misleading the consumer.
- The CCFFP discussed the use of additives -- countries were using boric acid as a preservative, but because no ADI had been established by JECFA, its use could not be permitted in the Standard.
- Caviar is included in Food Category 09.3.3 of the *General Standard for Food Additives*, which lists several colors allowed for use, but the CCFFP agreed that the use of colors should not be allowed and that only the acidity regulators, antioxidants and preservatives listed would be allowed under conditions of good manufacturing practices.
- Discussions were held re: the labeling section of the draft Standard. In addition to the provision to label ovulated eggs that was mentioned above, the CCFFP agreed to allow the use of an identification code or the scientific name for sturgeons that do not have a common name and also agreed to remove the requirement to list the country of origin as that is covered in the *General Standard for the Labelling of Prepackaged Foods*.

- The CCFFP made additional clarifying amendments and then agreed to forward the draft standard to the CAC for adoption at Step 8.
- ***U.S. POSITION:***
- The United States **supports** adoption of the Draft Standard for Sturgeon Caviar.
- ***POSITIONS OF OTHER KEY DELEGATIONS:***
- This standard marks Russia's first significant participation in the CCFFP and their delegation was in support of the standard being adopted by the CAC. The United States thought that Russia would insist on the use of additives such as boric acid or potassium chloride, but they agreed with the additive provisions as described above.

## **CCNFSDU: Codex Committee on Nutrition and Foods for Special Dietary Uses**

***Draft List of Methods for Dietary Fibre, including revised footnote 1 of the dietary fibre definition (ALINORM 10/33/26, paras 34-49, Appendix II; ALINORM 10/33/23, paras 71-78, Appendix II C)***

- ***BACKGROUND:***
- At the 31<sup>st</sup> (2009) CCNFSDU session, France presented its revised EWG report, which reviewed and updated a draft list of methods of analysis for dietary fibre.
- The U.S. and other delegations expressed concern that some methods in the proposed list were not consistent with the definition of dietary fibre adopted by the CAC in 2009 and that all the compounds were listed as dietary fibres.
- Some delegations pointed out that there should be a range of methods that would allow national authorities to select the appropriate methods with some flexibility.
- CCNFSDU further noted that while selecting methods, they should consider whether they are feasible for developing countries.
- CCNFSDU revised the list and related footnotes and agreed to organize the list according to four categories of methods, with the first three designated as Type III and the fourth designated as Type IV.
- It also agreed to include a new footnote with these categories to clarify that the method used would depend on the definition applied at the national level, to the effect that "two issues are left to national authorities, 1) to include monomeric units 3-9, and 2) which isolated or synthetic compounds have physiological benefit" (with a reference to GL 2-1985).
- CCNFSDU also recalled that the mandate given to the EWG included revising Footnote 1 in the definition of dietary fibre, and agreed on the simplified text proposed in the working document with one amendment.
- Based on the progress since the last session, CCNFSDU agreed to advance the Draft List of Methods, including revised footnote 1 in the definition, to the 2010 session of CCMAS for endorsement and then to the 2010 CAC session for adoption at Step 8.

- At the 2010 CCMAS Session, the Committee made certain amendments and comments on the list of methods prepared by the CCNFSDU
- With regard to identifying the type of method:
  - *“The (CCMAS) noted that most of the methods were empirical and that some of them might be overlapping, and therefore agreed that they could be endorsed as Type IV in order to make them available as Codex methods, and asked the CCNFSDU to define their scope more precisely. It was agreed that further endorsement of these methods would be considered when such clarification became available, as some of them might be suitable as Type I methods.”*

- **U.S. POSITION:**

- List of Methods
- The United States **does not oppose** the adoption of the CCMAS revised list of methods in ALINORM 10/33/23, Appendix II C as Type IV methods available as Codex methods.
- Footnote 1
- The United States **supports** the adoption of the revised footnote 1 of the dietary fibre definition.

## CCFH: Codex Committee on Food Hygiene

***Proposed Draft Annex on Leafy Green Vegetables Including Leafy Herbs to the Code of Hygienic Practice for Fresh Fruit and Vegetables (ALINORM 10/33/13, Appendix II)***

- **BACKGROUND:**

- Work began on the Proposed Annex on Leafy Green Vegetables including Leafy Herbs following the 2007 Session of CCFH.
- An EWG led by the U.S. developed a draft Annex for circulation, comment and consideration prior to the 2008 Session.
- At the 2008 Session, CCFH returned this document to the WG at step 3.
- Discussions at the Session, written comments, and responses to a Circular Letter requesting additional information on small-scale and wet production systems were considered in a revised Annex that was circulated to all Codex members along with an invitation to participate in the second EWG, June 15-19, 2009.
- The second EWG was conducted much like a physical WG -- in real-time, using the Internet, with the document visible to WG members to view revisions to the documents as they were being made.
- Eighteen member countries and organizations registered for the WG.
- The U.S. circulated the Annex prepared during the second EWG to all Codex members for the 2009 Session of CCFH.



- At this session, Japan and the EC recommended a more precise description of water quality at different steps in the production chain.
- Revisions were made to the document to address the concerns expressed by various delegations.
- CCFH adopted the document at step 5/8 at the 41<sup>st</sup> Session.

• ***U.S. POSITION:***

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- The United States **supports** adoption by Codex of the Proposed Draft Annex on Leafy Green Vegetables including Leafy Herbs to the Code of Hygienic Practice for Fresh Fruit and Vegetables (CAC/RCP 53-2003).
- It should be noted that the title in Appendix II of ALINORM 10/33/13 (Proposed Draft Annex on Fresh Leafy Vegetables) incorrectly reflects a change that was not agreed to by the Committee. – The Secretariat has advised they will correct this.

• ***POSITIONS OF OTHER KEY DELEGATIONS:***

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- Brazil asked that the Committee re-consider the scope of the document to include only bagged salads. After strenuous debate, the Committee agreed to retain the current scope unchanged.
- Ultimately there was widespread support for the adoption of the Proposed Draft Annex on Leafy Green Vegetables Including Leafy Herbs to the Code of Hygienic Practice for Fresh Fruits and Vegetables.

***Proposed Draft Guidelines on the Application of General Principles of Food Hygiene to the Control of Pathogenic *Vibrio* spp. in Seafood. (ALINORM 10//33/13, Appendix III)***

• ***BACKGROUND:***

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- Work on Proposed Draft “Guidelines on the Application of General Principles of Food Hygiene to the Control of Pathogenic *Vibrio* spp. in Seafood” began in May 2008 with a WG in Kyoto Japan.
- At the 2008 session, CCFH returned this document to the WG at step 3.
- Prior to the 2009 session Japan hosted a WG to address issues from the 40<sup>th</sup> meeting.
- CCFH adopted at step 5/8 with minimal debate at 41<sup>st</sup> Session.

• ***U.S. POSITION:***

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- The United States **supports** adoption by Codex of the “Proposed Draft Guidelines on the Application of General Principles of Food Hygiene to the Control of Pathogenic *Vibrio* spp. in Seafood”.

• ***POSITIONS OF OTHER KEY DELEGATIONS:***

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- There was unanimous support among delegates at 41<sup>st</sup> (2008) Session of CCFH to adopt “Proposed Draft Guidelines on the Application of General Principles of Food Hygiene to the Control of Pathogenic *Vibrio* spp. in Seafood”.

***Proposed Draft Annex on Control Measures for *Vibrio parahaemolyticus* and *Vibrio vulnificus* in Molluscan Shellfish (ALINORM 10/33/13, Appendix IV)***

• ***BACKGROUND:***

- Work on the Proposed Draft “Annex on Control Measures for *Vibrio parahaemolyticus* and *Vibrio vulnificus* in Bivalve Molluscs” began in May 2009 with a WG in Kyoto, Japan.
- The WG produced a draft annex with two parts:
- Part 1 covered “live” and “raw” bivalve molluscs, including those receiving “post-harvest processing;” and
- Part 2 covered bivalve molluscs that are partially treated before consumption.
- There was a difference of opinion between the delegations of the U.S. and Japan on sections in Part 2 on controlling *Vibrio* hazards
- The U.S. pointed out that the document assigned responsibility for the safety of the partially treated product to the consumer, while the U.S. considered it to be the responsibility of the producer and processor.
- These differences were resolved during a pre plenary WG meeting by stating that partially treated mollusks could not be sold directly to the consumer, but rather had to be sold to a business operator, e.g. restaurant,
- The responsibility to control hazards, by such means as proper cooking, were shifted from the consumer to “business operators.” This solution was agreeable to all representatives at the WG as well as Member Countries at the plenary session.
- CCFH recommended adoption of the document by Codex at step 5/8 with minimal debate.

• ***U.S. POSITION:***

- The U.S. **supports** adoption by Codex of “Annex on Control Measures for *Vibrio parahaemolyticus* and *Vibrio vulnificus* in Bivalve Molluscs”.

• ***POSITIONS OF OTHER KEY DELEGATIONS:***

- There was unanimous support among delegates at the 2009 session of CCFH to adopt the “Annex on Control Measures for *Vibrio parahaemolyticus* and *Vibrio vulnificus* in Molluscan Shellfish.”

## CCMMP: Codex Committee on Milk and Milk Products

### *Proposed Draft Amendment to the Codex Standard for Fermented Milk Pertaining to Drinks based on Fermented Milk (ALINORM 10/33/11, para.39 and Appendix II)*

#### • **BACKGROUND:**

- At the 2010 session of CCMMP, the Committee agreed to adopt 40% (m/m) as the minimum fermented milk content requirement for drinks based on fermented milk and to add carbon dioxide as a carbonating agent to the list of permitted additives.
- It was also agreed to amend the labeling section requiring the declaration of water in the list of ingredients and the percentage of fermented milk to be clearly indicated on the label.
- CCMMP agreed to forward the draft amendment to the 2010 Session of the CAC for adoption at Step 8 and inclusion in the Codex Standard for Fermented Milks.
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#### • **U.S. POSITION:**

- The U.S. **supports** the adoption of the Proposed Draft Amendment to the Codex Standard for Fermented Milk Pertaining to Drinks based on Fermented Milk at Step 8.
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## CCFICS: Codex Committee on Food Import and Export Inspection and Certification Systems

### *Proposed Draft Principles and Guidelines for the Conduct of Assessments of Foreign Official Inspection and Certification Systems (Annex to the Codex Guidelines for Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems (CAC-GL 26-1997) at Steps 5/8 (ALINORM 10/33/30, para. 39 and Appendix II)*

#### • **BACKGROUND:**

- The 2006 session of CCFICS considered a discussion paper prepared by Australia, proposing new work on developing guidance on the conduct of foreign audits and inspections.
- Many delegations supported the work, noting the importance of foreign audits and inspections in ensuring the safety of foods placed into international trade and the need to harmonize the approaches used to carry out these activities.
- The Committee agreed that guidance in this work would be very helpful and requested Australia to prepare a discussion paper on the subject.
- The Committee considered the Discussion Paper at its 2007 Session and agreed to undertake new work, led by Australia with work to be done both through both electronic and physical WGs.

- The Committee also agreed that the new guidance should be developed as an Annex to the Codex Guidelines for Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems (CAC-GL 26-1997).
- New work on the development of guidance relating to the conduct of foreign audits and inspections was approved by the 2008 Session of the CAC.
- The 2008 Session of the Committee considered the Proposed Draft Principles and Guidelines for the Conduct of Foreign On-site Audits and Inspections, following development of the Paper by a Physical WG.
- Discussion on the document focused on the scope of the guidance, and in particular whether the guidance should be limited solely to system audits or extend to foreign inspections.
- After significant discussion, the Committee agreed to include both system audits and inspections in the scope of the guidance. The document was held at Step 3 for further development.
- The 2009 Session of CCFICS considered a revised document developed by a physical WG.
- The document now used the term “assessments” to include both system audits and inspections and the title was modified to reflect this change.
- The Committee held an in-depth discussion of the document with the Paper now containing a set of principles and detailed guidance on the conduct of assessments, the assessment process, and assessment reporting.
- CCFICS made numerous technical and a few substantive changes to the document including the removal of certain examples relating to inspections and substituting wording that provided flexibility regarding inspections, recognizing that compliance must be viewed in the context of the overall system.
- The Committee reached consensus on the document and recommended its adoption at Steps 5/8 of Codex Step Procedure.

• ***U.S. POSITION:***

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- The U.S. **supports** adoption as drafted of the Proposed Draft Principles and Guidelines for the Conduct of Assessments of Foreign Official Inspection and Certification Systems as an Annex to the Codex Guidelines for Design, Operation, Assessment and Accreditation of Food Import and Export Inspection and Certification Systems (CAC-GL 26-1997) at Steps 5/8.
- The U.S. believes the guidance will be very helpful to countries as they carry out both foreign system audits and inspections and is important guidance to help ensure the safety of foods placed into international trade.
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• ***POSITIONS OF OTHER KEY DELEGATIONS:***

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- The United States believes that this document has broad support within Codex member countries and is not aware of any opposition to the adoption of the document as drafted.

## CCMAS: Codex Committee on Methods of Analysis and Sampling

### *Proposed Draft Guidelines on Performance Criteria and Validation of Methods for Detection, Identification and Quantification of Specific DNA Sequences and Specific Proteins in Foods (ALILNORM 10/23/33, paras. 13-33, Appendix III*

#### • **BACKGROUND:**

- The 2009 CCMAS session had agreed to return the proposed guidelines to Step 2 for redrafting by an electronic working group (EWG) co-chaired by Argentina, Germany and the United Kingdom, which was then circulated at Step 3 for comments and consideration at the 2010 Session.
- At the 2010 session, the Delegate of Argentina explained the process followed in the development of the text and the success of using an internet platform, which had greatly facilitated participation by a large number of countries and was available for use by other members and future Codex WGs.
- The eWG had taken into account the expansion of the scope as agreed to by the last session and reached consensus on the majority of the text, but had not reached a final solution regarding the scope-related language and title.
- The Committee expressed its appreciation to Argentina and the EWG for the excellent work and after an extended discussion came to consensus on a broadened scope.
- This broadened scope included language to indicate that these criteria for molecular and immunological methods are applicable to a wide range of uses such as tests for biomarkers in foods, including those derived from modern biotechnology and food authentication.
- The Committee then established an in-session WG chaired by Argentina, that revised the body of the text taking into account the agreed-upon scope and the written comments received prior to and during the meeting.
- Following plenary discussions and acceptance of the text of the proposed guidelines the Committee engaged in a debate on the title of the document.
- Several delegations expressed support for the EWG alternative Title I, which did not refer to foods derived from biotechnology.
- The U.S. delegation and others noted that there was no need to place specific emphasis on foods derived from modern biotechnology since this aspect was already covered by the broadened scope and would be misleading to the user as these techniques were also used for authentication of foods and many other purposes.
- Several other delegations, which were mainly members of the EU, expressed support for the original title stating that it reflected the agreed upon scope, was clear to users and in line with the original intent of the work to develop guidelines for methods for foods derived from modern biotechnology.
- Some delegations pointed out that the 2008 CAC had requested the Committee to consider expanding its scope, which it had done and that there was no need to repeat the scope in the title, which should be kept short, simple and understandable.
- After extensive discussion, the Committee agreed to the following alternate Title I and inserted a footnote to indicate the application of the methods:
- 

#### ***PROPOSED DRAFT GUIDELINES ON PERFORMANCE CRITERIA AND VALIDATION OF METHODS FOR DETECTION, IDENTIFICATION AND***

***QUANTIFICATION OF SPECIFIC DNA SEQUENCES AND SPECIFIC PROTEINS  
IN FOODS\****

**Footnote to the title**

- for applications such as food derived from modern biotechnology, food authentication, food speciation and other purposes
- 
- In recognition of the quality and importance of the document, the Committee agreed to forward the Proposed Draft Guidelines to the 33rd Session of the Commission for adoption at Step 5/8.

• ***U.S. POSITION:***

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- The United States **supports** adoption of the Proposed Draft Guidelines on Performance Criteria and Validation of Methods for Detection, Identification and Quantification of Specific DNA Sequences and Specific Proteins in Foods at Steps 5/8 with the omission of Steps 6 and 7.

• ***POSITIONS OF OTHER KEY DELEGATIONS:***

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- The EU was very supportive of this document and was responsible for some of the revised language, however, they held out until the last second before agreeing to move to a footnote, the mention of the application of the criteria to foods derived from modern biotechnology
- Canada and some of the CCLAC countries (especially Argentina, Brazil, Colombia the latter, by written comments) were very supportive of the document and the current title rather than the previous version that included mention of modern biotechnology in the title.
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**CCFA: Codex Committee on Food Additives**

***Draft and Proposed Draft Food Additive Provisions of the General Standard for Food Additives (GSFA; ALINORM 10/33/12, paras. 19, 31, 62 and App. III)***

• ***BACKGROUND:***

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- The 2010 session of CCFA forwarded for adoption at Step 8 or 5/8, approximately 120 provisions for the use of the following additives: Aspartame-Acesulfame Salt, Caramel III – Ammonia process, Caramel IV – Sulfite Ammonia Process, Carmines, Beta-Carotenes (Vegetable), Carotenoids, Chlorine Dioxide, Cyclamates, Fast Green FCF, Grape Skin Extract, p-Hydroxybenzoates, Iron Oxides, Nisin, Phosphates, Ponceau 4R (Cochineal Red A), Riboflavins, Saccharins, Sorbates, and Sucroglycerides.

- **U.S. POSITION:**

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- The United States **can agree, in general**, to the adoption of these food additive provisions, but may wish to note with regard to provisions for food and color additives that they have not been approved for use in the U.S. due to unresolved safety concerns. In particular:
  - Cyclamates (INS 952(i), (ii), (iv)); functional effect of Sweetener: Cyclamates are prohibited in foods sold in the U.S. due to unresolved safety concerns.
  - Ponceau 4R (Cochineal Red A) (INS 124); functional effect of Color: Ponceau 4R (Cochineal Red A) is prohibited from foods sold in the U.S. due to unresolved safety concerns.
  - The U.S. may also wish to note that in order for Fast Green FCF (INS 143) to be used as a color additive in the U.S. it must be batch certified as FD&C Green No. 3.

- **POSITIONS OF OTHER KEY DELEGATIONS:**

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- The following countries requested that specific reservations to the adoption of GSFA provisions be noted in the report of the 42<sup>nd</sup> (2010) CCFA (ALINORM 10/33/12):
  - The EU expressed its reservation to the recommendation to adopt the provision for Ponceau 4R (INS 124) in food category 06.8.1 "Soybean-based beverages" (ALINORM 10/33/12, para. 56).
  - Colombia expressed its reservation to the recommendation to adopt the provision for fast green FCF (INS 143) in food category 06.4.3 "Pre-cooked pastas and noodles and like products" (ALINORM 10/33/12, para. 56).
  - Argentina expressed its reservation to the recommendation to adopt provisions for the use of Caramel III – Ammonia Process (INS 150c) in food categories 05.1.2 "Cocoa mixes (syrups)" and 05.1.4 "Cocoa and chocolate products" (ALINORM 10/33/12, para. 59).

***Proposed Draft Guidelines on Substances Used as Processing Aids (ALINORM 10/33/12, para. 125 and App.VIII)***

- **BACKGROUND:**

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- The 2010 CCFA Committee agreed to forward the proposed draft Guidelines on Substances Used as Processing Aids for adoption at Steps 5/8 (ALINORM 10/33/12, para. 125 and App. VIII).

- **U.S. POSITION:**

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- The U.S **can support** the adoption of the Guidelines on Substances Used as Processing Aids.

***Proposed Draft Amendments to the International Numbering System for Food Additives (ALINORM 10/33/12, para. 134 and App. IX)***

• ***BACKGROUND:***

- The 2010 CCFA recommended the addition of new food additives and the amendment of existing entries (i.e., INS numbers, additive names and technological purposes) in the International Numbering System for Food Additives (CAC/GL 36-1989) as outlined in ALINORM 10/33/12, para. 134 and App. IX.
- The proposed amendments were discussed, and it was agreed to forward them for adoption at Step 5/8.

• ***U.S. POSITION:***

- The U.S. **can agree on the advancement** of the proposed amendments for final adoption.
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***Proposed Draft Specifications for the Identity and Purity of Food Additives Arising from the 71st Meeting of JECFA (ALINORM 10/33/12, para. 142, App. X)***

• ***BACKGROUND:***

- The 2010 CCFA forwarded 28 food additive specifications (new and revised) to the Commission for adoption at Step 5/8 as Codex specifications.

• ***U.S. POSITION:***

- The United States **can agree to the adoption** of these specifications.



After April 2010

## CCGP: Codex Committee on General Principles

### *Proposed Draft Revised Code of Ethics for International Trade in Foods (ALINORM 09/32/33, para. 43 and Appendix II)*

#### • **BACKGROUND:**

- Work on the revision of the Codex Code of Ethics for International Trade in Food has been on-going for a considerable period of time. Initial proposals for the revision involved removal of multiple references to various Codex texts. The revision became controversial and consensus was difficult because:
  - Countries questioned whether a Code of Ethics was needed in light of the WTO/SPS and TBT Agreements.
  - In addition to ethics provisions associated purely with food trade, some countries wished to include other issues related to food security, food aid and technical assistance, and the re-export of unsafe and unsuitable food.
  - A lengthy debate lasting several sessions occurred.
  - The debate included a referral to the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) to determine whether CCFICS-developed texts on food import/export control included guidance on the subject of the re-export of unsafe/unsuitable food.
  - As a result of these discussions, specific provisions were included relating to concessional and food aid and the re-exporting of unsafe/unsuitable food.
  - At the 2009 Session of the CCGP, despite reservations from several CCLAC countries, the Committee forwarded a streamlined and shortened Code which contained a set of principles concerning the ethical trade of food to the CAC for adoption.
  - At the 32<sup>nd</sup> (2009) Session of the CAC, the CCLAC countries reiterated their opposition and the CAC agreed to send the document back to the Committee for consideration of written comments at its next session.
  - At the 2010 Session of CCGP, the Committee confirmed this understanding and made further revisions to the text including:
    - the addition of concessional and food aid transactions to the title of the document;
    - the addition of a provision relating to shelf-life; and
    - the re-inclusion of a reference to WHO World Health Assembly Resolutions relating to breast-feeding and the international code of marketing for breast milk substitutes.
    -

#### • **U.S. POSITION:**

- The U.S. **supports adoption** of the Proposed Draft Code of Ethics for International Trade in Food Including Concessional and Food Aid Transactions at Steps 5/8 with the omission of Steps 6 and 7 without any changes.

- ***POSITIONS OF OTHER KEY DELEGATIONS: \_***

- The African nations strongly support this document and were very active in the last session of CCGP in putting forth suggested revisions. The delegate from Kenya was responsible for including the reference to the advantages of breast feeding.
- The EU was very supportive of this document and was responsible for some of the revised language
- The CCLAC countries were vehemently opposed to the document as many believed that the SPS/WTO Agreements addressed ethical responsibilities. However, it is important to note that several of the CCLAC countries believed they were not treated respectfully by the Chair, CCGP in 2009, and that consensus was declared on this document over their vociferous objections to it.

## **CCPR: Codex Committee on Pesticide Residues**

### ***Draft Maximum Residue Limits at Step 8 (ALINORM 10/33/24, Appendix II)***

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- 221 Boscalid for Banana
- 96 Carbofuran for oranges, sweet sour (including orange-like hybrids); several cultivars and mandarin
- 146 Carbosulfan for oranges, sweet sour (including orange-like hybrids); several cultivars and mandarin
- 94 Methomyl for apple

### ***Proposed Draft Maximum Residue Limits at Step 5/8 (ALINORM 10/33/24, Appendix II)***

- 155 Benalaxyl (7 commodities)
- 221 Boscalid (35 commodities)
- 173 Buprofezin (18 commodities)
- 90 Chlorpyrifos-Methyl(10 commodities)
- 118 Cypermethrins (including alpha- and zeta- cypermethrin) (8 commodities)
- 197 Fenbuconazole(5 commodities)
- 235 Fluopicolide(17 commodities)
- 194 Haloxyfop(4commodities)
- 176 Hexythiazox(20 commodities)
- 216 Indoxacarb(13 commodities)
- 236 Metaflumizone(12 commodities)
- 209 Methoxyfenozide(23 commodities)
- 57 Paraquat(2 commodities)
- 142 Prochloraz(1 commodities)
- 232 Prothioconazole(10 commodities)
- 237 Spirodiclofen(20 commodities)
- 227 Zoxamide(14 commodities)
-

- **BACKGROUND:**

- Approximately 217 MRLs, based on the consideration of 21 pesticides, were advanced to Step 8 for adoption by the CAC.
- This was the fifth year that the accelerated procedure, along with the criteria for decision-making, were used with great success --211 of these 217 MRLs were advanced using the accelerated 5/8 procedure.
- An additional 52 pesticide/commodity MRLs for four pesticides were advanced to Step 5 only, either as the result of the identification of a potential dietary intake concern by the JMPR or as the result of a country's expressed concern based on the availability of additional information not previously considered by the JMPR.

- **U.S. POSITION:**

- The United States **supports** adoption of these MRLS.
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## **CCCF: Codex Committee on Contaminants in Food**

*Proposed Draft Maximum Levels for Melamine in Food (powdered infant formula and foods other than infant formula) and Feed (ALINORM 10/33/41, para. 68 and Appendix IV)*

- **BACKGROUND:**

- The 2010 CCCF considered the draft MLs of 1.0 mg/kg for powdered infant formula and 2.5 mg/kg for foods (other than infant formula) and animal feed recommended by the EWG led by Canada.
- Canada noted that these MLs applied to melamine resulting from non-intentional and unavoidable presence in food or feed from approved uses of melamine and from the use of substances which can give rise to melamine contamination and not the deliberate addition of melamine to food and feed.
- CCCF agreed to forward the draft MLs to the 33<sup>rd</sup> (2010) Session of the CAC for adoption at Step 5/8 with the recommendation to omit Steps 6 and 7.

- **U.S. POSITION:**

- The United States **supports** adoption of the MLs at Step 5/8 with the recommendation to omit Steps 6 and 7.

***Proposed Draft Maximum Levels for Total Aflatoxins in shelled, ready-to-eat Brazil Nuts and shell, destined for further processing Brazil nuts(including sampling plans) (ALINORM 10/33/41, para. 76 and Appendix V)***

• ***BACKGROUND***

- CCCF agreed to forward the proposed draft MLs of 10 µg/kg for shelled, ready to eat Brazil nuts and 15 µg/kg for shelled, destined-for-further-processing Brazil nuts to the 2010 CAC for adoption at Step 5/8 with the recommendation to omit Steps 6 and 7.
- CCFL also agreed to not set any ML for in-shell Brazil nuts.
- Brazil expressed its reservation to the decision on in-shell Brazil nuts.
- The Committee further agreed that the sampling plans for total aflatoxins in Brazil nuts should be integrated into the sampling plans for aflatoxin contamination in ready-to-eat treenuts and treenuts destined for further processing and amended the document accordingly.

• ***U.S. POSITION***

- The U.S. **supports** adoption of the MLs at Step 5/8 with the recommendation to omit Steps 6 and 7.

***Proposed Draft Revision to the Code of Practice for the Prevention and Reduction of Aflatoxin in Tree Nuts (Additional Measures for Brazil Nuts) (GSCTF) at Step 5/8 (ALINORM 10/33/41, para. 85 and Appendix VI)***

• ***BACKGROUND***

- The Delegation of Brazil introduced the document highlighting the additional measures for Brazil nuts that should be incorporated in the appendix on Additional Measures for Brazil Nuts in the Code of Practice for the Prevention and Reduction of Aflatoxin Contamination in Tree Nuts (CAC/RCP 59-2005).
- CCCF agreed to forward the proposed draft revision to the 2010 CAC for adoption at Step 5/8 with the omission of Steps 6 and 7.

• ***U.S. POSITION***

- The United States **supports** the adoption of the proposed draft revision at Step 5/8 with omission of Steps 6 and 7.

## CCFL: Codex Committee on Food Labelling

*Proposed draft amendment to the Guidelines on nutrition labelling (CAC/GL 2-1985) at Steps 5/8 (new section 4 on Principles and criteria for legibility of nutrition labelling (para. 78, Appendix IV)*

### • **BACKGROUND:**

- The U.S. chaired the WG on the proposed draft criteria/principles for the legibility of nutrition labels.
- The criteria include recommendations on general principles as well as specific features of presentation, such as format, order of nutrient declaration, font, contrast between text and background, and numerical declaration.
- The draft criteria/principles also include a provision, which allows countries flexibility in determining presentation of nutrition information.
- Such flexibility is needed for countries to adjust presentation features based on their consumer needs and practical concerns of industries.
- CCFL considered exemptions and special provisions, such as presentation of nutrition labeling of information on small packages and the declaration of insignificant amounts of nutrients, but decided not to pursue work in these areas, recognizing that these issues were outside the scope of work on legibility of nutrition labelling.
- CCFL discussed the draft criteria/principles section by section and addressed all of the text that was in square brackets and made editorial changes, which the U.S. supports. None of the text currently remains in square brackets[ ].
- CCFL then agreed to advance this to Step 5/8.

### • **U.S. POSITION:**

- The U.S. **supports** adoption of this text at Step 5/8.
- The U.S. **supports** the draft criteria/principles as they represent the basic principles and criteria to ensure legibility of nutrition labeling.
- **In general, the U.S. supports these modifications** since they still allow for flexibility at a national level for countries to determine additional specific features of presentation, as needed, to enhance the legibility of nutrition labels.

### • **POSITIONS OF OTHER KEY DELEGATIONS:**

- U.S. proposed and Brazil, Argentina, EU supported advancing the document to Step 5/8.
- Initially, Mexico supported by Costa Rica and Chile did not want to advance the document under the accelerated Step 5/8 procedure and instead preferred to only advance it to Step 5. They noted that not all of the Latin American delegations were present at the Session and, therefore, did not have an opportunity to review the current document.
- The Codex secretariat clarified that there was still opportunity to comment on the document prior to adoption by the Commission.
- Mexico, Costa Rica, and Chile then conceded to advancement of the criteria/principles to step 5/8. No other countries voiced objections or reservations.

## Part 2 – Other Standards and related texts submitted for adoption

### CCMMP: Codex Committee on Milk and Milk Products

#### *Revised Food Additive Listings of Standards for Milk and Milk Products (ALINORM 10/33/11, para. 74 Appendix IV)*

- **BACKGROUND:**

- The 2008 session of the CCFA noted that there were a number of inconsistencies in the names of additives with INS nomenclature, and therefore requested the Secretariat to review all provisions to make them consistent with INS nomenclature.
- The 2010 Session of CCMMP agreed on a list of corrections in the food additive sections of the Codex dairy standards and forwarded it to CCFA for endorsement and subsequent adoption by the 2010 Session of the CAC.
- These corrections related to inconsistencies between the Codex dairy standard's food additive listings and the International Numbering System (INS) document (CAC/GL 36-1989) and included updating INS numbers and functional classes.

- **U.S. POSITION:**

- The United States **supports** the adoption of the Revised Food Additives Listings for Milk and Milk Products.

#### *Revised Model Export Certificate for Milk and Milk Products (CAC/GL 67-2008) (ALINORM 10/33/11, para. 95 Appendix V)*

- **BACKGROUND:**

- In view of the adoption of the Proposed Draft Generic Model Official Certificate, the 2009 CAC agreed to request CCMMP to revise the Model Export Certificate for Milk and Milk Products to ensure consistency with the Generic Model Official Certificate.
- The 2010 Session of the CCMMP agreed to retain the Model Export Certificate for Milk and Milk Products and to align it with the Generic Model Official Certificate.
- CCMMP recommended that CCFICS take into account the specificities of the Model Export Certificate for Milk and Milk Products in any future revision of the Generic Model Official certificate (Annex to the Guidelines for Design, production, Issuance and Use of the Generic Official Certificates (CAC/GL 38-2001)).
- When such revision has been completed and the specificities for milk and milk products have been adequately addressed, consideration could be given to the revocation of the *Model Export Certificate for Milk and Milk Products*.
- CCMMP agreed to forward the revised *Model Export Certificate for Milk and Milk Products* (CAC/GL 67-2008) to the 2010 Session of the CAC.

- **U.S. POSITION:**

- The U.S. **supports** the adoption of the revised *Model Export Certificate for Milk and Milk Products* (CAC/GL 67-2008) and the recommendations to CCFICS.

<p><b><i>Review of the Contaminants Section in Standards for Milk and Milk Products</i></b> <b><i>(ALINORM 10/33/11, para.105)</i></b></p>
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- **BACKGROUND:**

- At the 2009 Session of the CAC it was agreed to replace the provisions for contaminants with the standardized provision as set out in the Procedural Manual for consistency throughout Codex standards and to refer the matter to the Committees concerned when specific technical arise that require more than editorial changes to the section on contaminants.
- CCMMP was of the view that the standard wording adopted by the CAC might not be applicable to milk and milk products and after some discussion, the Committee agreed to forward the following wording to the 2010 Session of the CAC for adoption and inclusion for milk and milk products, subject to endorsement by the relevant Codex Committees.

- **For inclusion in Section 5 of the milk product standards:**

- The products covered by this Standard shall comply with the Maximum Levels for contaminants that are specified for the product in the Codex General Standard for Contaminants and Toxins in Foods (CODEX STAN 193-1995).
- The milk used in the manufacture of the products covered by this Standard shall comply with the Maximum Levels for contaminants and toxins specified for milk by the Codex General Standard for Contaminants and Toxins in Foods (CODEX STAN 193-1995) and with the maximum residue limits for veterinary drug residues and pesticides established for milk by the CAC.

- **For inclusion in Section 5 of CODEX STANs 250-2006, 251-2006 and 252-2006**

- The products covered by this Standard shall comply with the Maximum Levels for contaminants that are specified for the product in the Codex General Standard for Contaminants and Toxins in Foods (CODEX STAN 193-1995).
- The milk used in the manufacture of the products covered by this Standard shall comply with the Maximum Levels for contaminants and toxins specified for milk by the Codex General Standard for Contaminants and Toxins in Foods (CODEX STAN 193-1995) and with the maximum residue limits for veterinary drug residues and pesticides established for milk by the CAC.
- The vegetable oils/fat used in the manufacture of the products covered by this Standard shall comply with the Maximum Levels for contaminants and toxins specified for the oils/fats by the Codex General Standard for Contaminants and Toxins in Foods (CODEX STAN 193-1995) and with the maximum residue limits for pesticides established for the oils/fats by the CAC.

- ***U.S. POSITION:***

- The U.S. **supports** the wording forwarded by the CCMMP to the 2010 Session of the CAC.

## **CCMAS: Codex Committee on Methods of Analysis and Sampling**

***Methods of Analysis in Codex Standards at different steps, including methods of analysis for natural mineral waters (ALINORM 10/33/23, paras. 57-82, Appendix II)***

- ***BACKGROUND:***

- Appendix II of ALINORM 10/33/23 contains the decisions of the CCMAS Committee on the STATUS OF ENDORSEMENT OF METHODS OF ANALYSIS AND SAMPLING that were submitted by the following Codex Committees:
  - Fish and Fishery Products
  - Milk and Milk Products
  - Nutrition and Foods for Special Dietary Uses
  - Natural Mineral Waters
  - Processed Fruits and Vegetables
- These methods were considered by the pre-session WG on Method Endorsement and final endorsement decisions made by the full CCMAS Committee during the plenary session.
- The endorsed methods will be included in draft standards and related texts under elaboration or as an update of current methods in Codex texts at various steps in the Codex process.

- ***U.S. POSITION:***

- The United States **supports** the endorsement of the methods of analysis for the standards and commodities as recommended by the Committee in Appendix II of ALINORM 10/33/23.

## **CCFA: Codex Committee on Food Additives**

***Amendment to the name and descriptors of food categories 06.0, 06.2 and 06.2.1 of the GSFA (ALINORM 10/33/12, para. 16)***

- ***BACKGROUND:***

- Based upon the draft Regional Standard for Edible Sago Flour as proposed by the 16th Session of the Coordinating Committee for Asia (CCASIA), the 2009 CCFA requested that the 2010 CCFA clarify whether sago flour was included under food category 06.2.1 (Flour).



- The 2010 CCFA agreed to clarify the scope of food category 06.2.1 by including sago flour in the descriptor, and to revise the title of food category 06.0 and the descriptors of food categories 06.2 and 06.2.1 to include “pith or soft core of palm tree” so as to reflect the inclusion of sago flour in these food categories.

- ***U.S. POSITION:***

- The U.S. **can agree on the advancement** of the proposed amendment for final adoption.

***Deletion of Note 180 “expressed as beta-carotene” in all adopted and proposed provisions for carotenoids (INS 160a(i), (iii), e, f) and carotene, beta- (vegetable) (INS 160a(ii)) of the GSFA (ALINORM 10/33/12, para. 61)***

- ***BACKGROUND:***

- Based on discussions held during the 2010 CCFA, the Committee agreed to delete Note 180 “Expressed as beta-carotene” in all adopted and proposed provisions in the GSFA for Carotenoids (INS 160a(i), (iii), e, f) and for Beta-Carotene (Vegetable) (INS 160a(ii)).

- ***U.S. POSITION:***

- The United States **can support** the decision of the 42nd CCFA to delete Note 180 from GSFA provisions for carotenoids and beta-carotene.

***Amendment of the provision for ascorbyl esters ((INS 304, 305) in food category 13.2 “Complimentary foods for infants and young children” of the GSFA (ALINORM 10/33/12, para. 90)***

- ***BACKGROUND:***

- The 2010 CCFA forwarded for adoption an amendment to the adopted provision for Ascorbyl Esters (INS 304, 305) in food category 13.2 “Complementary foods for infants and young children” by adding Note 15 (Fat or oil basis) for consistency with the Codex Standard for Canned Baby Foods (CODEX STAN 73-1981) and the Standard for Processed Cereal-Based Foods for Infants and Children (CODEX STAN 74-1981).

- ***U.S. POSITION:***

- The U.S. **can agree on the advancement** of the proposed amendment for final adoption.

***Amendment to Notes 130 and 131 associated with the provisions for phenolic antioxidants, i.e., butylated hydroxyanisole (BHA, INS 320), butylated hydroxytoluene (BHT, INS 321); propyl gallate (INS 310) and tertiary butylhydroquinone (TBHQ, INS 319), of the GSFA (ALINORM 10/33/12, para. 91)***

• ***BACKGROUND:***

- The 42nd CCFA recommended correcting inconsistencies in the application of Note 130 (Singly or in combination: butylated hydroxyanisole (BHA, INS 320), butylated hydroxytoluene (BHT, INS 321), tertiary butylhydroquinone (TBHQ, INS 319), and propyl gallate (INS 310)) and Note 133 (Any combination of butylated hydroxyanisole (BHA, INS 320), butylated hydroxytoluene (BHT, INS 321), and propyl gallate (INS 310) at 200 mg/kg, provided that single use limits are not exceeded) to the provisions for phenolic antioxidants Butylated Hydroxyanisole (BHA; INS 320), Butylated Hydroxytoluene (BHT; INS 321), Propyl Gallate (INS 310), and Tertiary Butylhydroquinone (TBHQ; INS 319).
- Recommendations were put forward by the Working Group on the GSFA (CRD 2, Appendix 9) that would correct all inconsistencies in GSFA notes associated with BHA, BHT, Propyl Gallate and TBHQ.
- 

• ***U.S. POSITION:***

- The U.S. **can agree to the advancement** of the proposed amendments in CRD 2, Appendix 9) to the GSFA notes.

***Amendment to the text of note 136 of the GSFA (ALINORM 10/33/12, para. 92)***

• ***BACKGROUND:***

- CCFA forwarded for adoption a revision to the current Note 136 “For use in white vegetables” in the GSFA, which is associated with provisions for sulfites in food categories 04.2.1.3 (Peeled, cut or shredded fresh vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweeds, and nuts and seeds)) and 04.2.2.1 (Frozen vegetables (including mushrooms and fungi, roots and tubers, pulses and legumes, and aloe vera), seaweeds, and nuts and seeds)), to read “To prevent browning of certain light coloured vegetables.”

• ***U.S. POSITION:***

- The U.S. **can agree on the advancement** of the proposed amendment to Note 136 for final adoption.

<sup>1</sup> The report of the 42<sup>nd</sup> CCFA (ALINORM 10/33/12) and CL 2010/7-FA, incorrectly states Note 131, it should be Note 133

***Amendment to Section 2 “Table of functional classes, definitions and technological purposes” of CAC/GL 36-1989 (ALINORM 10/33/12, para. 129)***

• ***BACKGROUND:***

- The 2010 CCFA proposed to amend Section 2 “Table of functional classes, definitions and technological purposes” of The Codex Class Names and the International Numbering System for Food Additives (CAC/GL 36-1989) such that the technological purpose “density adjustment” listed for the functional class “Emulsifier” would become “density adjustment agent.”

• ***U.S. POSITION:***

- The U.S. can **support** the proposed amendment to Section 2.

**CCCF: Codex Committee on Contaminants in Food**

***Proposed Maximum Level for Tin in Canned Food (excluding beverages) to various general standards for canned fruits and vegetables in the GSCTFF (ALINORM 10/33/41, paras. 18-22, Appendix II)***

• ***BACKGROUND***

- The Committee agreed to:
  - apply the ML for tin in canned food (excluding beverages) to the general standards for canned fruits and vegetables
  - replace product name in the GSCTFF by the group name in the general standard (i.e., canned stone fruits, canned citrus fruits, jams, jellies and marmalades and certain canned vegetables) and
  - insert the corresponding references associated with general standards for canned fruits and vegetables.

• ***U.S. POSITION***

- The United States **supports** applying the ML for tin in canned food (excluding beverages) to the general standards for canned fruits and vegetables and revisions to the product name with corresponding references.
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## **PART 3 - Standards and Related Texts Held at Step 8 by the Commission**

### **CCRVDF: Codex Committee on Residues of Veterinary Drugs in Food**

#### ***Draft MRLs for Bovine Somatotropin (ALINORM 95/31, Appendix II)***

- ***BACKGROUND:***

- The 23rd Session of the Commission (1999) decided to hold the draft MRLs for Bovine Somatotropin at Step 8.
- The 32<sup>nd</sup> Session of the Commission (2009) continued to note that there had been no request to change the status of the draft MRLs.
- The U.S. is unaware of any requests to change the status of the standard and therefore believes that the draft standard should continue to be held at Step 8.

- ***U.S. POSITION:***

- Although, adoption of BST at Step 8 is not expected to come before the 33rd Session of the Commission, if it does, the U.S. would support its adoption.

#### ***Draft Maximum Residue Limits for Ractopamine: para. 13-22, ALINORM 09/32/31***

- ***BACKGROUND:***

- Ractopamine was evaluated at the 62<sup>nd</sup> JECFA in 2004.
- At the 15<sup>th</sup> Session of CCRVDF (2004), the Committee agreed to hold the MRLs at Step 4 because of a lack of consensus regarding the recommended MRLs for Ractopamine.
- Ractopamine was again evaluated at the 66<sup>th</sup> JECFA in 2006
- At the 16<sup>th</sup> Session (2006) of CCRVDF, the Committee agreed to advance the MRLs for Ractopamine to Step 5.
- In 2006, the CAC adopted the draft MRLs to Step 6.
- At the 2007 session of CCRVDF, many delegations supported the advancement of MRLs in cattle and pig tissues to Step 8.
- The 2008 CAC agreed to hold the MRLs at Step 8 and requested Members to submit relevant information on the availability of scientific data to the 2009 CCRVDF session.
- The CAC asked requested CCRVDF to decide whether ractopamine should be included on the Priority list of substances for evaluation/re-evaluation by JECFA.
- The 2009 CCRVDF concluded that there was no significant new data available that would justify the inclusion of ractopamine in the Priority List for complete re-evaluation by the JECFA.
- (Para 66-79, ALINORM 09/32/REP)
- At the 2009 CAC, it was agreed to hold the draft MRLs for ractopamine at Step 8.
- JECFA was requested to review the new data submitted to the 18<sup>th</sup> CCRVDF (2009) by China with a focus on implications for these data on the recommended MRLs.

- A 2010 electronic JECFA evaluated the new residue data in swine and re-affirmed the recommended MRLs for sine muscle, liver, kidney and fat.
- The JECFA report's conclusion read as follows:

*"...based on the data provided, including those from the three breeds of pigs in the studies undertaken by the People's Republic of China, and corresponding dietary information, the recommended MRLs are compliant with the ADI as regards consumption of pig tissues of muscle, liver, kidney and fat. The estimated daily intake is approximately 50% of the upper bound of the ADI for a 60 kg person. Substituting specific organ tissue data in the model diet employed by the Committee for liver and kidney would result in dietary intakes that are still below the upper bound of the ADI, with the exception of lung tissue, where specific risk management measures may need to be considered. International food consumption data on offal and other organ tissues such as lung are lacking and further work should be undertaken to address this issue."*

- The 2010 Commission will consider the MRLs for ractopamine in the context of the outcome of the JECFA evaluation.

- ***U.S. POSITION:***

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- The U.S. **supports** adoption of the MRLs for ractopamine at Step 8.

## Agenda item 5: Proposed Draft Standards and Related Texts at Step 5

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### CCFFV: Codex Committee on Fresh Fruits and Vegetables

#### *Proposed Draft revision to the Standard for Avocado (Codex Stan 197-1995 (N19-2008) ALINORM 10/33/35, para. 69 and Appendix IV*

- **BACKGROUND:**

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- At the 1978 CCFFV Session the committee agreed to a request by Cuba for the revision of the Codex Standard for Avocadoes (CODEX STAN 197-1995) to reflect new avocado varieties, new trading practices and changes made to the UNECE Standard for Avocadoes.
- A WG group led by Cuba prepared and presented a proposal on the revision that clearly indicates the sections of CODEX STAN 197-1995 that needed revision.
- The following key provisions of the existing standard were outdated:
  - provisions concerning quality (maturity requirements), and
  - provisions concerning sizing.
- The 2009 Session discussed the WG's report and reconstituted the WG to continue the revision of the standard focusing on provisions concerning quality (maturity requirements), and provisions concerning sizing.
- The session also forwarded the Draft revised Codex Standard for Avocadoes to the Commission for adoption at Step 5.

- **U.S. POSITION:**

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- The U.S. **supports** the decision of the 2009 Session of the CCFFV to submit the text of the revised Codex Standard for Avocadoes for adoption at Step 5.
- Since most producers of Antillean/West Indian avocado varieties (including the U.S.) do not use "Dry Matter Content" to indicate maturity, nor do they use fixed sizes/sizing codes -- instead they size by the number of fruit per box-- the U.S would like the standard upon completion to reflect these widely accepted trading practices.
- The said requirements are generally not applied to Antillean/West Indian avocado varieties due to the thickness of the flesh, the irregular shape and size of the avocado, inconsistent dry matter content findings, lack of resources in some producing countries to conduct the scientific studies and different market acceptance practices.
- The U.S. draws the attention of the CAC to the fact that the existing standards do include sizing codes and Dry Matter Content requirements for Antillean/West Indian avocado varieties, but these are never applied in North America

- ***POSITIONS OF OTHER KEY DELEGATIONS***

- Most European Union countries and other producers of smaller avocado varieties want to impose maturity requirements as measured by “Dry Matter content” and fixed Sizing codes for all avocados.

***Proposed draft Standard for Tree Tomatoes (N18-2008) ALINORM 10/33/35, para. 99 and Appendix VI***

- ***BACKGROUND:***

- At the 2008 session of CCFFV, Colombia presented a proposal for the development of a Codex standard for tree tomatoes (tomarillo).
- At the 2009 Session a WG led by the delegation of Colombia presented the draft standards followed by a discussion.

- ***U.S. POSITION:***

- The U.S. **supports** the decision of the 2009 session of the CCFFV

- ***POSITIONS OF OTHER KEY DELEGATIONS***

- Some countries may oppose the standardization of the tree tomatoes.
- The EU and its member countries may continue supporting the decision of the 2009 CCFFV Session to demonstrate their concern for developing countries.

## **CCFFP: Codex Committee on Fish and Fish Products**

***Proposed Draft Standard for Smoked Fish, Smoke-Flavoured Fish and Smoke-Dried Fish (ALINORM 10/33/18, para. 98, Appendix VI), Step 5***

- ***BACKGROUND:***

- This Draft Standard has been discussed by the CCFFP for several years.
- Extensive discussions on the scope of the Standard and which products should be included.
- Several WG meetings were held on this matter and it was still being discussed at the last Session of the CCFFP.
- The Standard originally addressed smoked fish in general, but the discussion moved whether to include both hot and cold smoked fish to a standard that now includes three separate smoked fish products – smoked fish, smoke-flavoured fish, and smoke-dried fish.
- CCFFP has had considerable discussion about the processes and potential hazards associated with each of these products and how to include all three products in one standard.

- In order to accommodate the inclusion of these three products, the Standard has some unique concepts.
- Annex 2 was crafted by the U.S. It includes a table that provides examples of combinations of product attributes that minimize the likelihood of *Clostridium botulinum* toxin formation.
- It applies to smoked and smoke-flavoured fish, but not to smoke-dried fish because the required water activity of 0.85 or below inhibits the growth of all foodborne pathogens so that refrigeration is not required.
- The smoke-dried fish product is produced primarily in Africa and is included in this Standard to cover the traditional process(es) used there.
- There has been some confusion about how the table in Annex 2 should be used --- whether it is too prescriptive, and whether it would more appropriately be placed in the CP.
- The Annex is related to the final product and refers to product essential compositional attributes for safety, some of which are initially addressed in the Process Definition.
- It acknowledges that the science allows for alternative attributes depending upon conditions within the country of sale, but that it is important to base risk management options on science-based risk assessments in view of the serious risk to human health of the presence of *Clostridium botulinum* toxin in the products covered by this Standard.
- It may be appropriate for the CP for smoked fish products to address how to achieve the attributes in the table, but it is essential that the attributes be provided in the Standard.
- A physical WG held before the last Session of the CCFFP worked through the definitions again as well as through most of the remaining sections of the Standard and was able to guide the CCFFP through the document in plenary.
- Although the definitions appear to be sorted through now, the CCFFP still has some discussion to take up on use of salt in the smoking process for these products and to include that in the definition(s). In addition to finalizing discussion on the definitions section, the CCFFP should also complete discussions on the food additive section and may need to review the sections related to parasites, methods for water activity, and decomposition/histamine before finalizing at Step 8.

• ***U.S. POSITION:***

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- The U.S. supports adoption of the Draft Standard for Smoked Fish, Smoke-Flavoured Fish and Smoke-Dried Fish at Step 5, but would like to reserve the right to submit additional comments on the sections mentioned above.

• ***POSITIONS OF OTHER KEY DELEGATIONS:***

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- The Netherlands led the physical WG held just prior to the start of this plenary Session. They were in support of the Standard moving forward at Step 5 and will also be working to revise the related Draft Code of Practice to reflect the actions taken on the Standard.
- Overall it seemed that most delegations supported the Draft Standard moving forward at Step 5, but acknowledged that continued discussions were necessary.



**Proposed Draft Standard for Fish Sauce (ALINORM 10/33/18, para.144, Appendix IX), Step 5**

• **BACKGROUND:**

- This Draft Standard was proposed jointly by Vietnam and Thailand as the product is largely produced in those countries.
- The CCFFP started discussing the Draft Standard in 2008 and has considered the scope with regard to the type of fish and the fermentation techniques that can be used to produce the product.
- The CCFFP agreed that the Draft Standard applies only to fish sauce prepared with fish (not shellfish or other fisheries), but allows for preparation using traditional fermentation technologies that take 6 months or longer as well as fermentation through the use of inoculums and synthetic enzymes to speed or guide fermentation.
- Vietnam and Thailand worked to revise the Draft Standard prior to the most recent Session of the CCFFP with assistance from the U.S, Cambodia, Japan and Germany.
- The CCFFP discussed all sections of the revised Draft Standard at the last Session and agreed to move it forward to Step 5, but there are still some items remaining for discussion.
- Thailand provided a background paper supporting the conclusion that the current standard of 200 ppm histamine concentration or a standard of 400 ppm would not greatly affect risk to consumers.
- The CCFFP agreed to retain the language indicating that the product shall not contain more than 40mg histamine/100g fish sauce in any sample unit tested and also discussed whether there should be reference to a sampling plan for histamine, but left the language unchanged as a sampling plan for histamine determination has not been developed.
- CCFFP also discussed the need to include a provision for biotoxins in the section on contaminants, but FAO and Vietnam pointed out that finfish do not pose a biotoxin risk and that no document supported the inclusion of biotoxins in the Draft Standard.
- Some discussion over whether the production of fish sauce should be limited to production from fish species which did not accumulate biotoxins such as ciguatoxin and tetrodotoxin, but the CCFFP decided not to include specific mention of biotoxins in this section. This issue will likely be reviewed again during the next Session.
- The CCFFP discussed the naming provisions and decided that fish sauce produced with only fish and salt or brine could be labeled as “natural fermentation” and that it was not practical to require the common or usual name of the fish used to produce the fish sauce because it is often made with more than one species. The CCFFP agreed to advance the Proposed Draft Standard to Step 5 for adoption by the Commission.

• **U.S. POSITION:**

- The U.S. supports adoption of the Draft Standard for fish sauce at Step 5, but would like to reserve the right to submit additional comments on the document.
- The U.S. is considering further comment on the issue of biotoxins and, although not yet discussed by the CCFFP, is also considering whether and/or how control of *Clostridium botulinum* needs to be addressed.
- The U.S. pointed out during the Session that although traditional fermentation and assisted fermentation generally take 6 months or longer to process at this time, in the future fermentation may take less time as technology advances.

• ***POSITIONS OF OTHER KEY DELEGATIONS:***

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- Thailand and Vietnam were initially concerned about allowing fermentation processes that included the use of inoculums or synthetic enzymes, but they did agree as long as the product produced with just fish and salt or brine could be labeled as being produced through “natural fermentation.”
- Japan proposed adding language on the biotoxin hazard. Others agreed that this needed further consideration at the next Session.
- The Committee appeared to be in general agreement that the Draft Standard could be advanced to Step 5, but acknowledged that continued discussion and review is needed.

## **TFAMR: Task Force on Anti-Microbial Resistance**

***Proposed draft Guidelines for Risk Analysis of Foodborne Antimicrobial Resistance (ALINORM 10/33/42, para. 24, Appendix II)***

• ***BACKGROUND:***

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- The ad hoc Intergovernmental Task Force on Antimicrobial Resistance was created by the 29th Session of the CAC. The Task Force is hosted by the Republic of Korea and has a time frame of four sessions, which started in 2007. Its final meeting is scheduled for October 2010.
- The Task Force objective is to develop science-based guidance to be used:
  - to assess the risks to human health associated with the presence in food and feed, including aquaculture, and the transmission through food and feed of antimicrobial resistant microorganisms and antimicrobial resistance genes and
  - to develop appropriate risk management advice based on that assessment to reduce such risk.
- The Task Force made significant progress in its third meeting in October 2009 through four intersession working groups on the following topics:
  - Table 1 on risk management options,
  - monitoring and surveillance,
  - figures, and
  - definitions.
- The Task Force agreed to forward the proposed draft guidelines titled Proposed Draft Guidelines to the 33rd Session of the CAC for adoption at Step 5.
- In order to facilitate the discussion and finalization of the document at its next session in October 2010, the Task Force agreed to establish a physical WG, chaired by Canada, to meet immediately prior to the session to further consider Appendix 1, “Elements of Risk Profile” and prepare a revised document on the basis of comments submitted for consideration in the Plenary.

• ***U.S. POSITION:***

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- The U.S. supports advancement of the proposed guidelines to Step 5.

• **POSITIONS OF OTHER KEY DELEGATIONS:**

- Key delegations all support advancement of the proposed guidelines to Step 5.

## **CCNFSDU: Codex Committee on Nutrition and Foods for Special Dietary Uses**

*General Principles for Establishing Nutrient Reference Values of Vitamins and Minerals for General Population (N06-2008) (ALINMORM 10/33/26, para. 86, Appendix III)*

• **BACKGROUND:**

- The Committee reviewed the draft principles section by section and agreed on a number of revisions that addressed, among other things, definitions, selection of suitable data sources to establish vitamin and mineral Nutrient Reference Values (NRVs) and the appropriate basis for these NRVs.
- Substantial progress was made on the general principles and the Committee agreed to forward them to the 2010 CAC Session for adoption at Step 5.

• **U.S. POSITION:**

- The U.S. **supports** the preliminary adoption of General Principles for Establishing NRVs of Vitamins and Minerals for the General Population at Step 5.

## **CCMAS: Codex Committee on Methods of Analysis and Sampling**

*Proposed Draft Revised Guidelines for Measurement Uncertainty (N10-2008) ALINORM 10/32/23 para. 56, Appendix IV To be included as an Annex to the Guidelines on Measurement Uncertainty (CAC/GL 54-2004)*

• **BACKGROUND:**

- At the last CCMAS session, the Committee had agreed to return the Proposed Revised Draft Guidelines for redrafting by an EWG group led by the UK.
- These redrafted Guidelines were then sent for comments at Step 3 and consideration at the current CCMAS session.
- The revision of the Guidelines was intended to provide simple explanatory notes to clarify the significance and implications of measurement uncertainty that were to be included as an Annex to the Guidelines on Measurement Uncertainty (CAC/GL 54-2004).
- These explanatory notes to the Guidelines are related only to analytical measurement uncertainty and not to uncertainty of sampling, as previously agreed by the Committee.
- The U.S. and several delegations, while supporting explanatory notes, pointed out that some of the provisions went beyond the scope of the Guidelines and some

recommendations were too prescriptive as they referred to decisions that should be made by governments when assessing compliance with standards.

- The Committee went line by line through the document and made many changes.
- It was agreed that no reference should be made to accreditation as in the framework of Codex it is only required to comply with the provisions of ISO/IEC 17025:2005.
- The Committee also agreed to delete the section from the EURACHEM Guide and the list of references as all other texts should be included by reference in the reference section at the end of the document.
- It was agreed that these references were useful for information purposes, but an introductory sentence was added to reflect that they were not endorsed by Codex except when specified in Codex Guidelines.
- Several delegations expressed the view that the section on the Use of Measurement Uncertainty and Definitions of a Dispute Situation addressed the question of dispute settlement and could create confusion or duplication with the Guidelines for Settling Disputes on Analytical (Test) Results adopted in 2009.
- CCMAS therefore agreed to delete this section as it was proposed to discuss the issues associated with dispute situations and uncertainty of sampling from a general perspective under another Agenda item.
- Following the fairly extensive rewriting, the Committee agreed to advance the Proposed Draft Guidelines, as amended during the session, for adoption at Step 5 by the 2010 CAC (ALINORM 10/33/23, Appendix IV).

- ***U.S. POSITION:***

- The United States **supports** the adoption of the Proposed Revised Draft Guidelines for Measurement Uncertainty at Step 5.

## **CCPR: Codex Committee on Pesticide Residues**

<b><i>Proposed Draft Maximum Residue Limits for pesticides (ALINORM 10/33/24 paras. 28-85, Appendix IV)</i></b>
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- ***BACKGROUND:***

- 52 pesticide/commodity MRLs for the following 4 pesticides were advanced to Step 5 only, either as the result of the identification of a potential dietary intake concern by the JMPR or as the result of a country's expressed concern based on the availability of additional information not previously considered by the JMPR:
  - 90 Chlorpyrifos-Methyl (8 commodities)
  - 197 Febuconazole (12 commodities)
  - 235 Fluopicolide (3 commodities)
  - 194 Haloxyfop (23 )

- ***U.S. POSITION:***

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- The United States **supports** adoption of these MRLS.

***Proposed Draft Revision of the Codex Classification of Foods and Animal Feeds --  
Proposals for Three Commodity Groups: Tree Nuts, Herbs and Spices (ALINORM  
10/33/24, para. 105, Appendix X)***

- ***BACKGROUND:***

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- An EWG co-chaired by the Netherlands and the U.S., provided resolution for the remaining issues with the eight commodity groups -- bulb vegetables; fruiting vegetables, other than cucurbits; berries and small fruits; edible fungi; citrus fruits; pome fruits; stone fruits; and oilseeds and the Committee agreed to retain these eight commodity groups, as amended during the Session, at Step 7.
- The U.S. stressed the importance of the early completion of the revision of the classification so that the revised commodity groups could be implemented in international trade as soon as possible. This would assist in promoting MRL harmonization and removing technical barriers to trade.
- The U.S. noted that although CCPR had agreed at the beginning of the revision process that revised individual commodity groups should not be adopted until all the revisions had been completed, after resolving the coding issues at the last session of the Committee, it might be possible to advance all commodity groups within a particular commodity type as they are completed.
- In particular the fruit types -- berries and small fruits, citrus fruit, pome fruit and stone fruit -- which had been completed by the 2010 session of the Committee, and the tropical fruits that could be completed by the next session of the Committee, could all be advanced together.
- The Committee agreed that if all of the fruit types were completed by 2012, consideration would be given to advancing them to Step 8, for inclusion in the Classification system.
- This is a major step forward in this important effort.
- The Committee also agreed to forward the proposed draft revision of the Classification for the 3 commodity groups Tree Nuts, Herbs, and Spices, to the CAC for adoption at Step 5.
- The Committee further agreed to re-establish the EWG led by the Netherlands and the U.S. to prepare new draft proposals for assorted tropical and sub-tropical fruits-edible peel, assorted tropical and sub-tropical fruits-inedible peel, leafy vegetables (including brassica leafy vegetables) and brassica (cole or cabbage) vegetables, cabbage, head and flowerhead cabbages according to the schedule previously agreed to by the Committee.

- ***U.S. POSITION:***

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- The United States **supports** this work at Step 5.
- The revision of the Classification and the use of crop groupings and representative crops to establish MRLs is very important, especially for minor crops.

- Several efforts were underway in this area and the U.S. worked to consolidate these under Codex to result in a harmonized global system of Classification—much of which is based on the work currently underway in the US to revise our crop groupings.

***Proposed Draft Principles and Guidelines for the Selection of Representative Commodities for the Extrapolation of Maximum Residue Limits for Pesticides for Commodity Groups (ALIORM 10/33/22 para. 53 and Appendix II)***

- ***BACKGROUND:***

- A new draft paper concerning principles and guidance on the selection of *representative commodities* was returned again for revision and further discussion at the 43rd CCPR.
- Gaining support for these proposals is critical because using representative commodities allows establishment of MRLs for many minor crops (based on the residue data from the representative commodities).
- The U.S. noted that it would be most efficient to complete the proposals for the “Fruit Types” by the time revision of the Classification for “Fruit Types” is completed.
- Having the revision to the Classification without the guidance on the selection of representative commodities is of limited usefulness. It is important to emphasize this fundamental concept whenever the revision of the Classification is discussed.

- ***U.S. POSITION:***

- The United States **supports** this work at Step 5.
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## **CCFL: Codex Committee on Food Labelling**

***Proposed Draft Revision of the Guidelines on Nutrition Labelling (CAC/GL 2-1985) concerning the list of nutrients that are always declared on a voluntary or mandatory basis (at Step 5) (ALINORM 10/32/22 para. 53 and Appendix II)***

- ***BACKGROUND:***

- At the 2010 CCFL session, the Committee addressed the inclusion of sodium/salt, added sugars, dietary fibre and trans fatty acids on the list of nutrients in section 3.2.1.2 of the Guidelines of Nutrition.
- Regarding sodium/salt, there was general agreement that sodium should be declared, but the Committee debated on the terminology used, i.e., whether to use the term sodium or salt.
- Some countries consider sodium as the correct terminology for the nutrient of public health concern, while other countries argue that the term ‘salt’ is more understandable to their consumers.
- The Committee agreed to re-establish the electronic WG led by New Zealand on the different approaches to declare sodium/salt on food labeling to aid consumer choice of foods lower in sodium/salt and to make recommendations at the next CCFL session.

- Regarding added sugars, delegations who supported excluding 'added sugars' argued that there were no analytical methods to differentiate between intrinsic and added sugars, thus creating difficulties for enforcement,
- It was also raised that the human body could not differentiate between total sugars and added sugars.
- Also, some delegations argued that added sugars could be addressed through other means than in a nutrient declaration.
- Other delegations supported retaining 'added sugars,' since its declaration would assist consumers in making informed choices that would result in the reducing intake of foods high in extrinsic or added sugars and deleting it would be against the advice of the WHO Global Strategy on Diet, Physical Activity and Health. The Committee ultimately agreed not to include 'added sugars' in the list of nutrients.
- Regarding dietary fiber, some delegations supported its deletion since it was not a nutrient identified in the Global Strategy and the labeling of dietary fibre is best dealt by national legislations.
- Other delegations supported its retention because it addresses a significant public health concern.
- The Committee indicated that dietary fibre could be included at the national level according to section 3.2.1.4 without its explicit mention, and therefore agreed not to include dietary fibre in the list of nutrients.
- Regarding trans-fatty acids, some delegations argued that the labeling of trans-fatty acids is better dealt with at national level, given the high degree of variability of trans-fatty acids in diets of different countries.
- Other delegations argued that trans-fatty acids be retained on the list since it addresses a public health concern.
- The Committee ultimately agreed not to include trans-fatty acids in the list in 3.2.1.2. and to include a footnote to section 3.2.1.4 to indicate that in countries where the level of intake of trans-fatty acids is a public health concern, consideration could be given to declaration of trans-fatty acids in nutrition labeling.

- ***U.S. POSITION:***

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- The U.S. **did not state a position** on the declaration of added sugars at the Committee meeting. In its written position it noted work on revision on nutrition labeling that is currently underway.
- The U.S. **supports** including dietary fiber and trans fatty acids, as defined by the CCNFSDU in the list of mandatory nutrients; however, we recognize the Committee recommendation that section 3.2.1.4 gives countries the flexibility for declaration of these nutrients when there is a public health justification.
- The U.S. **also supports** including sodium in the list of mandatory nutrients since it is the more accurate term for nutrients and believes that existing Codex text offers flexibility for countries to provide supplementary information regarding the 'salt' content of foods.

## Agenda Item 6: Revocation of Existing Codex Standards and Related Texts...

### CCFFP: Codex Committee on Fish and Fish Products

*Recommended International code of practice for lobsters (CAC/RCP 24-1979)  
ALINORM 10/22/18, para. 27*

- **BACKGROUND:**

- This is a housekeeping exercise initiated by the Codex Secretariat that will be completed contingent upon the adoption of the new CP for lobsters.

*Recommended International Code of Practice for Crabs (CAC/RCP 28-1983)ALINORM 10/33/18, para. 47*

- **BACKGROUND:**

- This is a housekeeping exercise initiated by the Codex Secretariat that will be completed contingent upon the adoption of the new CP for crabs.

### CCMMMP: Codex Committee on Milk and Milk Products

*General Standard for Process(ed) Cheese and Spreadable Process(ed) Cheese (CODEX STAN 286-1978) ALINORM 10/33/11, para. 41*

*General Standard for Process(ed) Cheese Preparations Process(ed) Cheese Food and Process(ed) Cheese Food and Process(ed) Cheese Spread (CODEX STAN 287-1978) (ALINORM 10/33/11, para. 41)*

*General Named Variety Process(ed) Cheese and Spreadable Process(ed) Cheese (CODEX STAN 285-1978 ALINORM 10/33/111, para. 41*

- **BACKGROUND:**

- At the 2010 CCMMP, It was agreed to recommend revocation of the three existing Processed Cheese standards as they were outdated and not used by the industry.

- **U.S. POSITION:**

- The U.S. **supports** the discontinuation of work and revocation of the three existing standards.



## CCFA: Codex Committee on Food Additives

### *Revocation of Food Additive Provisions of the General Standard for Food Additives (GSFA) (ALINORM 10/33/12, para. 62 and App. IV)*

- **BACKGROUND:**

- The 42<sup>nd</sup> CCFA forwarded 6 provisions for Caramel III – Ammonia Process (INS 150c) and one provision for Caramel IV – Sulfite Ammonia Process (INS 150d) for revocation (ALINORM 10/33/12, App. IV).

- **U.S. POSITION:**

- The U.S. **can support** the revocation of these provisions from the GSFA.

### *Revocation of the original Inventory of Processing Aids (CAC/MISC 3) (ALINORM 10/33/12, para. 124)*

- **BACKGROUND:**

- As a result of the completion of the work on the proposed draft Guidelines on Substances Used as of Processing Aids, and the decision to develop a database for substances used as processing aids, the CCFA agreed to recommend revocation of the original Inventory of Processing Aids (CAC/MISC 3).

- **U.S. POSITION:**

- The United States **can support** the revocation of the original Inventory of Processing Aids.

## CCPR: Codex Committee on Pesticide Residues

### *MRLS for pesticide/commodity combinations*

- **U.S. POSITION**

- The U.S. **supports** revocation of these MRLs.

**Agenda Item 7 Amendments to Codex Standards and Related  
Texts**

**CCCF: Codex Committee on Contaminants in Foods**

*Delete the entries for dioxins*

• **AMENDMENT:**

- Delete the entries for dioxins in Schedule 1: Index of contaminants and in Schedule 1: Others.

• **JUSTIFICATION:**

- As no ML has been established for this compound, this is in line with the decision not to list compounds without MLs in the General Standard for Contaminants and Toxins in Food and Feed (GSCTFF).
- In the column “notes/remarks for Codex Alimentarius” in Schedule I delete “for Codex Alimentarius.”

• **U.S. POSITION**

- The U.S. **supports** this amendment.
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**CCFL: Codex Committee on Food Labelling**

*Guidelines on Nutrition and Health Claims (CAC/GL 23-1998)*

• **AMENDMENT**

- Editorial amendment to the Guidelines on Nutrition and Health Claims – table for conditions for nutrients contents.
- In the table referenced above, amend the footnote reference and footnote text of the footnote for saturated fats and cholesterol

• **U.S. POSITION**

- The U.S. **supports** this amendment

## CCPR: Codex Committee on Pesticide Residues

### *Recommended methods of sampling for the determination of pesticide residues for compliance with MRLs (CAC/GL 33-1999)*

- *AMENDMENTS*

- Editorial amendments were made to the above document in section 4.1 Criteria for determining compliance.
- The amendments involve citing the *Guidelines for good laboratory practice in pesticide residue analysis* (CAC/GL 40-1993) and deleting an obsolete Codex Alimentarius, Volume 2, Section 3.2.
- 

- *U.S. POSITION*

- The U.S. **supports** the amendment.

### *Guidelines on Good Laboratory Practice in Pesticide Residue Analysis (CAC/GL 40-1993, Rev. 1-2003)*

- *AMENDMENT:*

- Amendments were made to update the Codex references in the Forward of this document.

- *U.S. POSITION*

- The U.S. **can support** items 1 and 2 as well as the amendments to the footnotes.
- The U.S. **cannot make a determination** on item 3 as there is no reference.

**Agenda Item 8 Proposals for the Elaboration of New Standards  
and Related Texts and for the Discontinuation of Work**

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**Table : 1 PROPOSALS for NEW WORK**

**CCFFV: Codex Committee on Fresh Fruits and Vegetables**

<b><i>Standard for Pomegranate (ALINORM 10/33/35, para. 113 and Appendix VIII)</i></b>
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• ***BACKGROUND:***

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- At the 2006 Session of CCFFV, Iran presented a proposal to develop a Standard for Pomegranate.
- This proposal was supported by many countries in attendance.
- At its 2009 session, the CAC agreed with the CCNE that a CCFFV standard was needed and forwarded the issue to the CCFFV.
- Meanwhile the U.S position on the development of the standard changed in favor of its development.
- The U.S also supported calls for the standard to be developed using the most expeditious process.

• ***U.S. POSITION:***

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- The U.S. **supports** the development of this standard due to the rapid growth in international trade of fresh pomegranate.
- Since the CCNE and other producing and importing countries has done tremendous work in the development of the draft standard that was presented at the 2009 session,
- the U.S **supports** the expedited development of the standard.

• ***POSITIONS OF OTHER KEY DELEGATIONS***

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- No country opposed the development of the standard, there was concern however that the Codex procedures for the development of standards should be followed.

## CCNFSDU: Codex Committee on Nutrition and Foods for Special Dietary Uses

### *Amendment of Codex General Principles for the Addition of Essential Nutrients to Foods (CAC/GL 9-1987) (paras. 88-96, Appendix V)*

#### • *BACKGROUND:*

- At the 2009 session of CCNFSDU Canada introduced a revised discussion paper that proposed new work to amend the Codex General Principles for the Addition of Essential Nutrients to Foods.
- The paper emphasized that CCNFSDU should review the principles to acknowledge current practices and to ensure that the addition of essential nutrients to food is rational and does not result in indiscriminate additions that may pose a health hazard.
- It further indicated that the EWG focused on several needs, including the need:
  - to clarify the intent of the proposal with regard to applicability of the principles to both mandatory and voluntary fortification;
  - to consider revising the definition of “fortification” such that the purpose is not limited to preventing or correcting a demonstrated deficiency of an essential nutrient; and
  - to consider risk-based approaches that take into consideration all sources of intake.
- In relation to this work, the Committee agreed to support further consideration of the desirability and feasibility of establishing international Upper Levels of Intake while noting that it was premature to make a specific request for scientific advice at this time.
- Based on the progress since the last session, the Committee agreed to ask the 2010 CAC to approve the new work as described in the Project Document.
- An EWG chaired by Canada and co-chaired by New Zealand and Chile will prepare a revised document for circulation at Step 3 and consideration at the next CCNFSDU session.

#### • *U.S. POSITION:*

- The U.S. **supports** new work on this topic.

### *Revision of Codex Guidelines on Formulated Supplementary Foods for Older Infants and Young Children (CAC/GL 8-1991) (Paras. 106-124, Appendix VI)*

#### • *BACKGROUND:*

- Ghana introduced a revised proposal for new work to revise the Guidelines on Formulated Supplementary Foods for Older Infants and Young Children.
- The Delegation explained their reasons for proposing this new work, indicating, that among other things:

- the current recommended quantity of formulated complementary foods in the Guidelines was too large for breastfed and non-breastfed children;
    - there was almost no room for breast milk and local foods, and
    - the recommended levels of fortification with vitamins and minerals were too low.
  - The Representative of WHO clarified that supplementary foods are now defined as formulated foods used to rehabilitate moderately malnourished children and other persons or to prevent a deterioration of nutritional status of those most at-risk, whereas complementary foods are given to infants and young children from 6 months to 2 years of age in addition to breast milk or breast milk substitute.
  - Consequently, the Committee agreed to consider replacing the term “supplementary” with the term “complementary” in these Guidelines.
  - Several delegations, including the U.S. supported the proposal to initiate new work to revise the guidelines as it might help developing countries prevent malnutrition of older infants and young children.
  - The Committee agreed to ask that the 2010 CAC Session approve new work to revise these Codex guidelines and to establish an EWG to prepare a revised draft of the guidelines for circulation at Step 3 and consideration at the committee’s next meeting.
- ***U.S. POSITION:***
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- The United States **supports** new work on this topic.

***Establishment of Nutrient Reference Values (NRVs) for Nutrients Associated with Risk of Diet-Related Noncommunicable Diseases for the General Population (paras 125-160, Appendix VII)***

- ***BACKGROUND:***
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- At the 2009 CCNFSDU session, the Delegations of the U.S. and Thailand introduced a Conference Room Document (CRD 1) on behalf of the physical WG held prior to the session and put forward the group’s recommendations for consideration by the Plenary.
  - These recommendations addressed:
    - Draft principles and criteria for the establishment of these NRVs;
    - Preliminary recommendations on the selection and prioritization of nutrients for these NRVs; and
    - A draft project document to propose new work in this area.
  - CCNFSDU noted that there was general support to initiate new work to establish NRVs for nutrients associated with risk of diet-related noncommunicable diseases for the general population.
  - CCNFSDU clarified in the project document that these NRVs are intended for the general population aged older than 36 months.
  - It further clarified that the work would first address the development of principles including criteria for establishing NRVs for nutrients associated with risk of diet-related noncommunicable diseases in an Annex to the Guidelines on Nutrition Labelling, and then address amendments to the listing of NRVs in section 3.4.4 based on these principles.

- First priority in selecting nutrients for review would be given to nutrients that are referred to the CCNFSDU by CCFL.
- The second priority is other nutrients that meet the criteria defined in the principles that the Committee will establish.
- Based on the progress since the last session, the Committee decided to:
- Ask that the 2010 CAC Session approve new work to establish these NRVs;
- Establish an EWG to prepare a revised document on the principles and criteria for the development of these NRVs for circulation at Step 3 and consideration at the next meeting (to be chaired by the U.S. and co-chaired by Thailand and Chile); and
- Further consider the principles and criteria at a physical WG immediately prior to the next session (to be chaired by the U.S. and co-chaired by Thailand and Chile).

● ***U.S. POSITION:***

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- The United States **supports** new work on this topic.

## CCFH: Codex Committee on Food Hygiene

***Revision of the Recommended International Code of hygienic Practice for Collecting, Processing and marketing of natural Mineral waters (CAC/RCP 33-1985) (ALLINORM 10/33/13, paras. 129-131, Appendix V)***

● ***BACKGROUND:***

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- This new work will involve revising the current International Code of Hygienic Practice for the Collecting, Processing and Marketing of Natural Mineral Waters (NMW)
- There have been significant advances in food safety since the adoption of the code and the new work will emphasize updating the current Code so that it agrees with the new developments in food safety and hygiene, such as HACCP which have been adopted since the Code's adoption in 1985.
- The microbiological criteria in the revised Code on NMW should be aligned with the microbiological criteria found in the Principles for the *Establishment and Application of Microbiological Criteria for Foods* (CAC/GL 21 – 1997)
- The Committee agreed to establish a physical WG led by Switzerland

● ***U.S. POSITION:***

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- The U.S. **supports** this work and will have representation at the initial meeting of the physical WG.

***Revision of Principles for Establishment and Application of Microbiological Criteria for Foods (CAC/GL 21-1997) (ALLINORM 10/33/13, para. 133, Appendix VI)***

• ***BACKGROUND***

- This work was initially proposed by the International Commission on Microbiological Specifications for Food (ICMSF) at the 2008 session of CCFH
- This new work is aimed at:
  - reflecting the latest practices and knowledge on microbiological criteria;
  - introducing the new risk management metrics not currently covered in the Principles, and
  - providing guidance on the use of these new metrics and their relationship to the new risk management measures.
- The Committee agreed to establish a physical WG led by Finland and co-chaired and hosted by Japan.

• ***U.S. POSITION:***

- The U.S. **supports** this work and both the U.S. delegate and alternate delegate to CCFH attended the initial meeting of the physical WG.

**CCFA: Codex Committee on Food Additives**

***Revision of the food category system of the General Standard for Food Additives (ALINORM 10/33/12, para. 88 and Appendix VII)***

• ***BACKGROUND:***

- The scope of work for the project includes revision of food categories:
- 5.1, "Cocoa products and chocolate products including imitation and chocolate substitutes;
- 5.2, "Confectionery, including hard and soft candy, nougats, etc. and
- 5.4 Decorations, toppings and sweet sauces.
- Chewing gum is excluded from the new work
- The intention of the new work is not to compromise the integrity of the commodity standard.
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• ***U.S. POSITION***

- The U.S. **supports** this new work and is leading the electronic WG.



***Revision of the Standard for food grade salt (CODEX STAN 150-1985) (ALINORM 10/33/12, para. 167 and Appendix XII)***

• ***BACKGROUND:***

- At the 2010 session of CCFA, the delegation of Switzerland identified sections of the current standard that needed to be amended.
- The Committee agreed to limit the revision to areas identified in the document, i.e., sections on additives, contaminants, hygiene and methods of analysis and sampling without reopening the discussion on other sections.
- An EWG was established, led by Switzerland

• ***U.S. POSITION***

- The U.S. **supports** this new work.
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**CCPR: Codex Committee on Pesticide Residues**

***Nomination and Prioritization of Compounds to be Considered by the FAO/WHO Joint Meeting on Pesticide Residues (JMPR)***

• ***BACKGROUND:***

- The report of the EWG on Priorities included a tentative list of scheduled compounds.
- All U.S. new compound nominations were included in the future agenda of the JMPR.
- The priority list of chemicals lists the tentative schedules of chemicals to be evaluated by the FAO/WHO Joint Meeting on Pesticide Residues (JMPR) from 2012 to 2016.
- There was some discussion concerning the growing number of requests for establishment of Codex MRLs.
- The growing demand reflects the success in recent years in accelerating the process of MRL establishment in Codex. However, there is some concern that there is now a lack of capacity at JMPR to handle this increased demand.
- The U.S., with assistance from Cameroon and Croplife, will prepare a discussion paper on how to address JMPR resource issues for consideration by the next session of the Committee.
- Currently, the U.S. does not have a position on the best approach to this problem for the long-term.

• ***U.S. POSITION:***

- The U.S. **supports** the new work for JMPR as listed in Appendix II.

***Achieving Globally Harmonized MRLs through Codex (ALINORM 10/33/24 Para. 202)***

• ***BACKGROUND:***

- At the 2010 Session, CCPR approved, without objection, the U.S. proposal described as the 'pilot project,' which proposes a process for the evaluation of new chemicals by JMPR before finalization of any national review/registration.
- The U.S. has submitted the proposal for new work requesting the 2010d session of the CAC to approve the pilot project.
- Under this process, JMPR would recommend MRLs before MRLs/tolerances be set at the national level.
- JMPR would thus set the reference standard that member countries would then consider in setting their national standards.
- This approach encourages global harmonization of MRLs.
- Sulfoxaflor was selected as the pilot chemical for review at the 2011 JMPR.
- The Committee has discussed, for the last 2 years, the possible issues, costs, and benefits of the proposal for JMPR to recommend MRLs before governments or other regional registration authorities establish national or regional MRLs.
- Conducting a pilot of the process will provide *actual information*, which will allow the Committee to:
  - Evaluate the feasibility and value of the proposed new process;
  - Determine whether such a process should be implemented for new active ingredients reviewed by 3 or more national authorities as a joint review; and
  - Recommend a plan for future implementation (if that were the decision of the Committee)

• ***U.S. POSITION:***

- The U.S. **supports** this new work.

**CCCF: Codex Committee on Contaminants in Food**

***Maximum Levels for Deoxynivalenol (DON) and its Acetylated Derivatives in Cereals and Cereal-based products (ALINORM 10/33/41, para. 110)***

• ***BACKGROUND***

- The Committee recalled that work on MLs for DON was discontinued by the Committee on Food Additives and Contaminants (CCFAC) in 2004 due to lack of available occurrence data and that the development of a discussion paper was started in 2005. This work was discontinued in 2007.
- In view of the availability of new data and evaluation by the 72<sup>nd</sup> JECFA (February 2010), the CCCF agreed to restart work on MLs for DON and its acetylated derivatives in cereals and cereal-based products
- Canada agreed to prepare a project document for consideration by the CAC.

- Subject to approval by the 2010 Session of the CAC, the proposed draft MLs for DON and its acetylated derivatives in cereals and cereal-based products would be prepared by an EWG led by Canada, for circulation at Step 3 for comments and consideration at the next session of the Committee.

- ***U.S. POSITION***

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- The U.S. **supports** new work on establishing maximum levels for DON and its acetylated derivatives in cereals and cereal-based products.
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<b><i>Maximum Levels for Total Aflatoxins in dried Figs (ALINORM 10/33/41 para. 114 and Appendix IX)</i></b>
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- ***BACKGROUND***

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- The Committee considered the proposal for establishment of MLs for total aflatoxins in dried figs prepared by Turkey.
- Several delegations supported the proposal.
- One delegation questioned the need for MLs at this point and was of the view that sufficient time should be given to the implementation of the Code of Practice for the Prevention and Reduction of Aflatoxin Contamination in Dried Figs.
- Another delegation pointed out that according to the principles for establishment of MLs in the General Standard for Contaminants and Toxins in Food and Feed, MLs should only be established when there is a real public health need and that according to JECFA, dried figs only contribute a small percentage of total dietary intake and therefore more justification for this new work was needed.
- Turkey clarified that it had generated data following the implementation of the Code of Practice and that this data would be considered in the development of the MLs.
- The Committee agreed to start new work on MLs for total aflatoxins in dried figs (Appendix IX).
- Subject to approval by the Commission, the Committee agreed that the proposed MLs would be developed by an EWG led by Turkey for comments at Step 3 and consideration at the next session of the committee.
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- ***U.S. POSITION***

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- The U.S. **supports** new work on developing MLs for total aflatoxins in dried figs.

## CCFL: Codex Committee on Food Labelling

### *Establishment of Claims for Sugars, Salt/Sodium and Trans-Fatty Acids (paras 96 – 98 and Appendix V).*

#### • **BACKGROUND:**

- At the previous Session, the Committee formed an EWG to make recommendations on the labeling of those ingredients listed in the Global Strategy (i.e., fruits, vegetables, legumes, whole grains, free/added sugars, and salt (sodium)).
- The EWG- chaired by Norway and Canada, reviewed and revised the list of proposed actions focusing on those ingredients and identified paragraphs in the existing Codex texts on food labeling which could apply to food ingredients listed in the Global Strategy.
- In a Discussion Paper on Labeling Provisions Dealing with Food Ingredients Identified in the Global Strategy on Diet, Physical Activity and Health, the WG Chairs proposed several items for new work.
- Among the suggested items for new work, the Committee agreed to pursue new work on Claims related to the Non –Addition of Sugars or Salt/Sodium, and Comparative Claims for Sugars and Salt/Sodium".
- The WG also suggested new work on
  - Enhanced Guidelines on Health Claims and Claims Related to Dietary Guidelines,
  - Use of Standardized Symbols to Represent Ingredients Identified in the Global Strategy in Food Labeling and
  - Developing Common Definitions of the Ingredients Identified in the Global Strategy.
- However, the Committee could not reach a consensus on the need to pursue work on these three topics.
- Several arguments were made against pursuing these new work proposals, some of which were,
  - it was too premature to consider these items,
  - information from WHO reports already exists on these topics,
  - or additional WHO work (for example, on nutrient profiling) is not available yet.
- The Committee agreed to consider the work on standardized symbols at the next session when more information would be available.
- The question of how to reply to CCNFSDU regarding claims on the absence of trans fatty acids was discussed.
- CCFL agreed to include in the new work a consideration of whether the committee should consider starting work on this type of claim.

#### • **U.S. POSITION:**

- The U.S. **supports** development of conditions for specific claims related to the absence of sugars and salt ingredients in a food.
- The U.S. also **supports** development of conditions for comparative claims for the reduction of sugars and salt ingredients in a food.

- The United States **does not object** to the consideration of claims for trans-fatty acids within the proposed new work on claims related to sugars and salt/sodium. The WHO Global Strategy identifies trans-fatty acids as a nutrient of concern. There are benefits to considering whether there is a need for specific claims in this area and whether associated conditions could be developed, should there be a need for Codex guidance on this issue.
- Some delegations objected to this new work, arguing that there might be regional differences regarding trans-fatty acids.
- The U.S. **supports** new work as described in the project document, i.e.,
  - the development of conditions for claims related to the non-addition of sugars and salt;
  - development of conditions for comparative claims related to sugars and salt; and
  - consideration of claims related to trans fatty acids content.

### ***Organic Aquaculture (para 186 and Appendix XIII)***

- ***BACKGROUND:***

- The EU submitted a proposal to undertake new work to elaborate provisions on organic aquaculture animal and seaweed production for including in the *Guidelines for Production, Processing, Labelling and Marketing of Organically Produced Foods*.
- The EU explained that the purpose is to include aquaculture animals and the collection and farming of seaweeds in the scope of CAC/GL32 on organically produced foods.
- For aquaculture animals this would mainly cover origin of the stock; husbandry practices and breeding, feed, disease prevention and veterinary treatment.
- For seaweed it would mainly cover water quality conditions as regards environment and health, sustainable practices, stock maintenance and use of inputs.

- ***U.S. POSITION:***

- The United States **does not object to** new work on this topic.

### ***Definition for Nutrient Reference Values (para. 191 and Appendix XII)***

- ***BACKGROUND:***

- CCNFSDU is in the process of doing further work on establishing Nutrient Reference Values (NRVs) for certain nutrients.
- During the discussions at its last session, CCNFSDU noted interest in establishing a definition for NRVs.
- CCNFSDU requested that CCFL establish a definition for NRV and recommended specific text to help define NRV.
- At the 2010 Session, CCFL agreed to these requests made by CNFSDU.

- ***U.S. POSITION:***

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- The U.S. **supports** new work to establish a definition of NRV, as described in the project document in Appendix XII of the CCFL report.

## Table 2: Proposals for the Discontinuation of Work

### CCMMP: Codex Committee on Milk and Milk Products

#### *Proposed Draft Standard for Processed Cheese (ALINORM 10/33/11, paras 41)*

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- At the 2008 Session of the CCMMP, the Committee agreed to return the proposed draft standard to Step 2 for redrafting by a physical WG under the co-leadership of New Zealand and France.
- The physical WG would revise the proposed draft standard for processed cheese for circulation at Step 3 and further consideration at Step 4 at the 2009 Session of the CCMMP.
- The WG met in Brussels in January 2009, but was unable to reach agreement on a revised draft standard to present to the 2009 Session of the CCMMP.
- At the 2009 Session of the CCMMP, New Zealand and France speaking as co-chairs of the physical WG on the proposed draft standard for processed cheese introduced the report of the WG.
- They informed the Committee that after considerable discussion, the WG could not develop a text that met the TOR given by the 2008 Session of the CCMMP.
- The Committee therefore agreed to discontinue work on this matter.
- It was also agreed to recommend revocation of the three existing standards as they were outdated and not used by the industry.
- ***U.S. POSITION:***
- The U.S. **supports** the discontinuation of work and revocation of the three existing standards.

### CCFA: Codex Committee on Food Additives:

#### *Draft and proposed draft food additive provisions of the GSFA (ALINORM 10/33/12, paras 31, 62, 76 and Appendix V)*

- ***BACKGROUND:***
- The 2010 session of CCFA decided to stop work on the following:
  - Cyclamates in certain food sub-categories – flavoured drinks;
  - beta carotene, and
  - the use of fast green in dried pasta and noodle like products.
- ***U.S. POSITION***
- The U.S. **supports** discontinuation of this work.

## Agenda Item 9

### Matters Arising from the Reports of Codex Committees and Task Forces

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#### Matters Arising from the 32nd Session of the Commission

#### Future Work on Animal Feeding

• **BACKGROUND:**

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- In 2003, the first Task Force on Animal Feeding completed its work -The Code of Practice on Good Animal Feeding - and issued their report - which contained proposals for future work (on which they could not reach consensus) to the 2003 CAC.
- The Code of Practice on Good Animal Feeding was adopted by the CAC in 2004. (Due to a lack of consensus at the 2003 CAC on some important issues, some of the work was sent back to the TF for additional work. The issues on which there was consensus were adopted and held at Step 8 (in 2003) until finalizing of the outstanding issues in 2004.)
- The 27<sup>th</sup> (2004) CAC recommended that a CL be circulated to request the views on whether future work was desirable so that the 28<sup>th</sup> (2005) session could determine if the CAC was in support of additional work on animal feed.
- The 56<sup>th</sup> (2005) session of the Executive Committee noted that the replies to the CL indicated that there was an agreement on the need for future work on animal feed, but there was no unanimous support for immediately resuming Codex work at this stage by the establishment of a mechanism to carry out further work.
- The EC decided to postpone consideration of new work on animal feeding until 2008.
- The 2005 CAC could not reach consensus on when to start future work on animal feeding, it was agreed to defer the matter to the 29<sup>th</sup> (2006) session.
- The 29<sup>th</sup> (2006) session agreed to defer the matter until 2008. It was also agreed to send out a CL asking proposal for future work and information on the national experience in the implementation of the CP in Good Animal Feeding be issued after the 30<sup>th</sup> (2007) session in order to allow further consideration at the 31<sup>st</sup> (2008) session.
- The 31<sup>st</sup> (2008) session agreed to postpone work on animal feed until after the 32<sup>nd</sup> (2009) session.
- In order to facilitate discussion and decision at the 32<sup>nd</sup> (2009) session, the CAC agreed to establish an EWG, hosted by Denmark and co-chaired by Mexico. to prepare:
  - a proposal for the scope and TOR of future work on animal feed, and
  - a suitable mechanism to carry this out.
- The EWG submitted a report session which identified six items for future work to the 32<sup>nd</sup> (2009) session.
- The U.S. proposal to start working on the first three items proposed by the EWG before agreeing to a mechanism for carrying out the additional was adopted by the CAC.
- The EWG, hosted by Denmark and co-chaired by the U.S. was tasked with proposing a suitable mechanism for addressing the three remaining items proposed by the previous EWG (co-chaired by Denmark and Mexico).



- The current EWG was not able to reach consensus on whether the work should be carried out by a time-limited task force, an electronic working group, or one of the current permanent committees:

- ***U.S. POSITION***

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- The U.S. recognizes that some of the work proposed by the previous electronic working group (EWG), which was co-chaired by Denmark and Mexico, (CL2008/40-CAC Addendum) in its report to the 2009 session of the CAC remains to be completed.
- The CAC decided in 2009 to establish a second EWG (hosted by Denmark and the United States) to work on the first three items from the report of the first EWG, which would help in identifying the suitable mechanism to carry out the remaining work.
- The CAC now has before it a decision on the remaining recommendations of the previous EWG.
- Member Countries put forth several options for completing each of the work items, but similar to the first EWG, the Members of the current EWG were unable to achieve consensus.
- As we consider the EWG report, we must keep in mind the limited mandate of the CAC for this work group as well as for work on animal feed in general.
- Review of the Codex Risk Assessment Principles as to their Applicability to Animal Feed and Proposed Overarching Statements
- The U.S. agrees that animal feed—as it relates to human food safety—should be appropriately addressed by Codex Committees.
- To that end, the EWG has made recommendations for insertion of an overarching statement as well as other changes in the risk analysis documents for several committees.
- Since the relevant committees have not had input into these proposed changes, the United States believes it is premature for the CAC to adopt these changes at this Session.
- These committees (CCGP, CCFA, CCCF, CCPR, and CCRVDF) are the best qualified to review the proposed changes since they are the most familiar with the principles in the texts and the conditions under which the principles apply. Most important, they can ensure that the original intent and substance of their committees' risk analysis principles are not altered.
- For these reasons, the U.S. prefers that the committees that drafted the original texts review the text changes proposed by the EWG and determine the appropriate placement of the overarching statements and the appropriate references to animal feed in the documents.

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- **Mechanism**

- The current EWG considered several options for a mechanism for completing the remainder of the work recommended by the previous EWG, but no clear consensus emerged.
- For several reasons, the U.S. recommends that additional work on animal feed be assigned to a standing committee.
- We are mindful of the discussions at recent Commission sessions on the resource burden created by the number of committee meetings, task force meetings, and work groups, which taken together, create a very full Codex calendar.
- Assigning the work to an existing committee minimizes the resource impact on the Codex Secretariat as well as on Member Countries.

- Equally important, an existing Codex committee provides a permanent forum to discuss appropriate issues as they arise.
- We have considered assignment of the work to several committees including the Codex Committee on Food Additives (CCFA) and the Codex Committee on Contaminants in Food (CCCF).
- However, we do not believe the expertise for the issues relative to animal feed reside in these committees, nor do we believe that either committee has room on its agenda for undertaking the additional work, such as the development of guidelines for governments on how to apply the existing risk analysis methodology as related to animal feed.
- The U.S. supports assigning work on animal feed to the Codex Committee on Residues of Veterinary Drugs in Food (CCRVDF).
- CCRVDF deals with animal agriculture, and much of its work focuses on the transfer of substances in feed to animal tissue. Thus, animal feed issues fit well within that Committee's scope and existing expertise. Virtually all of the feed-related issues that adversely impact human health are associated with feed additives or contaminants that may migrate to animal tissue; therefore, CCRVDF appears to be the most appropriate and relevant committee to handle the feed additive work.
- Many of the Codex delegates to CCRVDF are also responsible for work on animal feed within their own governments.
- Thus, the need for additional specific feed expertise may result in only minor modifications to the composition of most delegations to CCRVDF.
- Having CCRVDF manage the animal feed work would be consistent with the Commission's goal of easing the cost burden on Member Countries.
- Therefore, for practical and substantive reasons, the United States recommends that work on animal feed be assigned to CCRVDF.
- We would also like to note that in regard to workload, this committee is in an excellent position to assume work on animal feed.
- In addition to deciding on a mechanism for addressing animal feed issues, the Commission also needs to consider the scope of work to be assigned.
- The U.S. believes that the work recommended by the 2008 work group constitutes the current boundaries of work on animal feed in Codex Committees.
- Any work beyond that specified in the 2009 EWG report should be addressed through the standard Codex procedures for proposing new work.
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- **Prioritized List of Hazards**
- One of the recommendations of the 2009 EWG report concerns the development of a prioritized list of hazards in feed. However, several of the comments to the EWG emphasized the difficulties that a task force would have in keeping a list current.
- The U.S. remains opposed to work on a prioritized list of hazards.
- Lists are difficult to maintain in the Codex process and consume committee time that is better spent developing guidance for countries on how to assess and manage risks from animal feed.
- Additionally, the U.S. believes that, due to regional differences, a list of hazards of international relevance would be difficult to develop.
- Instead, the U.S. recommends that Codex develop criteria for determining and evaluating hazards, which would provide countries guidance when making individual determinations of specific hazards in the context of the conditions in their countries.

## Matters Referred by Other Committees

### CCMP: Committee on Milk and Milk Products

#### *Adjournment sine die*

- **BACKGROUND:**

- CCMMP noted that it had completed all work assigned to it by the CAC and agreed to propose to the 2010 session of the CAC that CCMMP adjourn *sine die* until the CAC required it to undertake new work.
- Food additive provisions for milk and milk products would be handled by CCFA.

- **U.S. POSITION**

- The U.S. **supports** the adjournment of CCMMP.
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#### *Reference to voluntary application of provisions in Codex Commodity standards*

- **BACKGROUND:**

- At the 9th (2010) session of the CCMMP, the Committee decided to:
  - retain annexes / appendices to 13 Codex standards for milk and milk products (cheeses),
  - refer to them as appendices, and
  - amend their title and introductory paragraph.
- The amended introductory paragraph reads:
  - "***The additional information does not affect the provisions in the preceding sections which are those that are essential to the product identity, the use of the name of the food and the safety of the food.***"
- The original annexes to the Codex cheese standards were intended to be separate from the standard and contained a disclaimer that they were not for government use.
- The annexes consist primarily of regional (European) patterns of manufacture and the CCMMP was unable to reach consensus as to their inclusion in
- the Codex standards for certain cheeses, and hence they were provided as annexes instead.
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- **U.S. POSITION**

- The United States does **not support** the retention of annexes/appendices that lack international consensus and reflect specific regional patterns of manufacture for two very specific reasons:
  - First, inclusion of annexes/appendices that have not been adopted by Codex and reflect regional (European) patterns of manufacture for certain chesses could result in the creation of trade barriers

- Second, giving annexes/appendices that were not adopted by consensus the same status as those documents which were adopted by consensus sets a very bad precedent in Codex.
- Adopting the annexes could cast doubt on the credibility of Codex's standard development process for WTO members.
- Cheese compositional requirements fall within the scope of the WTO TBT Agreement and not the WTO SPS agreement.
- Codex is not a named body under the TBT Agreement. Rather in late 2009 WTO Members reaffirmed a 2000 decision of the TBT Committee that sets out principles for the development of international standards of the TBT Agreement. Two of these principles are:
  - Ensuring consensus and relevance – for example, not giving privilege to or favoring the interests, characteristics or requirements of a particular region and
  - Not distorting the global market and creating adverse effects on competition are two of those principles.
- Therefore, the U.S. will ask that the CAC consider the deletion of these appendices, especially since the conditions under which they were adopted, i.e. without the intent of being considered adopted as an integral part of the standard, have changed substantively.

● ***POSITIONS OF OTHER KEY DELEGATIONS***

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- At the last session of the CCCMMP, the U.S., Australia, Canada, India, Japan, Mexico, New Zealand, and Uruguay expressed their reservation to the retention of these annexes / appendices to the standards for cheese. Costa Rica also expressed its concern.
- Given that these countries collectively produce over 30 percent of the world's cheese, it is clear that this change was neither based on consensus nor does it result in a globally relevant standard

## **CCFO: Committee on Fats and Oils**

<b><i>Technical amendment of the Standard for Named Vegetable Oils: Update of variety of Rapeseed oil – Low Erucic Acid</i></b>
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● ***BACKGROUND:***

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- Canada has proposed amending the scientific name for a species contained in the Standard for Named Vegetable Oils under 2.2.13 "Rapeseed oil" and 2.1.14 "Rapeseed oil – low erucic acid."
- Based on information from the International Code of Botanical Nomenclature, the CCFO agreed to request the CAC to adopt the amendments.

● ***U.S. POSITION***

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- The United States **can support** the adoption of this technical amendment.

## CCGP: Committee on General Principles

### *Definition of the term "competent authority"*

- **BACKGROUND:**

- The 32<sup>nd</sup> (2009) session of the CAC, noted the discussions that took place in the Executive Committee (EC) regarding the different terms and definitions used in Codex texts for "competent authority."
- The 32<sup>nd</sup> (2009) CAC endorsed the EC's recommendation that CCGP examine the merit of a general definition for "competent authority" for inclusion in the Procedural Manual
- A Circular Letter for comments on this matter was issued and discussions were held at the 26<sup>th</sup> (2010) Session of CCGP regarding the merits of a definition for "competent authority."
- CCGP agreed that there was no merit in having a general definition of the term "competent authority."
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- **U.S. POSITION:**

- Although the U.S. saw merit in a uniform Codex definition for the term "competent authority" in terms of promoting consistency, and mitigating confusion, we **can agree with CCGP's decision not to establish a uniform definition.**
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### *Co-hosting of Codex Committees*

- **BACKGROUND:**

- The 26<sup>th</sup> (2010) Session of CCGP had a thorough discussion on issues and problems relating to co-hosting Codex committee meetings
- CCGP agreed that the Codex Secretariat would create a specific page on co-hosting on the Codex website to make critical information, such as the procedures for co-hosting, a timeline for completing critical step in the process, and sample correspondence available to all members.

- **U.S. POSITION**

- The U.S. **strongly supports** this initiatives
- The U.S. Codex Office has been very proactive in providing the Secretariat with input for the newly designed web page to be.

## C. Matters Related to Requests from the Commission.

### CCFFP: Committee on Fish and Fishery Products

#### *Consistency of the Codex Model Certificate for Fish and Fishery Products (CAC/GL 48-2004) with the Generic Model Official Certificate (Annex to the Codex Guidelines for the Design, Production, Issuance and Use of Generic official Certification (CAC/GL 38-2001)*

- **BACKGROUND:**

- The 2009 CAC requested CCFFP to revise the Model Certificate for Fish and Fishery Products to ensure consistency with the adopted Generic Model Certificate.
- CCFFP noted the need to limit the certificates used in international trade and made proposals regarding the Generic Model.

- **STATUS**

- This matter will be discussed at the next session of CCFFP.
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### CCFA: Codex Committee on Food Additives

#### *References to the "Carry-over Principle of Food Additives" in Codex standards*

- **BACKGROUND:**

- The 2010 session of CCFA decided to establish an EWG to review the matter or references to the "Carry over Principles of Food Additives" in order to make a more informed decision at it 2011 session

- **U.S. POSITION**

- This U.S. will participate in this WG

#### *Standards for meat products*

- **BACKGROUND:**

- The 2010 CCFA decided to establish an EWG to propose an alignment of the food additive provision of the Codex standards for meat products.

- *U.S. POSITION*

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- This U.S. will participate in this WG

<p><i>Provisions for erythrosine in the Codex General standard for Food Additives (GSFA)</i></p>
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- *BACKGROUND:*

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- The 2010 session of CCFA decided to establish an eWG to prepare recommendations for all provisions for erythrosine in the GSFA.

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- *U.S. POSITION:*

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- The U.S. will chair this WG.

