

SUMMARY OF SUBMISSIONS RECEIVED ON PROPOSED AMENDMENT NO. 3 TO THE NEW ZEALAND (MAXIMUM RESIDUE LIMITS OF AGRICULTURAL COMPOUNDS) FOOD STANDARDS 2007

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From 20 December 2007 - 29 February 2008 NZFSA consulted on a proposed amendment No. 3 to the New Zealand (Maximum Residue Limits of Agricultural Compounds) Food Standards 2007 (MRL Food Standards). All submissions were then taken into account and a recommendation was then made to the Minister for Food Safety. This amendment was agreed by the Minister on 25 March 2008 and all amendments were then consolidated into the MRL Food Standards 2008, which was issued by notice in the *Gazette* on 3 April 2008 and takes effect on 1 May 2008.

Four submissions were received by NZFSA on the proposed amendment (No.3), comprising the following:

- Two private companies
- One industry association, and
- One international agency.

The submitters commented on the following three proposals:

- To delete the MRL of 10mg/kg for phosmet when used as a pesticide on fruit other than Kiwifruit (note that the proposal to delete MRL of 15mg/kg for phosmet when used as a pesticide on Kiwifruit was not commented on)
- To set an MRL of 0.1mg/kg for amitraz when used as a miticide in honey, and
- To set an MRL of 0.02mg/kg for pyraclostrobin when used as a fungicide for apples, pears, barley and wheat, and in animal products as a result of its use as a fungicide on barley, ryegrass and wheat.

Below is the summary of submissions, including the proposal, the submitter/s, their comments and NZFSA's response:

Proposal	Submitters	Comments	NZFSA Response
<p>To delete the MRL of 10mg/kg for phosmet when used as a pesticide on fruit other than Kiwifruit.</p>	<ul style="list-style-type: none"> - One industry association, and - One private company. 	<ul style="list-style-type: none"> - The industry association expressed concern that given the equivalent US MRL is 10mg/kg the proposal may cause a barrier to trade with regard to cranberries from the US, and - The private company expressed similar concerns with regard to cherries and cranberries from the US. 	<p>NZFSA decided to proceed with an amended recommendation to the Minister i.e. NZFSA proposed to retain MRLs of 10mg/kg for phosmet on both cherries and cranberries.</p> <p>This was proposed on the following grounds:</p> <ul style="list-style-type: none"> - The purpose of setting MRLs is to allow the regulation of good agricultural practice (GAP). There have been no products containing phosmet registered in New Zealand under the Agricultural Compounds and Veterinary Medicines Act 1997 over the last five years. Therefore, it was considered that there was no relevant GAP for the use of phosmet as a pesticide, as it is not currently used in New Zealand - Codex has set a number of MRLs for the use of phosmet; and New Zealand accepts Codex MRLs. It is anticipated that the Codex MRLs for phosmet will be sufficient to regulate imports of any commodity other than cherries and cranberries containing phosmet residues. However, if there is no relevant MRL set under the MRL Food Standards or set and published by Codex, all imported and domestically produced food must comply with the default MRL of 0.1mg/kg (refer MRL Standards Section 6), and - NZFSA has assessed the proposal and determined that residues of 10mg/kg in cherries and cranberries are equivalent to 1.5% of the Average Daily Intake (ADI). NZFSA has therefore concluded that the use of phosmet, within the limits of the proposed MRL (status quo), does not pose a risk to public health.

<p>To set an MRL of 0.1mg/kg for amitraz when used as a miticide in honey</p>	<p>One international agency</p>	<p>The submitter expressed concern that the proposal is not consistent with other countries.</p>	<p>NZFSA decided to proceed with the recommendation to the Minister i.e. NZFSA proposed to set an MRL of 0.1mg/kg for amitraz in honey.</p> <p>This was proposed on the following grounds:</p> <ul style="list-style-type: none"> - For the purposes of bio-security the importation of honey into New Zealand is currently prohibited from most overseas countries. Therefore, it is not anticipated that the proposed MRL will represent a barrier to any overseas countries' trade. In future, if restrictions on the importation of honey into New Zealand are lessened, NZFSA will consider reassessing the MRL - The proposed MRL has been assessed in accordance with international methodologies such as those utilised by the expert committees advising the Codex Alimentarius Commission, and - NZFSA has concluded that the use of amitraz, within the limits of the proposed MRL, does not pose a risk to public health.
<p>To set an MRL of 0.02mg/kg for pyraclostrobin when used as a fungicide for apples, pears, barley and wheat, and in animal products as a result of its use as a fungicide on barley, ryegrass and wheat.</p>	<p>One private company</p>	<p>The submitter agreed with the proposal and its assessment however expressed concern that the relevant good agricultural practice that justified the proposal was not in fact the relevant GAP.</p>	<p>Upon consideration of the submission, NZFSA validated the amended GAP. This change in the relevant GAP does not however affect the proposed MRLs. Therefore, NZFSA proceeded with the recommendation to the Minister.</p>

