CODEX TRAINING / OUTREACH SESSION

CASE STUDY I

Case Study Background

An ongoing set of incidents of chemical contamination have been reported internationally and are related to the possible detection of the chemical contaminant Malachite Green (MG) in various food matrices, but particularly, in food of animal origin.

The chemical contamination incidents were traced to the illicit use of MG as a fungicide as part of non-compliant animal husbandry practices or aquaculture practices.

As a result of several products rejection incidents associated with the detection of this chemical in various foods traded internationally, using various analytical methods relying on sophisticated instrumentation that detect lower than 0.5 part per billion, some countries requested that Codex establish a Maximum Level (ML). This ML could serve as a **Reference Point for Action** (RPA) i.e., a reference indicative of the presence of MG, resulting from illicit use of MG in food production. This limit could be based on an agreed upon Minimum Reference Performance Limit (MRPL) of a validated analytical method for MG in food matrices.

This standard would create more predictability for border rejections, if applied.

The development of this standard benefits from a body of evidence gathered over time as a result of various countries' interventions and scientific research linking MG occurrence and its measurable levels to illicit practices.

Similarly, several jurisdictions, conducted risk assessments and identified that levels that may be considered for this purpose e.g., **2 ppb** are achievable for most of developing countries (i.e. the technology is available to achieve it) and would offer a margin of exposure exceeding 10^6 , therefore considered

protective of Public health . This level would also be useful to act as an indicator for adulteration practices – i.e. illicit use.

Injection 1

Upon the development of the Project Document that would serve to justify / support the examination of the proposed new work at the CCEXEC and the Commission (CAC), several delegations of the same economic block in Asia opposed pursuing the development of this standard.

The reason invoked is that MG is entirely banned in their region, and the zero-tolerance approach applied represents an acceptable standard, which should be based on the most sensitive analytical method. Leading to levels below **0.1 ppb**.

In fact, these countries' delegates invoked the fact that it is impossible to reach a consensus on this standard, if it were to be developed, so why start in the first place?

With a clear insistence of other countries to proceed with this Project Document, a deadlock was reached.

Efforts of mediation and discussion were initiated between the two groups.

Consider yourself part of one of these groups:

How would you organize the discussion?

Please develop your arguments.

Please rely upon the Codex values that support your position.

Please explain your position.

Please attempt to develop options to resolve the deadlock.

Injection 2

The development of the targeted standard was initiated under the auspices of the Codex Committee on Contaminants in Food (CCCF), with the creation of an electronic Working Group (eWG) tasked with this effort. JECFA validated a risk assessment that confirmed that **the RPA being considered** (2 ppb) would be protective (with a very suitable margin of exposure).

Upon the development of the first draft of the targeted standard text to be discussed at Step 4 at CCCF, the same group of countries continued to voice their opposition to the development of this standard and made several interventions, indicating their opposition to this standard being developed and adopted by Codex.

The arguments pursued by these countries included lack of consensus achieved and indicating that such consensus would not be achieved over time.

Also, among the countries opposing this standard, some have indicated that they had the highest number of consumers of food commodities being pursued with this standard (e.g. Shrimp). By that token they considered that they should have a stronger voice and say in the way forward to be envisaged.

The other countries offered several interventions where they documented the current impact of the absence of the standard on their economic well-being and how the unpredictable environment resulting from the absence of Codex guidance that could be used by developing countries is leading to chaos with respect to border rejections. These countries also showcased how the standard under consideration met all the requirements of standard development according to Codex procedures.

Your country is not directly concerned with this issue, in that you have witnessed minimum disruptions for your products of animal origin accessing foreign markets as a result of this issue.

Your country / food competent authority maintains a zero-tolerance approach for this adulterant, with a level based on the most suitable analytical method – this level is set at **0.1 PPB**. This position is similar to what your country has applied in the past for other similar adulterants.

It is understood that this level would be considered not achievable for several other (developing) countries, whose food analytical infrastructure would not allow to reach these levels of detection.

Your country has no intent to alter its own domestic regulatory stance on this issue, even if the Codex standard is adopted.

After two years of deadlock, at the CCCF, where the standard is returned / maintained at Step 4, your country's delegation decided to intervene because of the negative impacts that this deadlock may have on the integrity of the Codex standard setting process.

Your Codex delegation at CCCF and at the CAC decided to take action in order to facilitate a resolution of the deadlock.

Discuss at your table what you may consider doing.

Injection 3

Despite every effort to find a resolution to the deadlock imposed on the MG standard, positions have not shifted.

The only solution that appears to remain is a possible vote on the standard's adoption.

Discuss at your table:

The considerations that your delegation should have in preparation for this vote.

How would you shape the position of your delegation?

What type of outreach would you consider?