Southern Hemisphere Association of Fresh Fruit Exporters

SHAFFE TECHNICAL WORKGROUP

PRINCIPLES FOR ENGAGEMENT WITH RETAILERS

4 May 2011

Background

The following principles are put forward as the basis on which SHAFFE members can jointly and separately engage retailers, particularly those in the EU, to discourage them from adopting "food safety" "standards" beyond legal requirements. Besides some general principles, others are grouped into Food Safety/Consumer Assurance principles, Trade Principles, and Good Agricultural Practice (GAP) principles. Examples have been included to illustrate the impact of deviation from these principles.

General Principles

- Food safety should not be a competitive tool on which retailers differentiate themselves.
- Consumers entering any fruit outlet should be assured that fruit offered is safe, complying with local and import country (e.g. EU) Food Safety legislation.
- Food Safety tolerances must be established on the basis of scientific evidence.
- International harmonisation should be enhanced to facilitate trade, consumer confidence and to ensure sustainability at the supplier level.
- Wherever possible international standards (such as CODEX Alimentarius) should be adopted. Again, science-based justification must be provided to deviate from these standards.
- Food supplier and buyer organizations are encouraged to adopt a Food Safety culture, where all parties take more responsibility to ensure safer food.
- Stricter Food Safety rules themselves do not necessarily result in safer food.

Food Safety / Consumer Assurance Principles

- Maximum Residue Levels (MRL) are sufficient assurance that the food is safe to consume.
- MRLs are established considering the amount of residue required to achieve the necessary control of the target organism BUT also taking into account safety indicators such as the Acute Reference Doses (ARfD) and the Acceptable Daily Intakes (ADI). It is redundant to have additional residue restrictions using the ARfD or ADI.
- Import Tolerances (in the EU case MRLs where the active substance is not listed in Annex I of 91/414/EC but has a positive MRL) are the applicable residue tolerances for commodities imported into a market. This means growers outside the market may use different active substances to control key pests and diseases that occur in those countries compared to local producers.
- Unless an importing country's legislation limits the number of substances that can be present in a commodity, and provided that individual MRLs are observed, there should not be restrictions on the number of substances used.

Trade Principles

- The Sanitary and Phytosanitary (SPS) Agreement is the basis for continued access to markets.
- Failure to adhere to the SPS agreement, specifically the failure to control phytosanitary pests and diseases, compels the importing country to take stricter trade measures.
- In the absence of suitable alternative technologies, compliance to phytosanitary requirements is largely achieved through chemical control. Restrictions placed on plant protection product use compromises the biosecurity of the importing country and may lead to stricter trade measures.
- Setting MRLs at a lower percentage of the official MRL could jeopardize the efficacy and resistance management of a particular active, putting the plant health security and quality of the product at risk.

Good Agricultural Practice Principles

- MRLs are set as low as possible but such that the PPP are effective against the target pest in the country of production.
- PPPs with approved uses in the country of production must be used.[1]
- Provided PPP use results in residues that meet the importing countries MRL, there should be no restriction on their use.
- Restricting PPPs conflicts with other generally accepted GAP principles and Integrated Pest Management (IPM) approaches:
    - Integrated Pest Management (IPM) is the careful consideration of all available pest control techniques and subsequent integration of appropriate measures that discourage the development of pest populations and keep pesticides and other interventions to levels that are economically justified and reduce or minimize risks to human health and the environment. IPM emphasizes the growth of a healthy crop with the least possible disruption to agro-ecosystems and encourages natural pest control mechanisms.[2]
    - By imposing requirements aimed simply at reducing the residues (quantity and concentration) farm managers are not able to pursue IPM in its true form.
    - This undermines environmental sustainability.
    - Of equal concern is that producers have to adopt older, less desirable and more hazardous PPPs because these active substances can be used without residues resulting on the fruit.
    - Managing resistance is an important component of reducing overall dependence on PPPs. Restricting PPPs (especially those with different modes of action) makes organism much more likely to develop resistance.

[1] The SHAFFE Technical Workgroup (STWG) along with other working groups (e.g. the GLOBALGAP Crop Protection Workgroup) and authorities (e.g. DG SANCO in the EU) are giving attention to the situation around minor uses (sometimes also referred to as “unprovided” use) in order to address this economic and regulatory problem.
[2] Definition supplied by International Code of Conduct on the Distribution and Use of Pesticides, FAO 2002, and also adopted by GLOBALGAP IPM Toolkit.

The following cases describe the implications of the above principles:

Imazalil Case:

EU Imazalil MRL = 5mg/kg
Some Retail Imazalil Residue Requirements = (effectively 1/3 of MRL) 1.66mg/kg
Imazalil residue level to prevent sporulation of Blue/Green mould = 2.0 – 3.0 mg/kg

In the absence of suitable alternative technology all southern hemisphere citrus producing countries rely on post-harvest fungicides to prevent post-harvest decay. Of these fungicides Imazalil is the most important given it has two modes of actions: preventative and curative. The preventative action prevents the mould from establishing and developing on the citrus. Curative action prevents already established mould from sexual maturation (i.e. sporulation inhibition in addition to full infection).

It is this second action that makes Imazalil a very effective tool in the sustainable management of post-harvest decay. Unfortunately, this benefit is effectively forfeited in a direct attempt to meet some retailers' residue requirements given effective control is achieved at residues between 2.0 and 3.0 mg/kg.

To dose at a lower rate than 2.0mg/kg significantly increases the risk of mould resistance to Imazalil by allowing resistant strains to propagate themselves.

Diphenylamine (DPA) Case: consequence of the EU re-evaluation of DPA

The non-inclusion of DPA in Annex I of Council Directive 91/414/EEC was published in the EU Official Journal on 30 November 2009 (Commission Decision 2009/859). As a result of this decision, in the European Union, products containing the active substance can no longer be sold or manufactured in Europe from 30 May 2010, with no further use of DPA in Europe from 30 May 2011. After this period, the product will be withdrawn for EU use.

The Commission decision was taken despite the Rapporteur Member State (RMS) Ireland issuing a positive recommendation in favour of maintaining the inclusion of DPA in Annex 1.

Following the publication of the decision, the Task Force immediately took necessary steps to commission studies to address the issues raised by the evaluating authorities, intending to re-submit the DPA dossier under the accelerated procedure in order to provide answers as soon as possible. Meanwhile, given the importance of DPA for certain varieties in certain EU growing regions, the possibility of emergency uses is being investigated. This legal provision would allow the continued use of DPA on a Member State level for a maximum of three seasons pending the finalisation of the resubmission process.

The RMS subsequently reviewed and submitted a new dossier to the European Commission at the end of 2010, for re-inclusion of Diphenylamine in Annex 1, supporting a favourable opinion for re-inclusion of DPA in Annex 1 and suggesting an increase in the MRL on apples to 10 ppm. A legal action is also pending against the EU Commission to annul the 1st non-inclusion decision.

With regard to the EU MRL situation and the use in 3rd countries, Regulation EC 396/2005 provides Maximum Residue Levels for DPA of 5 ppm for apples and 10 ppm for pears. These levels remain until the European Commission reviews the status of the MRL which is now only likely to occur once the new studies supporting DPA use in the EU are reviewed, thus allowing for continued use and compliance to above EU MRLs by 3rd countries.

The DPA case highlights the uncertainties and challenges regarding the non-inclusion and future status of DPA in the EU and possible impact on 3rd countries. As a result, consequences to suppliers may include:

- While the new dossier is under review for re-inclusion, it is possible that use of DPA may not be permitted in the EU during 2011, by EU suppliers/producer's.
- Some retailer's might include in their specifications to 3rd countries the request not to use DPA since DPA is not included in annex 1 and has been withdrawn for EU use (ie.setting of private requirements beyond the requirements of legislation while an EU MRL exists).
- The concern that manufacturer's will stop production of DPA if use is not authorized in the EU.

Newer Chemistry Case:

The strategy to focus on reducing residues in isolation (i.e. not taking into account the consequences for Good Agricultural Practices) is resulting in some undesirable anomalies. For example producers must forfeit newer technology (chemistry) because this chemistry will likely result in residues on the fruit. This newer technology is significantly better because it:

1. Targets pest specific
2. Supports Integrated Pest Management (IPM) – and is therefore better for managing beneficial insect populations
3. Typically has low mammalian toxicology
4. Is better for the environment
5. May have different modes of action – making it more effective and therefore reducing the overall dependency on chemistry to control pests and diseases
6. Less toxic for the user

All these benefits are forfeited and producers have little choice but to return to broad-spectrum chemistry which has more impact on the environment, users and beneficial insects.

Recent introductions of newer chemistry displaying some or all of the desirable traits are Chlorantraniliprole (Rynaxypyr) and Spirotetramat. Both these products might well leave residues that are not acceptable to some retailers when used correctly. Growers will not be able to use them effectively. Typically these growers would then turn to the older chemistry.

While all these alternatives have approved usages and these usages result in residues that meet the EU MRL requirements, the environment and users of PPPs would certainly be better off having access to the newer chemistry.

Background information about SHAFFE: SHAFFE is a Trade Association which represents fresh fruit growers and exporters of the Southern Hemisphere. SHAFFE unites representatives from all significant Southern Hemisphere countries exporting fresh fruits, including Argentina, Australia, Brazil, Chile, New Zealand, Peru, South Africa and Uruguay. Together, these countries annually export over 3.2 billion USD worth of fresh fruit. More information on www.shaffe.net.

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