

RESPONSE TO COMMENTS RECEIVED FROM THE PUBLIC CONSULTATION ON THE DRAFT FOOD (AMENDMENT) REGULATIONS 2017

The Agri-Food and Veterinary Authority of Singapore (AVA) initiated a public consultation exercise for the period 20 December 2016 to 20 February 2017. Feedback was sought from the food industry (local food manufacturers and importers) and interested parties on the proposed amendments to the draft Food (Amendment) Regulations 2017. Concurrently, AVA notified the World Trade Organisation of the proposed amendments via G/SPS/N/SGP/58 and G/TBT/N/SGP/32.

A total of 29 submissions was received from local food industry members, foreign government agencies and an international industry association. 11 of these submissions expressed support for the proposed amendments to the Food Regulations, with no further comments. The comments and feedback from the remaining 18 submissions are summarised below.

(A) Provisions for the use of new food additives

An industry member sought clarification on the listing of beet red under Part II of the Fifth Schedule, noting that the current Food Regulations already provide for the use of beet red as a colouring matter, by virtue of the fact that it is derived from an edible vegetable. AVA has clarified with the industry member that the listing of beet red serves to provide clarity with regard to its regulatory status as AVA has received numerous enquiries from the industry regarding the permissibility of this colouring matter.

(B) Proposals for the use of additional food additives / extension of use of existing food additives to additional food categories

Some industry members sought clarification on the provisions for quillaia extracts in food. AVA clarified that the current provisions for quillaia extracts will not be deleted but will be moved from the Sixth Schedule to Regulation 21. AVA further explained that the new provisions for quillaia extracts are trade-facilitating in nature as it will provide for the use of quillaia extracts (Type I and II) in an additional food category (viz. alcoholic beverages). In addition, the maximum permitted level of quillaia extracts (Types 1 and II) will be expressed as saponins, in line with the Codex General Standard for Food Additives (GSFA).

Several industry members and an international industry association took the opportunity to request for the inclusion of additional provisions for food additives into the draft Food (Amendment) Regulations 2017. These include provisions for new enzymes and the extension of use of currently approved food additives (potassium sorbate, sodium benzoate, and steviol glycosides) to additional food categories.

In response, AVA explained that safety assessments have to be conducted before allowing the use of new additives in food, or existing additives in additional food categories. AVA advised these industry members to submit their applications with the relevant supporting information, in order for AVA to conduct an evaluation.

Two submissions were received in relation to the proposed provision for the extension of use of propionic acid and propionates:

- The first submission noted that the proposed provision for the use of propionic acid and propionates in the notification G/SPS/N/SGP/58 was not aligned with the provision in the draft legal text. AVA has revisited the text in paragraph 6b(i) and section (B)1 of the consultation document and noted that potassium propionate (which is not a permitted food additive under the Food Regulations) was mistakenly included in the notification and consultation document. Nevertheless, the draft legal text correctly reflects our proposed provision, which is to extend the use of existing food additives: propionic acid (and its sodium and calcium salts) to additional food categories under the Fourth Schedule of the Food Regulations: "Hamburgers and similar products", "Meat, canned, cured, pickled, salted or smoked whether cooked or uncooked", and "Sausages, or sausage meat", at levels up to 2,500 ppm. AVA has submitted a corrigendum to the WTO notification.
- The second submission noted that propionic acid and propionates are allowed under good manufacturing practice in the processed meat categories in the Codex GSFA and requested that AVA take this into consideration when amending the Food Regulations. In response, AVA explained that amendments to the Food Regulations with regard to food additives are usually initiated at the request of industry members and subject to our assessment. In this case, the proposed level of 2,500 ppm for propionic acid and propionates for use in the three processed meat categories was incorporated into the amendments based on an application submitted by industry, with supporting information at the time of application that the level of 2,500 ppm was sufficient for the intended technological purpose. AVA further explained that although the group ADI for propionic acid and propionates, as established by the Joint FAO/WHO Expert Committee on Food Additives (JECFA), is "not limited", and these additives are listed as Table 3 additives in the Codex General Standard for Food Additives (GSFA) and allowed to be used under good manufacturing practice, they should not be used at levels more than that required to achieve their technological purpose, in line with the principles for use of food additives in the Codex GSFA. For future amendments to the Food Regulations, AVA would be able to consider higher levels of use for these additives, should the industry justify such a need, taking into consideration the safety as established by JECFA and the level adopted by Codex.

(C) Health claim related to barley beta-glucan

Some industry members requested for the new health claim in relation to barley beta-glucan be extended to oat beta-glucan. AVA clarified that the new health claim cannot be extended to oat beta-glucan without a proper evaluation, as the original application (and the supporting information provided to AVA) were specific to barley beta-glucan. Industry members were advised to submit a new health claim application containing the relevant supporting information for oat beta-glucan.

(D) Deletion of 11 pesticides and their corresponding Maximum Residue Limits (MRLs)

Two industry members sought clarification on the deletion of the 11 pesticides and their MRLs from the Food Regulations, in particular, whether a grace period would be

provided for industry to transit to the new requirements. In response, AVA explained that the MRLs have been withdrawn by the Codex Alimentarius Commission, as well as by many countries. These 11 pesticides are no longer registered by AVA for local use, nor are they registered for use in the main countries which export fruits and vegetables to Singapore. Therefore, these 11 pesticides should not be detected in the food commodities imported and sold in Singapore, which has been the case for many years.

Nonetheless, there are legal provisions under section 56(5) of the Sale of Food Act which allow industry members a 12-month grace period following gazettal of the new changes to allow for the depletion of stock-in-trade in Singapore, provided these food products comply with the current limits. (To illustrate, the MRL for captafol in peaches is currently 15 ppm under the Ninth Schedule of the Food Regulations. If the level of captafol detected in peaches during the grace period is 15 ppm or less, no enforcement action will be taken.)

AVA appreciates the time taken by all parties to submit feedback and comments on the draft Food (Amendment) Regulations 2017. We would like to encourage all parties to actively participate in future calls for comments.

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