

BNN-Information

New MRLs and new rules for chlorate

From 28 June 2020, new MRLs and new rules for chlorate will apply under Regulation (EU) 2020/749.

Background:

Until 1992, sodium chlorate was permitted in herbicide formulations in Germany. In 2008, a ban on the use of plant protection products containing chlorate was introduced at EU level by Decision 2008/865/EC. In addition to its use as herbicide, chlorate also occurs as an undesirable by-product in drinking water treatment and can therefore be detected in food.

In 2015, EFSA published a scientific opinion on the risks to public health related to chlorate in food, setting a TDI (=tolerable daily intake) of 3 µg/kg body weight and an ARfD (=acute reference dose) of 36 µg/kg body weight.

Until now, the general maximum level of 0,01 mg/kg ("default" value for pesticides) for chlorate applied to all types of food products.

However, as chlorate (as described above) is not detectable because of the use of plant protection products but due to contamination in/on food, revised maximum levels will be published with the publication of Regulation (EU) 2020/749 to take this into account. **The maximum levels apply to the food products listed in Annex I.**

For a better understanding, the recitals of Regulation (EU) 2020/749 are cited as followed:

"Apart from its former use in plant protection products, chlorate is also a substance that is formed as by-product resulting from the use of chlorine disinfectants in food and drinking water processing. These uses lead to the current situation of detectable residues of chlorate in food." (Recital 3)

"[...] In the specific case of chlorate, for which residues do not stem from pesticide use but result from use of chlorine-based solutions in food processing and drinking water treatment, maximum levels should be set at levels which are 'as low as reasonably achievable' (ALARA principle) by following good manufacturing practices while ensuring at the same time that good hygiene practices remain possible. [...]" (recital 7)

These facts, which are set out in the recitals, apply equally to organic food. Chlorate (by analogy with perchlorate) is present due to contamination and not due to pesticide use.

Consequently, chlorate findings do not fall within the scope of the BNN orientation value for pesticides.

Provided that there is no violation of organic farming rules, the maximum levels laid down in Regulation (EU) 2020/749 are to be used for the assessment of chlorate findings in organic food.

Berlin, June 24, 2020