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Mexico

Food and Agricultural Import Regulations and Standards

Mexico's Maximum Residue Limit (MRL) Policy 2005

Approved by:

Suzanne E. Heinen
U.S. Embassy Mexico City

Prepared by:

Carlos González and Gabriel Hernández

Report Highlights:

The Mexican Government has rearranged the responsibilities of the ministries in the Intersecretarial Commission for the Control of Process and Use of Pesticides and Toxic Substances (CICLOPLAFEST). The new responsibilities give the Secretariat of Health (SSA) greater power in the setting of MRLs.

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
Mexico [MX1]
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Background: On October 15, 1987, the Government of Mexico (GOM) announced in the Federal Register (Diario Oficial) the creation of the “Intersecretarial Commission for the Control of Process and Use of Pesticides and Toxic Substances (CICLOPLAFEST, by its Spanish acronym). Of CICLOPLAFEST’s responsibilities, the establishment of Maximum Residue Limits (MRLs) is the most important.

Currently, CICLOPLAFEST is comprised of four Secretariats:

- Secretariat of Agriculture, Livestock, Rural Development, Fishery and Food (SAGARPA)
- Secretariat of Environment and Natural Resources (SEMARNAT)
- Secretariat of Health (SSA)
- Secretariat of Economy (SE)

CICLOPLAFEST’s internal organization is structured as follows:

- Four Under Secretaries
- Technical Secretary
- Technical Committee and coordinator
- Five co-committees and coordinator
- Consultative Committee

Role of Secretariats: As discussed above, four GOM ministries are involved in the establishment of MRLs and management of pesticides, with each one being responsible for specific issues. On December 28, 2004, the GOM published in the Federal Register (Diario Oficial) a Presidential regulation (“reglamento”) known as the Regulation on Registration, Import and Export Authorization, and Export Certification of Pesticides, Fertilizers, and Toxic or Dangerous Materials, which rearranged the responsibilities of each ministry. Under the regulation, SSA was granted greater power in setting MRLs, opposed to previously, when SAGARPA played a larger role.

Effective March 29, 2005, SSA, through the *Federal Commission for the Protection against Sanitary Risks* (COFEPRIS, by its Spanish acronym), will be responsible for administering pesticide registration applications (as well as other administrative duties such as labeling requirements), determining the human risks of exposure (toxicity), and determining the safety of the pesticides (likelihood and routes of exposure) in order to authorize its importation. SAGARPA will be responsible for studying the biological efficacy of pesticides proposed for registration while SEMARNAT will conduct studies on the environmental effects of them. In addition, SAGARPA and SEMARNAT will forward their recommendations to SSA, but only SSA will decide whether to register a pesticide. Only after a pesticide is registered will SSA then establish the MRL standard based on potential risks of exposure to consumers, as guided by the December 2004 regulation. However, MRL designation is coordinated with SAGARPA to incorporate information collected from SAGARPA field studies determining residues based on Good Agricultural Practice (GAP). SE also plays a small role in regulating pesticides, which is unchanged by the December 2004 regulation, by coordinating the tariff regulations, import permits, and HS codes to ensure that the appropriate tariffs are charged, paperwork is submitted, and banned or unregistered pesticides are not allowed entry.

In addition, an official norm (“norma oficial”) was passed recently, assigning SSA the responsibility of coordinating with SAGARPA to establish the appropriate procedure for conducting MRL field studies.

Legal Framework: CICLOPLAFEST's legal framework is made up of the following laws that govern the enforcement of Mexico's MRL policy:

Plant Health Law (SAGARPA): The 1994 Plant Health Law focused on SAGARPA's role in safeguarding plant health. Based on this law, SAGARPA was assigned the task of evaluating the phytosanitary aspects of pesticide MRLs in addition to monitoring compliance. Moreover, the Plant Health Law also required SAGARPA to judge the biological efficacy of pesticides and other plant inputs. SAGARPA was also directed to assist SSA and the Secretariat of Rural Development in ensuring compliance with all official norms and rules applicable to pesticides and other plant inputs. The Plant Health Law also states that phytosanitary measures should be instituted by official norms, which should establish phytosanitary requirements as well as the specifications, criteria, and procedures for the withholding, disposal, or destruction of crops that have been treated with unregistered pesticides or that exceed established MRLs. Lastly, the Plant Health Law details pesticide registration requirements such as the submission of biological efficacy studies and information on ease of use, targeted pests and diseases, and targeted crops.

General Health Law (SSA): The General Health Law requires the Federal Commission for the Protection Against Sanitary Risks (COFEPRIS, by its Spanish acronym) to propose to the SSA Secretary a national strategy for protection against risks from pesticides. SSA is also assigned the responsibility of identifying toxic substances (including pesticides) that may constitute a risk to human health and that require sanitary controls. The law also requires official sanitary authorization of specific pesticides prior to their sale or application. This ties in to product registration, which the General Health Law states may only be granted by SSA, and is required for the establishment of MRLs. The General Health Law further identifies products as contaminated should they contain pesticide residues in excess of SSA-established MRLs. In addition, it requires SSA to publish official norms relating to pesticides, as well as resolutions revoking sanitary authorizations, in the Federal Register (Diario Oficial). Lastly, the General Health Law charges SSA with imposing sanitary controls on dangerous substances (including pesticides) in accordance with the direct or indirect risks they pose to human health.

General Law for the Ecological Balance and Protection to the Environment

(SEMARNAT): The General Law for the Ecological Balance and Protection to the Environment focuses on protecting the environment from hazardous products, such as pesticides. Specifically, it regulates the production, handling, and disposal of pesticides in order to protect the Mexican environment and its natural resources. The law also requires that SEMARNAT identify and classify dangerous chemicals and residues according to their degree of risk, considering their characteristics and volumes used. However, the General Law for the Ecological Balance and Protection to the Environment does not specifically apply to MRLs in food. It does, however, govern the use or application of pesticides in certain cases where such use might adversely affect the environment or Mexico's natural resources.

Law of Metrology and Normalization (SE): Lastly, the Law of Metrology and Normalization relates to MRL policy because it establishes responsibility for foreign tariff regulations (including Harmonized Tariff Schedule codes) and certain aspects related to import permits.

Process for setting MRLs: Mexico is a secondary pesticide market, without a domestic pesticide industry, and consequently lacks a government body to rigorously study the scientific data and additional information submitted with pesticide and MRL applications. As a result, Mexico's MRL policy is closely affiliated with its agricultural trade, as directed by the

Regulation on Registration, Import and Export Authorization, and Export Certification of Pesticides, Fertilizers, and Toxic or Dangerous Materials published in December 2004.

In setting MRLs for agricultural products that may be imported into Mexico, Mexico must base its MRLs on the MRLs of the largest exporter of that product to Mexico – usually the United States – as stated in Transitory Provision 9 of the Regulation. This MRL would equally apply to domestic production of the same product. Hence, the Mexican MRL of a certain pesticide found in yellow corn would be equivalent to the Environmental Protection Agency's (EPA) MRL because the United States is the largest exporter of yellow corn into Mexico. However, should the EPA not have established a MRL for a certain pesticide in yellow corn, Mexican authorities would then apply the MRLs established by the Food and Agriculture Organization and World Health Organization's Codex Alimentarius Commission (Codex).

For agricultural products produced domestically (with no imports from other countries), Mexico first looks to apply EPA-established MRLs. As with imported products, Mexico relies on Codex standards if U.S. standards (or major exporter standards in the case of imports – see *above*) do not exist. In the unlikely event that both EPA and Codex MRLs do not exist for a product, Mexico will then adopt European Union MRLs. Mexico, like other countries, abides by the MRLs adopted by its trading partners for products it exports abroad.

A new rule ("norma") is currently being developed to augment the current Mexican MRL rules. The rule will establish additional criteria for MRL establishment and adoption for products of particular importance in the Mexican diet. For these staples, dietary exposure and risk would have to be analyzed by SSA and the results would then be considered when evaluating, and possibly adjusting, foreign or Codex MRLs for Mexican adoption.

Testing: Mexico does not have a reliable laboratory infrastructure adequate enough to test and identify MRLs domestically or on fresh produce entering the country. SSA is responsible for residue testing of imported products (primarily fruits and vegetables), while SAGARPA is tasked with monitoring residues for domestically produced foods. However, SSA does not conduct regular testing, choosing instead to recognize the U.S. food safety system (for U.S. exports). Of course, SSA does not permit imports of crops produced with banned pesticides or pesticides not registered in Mexico. SSA allows the entry of fresh produce based on the official documentation provided by the exporter that accompanies the product to the border, provided that the pesticides applied are authorized in SAGARPA's "Guide to Authorized Pesticides for Agricultural Use." Government officials indicate that, at present, only the parent chemicals of pesticides (and not their metabolites) are measured in Mexico's limited MRL testing. Meanwhile, SAGARPA operates one laboratory located in Matamoros in the northern state of Tamaulipas for the monitoring of pesticides in domestic products and agricultural exports.

If SSA finds that pesticide residues on imported products exceed established MRLs it will choose to either not allow the entry of the shipment or destroy it. Meanwhile, if SAGARPA finds violations during its residue testing, it will meet with the producer and monitor his practices to determine why residues either exceeded the MRLs or why unauthorized residues were found on a product. Moreover, SAGARPA will assist producers in resolving the problems or, if they determine the excessive or illegal use of pesticides was intentional, they will pursue sanctions against the producers.

Listing of Mexican MRLs: Mexico does not publish its MRLs in its Federal Register ("Diario Oficial"), but instead publishes all MRLs in a catalog. These catalogs have been published sporadically, most recently in 1999, due to the financial costs associated with publication. At present, SSA is revising its 1999 catalog and plans to publish an internet-based catalog as

well. These have not yet been completed, but SSA hopes to have both concluded within months.

For further information, contact:

Ms. Amada Velez
General Director for Agro-Food, Aquaculture, and Fishery Safety
National Service of Health, Food Safety and Quality (SENASICA)
Ministry of Agriculture (SAGARPA)
Municipio Libre 377
Piso 7, Ala "B"
Col. Santa Cruz Atoyac
Mexico, D.F., 03310 Mexico
Tel. (52-55) 9183-1000, ext. 34064 and 34065

For More Information at FAS/Mexico:

Fax. (52-55) 5080-2130
Email: AgMexico@usda.gov

Internet Connections:

FAS Mexico Website: we are available at [Http://www.fas-la.org/mexico](http://www.fas-la.org/mexico) or visit FAS headquarters' home page at <http://www.fas.usda.gov> for a complete selection of FAS's worldwide agricultural reporting.