

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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POLICY

Voluntary Public

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South Africa - Republic of

Post: Pretoria

Draft Regulations relating to maximum levels of metals in foodstuffs

Report Categories:

Trade Policy Monitoring

Sanitary/Phytosanitary/Food Safety

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Report Highlights:

On May 18, 2017, the South African Ministry of Health invited further comments or inputs on the Draft Regulations relating to maximum levels of metals in foodstuffs. The proposed regulations will affect a wide range of agricultural products, namely, grains, vegetables, fruits, pulses, animal fat and oils, milk, meat (beef, pork, poultry, fish) and other consumer oriented products such wine, salt, dairy products and canned products. Post encourages stakeholders to review the amended draft regulations and submit comments by no later than June 19, 2017.

Background

On September 6, 2016, the South African (SA) Ministry of Health published a government notice (No. 990) inviting the public to comment on the Draft Regulations relating to maximum levels of metals in foodstuffs. The notice can be downloaded on the following link:

<http://www.health.gov.za/index.php/shortcodes/2015-03-29-10-42-47/2015-04-30-09-10-23/2015-04-30-09-11-35/category/36-documents-for-comment?download=1675:max-levels-of-metals-draft> . The deadline for public comments was initially set as December 6, 2016. This draft regulation was also notified to the World Trade Organization (WTO) under notifications G/TBT/N/ZAF/211 and G/SPS/N/ZAF/46.

According to the SA Ministry of Health, following the concerns and public comments received from several WTO members including the United States, the draft regulations had to be further amended and aligned with the latest relevant Codex standards. The summary of the public comments received are attached on **Table 1** below. As a result, on May 18, 2017, the SA Ministry of Health sent out an email inviting further comments or inputs on the amended draft regulations. The amended draft regulations are attached on **Table 1**. The deadline for the submission of further comments or inputs was set as June 19, 2017.

Policy implications




The proposed regulations set maximum levels of the following metals; arsenic, cadmium, lead, mercury and tin. This will affect a wide range of agricultural products, namely, grains, vegetables, fruits, pulses, animal fat and oils, milk, meat (beef, pork, poultry, fish) and other consumer oriented products such as wine, salt, dairy and canned products. The United States food exports to South Africa amounted to about US\$340 Million in 2016. Hence, it is important that the proposed regulations are aligned to the relevant Codex standards. Where internationally agreed standards are not available, countries must provide sound scientific justification for establishing the proposed metal levels.

Post encourages stakeholders to review the amended draft regulations and submit comments using the template provided in **Table 1** prior to the deadline of June 19, 2017.

The details for the point of contact for the submission of comments are provided below:

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Table 1: Amended draft regulations and summary of comments received.

Name of Document	Attachment
Amended draft regulations for further comments	 Adobe Acrobat Document
Summary of all comments received and SA government responses	 Adobe Acrobat Document
Template for the submission of comments	 Microsoft Word 97 - 2003 Document

Source: SA Department of Health: Food Control Division