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Impact of International Standards on Fishery Products

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Most of the developed countries of the world today have complex and sophisticated national food standards. Even so, these countries face a continuing need to revise their regulations to take into account new technological developments. On the other hand, newly independent and developing countries are in the process of writing food laws and introducing systems of food regulation and control for the first time. These countries are rapidly learning that food standards should safeguard the national interests, but should not conflict with the requirements of the world's principal sources of food.

What then has brought about the widespread interest in international food standards over the past few years? One identifiable factor motivating most governments is the prospect of facilitating international trade in food by the removal of non-economic barriers to trade, particularly in those countries dependent upon agricultural and fisheries exports. A second factor of equal importance is the need to establish standards to ensure safe and wholesome food in international trade. Hence the two most significant forces behind the development of international food standards are (1) the protection of the health of the consumer and (2) the need to facilitate international trade in foods.

In the past, little progress has been made in the field of international food standards in spite of various attempts and a variety of schemes initiated in Europe, Latin America and Africa. The increase in interest to alleviate trade problems was recognized by member governments of the Food and Agriculture Organization of the United Nations (FAO) and the World Health Organization (WHO), and a decision was made in the early 1960's to create a forum for international action. The two international organizations moved rapidly, after having decided to undertake the challenge of alleviating trade problems. In 1962 a joint FAO/WHO conference on food standards was held. This FAO conference endorsed the establishment of the Codex Alimentarius Commission and developed certain guidelines for its work. WHO subsequently approved the establish-

ment of the Codex Alimentarius Commission and the work of the Commission became a joint FAO/WHO undertaking.

The purpose of Codex Alimentarius is very clearly set forth by the Commission in a Procedural Manual, which states:

“The Codex Alimentarius is a collection of internationally adopted food standards presented in a uniform manner. These food standards aim at protecting consumers’ health and ensuring fair practices in the food trade. The Codex Alimentarius also includes provisions of an advisory nature in the form of codes of practice, guidelines and other recommended measures intended to assist in achieving the purposes of the Codex Alimentarius. The publication of the Codex Alimentarius is intended to guide and promote the elaboration and establishment of definitions and requirements for foods to assist in their harmonization and in doing so to facilitate international trade.”

The scope of Codex Alimentarius is also set forth by the Commission, as follows:

“The Codex Alimentarius includes standards for all the principal foods, whether processed, semi-processed or raw, for distribution to the consumer. Materials for further processing into foods should be included to the extent necessary to achieve the purposes of the Codex Alimentarius as defined. The Codex Alimentarius includes provisions in respect of food hygiene, food additives, pesticide residues, contaminants, labeling and presentation, methods of analysis and sampling. It also includes provisions of an advisory nature in the form of codes of hygiene and technological practice, guidelines and other recommended measures.”

The work of the Commission is carried on largely by committees and each committee is chaired by a country. The chairmanship of a committee really means that the country is responsible for convening experts on the subject of its work and for drawing up standards which are then submitted to the Commission.

The Commission has developed a 10-step procedure for the elaboration of Codex standards. After a draft standard has been prepared by an “author” country and considered by the Committee, the procedure allows two rounds of comments by governments, two examinations by the Committee and two considerations by the Commission. Thereafter the standard is formally sent to governments for acceptance. This procedure has been deliberately designed to give governments the fullest opportunity to comment on standards while they are still in draft, and to allow the Commission to satisfy itself that the standards are being prepared in accordance with its general principles.

The nature of Codex committees can be divided into two types. One group of committees works on general subjects which when adopted are applicable to all food standards. These committees and their chairman countries are as follows: (1) General Principles Committee – France. The purpose of this Committee is to set up formats for the adoption of standards and procedures and the format to be used in the preparation of standards. (2) Food Labeling – Canada. The purpose of this Committee is to establish provisions on labeling applicable to all foods in international trade. (3) Food Hygiene – United States. The purpose of this Committee is to develop basic principles for food plant sanitation and for handling food in international trade. (4) Food Additives – Netherlands. The

purpose of this Committee is to recommend international tolerances for individual additives in specific food items. (5) Pesticide Residues – Netherlands. The purpose of this Committee is to recommend international tolerances for pesticide residue in specific food products. (6) Analysis and Sampling – Federal Republic of Germany. The purpose of this Committee is to determine the best method of analysis and sampling for the products for which Codex standards are in preparation. (7) Meat Hygiene – New Zealand. The purpose of this Committee is to develop basic principles for meat plant sanitation and for handling meat in international trade.

The other group of committees under the Codex Alimentarius is the so-called “commodity committees.” Presently there are nine committees working on standards for specific food products. Of course this group of committees does not cover all foods and additional products for standardization are added to their workload from time to time.

The Codex Commodity Committees currently active, along with the country acting as chairman, are as follows: Cocoa Products and Chocolate – Switzerland; Sugar – United Kingdom; Processed Fruits and Vegetables – United States; Fat and Oils – United Kingdom; Fish and Fishery Products – Norway; Dietetic Foods – Federal Republic of Germany; and Meat and Meat Products – Federal Republic of Germany. Two other bodies, both of which are Joint ECE/Codex Groups of Experts, are elaborating international standards for fruit juices and frozen vegetables.

The Codex Committee on Fish and Fishery Products, which is of greatest interest to you, functions with Norway as the chairing country. This committee has the responsibility for developing worldwide standards for fresh, frozen or otherwise processed fish, crustaceans and mollusks. This committee has met in session seven times and has about 20 products for which standards are being developed. Five standards for canned salmon, frozen gutted Pacific salmon, canned shrimp, frozen fillets of cod and haddock and frozen fillets of ocean perch have been completed. Countries will be asked to accept these standards in the near future. At its most recent session held October 2-7, 1972, this Committee completed its work on a standard for canned tuna and bonito in brine or oil and referred the standard to the Commission for approval. The remaining fishery products for which standards are being elaborated are as follows: frozen fillets of flatfish, canned crabmeat, canned sardines, frozen shrimp and prawns, frozen fillets of hake, frozen blocks of cod, haddock and ocean perch (for further processing), frozen tuna (for further processing), frozen herring, canned mackerel in brine or oil, salted anchovy fillets in oil, canned herring, salted cod, salted herring and frozen lobsters and crayfish.

The United States Delegation to the sessions of the Codex Committee on Fish and Fishery Products usually is composed of three government officials. Additionally, several industry advisors to the government delegates also attend and participate in the committee sessions. At the seventh session of the Codex Committee on Fish and Fishery Products, nine industry advisors to the United States Delegate attended. These advisors serve by invitation and frequently are individuals who are experts in more than one commodity.

In respect to standards for fishery commodities, coordination and liaison with the industry is handled through commodity-oriented trade associations such as the Tuna Research Foundation, National Fisheries Institute, American Shrimp Cannery Association, Maine Sardine Council, National Shrimp Breeders Association, American Frozen Foods Institute and others. When needed, meetings are held with the appropriate commodity-oriented industry group in respect to a specific product standard. In addition to coordination with industry, National Marine Fisheries Service (NMFS) technological research centers and other federal and state agencies are invited to comment on the standards and, on occasion, to test the practical applicability of selected provisions of standards such as defects tables. Thus, when comments are presented during the developing stages of standards for fishery products on behalf of the United States, the best technical and responsive industry and government views are presented.

In the 10 years the Commission has been at work, the number of member countries has increased from 44 to 92, and 67 standards have been developed and recommended by the Commission. Forty-one of the 67 standards are now being circulated among member governments for adoption.

In adopting a Codex standard, a country may choose full acceptance, target acceptance or acceptance with deviations. Target acceptance indicates an intention to grant full acceptance after the passage of a stated period of time. However, some countries, including the U.S., do not adopt standards under the target acceptance provision. The last category indicates full acceptance but with certain recognized deviations designed to meet particular national requirements. If a country determines that it cannot grant acceptance in one of its three forms to the standard, it is asked to inform the Commission whether it will nonetheless permit free distribution of products meeting the standard, and in what ways its present or proposed requirements differ from the standard.

Two points must be kept firmly in mind in regard to Codex Alimentarius food standards. First, in no way would competition among brands or consumers choice, in such areas as taste preference, be restricted by the application of these standards. Differences in food quality, nutritive value and taste among competing products would continue as a result of differences in the basic food source utilized, and processing procedures employed in just the same way as do competing domestic food producers, all of which must meet U.S. Food and Drug Administration, (FDA) standards. What these international standards will assure, particularly for those consumers in less developed countries that lack adequate food safety laws and inspection and enforcement procedures, is a food supply meeting basic safety requirements and minimum quality levels. It might also be pointed out that the adoption of such standards may be beneficial to highly developed nations by helping to enhance trade through the elimination of non-trade tariff barriers. The second point is that the Codex Alimentarius Commission has no authority to impose standards on participating nations. Standards may be adopted by nations in accordance with their existing statutes and procedures governing the adoption of food standards. Hence, for example, the U.S. would adopt a Commission standard through the same manner as the FDA, or in some cases the Department of Agriculture, presently promulgate their domestic food standards.

A critical time is at hand for the work of the Codex Alimentarius Commission. With the present submissions in the hands of member governments for consideration and adoption, and with further new standards expected to be submitted in the near future, we will soon learn if it is reasonable or practical to expect governments to give due weight to international as well as domestic concerns in the establishment of food standards.

The United States, as are other countries, is obligated to review the recommended standards for possible adoption. Careful and substantial consideration has been given to developing a way to proceed and meet this obligation. On October 5, 1972, the FDA published in the *Federal Register* a proposed notice to add a new Section 10.8 to Title 21 for the review of Codex Alimentarius Food Standards. This new section will provide for the review to be accomplished in one of three ways, as follows:

“(1) Any interested person may petition the Commissioner to adopt a Codex standard, with or without change. Any such petition shall specify any deviations from the Codex standard, and the reasons for any such deviations. The Commissioner shall publish such a petition in the *Federal Register* as a proposal, with an opportunity for comment; if reasonable grounds are provided in the petition. Any published proposal shall state any deviations from the Codex standard and the stated reasons thereof.

“(2) The Commissioner may on his own initiative propose by publication in the *Federal Register* the adoption of a Codex standard, with or without change. Any such proposal shall specify any deviations from the Codex standard, and the reasons for any such deviations.

“(3) Any Codex standard not handled under paragraph (b) (1) or (2) of this section shall be published in the *Federal Register* for review and informal comment. Interested persons shall be requested to comment on the desirability and need for the standard, on additional or different provisions that should be included in the standard, and on any other pertinent points. After reviewing all such comments, the Commissioner shall either publish a proposal to establish a food standard pursuant to Section 401 of the act covering the food involved, or shall publish a notice terminating consideration of such a standard.”

With regard to the third alternative for reviewing Codex standards, FDA stressed the need for “different interest groups (consumers, industry, the academic community, professional organization and others)” to “meet and discuss these standards before petitions or comments are submitted.” FDA went on to say that “recent experience has shown that such meetings and discussions often resolve misunderstandings and differences of opinion and avoid unnecessary controversy that can result in protracted disagreement and wasteful public hearings.”

Recently the United States reported on the status of acceptance of 41 recommended Codex Alimentarius standards as of September 1, 1972. These are standards that had been officially transmitted to governments and do not include 26 additional standards that have been accepted by the Commission but not distributed to governments. Standards for quick frozen fillets of cod and haddock and quick frozen fillets of ocean perch are included in this group of 26 standards. In the report, the status of fishery products standards was categorized as follows:

Category 1: Quick frozen gutted Pacific salmon and canned shrimps and prawns

Status – Standards are under consideration, but there are no official regulatory

standards now in effect for these products. National standards will likely be promulgated.

Category 2: There were no standards for fishery products in this category

Category 3: Canned Pacific salmon

Status – The standard is under consideration. The United States did not have an official regulatory standard for canned Pacific salmon when the recommended standard was received. The United States through its rulemaking procedure published standards of identity and fill of container for canned Pacific salmon and announced that these standards would become effective October 30, 1972. These standards incorporate most of the provisions of the Codex standard.

Category 4: There were no standards for fishery products in this category

Category 5: General standard for labeling of prepackaged food

Status – The Directors-General were notified on April 25, 1971, of United States acceptance with minor deviations of the Recommended Standard for Labeling of Prepackaged Food. (This general standard, of course, applies to prepackaged fishery products.)

The indications for the future are summarized as follows: (1) More Codex standards will be developed, adopted and applied both nationally and internationally; (2) Advisory codes of technological and hygienic practice for both vessels and establishments will be developed and recommended for national and international use; (3) Newly established and developing countries will establish and implement food regulation and control systems in their respective countries to apply Codex standards and codes for which the countries have indicated acceptance.

Several serious challenges are associated with Codex Alimentarius standards. Solutions to these problems will require a lot of consideration by all phases of food enforcement and all phases of industry that will be affected by Codex standards. One in particular is the matter of uniform enforcement of accepted Codex standards. The present make-up of Codex Alimentarius does not include an enforcement body. Rather, enforcement would be left to the jurisdiction of the countries adopting the standards, and the variability in the level of enforcement of food standards in various countries is well known. Thus, casual treatment of Codex Alimentarius standards in some countries will undoubtedly be the situation for several years.