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## A REPORT FOR THE CALIFORNIA CHERRY BOARD

### SPECIFIC ISSUES OF INTEREST TO THE CCB:

#### USTR Requests Comments on Barriers to Trade for 2023 National Trade Estimate Report

- On September 15, the Office of the U.S. Trade Representative issued a [Federal Register Notice](#) requesting comments identifying significant foreign barriers to U.S. exports, including agricultural commodities, for the *2023 National Trade Estimate Report*. The annual report is used to facilitate U.S. negotiations to reduce trade barriers and enforce U.S. trade laws and agreements.
- Comments are due by October 28, 2022 and can be submitted through the Notice page at [regulations.gov](https://www.regulations.gov).

#### USDA to Hold Public Meetings in Advance of Codex Committee on Food Hygiene Session

- The U.S. Codex Office of the U.S. Department of Agriculture will [host a virtual public meeting](#) on October 27, 2022 at 1:00 – 4:00 p.m. EST.
- The meeting will include a briefing on the U.S. positions in advance of the [53<sup>rd</sup> Session of the Codex Committee on Food Hygiene](#) (CCFH) and allow time for public comment. Issues on the agenda for the upcoming CCFH Session of potential interest to the California Cherry Board include:
  - Proposed draft guidelines for the safe use and re-use of water in food production
  - Discussion paper on revision of the *Guidelines on the Application of General Principles of Food Hygiene to the Control of Viruses in Food* (CXG 79-2012).
- Attendees may [register for the event](#). Written comments can be sent ahead of the meeting to [jenny.scott@fda.hhs.gov](mailto:jenny.scott@fda.hhs.gov).

#### California Department of Agriculture Adds Oriental Fruit Fly Quarantine Zone

- On September 16, the [California Department of Agriculture](#) (CDFA) added a quarantine zone for Oriental Fruit Fly in Orange County.
- A quarantine map was established for [Orange County](#) in Grids [470](#), [471](#), [482](#), and [483](#), effective immediately.

### GENERAL ISSUES OF INTEREST TO THE CCB:

#### New Zealand Ban of Certain Plastic Food Packaging Enters Into Force

- New Zealand's [Waste Minimisation \(Plastic and Related Products\) Regulations 2022](#), implementing the phase-out of certain plastic products, enters into force on October 1, 2022 (*BCI Monitors 4-5-22, 7-6-21, 11-24-20*).
- The regulation prohibits the manufacture and sale of items including:
  - any plastic product with pro-degradants, including oxo-degradable or photo-degradable plastics
  - all PVC food trays or containers
  - expanded polystyrene packaging sold by retail

### EU Adopts Regulation on Recycled Plastic as Food Contact Material

- The European Union (EU) adopted [Commission Regulation \(EU\) 2022/1616](#) regarding the use of recycled plastic materials and articles used as food contact materials (*BCI Monitor 12-7-22*). The Regulation repeals and replaces *Regulation (EC) No 282/2008*.
- The regulation sets out rules for the manufacture, development, labeling, collection, monitoring, and decontamination of recycled food contact plastics.
  - Recycled plastics will be allowed as food contact materials if raw materials originate exclusively from municipal, food retail, or food business plastic waste that was intended and used for contact with food.
  - Collection of the raw material for recycled food contact plastics shall happen separately from other plastic waste collection, as further defined in the regulation, and be traceable and certified by an independent third party.
  - Plastics must be recycled by a suitable technology as laid down in Annex 1, table 1.
- As discussed in Articles 4(6)(c), 9(5), and 24, plastics that will be used for the manufacture of recycled plastic food packaging must be labeled with a mark identifying its relevant recycling scheme.
- The regulation enters into force on October 10, 2022. According to Article 31(3) recycled plastic materials made by a process not deemed suitable under this regulation can be placed on the market only until July 10, 2023, unless the product is manufactured with a novel technology in accordance with Chapter IV. Article 31(6) permits food business operators to use recycled plastic food packaging until stocks are exhausted.

### Brazil Publishes Draft Registration Framework for Food and Food Packaging

- On September 6, Brazil's National Health Surveillance Agency (ANVISA) published [Public Consultation No. 1113 of 09/05/2022](#) and [Public Consultation No. 1114 of 09/05/2022](#) (both in Portuguese), addressing regulatory gaps in food and food packaging regulations.
- Both consultations were notified to the WTO ([No. 1113](#), [No. 1114](#)).
- Consultation No. 1113 relates to a [draft resolution of the Collegiate Board of Directors](#) (RDC) (in Portuguese), setting out the framework and procedures for registering food and food packaging in the National Health Surveillance System.
- Consultation 1114 relates to a [draft normative instruction](#) (in Portuguese) implementing the above mentioned draft RDC.
  - Annex I pertains to products and packaging to be registered with ANVISA
  - Annex II pertains to products and packaging to be notified to ANVISA.
  - Annex III lists products and packaging for which the start of imports must be notified to the health authority of the State, Federal District, or Municipality.
  - Annex IV lists categories of food and packaging not subject to registration with the National Health Surveillance System.
  - Annexes V – XI establish documents and procedures for communication and registration with the competent authority.
  - Of note to the California Cherry Board, general food packaging, food packaging made of recycled food grade PET, and food with functional or health claims are mentioned in the Annexes. Based on Annex IV, fresh fruit in its natural state is exempted from registration or notification requirements.
- Both consultations close on December 13, 2022. Comments can be submitted via this [questionnaire](#) for Consultation No. 1113 and via this [questionnaire](#) for Consultation No. 1114, respectively.
- Comments can be sent to the U.S. TBT Inquiry Point at [usatbtep@nist.gov](mailto:usatbtep@nist.gov). The comment deadline is December 13, 2022.

### China Issues Notice on Strengthening the Control of Excessive Packaging

- On September 8, the State Council of China issued a [notice](#) (in Chinese) on strengthening the control of excessive packaging of commodities. The notice roadmaps how different government levels and agencies will combat excessive packaging, with the goal of forming a “full-chain governance system” by 2025.
- Of note to the California Cherry Board, stated goals include “to formulate mandatory standards for restricting excessive packaging of edible agricultural products, and clarify the basis for determining excessive packaging of edible products such as fruits.”

*(Continued on next page)*

*China Issues Notice on Strengthening the Control of Excessive Packaging (continued)*

- The notice also urges compliance with current standards including National Standard [GB 23350-2021](#) *Restriction of Excessive Packaging Requirements for Food and Cosmetics* as amended by [Amendment No. 1](#), which will enter into force on September 1, 2023.