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INSIDE THIS ISSUE

- **USTR Publishes 2024 National Trade Estimate Report on Foreign Trade Barriers**
- **Canada Opens Consultation on Safe Food for Canadians Act**
- **Phase One of Hong Kong's Single-Use Plastics Ban Enters into Force, Banning Oxo-degradable Plastic**
- **Brazil Opens Two Food Contact Materials Consultations**
- **India Gazettes Amendments to Plastic Waste Regulations**

A REPORT FOR THE CALIFORNIA CHERRY BOARD

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SPECIFIC ISSUES OF INTEREST TO THE CCB:

USTR Publishes 2024 National Trade Estimate Report on Foreign Trade Barriers

- The Office of the U.S. Trade Representative (USTR) on March 29 [announced](#) the publication of the [2024 National Trade Estimate Report on Foreign Trade Barriers \(NTE Report\)](#). The report outlines significant barriers to U.S. exports in foreign markets and actions taken to remedy those obstacles.
- The report highlights several barriers to U.S. agricultural exports including China's requirements across a wide range of food and agricultural products; India, Turkey, and Mexico's policies regarding agricultural biotechnology; the European Union's (EU) policies affecting crop protection technologies and food packaging; and the lack of clarity relating to the calculation method for packaging space ratios used by Korean Government authorities under the *Act on the Promotion of Saving and Recycling of Resources* (Recycling Act). Please note that the EU's Trilogue on the Packaging and Packing Waste Regulation, which the NTE noted is expected to begin in early 2024, has already concluded and Parliament and Council have reached a provisional agreement (*BCI Monitor 3-5-24*).
- The report also details tariffs on agricultural products including cherries in India and the Philippines, as well as non-scientific sanitary and phytosanitary (SPS) measures in other markets.

GENERAL ISSUES OF INTEREST TO THE CCB:

Canada Opens Consultation on Safe Food for Canadians Act

- On March 27, Canada [opened a consultation](#) on the [Safe Food for Canadians Act](#) (SFCA). The SFCA, which entered into force in January 2019 and requires a review of provisions every five years, sets food commodity regulation provisions pertaining to their safety, inspection, labeling and advertising, import and export, and registration and licensing.
- The key topics for discussion, as detailed in the [consultation document](#), are centered on determining if the SFCA is meeting its objectives of improving food safety and consumer oversight and having effect, streamlined, and strengthened legislative authorities across food commodities.
- Feedback may be submitted until May 27, 2024, through an [email](#) including "SFCA review consultation" in the subject line.

Phase One of Hong Kong's Single-Use Plastics Ban Enters into Force, Banning Oxo-degradable Plastic

- On April 22, the first phase of Hong Kong's single-use plastics ban set out in the [Product Eco-responsibility \(Amendment\) Bill 2023](#) will enter into force (*BCI Monitors 4-4-23, 11-7-23*). The entry into force date for the first phase was [formalized in January of 2024](#).
- According to Schedule 10 of the amendment, the bill will ban the manufacturing, sale, and distribution of disposable plastic products over two phases. In the first phase, the following item of interest to CCB will be banned from sale and free distribution: Oxo-degradable plastic products (regardless of disposability).
- Phase two of the amendment is tentatively projected to enter into force in 2025 depending on the availability and affordability of non-plastic or reusable alternatives. Phase two of the ban will, however, not include products of interest to CCB.

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Brazil Opens Two Food Contact Materials Consultations

- On March 25, Brazil's National Health Surveillance Agency (ANVISA) [announced](#) (in Portuguese) the opening of two food contact material (FCM) consultations of potential interest to CCB:
 - [Public Consultation No. 1241](#) (in Portuguese), which proposes authorizing the use of the substances Polyamide-imide 2 (PAI-2) and Tetramethyl Bisphenol F Diglycidyl Ether (TMBPF - DGE) in the preparation of polymeric coatings intended for contact with food. Comments are due by May 13 and can be submitted on the linked consultation page.
 - [Public Consultation No. 1244](#) (in Portuguese), which proposes authorizing the use of the substances silver-magnesium-sodium-boron phosphate (*silver glass*) and diethylaminoethanol as additives in the production of plastic materials and polymeric coatings intended to come into contact with food. Comments are due by May 27 and can be submitted on the linked consultation page.
- On March 27, Brazil notified the WTO of these consultations ([No. 1241](#) and [No. 1244](#)). Comments can be sent to the U.S. TBT Inquiry Point at usatbtep@nist.gov. The WTO comment deadline for No. 1241 is May 13, while No. 1244 is May 27.

India Gazettes Amendments to Plastic Waste Regulations

- On March 14, India's Ministry of Environment, Forest and Climate Change gazetted the [Plastic Waste Management \(Amendment\) Rules, 2024](#) (in English p. 25), amending the *Plastic Waste Management Rules, 2016* (BCI Monitor 11-21-23).
- Of note, the finalized amendment includes several changes to definitions (page 25 - 26) not present in the initial draft:
 - The definition of "Biodegradable plastics" was updated to the following: "...plastics, other than compostable plastics, which undergoes degradation by biological processes in specific environment such as soil, landfill, sewage sludge, fresh water, marine, without leaving any micro plastics or visible or distinguishable or toxic residue, which has adverse environment impact."
 - The definition of "Importer" was updated to the following: "...means a person who imports for commercial use, any plastic packaging or any commodity with plastic packaging or carry bags or plastic sheets or like material, or plastic raw material including in the form of resin or pellets, or intermediate material to be used for manufacturing plastic packaging such as films or preforms."
 - The definition of "Manufacturer" was updated to the following: "...a person engaged in production of plastic raw material, including compostable plastics and biodegradable plastics."
 - The definition of "Producer" was updated to the following: "...a person engaged in manufacturing of plastic packaging; and, includes a person engaged in manufacture of intermediate material to be used for manufacturing plastic packaging, and also the person engaged in contract manufacturing of products using plastic packaging or through other similar arrangements for a brand owner."
 - The definition of "Seller" was updated to the following: "...a person who sells plastic raw material such as resins or pellets or intermediate material used for producing plastic packaging."
 - The changes to the definitions of "Plastic Packaging" and "Multi-layered Packaging" present in the draft amendment were not included in the final amendment."
- A new sub rule (7) has been added to Article 10, which notes that the Bureau of Indian Standards will, at a later date, specify a separate color or marking for plastic packaging made from compostable plastics or biodegradable plastics.
- Article 11 sub-rule (2) on marking and labeling was updated to require recycled plastic packaging and commodities to bear a label reading "Recycled having [---specify percentage ---] of recycled plastic" and bear a mark illustrated on page 28. Each recycled plastic packaging shall conform to the [Indian Standard: IS 14534: 2023 Plastics — Recovery and Recycling of Plastics Waste — Guidelines](#).
- Additionally, two clauses related to the labeling of compostable and biodegradable plastic packaging and commodities have been added after sub-rule(2) in Article 11 (page 28). Compostable packaging must comply with the [Indian Standard: IS/ISO 17088:2021 Specifications for Compostable Plastics](#).
- The amendment entered into force upon its publication in *The Gazette of India*.