

Update on MRL Harmonization Situation for Hops

Presented by Maggie Elliot and Erich Lehmailr

August 17, 2023

EU Pesticide and MRL Policies

The European Union is working to fulfill the objectives heralded by the Farm to Fork Strategy and Green New Deal by instilling policies limiting pesticide use. Growers have witnessed increased cancellations of both pesticide approvals and EU MRLs. The EU has commenced the rejection and withdrawal of chemistries deemed to be of environmental concern, expanding the reach beyond restrictions based on concerns for human health. This approach may fall into scrutiny with the trading regulations set forth in the World Trade Organization's Sanitary and Phytosanitary Agreement.

Potential Impact of EU Cut-Off Criteria:

The following pesticides have either have not been renewed, renewed with restrictions, or were proposed for non-renewal in the European Union:

- **Abamectin** (Agrimek/Vertimec)
- **Beta-cyfluthrin** (Baythroid) – MRL restriction already implemented
- **Bifenazate** (Acramite) – MRL restriction proposed
- **Bifenthrin** (Brigade/Capture/Discipline 2E) – MRL restriction proposed
- **Cyazofamid** (Ranman)
- **Ethoprop** (Mocap EC)
- **Etoxazole** (Zeal) – MRL restriction proposed
- **Fenazaquin** (Magister) – MRL restriction already implemented
- **Imidacloprid** (Admire/Confidor/Provado)
- **Mancozeb** (Karamate)
- **Malathion** (Fyfanon)
- **Quinoxifen** (Fortress/Quintec)
- **Pymetrozine** (Fulfill/Plenum) – MRL restriction already implemented
- **Sulfoxaflor** (Transform)
- **Thiamethoxam** (Platinum) – MRL restriction already implemented

Bifenazate Restriction

The EU proposed to restrict the MRL for bifenazate on hops from 20 ppm to .05 ppm earlier this year. In an unpredictable turn, the language in the draft regulation currently does not allow for hops produced or imported in the EU before the MRL change to remain compliant after the new MRL is established. This is a major concern among several hop traders due to current stock levels of hop pellets and extract.

The new MRL of .05 ppm is expected to be in place by spring of 2024. While the registrant, UPL, has submitted data to reinstate the European uses and MRLs, the review process is expected to take 2.5 years to complete. The U.S. and EU hop industries are engaging with EU authorities to solve the problem.

European Court of Justice Case

This spring CropLife International approached Hop Growers of America to potentially serve as a plaintiff in an annulment case against the European Commission to challenge the precedent of using global environmental concerns as a means of regulating import measures. CropLife International is a large trade association representing global agro-chemical manufacturers, including Bayer Crop Science, Corteva, BASF, Gowan, Syngenta, etc. The association was seeking plaintiffs from commodity organizations around the world who would be adversely impacted by the restriction of MRLs based on global environmental concerns and willing to publicly sue the European Commission. The case would orient around the first two compounds restricted based on environmental concerns: thiamethoxam and clothianidin.

For several reasons including the scant use of these compounds in the U.S., the difficulty in securing a win, as well as the potential public relations ramifications, the Hop Growers of America Board of Directors respectfully declined the opportunity to act as a plaintiff. Other plaintiffs were secured for the lawsuit and the case was formally filed recently.

A second option available to HGA is to serve as an intervener in the legal proceedings, which would entail the organization submitting a letter of support for the initiative. HGA is working to gather partnerships among other commodity associations in the U.S. to collaboratively draft a letter and form a coalition of potential interveners. HGA is waiting for the case to be published with the legal arguments in place before proceeding with the next steps.

Great Britain MRL Changes:

Since January of 2023 Great Britain has established 2 hop MRLs:

Cyflufenamid (Torino): established GB MRL is harmonized with U.S. MRL at 5 ppm.

Pymetrozine (Fulfill/Plenum): established GB MRL (0.1 ppm) is more restrictive than U.S. MRL (6 ppm). In addition, import tolerance applications for **cyflumetofen** (Nealta) and **fenazaquin** (Magister) have been submitted and are under review.

Korean MRLs

The new Korean MRL system has been fully implemented beginning in 2022. As of July 2023, there are **88** hop MRLs established in Korea with corresponding U.S. MRLs. Three import tolerance applications that were submitted under the Washington State Block Grant project are still under review. They are: **pymetrozine** (Fulfill/Plenum), **clethodim** (SelectMax/Shadow), and **cyflumetofen** (Nealta).

Korean Iron Testing

In the spring of 2022, the Korean government started to monitor for and claimed to find metallic dust on hop shipments to the country that they considered to be iron powder. The Korean standard for iron in food is 10 ppm and findings were above that level. As a result, the Korean government began rejecting

hop shipments for violating Korea's food safety code. This became a major issue of 2022, as hop shipments around the world were halted.

To address this concern, industry efforts were coordinated to develop data on naturally occurring levels of iron on hops and to provide details on hop growing, picking, and pelletizing practices. Both US and German industries collaborated in the response to Korea.

Throughout November and December, KALIA and MFDS met and discussed the issue. A resolution was finally reached at the end of the year, when MFDS informed KALIA and the Korean Brewers that they would not be testing hops for iron particles beginning January 1, 2023.

It appears at this time the issue has been remediated, as hop shipments have managed to successfully process through South Korea's customs.

Chinese MRLs (Zampro MRL proposed)

In total there are 51 hop MRLs established in China. As of July 2023, there are **32** hop MRLs established in China with corresponding U.S. hop MRLs. Generally, China announces large MRL updates every one to two years as part of their MRL review process. While China frequently sets their national MRLs at Codex levels, they do not defer to Codex.

The gap in MRLs is correlated with the absence of China's long-promised Import System for maximum residue levels, which would allow foreign industries to seek import tolerances in China. Currently, all MRLs in China must go through a full registration process, including field trials in China.

Since January 2023, China has proposed **one** hop MRL:

- **Amectotradin (Zampro):** proposed Chinese MRL (30 ppm) is more restrictive than the U.S. MRL (100 ppm) but harmonized with Codex.

Japan MRLs

There are currently **88** hop MRLs established in Japan with corresponding U.S. MRLs. Since January 2023, Japan has proposed **one** hop MRL:

Proposed MRL:

- **Paraquat dichloride (Gramoxone):** proposed Japanese MRL (0.1 ppm) is more restrictive than U.S. MRL (0.5 ppm) but harmonized with the Codex MRL.

Codex MRLs

The Codex Committee on Pesticide Residues (CCPR) met in person for the first time since 2019 in Beijing, China in June 2023. The Committee considered the MRL recommendations made by the FAO/WHO Joint Meeting on Pesticides Residues (JMPR) in the fall 2022. As a result, one hop MRL has advanced:

- **Famoxadone (Tanos):** recommended hop MRL at 50 ppm. US MRL of 80 ppm was established in March 2009. The EU MRL is set at 0.05 ppm LOD. The EU did not introduce a reservation, so it is possible the EU will adopt this MRL. However, this substance is no longer approved for use in the EU.

Future Reviews: according to JMPR's current schedules and priorities, the following substances are listed for review in the coming years. Please note that these schedules change often so the review may be delayed.

In 2023, JMPR is scheduled to review two new hop MRLs:

- **Oxathiapiprolin** (Orondis Gold/Orondis Ultra): review is listed with six residue trials. U.S. MRL of 5 ppm was established in July 2020. EU MRL of 8 ppm was established in November 2021.
- **Cyflumetofen** (Nealta) U.S. MRL of 30 ppm is harmonized with the EU MRL.

For 2024, the following substances are currently listed:

- **Hexythiazox** (Onager/Ordovol/Optek): EU and Codex MRL 3 ppm; U.S. MRL 20 ppm: Gowan will submit additional residues trials to support the MRL on hops.
- **Fenpyroximate** (FujiMite): listed as "reserve" for the 2024 JMPR review. The EU MRL is 15 ppm; The U.S. MRL is 10 ppm.
- **Folpet** (Folpan): listed as "reserve" for the 2024 JMPR review. The EU MRL is 400 ppm. The U.S. MRL is 120 ppm.

For 2025, the following MRLs are expected to be considered:

- **Cyantraniliprole** (Exirel): there is no hop MRL established in the U.S. and the EU MRL is at LOD (0.05 ppm).
- **Acequinocyl** (Kanemite): the U.S. MRL is 15 ppm and the EU MRL is 20 ppm.
- **Sulfoxaflor** (Transform): Currently, there is no hop MRL established in the U.S. and the EU MRL is at LOD (0.05 ppm).
- **Mefentrifluconazole** (Revysol): Currently, there is no hop MRL established in the U.S. and the EU MRL is at LOD (0.05).