

# Update on MRL Harmonization Situation for Hops

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## 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 to .05 (*Effective April 8, 2024*)
- **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 was 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 worked with USDA-FAS officials to engage with EU authorities on the issue. At a meeting with DG SANTE, a potential compromise arose. DG SANTE indicated it may be possible to delay publication of the report, potentially until December 2024. Hop industry representatives are seeking clarification and confirmation of this development.

## **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 orients 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.

The U.S. hop industry decided it would be valuable to contribute to the lawsuit as an intervener. USHIPPC has partnered with the Minor Crop Farm Alliance (MCFA), a coalition of specialty crop organizations in the U.S., to financially support this group's intervention.

## **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 **90** 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). This fall Nealta was proposed for 30 ppm.

In September, hop MRLs for clofentazine (7 ppm) and flutianil (2 ppm) were established.

### **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).