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REGULATIONS

# 2021 REGULATORY WORKSHOP

TECH-ENABLED  
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ASK THE  
EXPERT

AUGUST 4, 2021

VIRTUAL





# ASTA Advocacy Update

Laura Shumow and Craig Johnson



# Advocacy Budget & Priorities

- ASTA has budgeted \$427,140 to cover advocacy work in FY2021-2022
- These funds cover heavy metal and pesticide work, staff support, validation guidance for spice groupings, development of governmental comments, & coalition building
- Key priorities:
  - Heavy metal limits – especially New York State
  - Pesticide tolerance petitions & farmer training
  - Guidance on validation of spice groups



# New York State – Key Issue

- NY Department of Agriculture and Markets held a stakeholder webinar in May 2021 & published webpage & press release announcing new action limits for heavy metals in spices
- 0.21ppm action limit for lead in spices is unachievable





# New York State – ASTA Response

- ASTA requested a meeting with NY & engaged the Task Force on Lead in Spices to respond to concerns regarding the action limit
- Scientific consulting firm Exponent was hired to conduct safety & exposure assessment for spices
- Craig Johnson of Long Point Advisors, former state senator in New York State, was hired as a lobbyist
- Feasibility data was collected from members
- FDA was engaged and D.C. coalition was informed





# July 29 Meeting with NY State

- Meeting with regulatory officials from Department of Public Health & Department of Agriculture and Markets
- ASTA staff, Exponent, Craig, and counsel present
- Goals of meeting
  - Justify safety of existing class 2 action limit of 1ppm
  - Communicate that action limit of 0.21ppm is not feasible
  - Better understand New York's approach to its risk assessment
  - Compare risk from spices to other foods – drinking water, vegetables, etc.



**Agriculture  
and Markets**



**Department  
of Health**

# Feasibility Data Shared with NY State

Spice	N	Average (ppm)	Median (ppm)	90 <sup>th</sup> Percentile (ppm)	% >0.21 ppm	% >1.0 ppm
<i>Cinnamon</i>	3095	0.81	0.66	1.6	86%	28%
<i>Ginger</i>	441	0.76	0.68	1.3	95%	18%
<i>Turmeric</i>	550	0.29	0.17	0.67	44%	3%
<i>Basil</i>	34	0.27	0.20	0.62	47%	0%
<i>Oregano</i>	121	0.54	0.37	0.94	79%	9%

- This data was anonymously consolidated and blinded from samples throughout the global spice supply chain, including raw materials and finished products.
- Non-detects set to 1/2 LOD; if no LOD was provided, assumed an LOD of 0.005 ppm.



# Meeting Outcome

- New York State shared more specific information on feasibility & exposure assessment
  - 41% of spices sampled by New York would not meet standard
  - Consumption analysis included some non-spices (e.g. bell peppers)
- Open to delaying implementation
  - ASTA communicated that limits should be revoked/revised, not delayed
- State will finalize paper soon and committed to continuing the dialogue with ASTA once the paper is published





# Next Steps

- Elevate issue to Governor Cuomo's office – Meeting on Aug 26
- Leverage economic footprint of spice industry in New York state and coalitions with broader food/restaurant sector
- Ultimately may need to negotiate alternative “solution”
  - Lowering Class I action limit from 25ppm
  - Accepting limits set for arsenic and cadmium
  - Differing levels for subcategories of spices





# Meeting with FDA August 31

- ASTA formed a coalition of D.C. based trade associations with concerns about the new limits
- Coalition will meet with FDA to raise concerns regarding New York State's recall manual on Aug 31
- Will raise concerns regarding the precedent and request that FDA leverage its authority in the establishment of limits



# Pesticide Advocacy

- Updates – metalaxyl, cypermethrin
- Identifying future petition candidates
- Partnership with SSI, IDH, ESA, & VPA
- Pesticide compliance list on ASTA website



# Validation of Spice Groupings

- ASTA published a paper on validation, sponsored by Sterigenics, of irradiation processes for spices
- Dr. Jim Dickson and ASTA Microbiology Task Force are working on revising/enhancing guidance on validation of spice groupings





# Other Advocacy Goals

- Supply Chain Disruption
- California Prop 65
- International/Codex Standards





# On Our Radar: Monitoring and Will Engage if Need

- Forced Labor/CBP WRO's
- Trade/Tariff Issues
- Ethylene Oxide/Propylene Oxide Authorization
- Poppy Seed Restrictions
- Organic Issues (NOSB, Strengthening Organic Enforcement)
- New Era of Food Safety & FSMA-Related Issues (Laboratory Accreditation, FDA Guidance, Traceability Regulations, etc.)





# Compliance Support Resources

- Events, Education & Webinars
- Revising HACCP/GMP Guidance Document
- Adulteration Briefing Guidance
- FYI ASTA Weekly
- One-on-One member questions



# Leveraging Coalitions



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# Upcoming ASTA Events!

