

(Unofficial Translation)

Guideline for the implementation of surveillance measure to inspect pesticide residues of imported fresh vegetables and fruits at the FDA Checkpoint (Revised version) (For importer)

Rationale

On 27th December 2019 the Minister of Public Health announced that the year of 2020 would be designated as a year when food safety, especially foodstuffs would be safe from pesticide residues.

On January 24th 2020 the Food and Drug Administration (Thai FDA) announced Re: Statement on surveillance measure of vegetables and fruits that may have pesticide residues with the purpose for reduce and eliminate the risks of pesticide residues in fresh produce that exceeds the standard value which may affect to consumer health. This measure including the production, importation and sale of vegetables and fruits.

Regarding importation: The competent officer will inspect imported fresh vegetables and fruits at the FDA Checkpoint to ensure that residues of pesticide are comply with the law. At the same time, Thai FDA let an importer able to present Certificate of Analysis (COA) to release product as soon as possible. Therefore the Import and Export Inspection Division, Thai FDA, established this guideline to ensure that all parties are aware and implement it in the same direction.

Operational framework

1. This guideline is in accordance with the Notification of the Ministry of Public Health : Regarding Food Containing Pesticide Residues (Pesticide Residues in Food) and Re: Prescription of production process, equipment and utensil for production and storage of some fresh fruits or vegetables and labeling and the Announcement of Food and Drug Administration Re: Inspection of imported foods into the Kingdom of Thailand dated 13th June 2016.

2. The scope of foods in this guideline are all kinds of fresh vegetables and fruits. Dried and frozen produce are excluded.

3. Import and Export Inspection Division has published a list of imported fresh vegetables and fruits that found some risks from pesticide residues (**Very high risk list**). This informs officials and importers of the types of products and the manufacturer, exporter or seller are risk of pesticide residues. This list was compiled from products where pesticide residues have been detected at a level exceeding the regulation. Manufacturer, exporter or seller and source countries are from Thai FDA's detention system.

4. Import and Export Inspection Division has classified fresh vegetables and fruits according to the risk of pesticide residues into 3 groups as follows;

4.1 Very high risk group: means fresh produce that appears in 'List of imported fresh vegetables and fruits that found some risks from pesticide residues' (Very high risk list)

4.2 High risk group: means fresh vegetables and fruits which non-compliance more than 20 percent of each type of vegetables and fruits in 2018-2019. Top 5 items include;

Vegetables : sweet peas, celery, coriander, Chinese kale or Chinese broccoli, spinach.

Fruits : cherry, citrus, strawberry, grapes and dragon fruit

4.3 Low risk group: means fresh vegetables and fruits which non-compliance not more than 20 percent of each type of vegetables and fruits in 2018-2019, and not a Very high risk group or a High risk group.

5. The competent officer will implement the surveillance measure for imported fresh produce depending on the risk categories. The group of the highest risk will conduct by the strictest measures and in the other groups will be conducted at a lower priority.

6. The Import and Export Inspection Division will facilitate the import by waiving some measures, if an importer of fresh vegetables and fruits can provide the certificate of analysis (COA) as per the requirement. Eligible COA shall be issued by the responsible government agency of the country of origin or a laboratory endorsed by the government authority or a private institutions that have been certified laboratory according to ISO/IEC 17025, demonstrating that product safety complies with the regulation. It is noted that COA is not mandatory, but is a measure to help fasten the inspection process.

The pesticide residues that are required in COA are as follows:

6.1 Very high risk group: shall present the pesticide residues that appear in the list of 'Very high risk'

6.2 High risk group: shall present some pesticide residues that non-compliance of each High risk product, plus glyphosate, paraquat and chlorpyrifos (List of pesticide residues displayed in the COA of High risk group).

7. The 'Very high risk list' and 'list of pesticide residues displayed in the COA of High risk group' can be checked from the Import and Export Inspection Division, website. (www.fda.moph.go.th/sites/Logistics/Pages/Main.aspx)

Procedures for importer

1. An importer must check the name of fresh produce and manufacturers or exporters or sellers from Very high risk list (List of imported fresh vegetables and fruits that found some risks from pesticide residues). If they are in this group, the competent officer will collect sample and hand it over to importer for testing at the government laboratory or the laboratories that are assigned or certified by government agencies or private institutions that have been certified laboratory according to ISO /IEC 17025 to analyze pesticide residues. After that the competent officer will manage with the remaining products as follows:

1.1 Whenever the competent officer considers the storage area at the port together with the necessary reasons and the need of an importer to **wait for** the analytical results, the commodity will be quarantined to await the analytical results at the port. The burden of expenses for storage of the commodity is responsibility of an importer.

- If the analytical result complies with the regulation, the customs process can be proceeded.

- If analysis shows that commodity is not in compliance then import will not be allowed.

1.2 Whenever the competent officer considers the storage area at the port together with the necessary reasons, an importer **cannot wait for** the analysis to be completed and ask for detention. An importer must formally declare agreement and allow for commodity to be continued detention pending arrival of the analytical results at the storage place of the Importation license until he receives the withdrawal sequestration. So the competent officer will detain the commodity, after that an importer proceeds to process with customs clearance for product release.

The Import and Export Inspection Division will facilitate the import if an importer able to present the COA which demonstrates that the pesticide residues that appears in the Very high risk list is in compliance with the regulation. This option will facilitate quick clearance process.

2. An importer must check the name of fresh vegetables and/or fruits which are in the High risk group. If they are in this group, the competent officer will randomly collect sample for pesticide residues testing at the laboratory. After that, an importer proceeds to process with customs clearance for product release.

An importer may present the COA which demonstrates that the pesticide residues that appears in the list of pesticide residues displayed in the COA of High risk group. This will facilitate quick clearance process.

3. If it's not on Very high risk nor High risk group, it will be determined as a Low risk group. The competent officer will randomly collect samples for preliminary test by GT-Pesticide test kit and GPO-TM/2 kit. After that, an importer proceeds to process with customs clearance for product release.

Where there is any suspicion of contamination, the samples that have been collected will send to laboratory for pesticide residues testing.

4. In case of fresh vegetables or fruits in accordance with the Notification of Ministry of Public Health No. 386 Re: Determine production methods, production tools, and storage of some fresh vegetables or fruits and labeling, the importer must present the production certification that have sorting and packing processes in various types of packaging issued by the competent authority or other organization recognized by the responsible government organization of the producer's country or the certification body (CB) that has been accredited by the Accreditation Body (AB) that is being a member of the International Accreditation Forum (IAF), or other agencies as announced by the Food and Drug Administration by

4.1 An original document or

4.2 A hard copy, certified by an agency who issued the certificate or the embassy or the consulate of the producer's country where located in Thailand or government agencies in the producer's country or a person certified by government agency in producer's country such as notary public / chamber of commerce / commissioner of oaths / justice of peace etc.

4.3 When other documents such as a Health Certificate or a Certificate of Free Sale are presented these will be acceptable but must cover the process of sorting and packing fresh vegetables or fruits in various types of packaging as required and certified by the relevant government agency.

5. The labels for imported fresh produce according to article 4 should clearly show the following: name of producer or packing house, country of origin and name of commodity to facilitate the official to check the production certification.