

**European Union comments on  
Codex Circular Letter CL 2024/57-FA**

**Request for proposals for change and/or addition to Section 3 of the *Class Names and International Numbering System for Food Additives*  
(CXG 36-1989)**

*Mixed Competence  
European Union Vote*

In reply to CL 2024/57-FA, the European Union and its Member States (EUMS) would like to submit the following comments:

**Proposal for deletion of Ortho-phenylphenol (INS 231) and Sodium ortho-phenylphenol (INS 232) from CXG 36-1989**

CCFA51 discussed inclusion of Ortho-phenylphenol (INS 231) and Sodium ortho-phenylphenol (INS 232) in the JECFA priority list in the light of the JECFA recommendation ‘to re-evaluate the ADIs as some studies indicate that the salt might be more toxic for human health than previously estimated’ (see CX/FA 19/51 Add.1). CCFA included Ortho-phenylphenol (INS 231) and Sodium ortho-phenylphenol (INS 232) in the priority list, however, indicating that the data availability and data provider need to be confirmed at CCFA52 (REP19/FA, Appendix X).

CCFA52 agreed requesting the Codex Secretariat to distribute a CL collecting information on commercial use of ortho-phenylphenol (INS 231) and sodium ortho-phenylphenol (INS 232) in food as preservatives for consideration by CCFA53 in order to make further decisions e.g., whether to include them in the priority list for JECFA’s re-evaluation or delete them from the GSFA (REP21/FA, para 60(iii)).

At CCFA53, based on the comments received, the Codex Secretariat informed that Ortho-phenylphenol (INS 231) and Sodium ortho-phenylphenol (INS 232) are not in use as food additives. CCFA53 agreed to remove ORTHO-PHENYLPHENOLS from the GSFA and inform CCPR of this decision (REP23/FA, paras 114-116). In addition, Ortho-phenylphenol (INS 231) and Sodium ortho-phenylphenol (INS 232) have been removed from the JECFA priority list.

In light of the decision made by CCFA53, the EUMS propose removing Ortho-phenylphenol (INS 231) and Sodium ortho-phenylphenol (INS 232) from CXG 36-1989.

### **Proposal for inclusion of Oxidised polyethylene wax in CXG 36-1989**

The EUMS noted that Oxidised polyethylene wax, a food additive authorised in the EU since many years ago, is not included in CXG 36-1989. Oxidised polyethylene wax is authorised in the EU (E 914) as a glazing agent for surface treatment of citrus fruit, melons, papaya, mango, avocado and pineapple.

More details are provided in the Annex.

## Annex

### **Deletion of Ortho-phenylphenol (INS 231) and Sodium ortho-phenylphenol (INS 232) from CXG 36-1989**

- Health risk issues, e.g. JECFA has withdrawn an acceptable daily intake (ADI) based on new toxicological data
- Evidence that the additive is not commercially manufactured or used
- Evidence that the additive cannot be considered to fall under the definition of a food additive
- Other justification, what?

#### **Details:**

- CCFA51 noted the JECFA recommendation to re-evaluate ADIs of INS 231 and INS 232 and the information that some studies indicate that the salt might be more toxic for human health than previously estimated
- Comments received to a CL issued by the Codex Secretariat confirmed that Ortho-phenylphenol (INS 231) and Sodium ortho-phenylphenol (INS 232) are not in use as food additives
- It was noted by one Member that MRLs had been established for use of these substances as fungicides

### **Assigning INS number to a new food additive - Oxidised polyethylene wax**

- Evidence that the compound has been or is capable of being used effectively for the technological purpose proposed
- A Codex Commodity standard has provisions for the use of the compound
- The JECFA specification monograph lists the technological purpose under the heading “Functional Uses”
- A national food authority has permitted such a use
- The food industry is currently using a substance for the technological purpose proposed
- Other justification, what?

#### **Details:**

- The use of Oxidised polyethylene wax as a food additive has been authorised in the EU (E 914) since 1995 (Directive 95/2/EC). It has been authorised for its use as a glazing agent for surface treatment of citrus fruit, melons, papaya, mango, avocado and pineapple
- The use has been reported by the industry as captured in the scientific opinion of the European Food Safety Authority on the re-evaluation of oxidised polyethylene wax (E 914) as a food additive (<https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2015.4145>)

- The EUMS propose that Oxidised polyethylene wax is included in CXG 36-1989 and that INS 914 is assigned to it. The proposed functional class is 'glazing agent' and the proposed technological purpose is 'glazing agent' and 'coating agent'.