



Commonwealth of Massachusetts

Executive Office of Health and Human Services
Department of Public Health

Presentation to the Public Health Council

Action Levels for Poisonous or Deleterious Substances in Food

105 CMR 515.000

March 8, 2017

Michael Moore – *Director, Food Protection Program,
Bureau of Environmental Health*



Overview

- Background
- Reasons to Rescind 105 CMR 515.000
- Next Steps
- Questions



Background

- MGL C 94, § 192 gives the Department the discretion to develop regulations to adopt action levels in food, provided that they are consistent with federal standards.
- In response to concerns about delays in federal agencies, the Department adopted action levels in food for ethylene dibromide (EDB) in 1984 and for daminozide (Alar) and Polychlorinated Biphenyl Compounds (PCBs) in 1986.
- By 1990, federal agencies had restrictions in place that were acceptable to the Department.



Background

- The Massachusetts-only action levels were codified in 105 CMR 515.000, and a limited number of foods were sampled for EDB and ALAR. The sampling program has since ended.
- The federal government banned the use of daminozide in 1989.
- The US EPA and US FDA have established action levels for EDB and PCBs, as well as a number of other substances not currently addressed by 105 CMR 515.000.



Reasons to Rescind 105 CMR 515.000

- Executive Order 562 requires state agencies to conform to federal regulations and standards, where applicable.
- Protective federal standards and action levels have been established by FDA and the EPA to address these substances and others not covered by 105 CMR 515.000.



Reasons to Rescind 105 CMR 515.000

- MA action levels in 105 CMR 515.000 have not been updated since 1988 and are now outdated and rescinding the regulations will allow Massachusetts to conform fully with federal action levels.
- If, in the future, the Department has a need to establish an action level for a poisonous or deleterious substance in food not addressed by US FDA or US EPA standards, it could do so under MGL c.94 § 192.



Next Steps

- Following initial presentation before Public Health Council, a public hearing and comment period will be held.
- Approval of the proposed rescission, along with a review of public comments, will be requested at a subsequent meeting of the Public Health Council.
- Pending final approval, these regulations will be rescinded.