

105 CMR: DEPARTMENT OF PUBLIC HEALTH

105 CMR 515.000: ACTION LEVELS FOR POISONOUS OR DELETERIOUS SUBSTANCES IN FOOD

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515.001: Purpose

The purpose of 105 CMR 515.000 is to establish action levels for poisonous or deleterious substances in food. These action levels are established by the Department in order to prevent disease or other adverse health effects by limiting the quantity of such poisonous or deleterious substances to which persons who consume foods containing such substances are exposed.

515.002: Authority

105 CMR 515.000 is promulgated pursuant to M.G.L. c. 94, §§ 186 and 192; and M.G.L. c. 111, §§ 5 and 6.

515.003: Definitions

As used in 105 CMR 515.000, the following words have the following meanings:

Fish means any animal life inhabiting the ocean or its connecting waters or any body of fresh water including any crustacean or aquatic vertebrate of the superclass Pisces, whether swimming or free moving, and any shellfish or sea worms, whether or not imbedded in the soil, and lobster meat and crab meat.

Heat-Processed as applied to food, means food for human consumption which has been treated by heat to raise the temperature of the food to 145°F or greater.

Infant or Baby Food means food for human consumption which is produced specifically for consumption by infants or babies. Infant or baby food includes, but is not necessarily limited to: infant formula, strained fruit and meat, infant and baby cereal, teething cookies and junior food.

Intermediate Food means food for human consumption which must be cooked prior to consumption, including partially cooked food which will be subjected to further cooking. Intermediate food includes, but is not necessarily limited to: flour, cake mix, pancake mix, muffin mix, corn meal, oatmeal, instant oatmeal, hot cereal, and frozen bread dough.

Ready-to-Eat Food means food for human consumption which requires no further cooking prior to consumption. Ready-to-eat food includes, but is not necessarily limited to: bread, cake, granola, muffins, corn bread, cooked oatmeal, corn oil, crispy rice cereal, wheat flakes cereal, puffed oats, vegetables, and fruit.

515.004: Adulterated Food

Any infant or baby food, intermediate food, or ready-to-eat food or fish is adulterated if it contains a poisonous or deleterious substance in a concentration equal to or greater than the action level for that substance established in 105 CMR 515.000.

515.005: Action Levels for Ethylene Dibromide (EDB)

(1) The action level for ethylene dibromide (EDB) in infant or baby food is: Effective May 17, 1984, any amount detectable by the method of Rains and Holder published in the *Journal of the Association of Official Analytical Chemists (JAOAC)*, Vol. 64, No. 5, 1981, pages 1252-1254; or detectable by another analytical method approved by the Commissioner of Public Health.

(2) The action level for ethylene dibromide (EDB) in intermediate food is:

Effective May 17, 1984, 30 parts per billion;

Effective January 1, 1986, five parts per billion.

(3) The action level for ethylene dibromide (EDB) in ready-to-eat food is:

Effective May 17, 1984, five parts per billion;

Effective January 1, 1986, one part per billion.

(4) On or before September 30, 1985 the Director of the Division of Food and Drugs shall cause to be conducted a public hearing pursuant to M.G.L. c. 30A, § 2 to consider whether or not, based upon the information then available, the January 1, 1986 action levels specified in items 105 CMR 515.005(2) and (3), are technologically feasible.

515.006: Action Level for Polychlorinated Biphenyl Compounds (PCBs)

Effective March 1, 1986, the action level for polychlorinated biphenyl compounds (PCBs) in fish is two parts per million.

515.008: Action Levels for Daminozide

(1) The action level for daminozide in infant or baby food is: Effective October 1, 1986, 1.0 parts per million; Effective October 1, 1987, any detectable amount by the spectrophotometric (Pesticide Analytical Manual, Volume II, Section 180.246) method or by the gas chromatography/mass spectrometry (Conditt, Baumgardner and Hellman, *Journal of the Association of Official Analytical Chemists* vol. 71 no. 4, July/August 1988) method or by other comparable analytic methods approved by the Commissioner of Public Health with a detection limit of 1.0 parts per million.

(2) The action level for daminozide in heat-processed apple sauce and juice products is: Effective October 1, 1986, 5.0 parts per million; Effective October 1, 1987, 1.0 parts per million; Effective October 1, 1988, any detectable amount by the spectrophotometric (Pesticide Analytical Manual, Volume II, Section 180.246) method or by the gas chromatography/mass spectrometry (Conditt, Baumgardner and Hellman, *Journal of the Association of Official Analytical Chemists* vol. 71 no. 4 July/August 1988) method or by other comparable analytic methods approved by the Commissioner of Public Health with a detection limit of 1.0 parts per million.

REGULATORY AUTHORITY

105 CMR 515.000: M.G.L. c. 94, §§ 186 and 192; M.G.L. c. 111, §§ 5 and 6.