New Mexican Regulation for Milk and Milk Products

The Mexican Government published a new regulation (NOM-243) that establishes the sanitary and nutritional requirements for milk, milk formula, combined milk products and dairy products that are produced or imported into Mexico.
Executive Summary:

The objective of this new regulation is to establish the sanitary and nutritional requirements for milk, milk formula, combined milk products and dairy products. This regulation will be effective as of November 26, 2010, except sections 6.1.5.5 and 6.1.5.5.1, which will be effective as of September 27, 2011.

This new NOM eliminates five regulations, but most importantly it establishes the Mexican range for vitamin D (200-300 IU/L, International Unit per liter) allowed in milk, milk formula and combined milk and dairy products.
General Information:
Disclaimer:
This summary is based on a cursory review of subject an announcement and therefore should not, under any circumstances, be viewed as a definitive reading of the regulations in question, or of its implications for U.S. agricultural export trade interests. In the event of discrepancies between this summary and the complete regulation or announcement as published in Spanish, the latter shall prevail.


Type of Regulation: Final Rule

Important Dates
1. Publication Date: September 27, 2010.
2. Effective Date: November 26, 2010. Except for sections 6.1.5.5 and 6.1.5.5.1 which will be effective on September 27, 2011.

Products Affected: All domestically-produced and imported milk, milk formula, combined milk and dairy products.

Regulating Authority: Secretariat of Health (SALUD)


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For this NOM, the main objectives are the establishment of maximum limits for food additives, enzymes or microorganisms’ culture, flavoring agents, sweeteners, preservatives, and test methods.

More important, however, is the establishment of the range for vitamin D (200-300 IU/L) and retinol (1033-2233IU/L) allowed in milk, milk formula, combined milk products and dairy products.
Furthermore, a moisture level for dried dairy products of no more than 4 percent was established.

Sections 6.1.5.5 and 6.1.5.5.1 will become effective as of September 27, 2011. These sections address heat treatment requirements and the need for HACCP plans for dairy processors. By delaying implementation, SALUD is providing the dairy processing sector additional time to comply with these new requirements.

When NOM-243 is effective, the following NOMs will be canceled

- NOM-036-SSA1-1993, Goods and services. Ice creams of cream, of milk or fat plant, sherbets and conditions or mixtures for ice creams. Sanitary specifications as published March 10, 1995.

Background

The Secretariat of Health (SALUD) first published the draft proposal on June 23, 2008, and established a 60-day comment period. On July 23, 2010, SALUD published its response to the comments. The objective of this new regulation is to establish the sanitary and nutritional requirements for milk, milk formula, combined milk and dairy products within the Mexican dairy market.

The draft proposal published on June 23, 2008, established sanitary and nutrient specifications for milk, milk formula, combined milk and dairy products if these products were to be marketed within Mexico. Moreover, this draft proposal proposed the establishment of a range for Vitamin D (200-300 IU/L) for milk, milk formula and combined milk and dairy products. However, this proposed range is not consistent with the range established within the United States (a minimum of 400 IU). For all intents and purposes, this proposed range could halt the exports of U.S. fluid milk to Mexico. Given this fact, the United States dairy industry established a technical working group to collaborate with officials from SALUD to reach a compromise. Unfortunately, a compromise could not be reached on this topic.

On July 23, 2010, SALUD published a response to comments received to the draft proposal. This response stated SALUD would not compromise on the range for Vitamin D. On September 27, 2010, the final rule was published and will become effective on November 26, 2010.
FAS-Mexico Assessment: According to industry sources, the implementation of NOM-243-SSA1-2010 is SALUD’s attempt to guarantee the availability of safe and healthy milk, milk formula, combined milk and dairy products for the Mexican consumers. Moreover, the requirements of this new NOM are not foreseen to have a significant impact on trade. This is a change in perception from when the original draft was published. Industry sources believe that U.S. fluid milk exporters have the ability to modify production lines in order to produce fluid milk product which complies with the Mexican law and will not affect the production of milk products for the U.S. market. In addition, SALUD believe this new NOM helps align Mexican dairy regulations with international standards, such as CODEX Alimentarius.

For More Information

FAS/Mexico Web Site: We are available at www.mexico-usda.com or visit the FAS headquarters' home page at www.fas.usda.gov for a complete selection of FAS worldwide agricultural reporting.

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Useful Mexican Web Sites: Mexico's equivalent to the U.S. Department of Agriculture (SAGARPA) can be found at www.sagarpa.gob.mx and Mexico’s equivalent to the U.S. Food and Drug Administration (SALUD) can be found at www.salud.gob.mx. These web sites are mentioned for the readers' convenience but USDA does NOT in any way endorse, guarantee the accuracy of, or necessarily concur with, the information contained on the mentioned sites.