WORLD TRADE ORGANIZATION

G/SPS/N/USA/3096/Add.1

9 January 2023

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Committee on Sanitary and Phytosanitary Measures Original: English

NOTIFICATION

Addendum

The following communication, received on 6 January 2023, is being circulated at the request of the Delegation of the United States of America.

Food Additives Permitted for Direct Addition to Food for Human Consumption; Vitamin D3; Final Rule

The Food and Drug Administration (FDA or we) is amending the food additive regulations to provide for the safe use of vitamin D3 as a nutrient supplement in breakfast cereals and grain-based bars (e.g., breakfast bars, granola bars, rice cereal bars), and to update the reference for the Vitamin D3 specifications. We are taking this action in response to a petition filed by Kellogg Company (Kellogg).

https://www.govinfo.gov/content/pkg/FR-2023-01-05/pdf/2022-28428.pdf
https://members.wto.org/crnattachments/2023/SPS/USA/23_0265_00_e.pdf

This addendum concerns a:

[ ] Modification of final date for comments
[**X**] Notification of adoption, publication or entry into force of regulation
[ ] Modification of content and/or scope of previously notified draft regulation
[ ] Withdrawal of proposed regulation
[ ] Change in proposed date of adoption, publication or date of entry into force
[ ] Other:

Comment period: ***(If the addendum extends the scope of the previously notified measure in terms of products and/or potentially affected Members, a new deadline for receipt of comments should be provided, normally of at least 60 calendar days. Under other circumstances, such as extension of originally announced final date for comments, the comment period provided in the addendum may vary.)***

[ ] Sixty days from the date of circulation of the addendum to the notification and/or *(dd/mm/yy)*: This rule is effective 5 January 2023. The incorporation by reference of certain material listed in the rule is approved by the Director of the Federal Register as of 5 January 2023. See section VIII for further information on the filing of objections. Either electronic or written objections and requests for a hearing on the final rule must be submitted by 6 February 2023.

Agency or authority designated to handle comments: [ ] National Notification Authority, [ ] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

You may submit objections and requests for a hearing as follows. Please note that late, untimely filed objections will not be considered. The https://www.regulations.gov electronic filing system will accept objections until 11:59 p.m. Eastern Time at the end of 6 February 2023. Objections received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Submit electronic objections in the following way:
Federal eRulemaking Portal: https://www.regulations.gov. Follow the instructions for submitting comments.

Submit written/paper submissions as follows:
Mail/Hand Delivery/Courier (for written/paper submissions): Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

All submissions received must include the Docket No. FDA–2019–F–3519 for "Food Additives Permitted for Direct Addition to Food for Human Consumption; Vitamin D3". Received objections, those filed in a timely manner (see ADDRESSES), will be placed in the docket and, except for those submitted as "Confidential Submissions", publicly viewable at https://www.regulations.gov or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, +(240) 402 7500.

Text(s) available from: [ ] National Notification Authority, [ ] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

Text can be found in the Federal Register, Vol. 88, No. 3, page 745 or on the internet at: https://www.govinfo.gov/content/pkg/FR-2023-01-05/pdf/2022-28428.pdf.