Food Safety in India: A Regulatory Overview

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Food Control

--- a mandatory regulatory activity of enforcement by national or local authorities to provide consumer protection and ensure that all food during production, handling, storage, processing, and distribution are safe, wholesome and fit for human consumption; conform to safety and quality requirements; and are honestly and accurately labelled as prescribed by law.
• The challenge for food regulators is to maintain a food regulatory system that delivers **safe food** for the population, enables consumers to make **informed choices** and also maintains public confidence in the food regulations.

• Public confidence in the food regulations will depend, firstly, on evidence that there is a low level of risk and, secondly, on assurance that adequate systems are in place to monitor and analyse food, and to respond when situations of potential harm occur.

• Providing evidence (**risk assessment**) that there is a low level of risk requires a method of analysing food risks that is evidence-based and transparent, and results in effective management strategies (**risk management**) which can be communicated clearly to consumers (**risk communication**).
India’s food regulatory system

Standards setting
FSSAI-Mandatory
BIS,DMI-Voluntary

Policy
The forum
(FSSAI)
FSS Act,2006,Rules and Regulations

Enforcement & Surveillance
State/UT governments
How it integrates?

- Food Safety and Standards Act, 2006
- Prevention of Food Adulteration Act, 1954
- Meat Food Products Order, 1973
- Fruit Products Order, 1955
- Vegetable Oil Products (Control) Order, 1947
- Edible Oils Packaging (Regulation) Order, 1998
- Solvent Extracted Oil, Deoiled Meal, and Edible Flour (Control) Order, 1967
- Milk and Milk Products Order, 1992
- Any other order under Essential Commodities Act, 1955 relating to food
Objective

The Food Safety and Standards Authority of India (FSSAI) has been created for laying down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import to ensure availability of safe and wholesome food for human consumption.
The Act consists of 12 chapters:

1. Preliminary: definitions
2. Food Safety and Standards Authority of India
3. General principles of food safety
4. General provisions as to food: prohibitions
5. Provisions relating to import
6. Special responsibilities as to food safety
7. Enforcement of the act
8. Analysis of food: laboratories, sampling and public analysts
9. Offences and penalties
10. Adjudication and food safety appellate tribunal
11. Finance, accounts, audits and reports
12. Miscellaneous
What is covered under the FSS Act, 2006?

**FOOD** means any substance, whether processed, partially processed or unprocessed, which is intended for human consumption and includes primary food, genetically modified or engineered food or food containing such ingredients, infant food, packaged drinking water, alcoholic drink, chewing gum, and any substance, including water used into the food during its manufacture, preparation or treatment but does not include any animal feed, live animals unless they are prepared or processed for placing on the market for human consumption, plants prior to harvesting.

Any food handled in-between
Who comes under the purview of the Act?

Every Food Business Operator

Hawker
Megastore
Sweet shops
Bakery
Packer
Grocery
Milk Bottling Plant
Restaurant
Fast Food
Dairy & Poultry
Safety across the Food Chain: Focus FSS Act, 2006
Section 25 - Imports

• No person can import
  – Any unsafe or misbranded or sub-standard food or food containing extraneous matter
  – Any article of food for the import of which a licence is required
  – Any article of food in contravention of any other provision of this Act

• The Central Government shall, while prohibiting, restricting or otherwise regulating import of articles of food under the Foreign Trade (Development and Regulation ) Act, 1992, follow the standards laid down by the Food Authority
Food Safety and Standards Regulations under FSS Act

- Section 92 (1) - provides Food Authority with the previous approval of Central Government and after previous publication, by notification, make regulations consistent with this Act and Rules made there under.

- FSSAI drafted Regulations through extensive consultation and deliberations/meetings with various stakeholders.

- Rules and 6 Regulations have been notified in the gazette of India on 1st August, 2011 and came into force on 5th August, 2011

- There is an urgent need to simplify the process of notification so that more standards and Regulations can be notified quickly
Contd....

1) Food Safety and standards (Licensing and registration) Regulations, 2011

2) Food Safety and standards (packaging and labeling) Regulations, 2011


4) Food Safety and standards (Prohibition and restriction for sale) Regulations, 2011


6) Food Safety and standards (Referral laboratories and sampling) Regulations, 2011
Regulatory Mechanism

**Food Authority and the State Food Safety Authority**

**Central Advisory Committee**
Close cooperation and coordination between Centre, States and other Stakeholders in the field of food including consumer org.

**Scientific Committee**
Consists of heads of scientific panels & 6 scientific experts. They will provide the scientific opinion on multi sectoral, cross-cutting issues.

**Scientific Panels**
Nine panels on Food Additives, Pesticide Residues, GM Food, Biological Hazard, Labeling, Functional Food, Method of Sampling, Contaminants and Fish & Fisheries.
Framework for National Food Control System

CHAIRPERSON, FSSAI

CHIEF EXECUTIVE OFFICER, FSSAI

STATE FOOD AUTHORITY
COMMISSIONER OF FOOD SAFETY
36 STATES/UT

REGISTRATION AUTHORITY

• City Municipal Corporation,
• Town Panchayat,
• Gram Panchayat

LICENSING AUTHORITY

DESIGNATED OFFICER
LICENSING AUTHORITY

FOOD SAFETY OFFICER
(for Inspection and Monitoring Food Business operators)

CENTRAL FOOD AUTHORITY

FSSAI Head Quarters
(Licensing)

ZONAL DIRECTORS
& OTHER OFFICERS
(for inspections & Monitoring)
Major Functionaries in the State

- Food Safety Commissioner
- Designated Officer
- Food Analyst
- Food Safety Officer
- Accredited Lab
- Referral Lab
- Food Safety Appellate Tribunal
- Special Courts (wherever required)
- Adjudicating Officer
FSS Act & Regulations, 2011

- FSS (Licensing and Registration of Food businesses) regulation, 2011
- FSS (Packaging and Labelling) regulation, 2011
- FSS (Food product standards and Food Additives) regulation, 2011 (part I)
- FSS (Food product standards and food additives) regulation, 2011 (part II)
- FSS (Prohibition and Restriction on sales) regulation, 2011
- FSS (contaminants, toxins and residues) regulation, 2011
- FSS (Laboratory and sampling analysis) regulation, 2011
Standards

Criteria – Section 13(1) and 14 (1) specifies that Food Authority shall establish Scientific Panels, which shall consist of independent scientific experts and constitute Scientific Committee which shall consist of the Chairpersons of the Scientific Panels and six independent Scientific Experts not belonging to any Panels.

Scientific Panels –

✓ (I) Panel for Functional Foods, Nutraceuticals
✓ (II) Panel for Method of Sampling and Analysis
✓ (III) Panel for Food Additives
✓ (IV) Panel for Contaminants in the Food Chain
✓ (V) Panel for Biological Hazards
✓ (VI) Panel for Pesticides and Antibiotic Residues
✓ (VII) Panel for Labelling and Claims/Advertisements
✓ (VIII) Panel for Genetically Modified Organisms and Foods
✓ (IX) Panel for Fish and Fisheries Products

Scientific Committees –

✓ Chairs of the Panels
✓ Six Independent scientific experts
Harmonization of Food Standards

- Urgent need to notify more Standards under the Act
- Focus on developing Science based Standards for all Food Products
- Review Existing Food Standards and harmonize with Codex/international standards
- FSSAI is in the process of harmonizing the FSS Standards with the Codex Standards to consider the latest development in food science across the globe, food consumption pattern, new specifications, presence of new contaminants and toxins as well as use of new food additives and ingredients required by the producers and manufacturers in food business
Revised India’s Food Standards

- Codex Standards
- Existing FSSR Standards
- Other International Best Practices

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FSSAI-National Codex Contact Point (NCCP)

- Codex Alimentarius –Joint FAO-WHO Food Standard Programme set up in 1963
- India is a member since 1964
- FSSAI made the NCCP in 2010-11
- For each Codex Committee, a parallel Shadow Committee has been set-up that works for that particular Codex Committee
- Stakeholders for each Shadow committee are representatives from different ministries, educational institutions, from Industry Associations like CII and FICCI and experts/scientists from concerned areas
- Effective participation of India in various Codex Committees
- Proactive approach led to the creation of CCSCH to be hosted by India
- Proposing new works in various Committees
E-Governance Initiatives

Adopting E-Governance initiatives the only way to manage the responsibility entrusted under the Act by ensuring transparency, accountability and reducing human interface.

- Food licensing and registration system (FLRS)
- Food Import Clearance System (FICS)
- Food Product Approval System (FPAS)
- On-line Payment gateway system made effective from 1st April 2014
- Food risk inspection prioritization system (FRIPS)-on the anvil
Building blocks

Science based Food Quality & Safety Standards
- Regulations and science based standards for all types of foods
- Harmonize Domestic and International Food Standards

Effective Food Safety Regulation & Integrated Food Quality Testing & Risk based Surveillance
- Enforcement through States
- Networked Laboratories for Food Testing
- Surveillance through Risk based Approach

Support Services & Communication
- Capacity Building, Training & Education for all Stakeholders
- Community Outreach promotion Programmes to increase the confidence of the consumer

Community Outreach promotion Programmes to increase the confidence of the consumer
Other Government Agencies involved in Food Control System

- Ministry of Agriculture
  - Plant Quarantine
  - Animal Health & Safety

- Ministry of Commerce
  - Export Inspection Council
  - APEDA etc.
Food Safety: A shared responsibility

Responsible Industry

Aware and educated Consumer

Robust Regulatory Regime
Evidence Based: Standard setting
Focus on prevention
Relies on mix of tools
Anticipate/respond to emerging issues
Food Safety: A shared responsibility

- Responsible industry:
  - Culture of food safety
  - Integrated controls: farm to fork
  - Regulatory compliance
  - Commitment to continued learning and
  - Proactive behaviour in responding to emerging food safety hazards
Food Safety: A shared responsibility

• Aware and educated consumer:

- **Aware** of risks and benefits,
- **Active on advice** to select and handle foods
- **Adapt her/his food choices** and her/his **Diet** to his/her health status
Food Safety : A shared responsibility

- Robust Food Regulatory Regime:
  - Evidence-based: Standard setting and compliance and enforcement
  - Focus on Prevention while enabling effective reaction
  - Relies on a mix of Tools: regulatory and non regulatory
  - Commitment to continued Évolutions to accompany innovation and anticipate / respond to emerging issues
Food Safety: A shared responsibility

• Aware and educated consumer:
  ✓ **Aware** of risks and benefits,
  ✓ **Active on advice** to select and handle foods
  ✓ **Adapt her/his food choices** and her/his **Diet** to his/her health status
To conclude:

Mandatory regulatory Approach

Preventive and educational strategies

Food Control System
Thank You