

File No. 1 (2) 2011/States/ FSSAI/ Vol. I
Food Safety and Standards Authority of India
(A Statutory Authority established under the Food Safety and Standards Act, 2006)
Enforcement Division
FDA Bhawan, Kotla Road, New Delhi - 110002

Dated, the 31st May, 2016

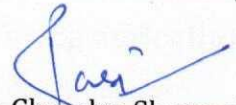
Subject: Enforcement activities on Traders in Mandis procuring agricultural produce directly from farmers- reg.

In terms of Section 3 (1) (j) of Food Safety and Standards Act, 2006, primary food is included under the definition of food, thus subjecting it to various provisions of the Act, Rules and Regulations.

2. Numerous representations have been received from various Trade Associations against enforcement activities undertaken against traders engaged in procuring raw agricultural produce directly from farmers and selling the same for further processing. It has been stated that traders in mandis are being held liable for the quality of the agricultural commodities produced by the farmers.
3. There can be no doubt of the necessity for improving farm practices & making the farmers aware of the appropriate use of pesticides, fertilizers etc., so as to ensure that the agricultural produce is safe for human consumption. However, this activity is not covered under the mandate of the FSS Act, 2006 and needs to be undertaken by the concerned Ministries/Departments of the Union & State Governments. FSSAI fixes the Maximum Residue Limits (MRLs)/tolerance limits for various pesticides and antibiotic residues in food commodities. However, ensuring compliance of the MRLs so fixed is the responsibility of other wings of the Government. Since the various MRLs/tolerance limits are established on the basis of Good Agricultural Practices (GAP), Good Animal Husbandry Practices (GAHP), Good Animal Feeding Practices (GAFP), etc., implementation of these practices are required to be ensured by the Department of Animal Husbandry, Dairying and Fisheries and Department of Agriculture, Cooperation & Farmers' Welfare through their counterparts in the State Governments in association with other relevant Departments.
4. It may be noted that an amendment to the Food Safety and Standards (Food Product Standards and Food Additives) Amendment Regulations, 2016, has been proposed whereby in regulation 2.4.6 relating to food grains, after clause 15, an additional clause No. 16 is proposed to be added w.r.t. unprocessed whole raw pulses (not for direct human consumption). This proposal has already been operationalized w.e.f. 13th April 2016. This would prevent avoidable harassment/

prosecution of such traders who are procuring raw agricultural produce directly from farmers and selling the raw agricultural produce for further processing. The analysis of such samples, when taken, would be tested against the standards of raw produce. This is in line with the belief of FSSAI that sampling of primary food should only be encouraged where the same is being sold for direct human consumption.

Yours faithfully,




(Rakesh Chandra Sharma)
Director (Enforcement)

To

- (i) All Commissioner of Food Safety of States/UTs
- (ii) All Central Licensing Authority

Copy to:

1. Shri K.L. Sharma, Joint Secretary, Government of India, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi, for information-With respect to D.O. letter No. JS (KLS)/FSSAI/2015-2016, dated 17.05.2016.
2. CITO-for uploading on FSSAI Website.



(Rakesh Chandra Sharma)
Director (Enforcement)