

The Food Safety and Standards Authority of India has sent Draft Food Safety and Standards Regulations, 2010 for the approval of the Government and notification in terms of section 92 (1) of the Food Safety and Standards Act. A brief background of the proposal is as follows

Introduction to Draft Food Safety and Standards Regulations, 2010

The Food Safety and Standards Act, 2006 was passed by the Parliament with the objective of integrating all present food laws into one and to have a single regulatory body for determination of standards. Food Safety and Standards Authority of India (FSSAI) has been established under the Food Safety and Standards Act, 2006 (34 of 2006) with the mandate to lay 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.

Section 92 of the Food Safety and Standards Act, 2006 (34 of 2006), provides for the Food Authority, with previous approval of the Central Government and after previous publication, by notification to make regulations consistent with this Act. Accordingly FSSAI has prepared draft Food Safety and Standards Regulations, 2010 after extensive consultation with various stakeholders and after deliberations/consultation meetings in Bangalore, Mumbai, Guwahati and Chandigarh and also meetings held in FSSAI with the State Government representatives.

Salient features of proposed FSS Regulations

Approach: In the proposed draft Food Safety and Standards Regulations, 2010, The Food Safety and Standards Authority of India has integrated the erstwhile acts/rules/orders in line with the mandate of the Act. In cases of conflicting standards and MRLs, provisions under PFA have been retained. No new standard has been introduced since this will require detailed risk assessment, examination of risk management options, consideration by the Panels/Committee and approval by the Authority. Such a detailed review has been initiated by the Authority separately, and this is likely to take some time. The present FSSAI Regulations will enable

introduction of the new food law in the States and UTs after final notification of these regulations. Along with FSSA Rules, and Licensing Regulations, the present Regulations cover all the legal requirements for transition from PFA to FSSAI.

Arrangements: The arrangement of FSSAI Regulations introduces a new chapter scheme which intends to overcome the problems faced in earlier rules/orders. Under this arrangement, the FSS Regulations have been broadly categorized into Chapter(s), Chapters into Part(s), Parts into Regulation(s), Regulations into Article(s) and Schedules under these Articles (wherever necessary). The arrangement provides a scientific approach to the regulatory framework being developed by FSSAI and will avoid issues associated with the earlier structure under which over a period of time, a large number of amendments have been added haphazardly resulting in contradictory provisions, repetitions and avoidable confusion. The new structure also allows appropriate direction and space for current as well as future regulatory and scientific developments. This further ensures proper traceability to the regulations, including their sub parts, such as articles and schedules, providing specificity to the content and location of the changes which may be brought in later. This structural arrangement will also help digitalization of regulatory framework which will help FSSAI to utilize modern IT and communication tools to reach a much wider section of stakeholders. Also, an attempt has been made to align the sequencing of chapters and arrangement with modern international practices.

Key changes incorporated

Some of the key modifications over the draft submitted for public and stakeholders consultation include:

- Generic definitions have been moved to the chapter containing definitions while product and regulation specific definitions have been moved to the respective chapters to ensure consistency and easy accessibility.

- In Chapter-3 Regulations for Licensing/ Registration of Food Businesses, integrates the licensing provisions in the Orders relating to food products Fruit Products Order, 1955, Prevention of Food Adulteration Act, 1954, Milk and Milk Products Order, 1992, Vegetable Oil Products (Control) Order, 1947, Edible Oils Packaging (regulation) Order, 1998, The solvent Extracted Oil, De oiled Meal and Edible flour (Control) Order, 1967, Meat Food Products Order, 1973
- The unified Licensing procedures will be implemented by the Food Safety and Standards Authority of India, Food Safety Commissioners in the States and the officers working under the Commissioner. Common application forms and procedures have been laid down to bring about uniformity in the implementation of standards in the country as mandated by the Food Safety and Standards Act
- As mandated by the Act, a distinction has been introduced between 'Registration' and 'Licensing'. Cut off limits for registration and licensing have been proposed. sectors which have high potential for food contamination and hazard have been brought under central licensing
- Standards for food products and food colours have been categorized and numbered taking CODEX classification into due consideration. The PFA standards/categories have been retained, pending a detailed revision based on risk assessment. Only their arrangement has been made more systematic.
- Various fruit, meat, oil and milk related orders have been integrated suitably leaving out the provisions conflicting with PFA rules.
- All labeling, prohibitions, laboratory, residues & contaminants, additives related provisions have been grouped separately under respective chapters so that future amendments can be easily introduced and revision made at the appropriate places.
- In cases of notified but deferred food product standards, old standards have been mentioned and will be operational till the deferment period is over.

- A new microbiological standard table for spices and condiments has been prepared based on existing PFA microbiological requirements relating to spices and condiments

Chapter Summary

The chapter summary is as under:-

Chapter 1: General provisions, includes title, commencement and definitions

Chapter 2: Food Authority and Transaction of Business, includes constitution and transaction of business for Food Authority, Central Advisory Committee, Scientific Committee and Panels (already approved/notified).

Chapter 3: Licensing and Registration of Food Businesses (sent for notification separately).

Chapter 4: Packaging and Labeling Regulations, includes regulations relating to packaging, labeling, manner of declaration, specific requirements, restrictions on advertisement, exemptions etc.

Chapter 5: Food Product Standards includes existing regulations relating to food products structured under new category/classification.

Chapter 6: Substances added to Food, includes regulations pertaining to additives in general; carryover of additives, restrictions on use of certain substances

Chapter 7: Prohibition and Regulation of Sales, includes all prohibitions.

Chapter 8: Contaminants, Toxins and Residues, includes regulations relating to limits of contaminants, toxins and residues etc.

Chapter 9: Laboratory and Sample Analysis, includes regulations relating to referral laboratory, quantity of samples etc.

Chapter 10: Guarantee

Appendix A: Limits of Food Additives (existing PFA provisions retained)

Appendix B: Microbiological Requirements (existing PFA provisions retained)

Appendix C: Forms of Guarantee, declaration, certificate of analysis, report of food analyst

Consultations of the draft FSS Regulations, 2010

The FSSA draft regulations were presented for the approval of the Authority in November 2009 wherein certain modifications were suggested by the members. The modified FSSA draft regulations were placed on the Authority's website on 11.12.2009 to receive the comments from the public and the stakeholders till 11.02.2010. Comments were received from several stakeholders including State Govt. departments, academicians, Research Institutes like NIN, CFTRI and Industry Associations like CII, FICCI, All India Food Processors' association, Maharashtra Chamber of Commerce, Industries and Agriculture; PHD Chamber of commerce and Industry, ASSOCHAM, Federation of Indian Food Industry, the Federation on Andhra Pradesh Chambers of Commerce & Industry, the Solvent Extractors' Association of India, Federation of Associations of Small Industries of India and various hotels associations. A large number of comments were also received from individuals, NGOs, Scientists etc.

FSSA draft regulations were also discussed in the First meeting of Central Advisory Committee of FSSAI held on 19th January, 2010 which was attended by representatives of all States/UTs and other stakeholders.

The comments/suggestions on the various issues were received over a period of five months and were compiled, reviewed over several meetings/discussions by an internal committee under the chairmanship of Chairperson and CEO, FSSAI.

Finalization of the draft FSS Regulations.

After considering the comments received from the stakeholders and decisions made by the review committee, modifications have been made in the FSSA draft regulations. These were again placed before the Authority in April 2010 for approval. Now the final draft Food Safety and Standards Regulations, 2010 are being sent by FSSAI to the Ministry for consideration and approval for notification in the Official Gazette as per the provision of Section 92 (1)