

Minutes of the Seventh Meeting of FSSAI held on 22nd March, 2011 at 1100 Hrs at its Headquarter at FDA Bhawan, New Delhi,

Shri P. I. Suvrathan, Chairperson extended a warm welcome to all the members to the seventh meeting of the Food Authority. List of participants who attended the meeting is at Annexure-I. Leave of absence was granted to Shri Anindo Mazumdar, Shri Siddharth Singh, Shri Sanjay Singh, Dr. U. Venkateswarulu, Shri Arun Panda, Shri G. Narayanaraju, Shri M.P.Singh, Ms. Mona Malhotra Chopra, Dr. (Mrs.) T.A. Kadarbhai and Shri Kaling Tayeng, who could not attend the meeting.

Item No.1: Oath by New Members

Shri Rajan Gupta took the oath of office and secrecy in terms of section 7(3) of the Food Safety and Standards Act, 2006 and rule 16 of the Food Safety Standards Authority of India rules, 2008, as new member in the Food Authority and signed the "Annual Declaration of Interest".

Item No.2: Disclosure of Interest by Members

All the members present during the meeting signed "Specific Declaration of Interest" in respect of the agenda items to be considered in the meeting, before the start of the proceedings.

Item No.3: Confirmation of minutes of the last meeting held on 8th November, 2010

Confirmed the minutes of sixth meeting of the Food Authority held on 8th November, 2010 and took note of the Action taken Report circulated in respect of minutes of the meeting. The following general comments/observations were made by the members:

Agenda of the Food Authority meeting may be circulated to the members well in advance so as to give sufficient time to go through the same. It was pointed out that normally the agenda is circulated in time but at times some items get delayed when the relevant documents/drafts are finalized at a late stage or when a document has already been circulated in the past.

An apprehension was expressed that many comments from Industry still remain unaddressed in the draft notification of Rules / Regulations. A request was made for further stakeholder consultation before final

notification. It was clarified that FSSAI has already gone through a series of consultations involving stakeholders in a transparent manner even at the stage of drafting the Rules & Regulations. The record of reasons for accepting or rejecting the suggestions will be made public in due course. All the comments have been considered and evaluated along with proper justification after several deliberations. The draft has been on the FSSAI portal for more than one year and a large number of comments have been received and considered. Workshops have been organized in different parts of the country to discuss the draft. Despite this, voluminous comments received from all stakeholders were examined and appropriate amendments made wherever feasible within the ambit of existing laws and the need to balance conflicting suggestions/demands from various stakeholders. The government has assured the Parliament that the rules and regulations will be notified shortly in view of the concern expressed over delay in operationalisation of the Act. At this stage, the country is awaiting implementation of FSS Act, these should not be further delayed. However, review is an ongoing process and further changes wherever required can be considered anytime and amendment proposed. It was further clarified that a large number of suggestions to amend existing standards etc. could not be considered as that will have to go through an elaborate procedure of consideration by Panels/Committee etc. Presently, FSSAI has not proposed any major change in standards at this stage and in case of conflicting suggestions rationalization has been done based on the provisions of existing laws.

□ In reference to Industry's concern regarding implementation of Schedule 4 of licensing regulations to the existing units, it was clarified that Schedule 4 is not intended to be applied retrospectively. Transition time will be given to the existing units to achieve compliance except for parameters which do not form part of existing laws/regulations. The Food Safety Commissioner has been authorized to remove such difficulties based on the local conditions.

□ It was suggested that there is an immediate need to standardize the sampling methods and analytical techniques to have uniformity throughout the country and it should be taken up on fast track basis. Further, Bureau of India Standards (BIS) has also prescribed some sampling standards and they may also be taken into the loop to have synergy.

□ In reference to a specific query regarding a Member participating in the meeting of Scientific Panels, it was clarified that these Panels or

Committee are statutory bodies and there is a duly notified procedure for its working. However, since the issues before the Panel will ultimately come before the Authority, it may not be appropriate for the Authority members to attend Panel/Committee meetings. However, details of the agenda and conclusions of the Panels and Committee are put on the portal of the Authority.

□ There was a suggestion that mandatory minimum requirements for food industry should be clearly spelt out to ensure self-compliance. In response, it was mentioned that FSSAI is already working on drafting a self-compliance checklist for industry which will cover the minimum basic food safety requirements.

Item No.4: Final Food Safety and Standard Rules, 2011

Chairperson informed that Food Safety and Standard Rules, 2011 have already been draft notified in the Gazette of India and the revised version after duly considering the comments received on the same, has been sent to the Government for final notification. The following points emerged during the discussion:

□ In reference to a specific query regarding sampling of imported food items by FSO even after clearance from port of entry, it was clarified that food safety challenges will always be there even after a food item has been cleared from port, depending upon handling conditions, storage etc. and it is the responsibility of FSO to look into the safety aspects of such imported food items in his area of jurisdiction.

□ There was a suggestion regarding mandatory display of contact details of Designated Officer and Food Safety Officer, at the eateries.

□ It was suggested that FSSAI should start a (24x7) Helpline Number and this number should be promoted with every advertisement of FSSAI. Final closure of complaint/ query is quite crucial and concerned organization/department needs to adequately address the issues raised. FSSAI may consider taking help of consumer organizations to have feedback on settling complaints at grass root levels. Rules can be revisited every 1-2 years and if required could be amended. It was pointed out FSSAI is already working on the concept and a scheme will be prepared soon.

□ One member suggested that provisions related to Powers & Duties of FSO in the Rules need to be revisited thoroughly and carefully. It gives

large discretionary powers to FSOs and there is likely possibility of misuse. Enforcement of law is always going to be a big challenge in a country like India. Therefore, every initial action of FSO should be subject to countercheck, scrutiny and approval of higher officer. The Duty of District Magistrate to oversee should also be clearly spelt out.

□ Another member was of the view that there is need for a mechanism in place to make the law transparent and accountable to user and some of the ways of doing so could be making a calendar of inspections & activities of FSO, prior approval of superiors for surprise inspection & immediate reporting to higher authorities to check arbitrary action.

□ Chairperson appreciated the concern and observed that the Act provisions have to be seen holistically. While the powers of FSOs have been defined in the FSS Act itself, many of these powers have been existence in PFA also. Now there will be full time supervision at district level (Designated Officers) under the control of District Magistrate and directions & control of Food Safety Commissioner (FSC). The FSC also has to develop departmental instructions & MIS for keeping a tight check on the functioning of field staff according the conditions prevailing locally. It was also clarified that adequate checks and balance have been provided in the Act on the enforcement activities of FSOs and they are also subject to financial penalties in case any illegal act is noticed. Further, the Act emphasizes a system compliance and FBO's primary responsibility for food safety. The FSSAI has kept provisions for adequate educational qualification and frequent training for FSOs to inculcate attitudinal & behavioural changes to carryout enforcement activities as per spirit of the Act. Supervision by the District Magistrate has been introduced to secure counterchecks on discretionary powers and support of state machinery.

□ There was a suggestion that an Inspection Book should be kept by FBOs in their premises and observations made by enforcement staff during inspection should be recorded in it to have checks and balances. It was mentioned that FSSAI is already in process of drafting Inspection Manual to have a uniform inspection procedure.

□ Regarding State-wise differences in qualification of FSOs and status of food inspectors working with municipalities, it was clarified that wherever possible existing enforcement staff appointed under PFA Act in States/Municipalities will have to be brought in under the new system and States may need to go for administrative adjustments within the ambit of the law. A unified professional cadre of FSOs is encouraged to

ensure better career prospects and professional excellence and the posts in local bodies should form part of such technical cadre to be filled on deputation basis. It is necessary to critically examine the weaknesses of the PFA system with regard to enforcement and ensure that these pitfalls are avoided in the new system.

It was agreed that FSSAI at this stage may not be in the position to reopen all the earlier comments which have been duly considered and decided regarding the Rules. However, members may send their additional specific comments/ suggestions, if any, regarding Powers and Duties of FSOs, within 7 days for consideration. Thereafter, the FSSAI may go ahead with further action regarding final notification of the Rules in compliance with government policy.

Item No.5: Trans Fatty Acids (TFAs) draft notification sent to Government

The Food Authority took note of the draft notification on Trans Fatty Acids (TFAs) sent to Government for approval and notification.

Item No.6: Year-end review letter highlighting the FSSAI's activities during 2010-11

The Food Authority considered the document and authorized Chairperson for further action in the matter. It was also suggested that such documents should be brought into the public domain and FSSAI may consider publishing a brochure highlighting its achievements since inception. The members complimented FSSAI for their systematic and organized approach in their work keeping in view the various constraints.

Item No.7: Delegation of powers to the Scientific Panel on Pesticides and Antibiotics residues

The Food Authority considered and approved the proposal regarding delegating of the power for recommending MRLs of pesticides and antibiotics to the Scientific Panel on Pesticides and Antibiotics residues. The recommendations will be reported to Scientific Committee and the Authority. The procedure for consideration of such cases by the Panel may also be laid down.

Item No.8: Any other item with the approval of Chairperson

□ The Food Authority considered and approved the reconstitution of Scientific Panels and Scientific Committee in the light of Hon'ble Supreme Court order dated 8th February, 2011. The members concurred with the principles followed by FSSAI in reconstitution of the Panels.

□ There was a suggestion that FSSAI should not delay the publication of its Citizen's Charter and should come out with a simple benchmark document. Chairperson informed that FSSAI will come out with draft Citizen's Charter within 10 days time.

□ During the discussion on the mechanism for regulating the advertisement and promotion of food items vis-a-vis Code of self regulation in food advertisement developed by FSSAI, it was suggested that the FSSAI may work with The Advertising Standards Council of India (ASCI) to implement the code of self regulation to supplement the regulatory efforts of FSSAI.

Vote of thanks: The meeting ended with vote of thanks to the Chair.

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Annexure-I

Following were present during the sixth meeting of the Food Authority held on 22nd March, 2011 at 1100 Hrs at its Headquarter at FDA Bhawan, New Delhi.

Members of Food Authority:

1. Shri P.I.Suvrathan, Chairperson
2. Shri V.N.Gaur, Member-Secretary
3. Ms. Indrani Kar
4. Ms. Vasundhara Pramod Deodhar
5. Shri. Bejon Misra
6. Dr. S. Girija
7. Dr. (Ms.) Indira Chakravarty
8. Dr. (Smt.) P. Sucharitha Murthy
9. Shri Rajan Gupta
10. Shri Shiv Narayan Sahu
11. Dr. Swapan Kr. Paul
12. Shri V. Balasubramaniam

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