

Minutes of the Eighth Meeting of FSSAI held on 29th June, 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 eighth meeting of the Food Authority. List of participants who attended the meeting is at Annexure-I. Leave of absence was granted to Shri Manoj Parida, Shri K.R.Rao, Shri M.P.Singh, Ms. Mona Malhotra Chopra, Shri Bejon Mishra, Dr. S. Girija, Shri Rajan Gupta, Shri Kaling Tayeng, Dr. (Mrs.) T.A. Kadarbhai and Shri V. Subramaniam, who could not attend the meeting.

Item No.1: Oath by New Members

Shri Arun Panda, Shri Anindo Majumdar and Shri Siddharth Singh 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 members 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.

In reference to disclosure of minutes of the meetings of Food Authority, Central Advisory Committee, Scientific Committee and Scientific Panels on FSSAI's website, the Authority agreed that adopted minutes of the meetings may be made available on website to ensure transparency. It was also suggested that the work plan/road map and time lines of the meetings of the Scientific Panels may also be made available on the website. Stakeholders interested in participating in any specific meeting of the Scientific Panel to put forth their position may request the Chairperson of concerned Scientific Panel who is authorized to take a view in this regard keeping in view the agenda.

Item No.3: Confirmation of minutes of the last meeting held on 22nd March, 2011

The Authority confirmed the minutes of seventh meeting of the Food Authority held on 22nd March, 2011

Item No.4: CEO's Report- Working of FSSAI 2010-11

The Authority took note of the CEO's report circulated during the meeting which basically covered the activities of FSSAI during 2010-11. A copy of CEO's report is enclosed at Annexure-II. Special attention was invited to the points 8-11 of CEO's Report which highlighted the inadequacy of posts sanctioned, option for employees transferred under section 90, Annual Accounts for 2010-11 and major challenges before the FSSAI during the year 2011-12. It was observed that the agenda papers may be distributed to the Members well in advance to facilitate their proper study.

Item No.5: Annual Accounts 2010-11 and Annual Report of the Authority

The Authority considered and approved the Annual Accounts of FSSAI for the year 2010-11 and Annual Report of the FSSAI for the year 2010-11 with such changes as may be required for meeting statutory requirements and removing discrepancies and mistakes.

Item No.6: FSSAI proposal for 12th Five Year Plan (2012-17)

Director, FSSAI made a presentation before the Authority regarding FSSAI proposals for the 12th Five Year Plan (2012-17) for the implementation of FSS Act broadly covering the need for food safety, initiatives, challenges, priority areas and financial projections. The Authority considered and authorized FSSAI to take further steps in the matter as deemed fit with the following observations/suggestions:

- Adequate number of laboratories and up-gradation of existing laboratories is an essential requirement. However having competent & trained personnel to run these laboratories is going to be a major concern and need to be attended to.
- IIPH is developing various training modules for FSSAI for capacity building of the stakeholders. However a large number of training institutions would be required in the country to take forward these modules in terms of implementation. Suitable accreditation systems need to be put in place.
- Accreditation of laboratories is mandatory as per FSS Act and therefore public laboratories need to be up-graded. This will require appropriate implementation arrangements and identification of suitable agencies.
- There is no doubt that food safety has not received required attention so far and significant increase in the funds would be required during 12th Five Year Plan to implement the FSS Act in its true spirit. However, financial projections need to

be carefully assessed considering the utilization capacity of existing agencies so as to ensure optimum use of funds. Accountability of States in terms of sharing of funds need to be clearly defined and specific deliverables & outcomes need to be defined considering the scenario where Planning Commission is not very much keen on having Centrally Sponsored Schemes.

- States may have their Annual Plans for food safety which need to be based on similar food safety plans for districts and villages. The FSSAI may consider to discuss with States to identify the critical areas, challenges and action required.
- Innovative and alternate mechanisms need to be considered for implementation of various initiatives with the help of competent Project Management Agencies.
- Keeping in view the extensive and wide mandate of the Food Authority and targets set for the coming years, it is necessary to access the required skills especially at higher levels. This may not be possible if the conventional methods of recruitment are adopted. Innovative procedures need to be considered to make it worthwhile for qualified and competent individuals to join Authority for limited periods of time. It was noted that similar procedures are being adopted by UIDAI who have succeeded in accessing skills which would not be otherwise available within the government.
- There is considerable shortage of skills in areas of food handling, food safety management, laboratory management, food regulation etc. This could be developed as a part of the national skill development mission under which large number of individuals are being trained for economically productive activities. The potential for employment in the food safety sector needs to be exploited fully. It was suggested that the content for the training programmes being developed by FSSAI need to be further disseminated by accredited training institutions who can extend the reach of the training programmes and develop more innovative training modules, provide the required skills as well as employment potential in the booming food processing sector.
- There have been extensive complaints relating to wrong claims on food items especially nutraceuticals, in the absence of clearly laid down regulations. Very few cases of such items have been identified and appropriate action taken. FSSAI has already developed first draft of the regulations for labelling and claims which are being considered by the Panel on Food Labelling. This needs



to be expedited. A cell has been started in FSSAI which would be collecting information on misleading advertisements and claims in the national media.

- The Members felt that two major stakeholders in food safety, consumers and industry, need to be brought closely within the ambit of the Food Authority and for this purpose interface arrangements need to be worked out. Both consumer and industry should be encouraged to take up the food safety programmes, disseminate the information and encourage food safety practices so that implementation of the law is more effective.
- FSSAI should now consider more effective and innovative modules of disseminating food safety messages and compliance requirements to the stakeholders. This would not necessarily be confined to advertisements. Since much of the action in food safety is to be initiated at local level, the objective should be to bring food safety to the centre of attention at the village and town level, identify the action points and encourage decision making. It was informed that FSSAI proposed to carry out a pilot to develop an appropriate model for communication relating to food safety.
- Many States, especially smaller ones, find it difficult to access the required skills and technical advice to address issues relating to food safety. FSSAI needs to consider how such requirements can be met by enabling better access to technical advice and skills.
- While considering the draft proposals for the 12th Five Year Plan, more emphasis need to be given for identifying appropriate implementation mechanisms so that the proposed higher allocation can be utilised with the desired effect. It was noted that higher allocation by themselves need not result in the desired outcomes unless implementation issues are sorted out. This is particularly important in areas such as upgradation of laboratories, building capacity in food safety, training of food handlers and regulatory staff etc. Unless all stakeholders are involved in this activity, it will remain confined to being a government programme with limited impact. FSSAI needs to look around for more effective and innovative solutions to these problems.
- It was informed that FSSAI is in the process of identifying implementation agencies for taking forward these initiatives through appropriately accredited mechanisms. This is particularly necessary in the area of food safety management systems and food testing laboratories.

- It was pointed out that under the National Rural Health Mission, there is already a provision for promoting food safety into the ambit of the programme. FSSAI has already written to the Chief Secretaries and the Ministry to enable such integration so that States and Districts can effectively integrate food safety programmes as an essential component in NRHM. This will also lead to better utilisation of funds and leveraging the infrastructure available in the health sector. Few States have already taken up food safety activities through NRHM funds.
- It was suggested that Food Safety need to be the part of the education system. It was informed that NCERT has already included food safety as part of its curriculum till 10th level and IGNOU is developing a course on food safety for housewives. There was a suggestion that IGNOU course for housewives may be linked with employment generation for housewives. Similarly, the certificate course for food handlers could be made mandatory gradually.

Item No.7: Presentation on Whistle Blower Scheme

Director, FSSAI made a presentation before the Authority on draft Whistle Blower Scheme. Following points emerged during the discussion.

- In respect of the whistle blower programme, it was noted that a similar programme is under implementation in the drug sector but the results have not been satisfactory. A large number of leads received under the programme have turned out to be by motivated individuals to harass their competitors. Therefore, unless there is a foolproof mechanism for verifying the leads, the programme may have an unintended effect of increasing harassment of regulatory staff and food business operators.
- Since the objective is to increase awareness of food safety issues, put pressure on FBOs to adhere to food safety management practices and ensure the safety of food as part of their normal duties, testing of food samples and dissemination of results is likely to increase awareness to a greater extent than by mere prosecution. Food testing should be, therefore, made a more easy and acceptable procedure under which any individual who is interested in food safety should be in a position to take samples and get them tested. The Food Safety and Standards Act also provides for reimbursement of testing fees in case samples turn out to be negative. For this purpose, standardised testing

protocols can be laid down under which institutions and individuals can take up food testing and results disseminated without necessarily going in for prosecution. Wherever information warrants further follow up, the regulatory system should move into action. Citizen food scientists could be developed on these lines.

- It was agreed that the current draft of the scheme may be discussed in a focussed workshop with stakeholders and the scheme finalised for transmission to the government. Parallely, FSSAI should consider popularisation and institutionalisation of food testing on a much wider scale and disseminate results for the information of the general public. It was noted that under the scheme for Food Safety Centres and Centres of Excellence, there is already a proposal for encouraging such testing by food technology institutions and research organisations.
- A dedicated cell would be required in each state to examine each lead and whistle blowers with malafide intentions need to be punished.
- The Scheme needs to be developed very carefully have appropriate checks & balances and stakeholders consultation need to be carried out before arriving at any conclusion.
- In Whistle Blower scheme the target is to create awareness about food safety and there could be many innovative and alternative mechanisms to achieve it instead of solely depending on whistle blower.

It was agreed that the draft scheme may be posted on the website to elicit ideas and simultaneously a focussed group having expertise in the area may be constituted to discuss & come out with an acceptable and functional whistle blower scheme to achieve the objective.

Item No.8: Result Framework Document (RFD) for 2011-12

The Food Authority took note of the Result Framework Document (RFD) of FSSAI for the year 2011-12 with the following observations.

- Conventional ways of hiring may not work to induct/ recruit competent talent in FSSAI and innovative mechanisms for selections need to be considered. The FSSAI may consider sending a proposal to Ministry of Health & Family Welfare in the matter.

- FSSAI's first priority should be communication and awareness about food safety and innovative ways of communication need to be considered. Ministry of Urban Development and State Governments need to be taken on board to generate interest for food safety at urban and rural levels.
- It was suggested that a process flow chart for developing Regulations need to be developed to ensure participation of stakeholders at appropriate juncture and greater transparency during the development of any new regulation.
- Considering the Result-Framework Document (RFD) and the objectives laid out therein, it was felt that it is now time for FSSAI to start recruiting staff, both technical and managerial, against the posts which have been approved by the government. Unless the scientific skill levels within the FSSAI match those of the industry which it tries to regulate, the regulatory outcome is not likely to be satisfactory. Options need to be given to the existing staff for their integration in the proposed structure and a transparent procedure adopted for this purpose. Since FSSAI requires additional staff for its expanded activities, suitable proposals may be developed and forwarded to the government for consideration.
- The status of notification of Rules and Regulations under the Act was reviewed. It was informed that the Rules have already been notified and are expected to come into effect from 5th of August, 2011. The Regulations are also under consideration by the Government and it is proposed that by August, FSSAI should be in a position to roll out the new Rules and Regulations and repeal the old food related orders. It is necessary that the required supporting measures are taken by FSSAI as indicated in RFD to ensure effective implementation of the law.
- It was noted that phase-I of the FSSAI's mandate is nearing completion with the notification of Rules and Regulations and development of Road Map for the Authority. The various bodies envisaged under the Act have been constituted. It is now necessary for FSSAI to shift its focus to the activities and targets identified in the RFD which will require greater attention to implementation details, acquisition of the required technical and managerial skills and working closely with the stakeholders. It was noted that the Road Map is now ready for the coming years as indicated in the RFD.

- It was observed that with the fast changing pace of scientific developments in the area of food safety, FSSAI should be in a position to keep up with these developments so that it can effectively regulate the new products and processes in the market. For this purpose, accessing required skills and scientific expertise is required. FSSAI also needs to build the basic in-house capacity for addressing such issues.
- The agenda for Scientific Panels and Committee have already been developed. This may be put on the portal of the Authority.
- In respect of nutraceuticals and supplements, it was noted that there have been complaints of manufacturers shifting products to supplements in order to avoid price control. While control of prices of food items is not within the ambit of Food Authority, FSSAI proposes to work with the National Pharmaceutical Pricing Authority to identify and delineate the definition of drugs and foods appropriately so that the objectives of both the laws are achieved. It was noted that for this purpose, the current norms for therapeutic dosages need to be revised in the light of latest scientific developments. FSSAI proposes to work with the appropriate agencies for this purpose. Similar collaboration is required in respect of herbal products so that they can be effectively covered under the proposed regulations for nutraceuticals and supplements.

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

Annexure-I

Following were present during the Eighth meeting of the Food Authority held on 29th June, 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. Shri Arun Panda
4. Shri Anindo Majumdar
5. Shri Siddharth Singh
6. Dr. G. Narayanraju
7. Dr. (Smt.) P. Sucharitha Murthy
8. Ms. Vasundhara Pramod Deodhar
9. Ms. Indrani Kar
10. Shri Shiv Narayan Sahu
11. Dr. Swapan Kr. Paul

Report of the Chief Executive Officer, FSSAI for the year 2010-11

The year 2010-11 was practically the second year of the functioning of the Food Authority after the amalgamation of structures of PFA, FPO, MMPO and MFPO. The Food Authority moved in a more focussed, determined and cohesive manner towards the task of making the FSS Act, 2006 operational. With the approval of the Authority and the Government the drafts Rules and Regulations were notified and on the basis of the comments received from the stake-holders these were finalised. The Rules have since been notified on 5th May 2011 and the Regulations are going to be notified within a few days. The Rules, and thereby the Act, will come into force after 03 months from the date of the notification i.e. 5th August, 2011. All the State Governments and other stake-holders are being again reminded with regard to the preparation for the launch of the Act.

2. Continuing the thrust on capacity building, training programmes were organised for Designated Officers, Food Safety Commissioners and Food Safety Officers. The work was also awarded to IIPH, Hyderabad for developing training curricula for Designated Officers, Food Safety Officers and food handlers. The work is progressing well and expected to be concluded by July, 2011. Considering the shortage of Public Analysts in the country, it was decided to conduct public analyst examination at shorter intervals. The first examination has already been conducted and the results declared. The Second examination will be held in month of September, 2011.

3. The officers of the Authority were in touch with the State Governments either through the meeting of Central Advisory Committee(CAC) or through personal visit to take stock of the preparedness of the States. As a result, there is considerable awareness among the States about the Act and most of them have already appointed senior officers as Food Safety Commissioners and were awaiting notification of rules for appointing the remaining statutory functionaries. The upgradation of labs to the accreditation level is a major challenge and will require considerable will, finance, technical man power and training. The result of gap analysis conducted by FSSAI through QCI has been shared with the concerned States with a request to take necessary measures to reach accreditation level .

4. For the first time, Authority prepared Results Framework Document with focussed and time bound agenda for the year 2010-11 and excellent progress was made on most of the fronts. Draft documents have been prepared on Food Safety Management System, India HACCP, labelling and claims, functional food, food recall, water quality standards, TFA standards, GM labelling etc. Government also approved some notifications following the recommendations of the Central Committee on Food Standards under the PFA Act. Expressions of Interest were also called for development and

implementation of schemes for Research and Development, establishment of Food Safety Centres and Centres of Excellence.

5. With a firm date on the horizon for the start of FSS Act, for the first time FSSAI started activities on the front of brand building and generating awareness among the masses. A beginning was made with airing of jingles on FM channels. Advertisements have also been issued in the print media including regional languages press. MoU has been signed with Doordarshan for dedicated episodes of Kalyani programme on the subject of food safety and also for developing a parallel series of episodes under a new brand name. It is also proposed to consider engaging a top communication agency through competitive bidding to handle the entire range communications needs of FSSAI.

6. Developing of standards is a key activity of the Authority under watch by all stakeholders. During the year, all CCFS approved decisions were given a final shape either for final notification or for draft notification. Presently there are only three notifications approved by the Pesticide sub-committee under consideration of the Government for approval. Action has also started on the applications received after the constitution of the Authority. Briefs in respect of 5 proposals have been finalised and are going to be considered by the concerned scientific panel in a next one or two months. Scientific Committee is also going to meet shortly.

7. The Government has notified the remaining 57 sections of the Act on 29th July, 2010 except the provision regarding the GM food in section 22. It has been proposed that all live GM Organism and food derived from them, with or without GMO, will come within the purview of the proposed Biotechnology Regulatory Authority including the risk assessment to the extent of GM modification. GM labelling will, however, continue to be under FSSAI. In compliance of a direction of hon'ble Supreme Court, a schedule for framing of regulations on GM food labelling has been submitted to the Court which envisages finalisation of the draft by December, 2011. The matter is going to be considered by the Scientific Committee in the month of July 2011 before it is submitted to the Authority.

8. The Government has communicated approval for 355 posts for the Authority against the projected requirement of 531 posts. After analysis it has been found that

- i. there is not enough number of technical posts left for making new direct recruitment after adjusting the existing technical manpower if they all opt for absorption

- ii. a number of posts that have been abolished have personnel working against those posts. The sanction by the Ministry stipulates that these posts can continue till wasted out subject to overall ceiling being maintained. As a result it will not be possible to fill up even higher level posts including those of scientists or other senior positions as these will exceed the ceiling.
- iii. there is an acute crunch of manpower for undertaking works relating to codex, establishment, risk assessment, product approval, imports etc. Therefore, there is a need for initiating proposal for augmentation of the existing strength.
- iv. In the existing sanction, no staff has been sanctioned below the level of technical officer. It is not only an impossible task to run an organisation 100% with the help of outsourced staff but is also not desirable to do so in the long term interest of continuity, organisational memory, data secrecy and motivation of the staff.

9. With regard to the Service Rules, the Government has approved 6 out of 9 Rules and the 7th is expected to be approved shortly. Considering that the staff transferred to Authority under section 90 have continued on 'deemed deputation' for nearly 2 ½ years, it is high time to give them opportunity to exercise option for absorption in the Authority which will remove uncertainty about their future. Even though, two rules pertaining to health benefits and TA/DA are yet to be approved, the employees will have to take a decision about their future on the basis of approved rules which includes important ones like GPF and accommodation. Draft Recruitment Rules have been prepared for all posts and will be sent to the Ministry for approval shortly. A new Director for CFL, Kolkata has been selected and appointment order is being issued. Appointment to the vacant post of Director, FRSL was held up due to a court case. The process will start for fresh recruitment after passing an order by the Competent Authority as directed by the Court.

10. The Annual Accounts of FSSAI have been prepared and are placed before the Authority for approval. FSSAI had received Rs.32.37 crore as grant- in- aid from the Government in 2010-11. We had a carry-forward balance of Rs. 5.63 crore from last year's available funds of Rs.24.74crore (Rs.21crore grant + Rs 3.74crore carry-forward). Total expenditure this year was Rs.36.64 crore, which is nearly double the total expenditure of Rs.19.10 crore in 2010-11. License fees received during the year amounted to Rs.54.19 lakhs against Rs.40.32 lakhs last year.

11. The major challenges before the Authority during the year 2011-12 are:
- a) to steer transition from PFA to FSS Act.
 - b) to handle queries from all stakeholders through helpline, website, FAQ and printed guidelines etc.
 - c) organise training programmes for Designated Officers, Adjudicating Officers and Trainers for Food Safety Officers from 628 districts of the country.
 - d) move to upgrade as many laboratories as possible to accreditation standards.
 - e) Streamline functioning of Scientific Committee and Panels to undertake review of existing standards and framing of new standards.
 - f) operationalisation of Food Safety Management System down to the level of panchayats.
 - g) finalise framework for surveillance.
 - h) develop courses in various Universities and Institutions to meet the manpower demand, FSMS and other activities under the Act.
 - i) launch a massive IEC programme to generate awareness about the new laws, regulations and food safety.
 - j) launch a reward scheme for those who give actionable intelligence and 'whistle blowers'.
 - k) prepare and finalise imported food regulations and move to all important ports and airports.
 - l) finalise some important regulations like labelling and claims, functional foods and dietary supplement, GM labelling etc.

FSSAI will work to meet their challenges under the guidance of the Authority.