

**Minutes of the First Meeting of Central Advisory Committee (CAC)
held on 19th January, 2010 (Tuesday) at 1000 Hrs at Hall No.4,
Vigyan Bhawan, New Delhi.**

A list of participants who attended the meeting is enclosed at Annexure-1.

Session I

The first session of the CAC started with a welcome address by Shri S.B. Dongre, Director (F&VP), FSSAI and the keynote address by Shri V.N. Gaur, CEO, FSSAI. In his address, CEO outlined the progress made in the implementation of the Act since the formation of the Authority in September, 2008.

A number of presentations were made for the benefit of the members of the CAC which covered the mandate, duties, and functions of the FSSAI, role of CAC and procedures and guidelines of its working. It was pointed out that FSSAI had already indicated to the States and UTs a model structure for setting up the food safety machinery headed by Food Safety Commissioner. For the sake of effective implementation of the Act which will ensure availability of safety and wholesome food to the public, it was advisable to have a separate department of food safety in the States/UTs which will also undertake capacity building and training programmes not only for the department employees but also for food manufacturers, handlers, food business operators etc.

Shri P.I. Survrathan, Chairperson in his inaugural address emphasised the importance of CAC in the overall scheme envisioned in the Act. Being a forum where all the Food Safety Commissioners in the country along with representatives of the Ministries, industry associations, consumer organisations etc were represented, the CAC can be an effective interface between the FSSAI, implementation machinery and other stakeholders. He highlighted the fact that FSSAI is going to be a science based organisation as more and more science is getting into the food these days. Science and Hygiene combination is the spirit of the Act. The task of fixation of food standards is going to be a science based exercise on the basis of risk analysis. Referring to high pendency of cases in the court in the PFA system he pointed out that the FSS Act has tried to resolve this problem by introducing the system of adjudicating officers and state level tribunals which are expected to take on maximum load of the cases. The FSSAI was steadily moving towards implementation provision

of the Act for which various rules and regulations have been drafted and are at various stages of consultation and approvals. The implementation of the Act is also being monitored by the Hon'ble Supreme Court and at the highest level in the Government. He called upon the CAC, particularly the Food Safety Commissioners, to work towards creation of department of food safety in the States manned by young dynamic, keen to learn and dedicated officers so that we are able to achieve the objectives laid down in the FSS Act in its true spirit

Session II: Transition from PFA to FSSA

(i) Shri Ashok Jha, Sathguru Management Consultant, made a presentation on "Draft FSSAI Rules and Regulations regarding transition from PFA to FSSAI" covering the summary of various chapters and areas covered under them. The salient features of new chapter scheme are:

- Scientific and structured approach to the regulatory framework
- Appropriate direction and space for current and future regulatory & scientific developments
- Easy traceability of rules and regulations
- Facilitate digitalization to make rules and regulations dynamic, user friendly and available as single reference point.
- Help in alignment of national regulatory framework with modern and international practices.

No new standard has been proposed and wherever the same product has more than one standard laid down, latest amendment has been retained. As the food laws are being integrated for the first time, the working of new structure may be reviewed for a year and based on the experience of implementation, necessary modifications in the provisions may be done if required.

(ii) Shri P. Kartikeyan, JIO (F&VP), FSSAI made a presentation on "Licensing/Registration Regulations" covering features of draft regulations, framework for licensing/registration of food businesses, procedure for licensing/registration and IT enable system. It was mentioned that the new proposed system is:

- Single window
- Preventive rather than after the event, in approach
- Transparent, science based standards and procedures
- Pooling of regulatory resources
- Responsibility of food business operator
- Quicker justice

(iii) Shri S.B.Dongre, Director (F&VP), FSSAI in his presentation covered lacuna in the existing enforcement set up in the States and elaborated on the new suggested Food Safety Structure which focuses on defined scope of work at each level, better promotion avenues, overall development of officials, opportunity to contribute in policy making; specialized cadre etc. States/UTs may follow the spirit of structure for enforcement of the Act and the number of levels & Officers may be decided as per the requirement and resources available.

Discussion:

The views emerged during the discussion in the session II are mentioned below:

- It was suggested that there was need to identify why the existing system of sampling and enforcement is not working and some of the useful steps to ensure efficient working could be viz. Temper proof sampling containers, Chain of Custody of sample (as followed by US EPA), Representative Sample, Market Basket Survey in standard setting process for different products in order to remove subjectivity and make less controversial.
- There was an opinion that time schedule indicated in licensing/registration regulations for the authorities can be complied only if IT system is put in place from very start. CEO informed that Food Authority is already working on IT enabled Registration/Licensing system.
- Package of safety for sampling mechanism need to be devised and laboratories are required to be upgraded and computerized [Uttar Pradesh]. It was informed that FSSAI has already entrusted a study to Quality Council of India on Gap Analysis of food laboratories and States/UTs should cooperate with agency in making available information on status of food laboratories in their states/UTs to provide proper laboratory infrastructure in the country.
- Limiting the validity of license for 1 years may lead to unnecessary harassment to FBOs every year and may be made 5 years with provisions of depositing fee at every year.
- Application form for license/registration should be bilingual i.e. both in Hindi and English.
- Provision on powers to seize premises may also be included in the regulations and prosecution action may be started on the basis of report of FSO.

- Representative from FICCI mentioned that (i) draft document on transition from PFA to FSSA does not reflect the changes exhaustively and is just a compilation leading to lot of misinterpretations. (ii) There was no clarity on interim arrangement and suggested that a working group could be set up to review the document word by word. (iii) Product category system may be adopted for licensing instead of single product licensing. (iv) Production figures used as basis for category of license seems to be very old one and need to be relooked in current scenario. (v) Form-A appears to be complex if it also to cover hawkers. (vi) A uniform checklist needs to be developed for inspection purposes. (vii) Schedule-4 is observed to have significance departure from the codex document and industry may face difficulty in compliance. (viii) Import of food items for sample, R&D purpose may be exempted from licensing/registration. Chairperson, FSSAI mentioned that the regulations document mostly carried the existing PFA provisions. Efforts are on to remove discrepancies. The members could also bring to the notice of FSSAI if they come across any such error. Food safety always remains a priority whether the food is to be for consumption or for other purposes and as such licensing/registration cannot be ignored. Further, categories of food businesses involving more risk and special sectors like railways, civil aviation etc. have been kept under purview of central licensing to ensure proper monitoring.
- Performa for issue of identity card to FSO need to be developed to have uniformity and may be included in the regulations.[Andhra Pradesh]
- Sub-divisional Officers in the states who are to be appointed as designated officers may not have the qualifications prescribed for FSO/DO. Further, it need to be clarified whether the degree in public health includes MBBB, BAMS etc. [Chhattisgarh]. The local health authority in some places are having B.Pharma qualification and as such the qualification of designated officer may be modified.
- Number of licenses/registrations in an area may be used as a basis in deciding the number of FSOs required.
- Several municipalities also involved in the registration of food establishments and as such it may lead to duplication of registration by municipalities and registration under FSSAI. Further, it needs to be clarified whether the persons working under municipalities/panchayats will work under secretariat of

Commissioner of Food Safety or remain under municipalities/panchayats.[Kerala]

- Regarding time frame, Chairperson, clarified that FSSAI is working towards operationalizing the licensing in next 4-5 months and within this period it is expected that States/UTs should gear up to arrange necessary framework required for implementation.
- In reference to pending PFA court cases, it was clarified that pending court cases will continue to be handled as per existing law and States may consider the option of constituting Special Courts or Lok Adalats in consultation with their respective High Courts to dispose off the cases.
- Several states raised concerns about the financial constraint and requested for monetary help from central government/FSSAI to strengthen the system in the States. In this regard, it was clarified that Plan Scheme is in half way and no fresh schemes can get approved from planning commission. However, FSSAI is working on the proposal to consider supporting 6-7 states (one in each region) from the existing allocation.
- Ministry of Information and Technology is launching a scheme of having 100000 Common Service Centres as public kiosk throughout the country. FSSAI may consider on the possibility of how these can be interfaced with licensing/registration/sampling system.
- Educational Institutions can be considered to support the laboratory infrastructure requirements of FSSAI. Registration document may include the Do's and Don'ts for Petty Food Operators. A strong Surveillance System need to be developed.
- Concern was raised on the non-availability of Potable water standards especially in view that water is very important input in food processing. In this regard, it was clarified that FPO is currently having water testing requirement for its potability in licensing. Further, besides BIS standards of Potable water being reviewed, FSSAI is considering the possibility of defining the standards of potable water.
- Provision for information on details of Ingredients to be manufacture of food product; number of workers in organization & their health status, may be considered to be included in Form A, the application for licensing under FSS Act,2006. [Uttarakhand]

Session III

(iv) Shri Alok Bisaria, Media Consultant made a presentation on "Draft code of self regulation for food advertising and Awareness generation

about food safety among the stakeholders". It was emphasized that children can be the torch bearer in the propagating the concept of food safety to lead to a generation of informed, aware, healthy citizen who will demand for safe food and safe food practices. It was also mentioned that self-regulation code in food advertising is an attempt to bring self discipline in the industry with high standards of business ethics.

(v) The presentation on "Status of Trans Fatty Acid (TFA)" by Dr. Dhir Singh, ADG(PFA), covered the nature & types of TFAs; how they are formed; their relationship with cholesterol level and Indian as well as global scenario.

(vi) Shri Anil Mehta, Deputy Director, FSSAI made a presentation on "Implementation of Codex Programmes" which primarily covered Codex Alimentarius Commission, its mandate, various codex committees & task forces, WTO agreements. It was also informed that draft guidelines for participation in Codex meetings and preparation of response to codex matters have been approved by food authority and National Codex Contact Point will be created in Food Authority.

(vii) Dr. J.P.Dongre, Marketing Officer, FSSAI, made a presentation on "Capacity Building Development Programmes for Food Safety Regulators" and informed about the thrust areas for such programmes. Induction training for Food Safety Commissioners; Training modules for the ToTs; Actions required from states, Implementation Schedule, facilitations etc. were the key issues discussed during the presentation. It was proposed that Induction programme for Commissioners may be conducted by 3rd week of February, 2010 and ToT programmes for Dos/FSOs may be started from 3rd week of March 2010 onwards.

Discussion:

The views emerged based on the discussion held during Session III are given below:

- There were several concerns about the success of training programmes and their impact especially when people get transferred to other assignment or work immediately after training. In this regard, CEO, FSSAI clarified that in such short span of time we are not going to have new officers and the proposal is a conversion training programme for new regulatory regime. The emphasis on food safety cadre building will ensure to avoid any impact loss of such training programmes. Further, tie-up with

IGNOU and other institutions is also being explored to develop programme for public domain.

- On methods/ ability of FSSAI to stop misleading claims/food advertisement, it was clarified that no law can be implemented by enforcement only and the proposed draft code of self regulation of food advertisement is an effort to bring food industry at the same wavelength of business ethics. Gradually, FSSAI would be coming with regulations for misleading claims/food advertisements.
- It was mentioned that FSSAI should lay down standards for GM foods while quoting example of Basmati Rice which is being sold as Non-GM Rice. Strong communication strategy to inform consumers about labelling, advertisement should be there to avoid industry to take advantage of such misleading advertisement. CEO, FSSAI informed that food authority is already working on media plan and state governments are also required to develop their media plans to reach to the consumers. NGOs can be very helpful in educating the consumers. FSSAI is also in the process of putting some interim structure for GM foods and till that time the existing GEAC structure will continue.
- FICCI representative suggested for need of training programme on risk assessment for regulators and industry will be happy to partner and provide facility/expertise in organizing such training programmes at states/centre level.
- In reference to suggestion on tracking and review of capacity building programmes at states on annual basis for the purpose of development, incorporation etc., it was clarified that the syllabi for these programme are being managed centrally and tracking will be the part of MOU with the states.
- There was a suggestion that messages other than common thing in food advertisement need to be backed by scientific evidence and such details should be available on company's website. The practice of contraindication may also be followed in food items as in case of drugs.

Session IV

(viii) Vigorous implementation of Food Safety Laws

CEO, FSSAI took forward the session and emphasised on effective implementation/enforcement of Food Safety Regulations at State level.

- CEO expressed a great concern about a lot of media reports regarding adulteration of milk & milk products, mawa, ghee etc. especially from Haryana and Uttar Pradesh and requested states to

come out concrete solutions to avoid such incidents in future. Haryana and Uttar Pradesh Governments' representatives explained that special drives were taken and state machinery was geared up to overcome the problem of synthetic milk, adulteration in milk & milk products, ghee, especially during festival season. They emphasised that they are proactive in conducting raids to control sale of adulterated food. Further due to active media participation the consumers are also getting aware about the unfair trade practise the traders intended to follow and hence the sale of sweets was less during the diwali.

- It was mentioned that lack of proper communication, particularly identification of the defaulting brand is important in checking the problem of adulteration. Most of the times adulteration becomes only a news item for media. Sometimes, government officials are also reluctant to disclose the adulterated brand among media. The media should be taken in confidence and should be involved for creating consumer awareness, dissemination of proper information because if consumer is well informed he will not purchase such products.
- A reference was also invited that to the step taken by Government of Maharashtra regarding amendment in Section 20 of the PFA Act and as per amendment all the offences under Act are Cognizable and Non bailable with the powers to police officers 'to arrest' without warrant, to curb the adulteration in milk in particular and other food stuffs in general. FICCI was of the view that the implementation of Food Safety Laws should be vigorous but a blanket change in the law just because some sector specific adulteration may lead to depression in industry. There was a suggestion that trade associations may consider to take action against the organizations who are involved in such illegal adulteration.
- It was suggested that there may be a link on FSSAI website showing the list/details of conviction of people/companies who are involved in food adulteration and unfair trade practices as per the reports received from States, so that public in general is aware/knows who has done adulteration and they can make informed choices.

It was brought to the notice of the state representatives that Annual Report on implementation of PFA is available only upto year 2006 and requested that all the States should submit information expeditiously on the working of PFA Act for the remaining years. Further, awaited

information from the State Governments related to few parliament assurances also need to be submitted urgently.

(ix) Dr. Dhir Singh, ADG (PFA), made a presentation on "Status of Food testing laboratories in the States" and emphasised that there is a need for proper upgradation plan for laboratories by each State and to equip the State laboratories with adequate testing facilities and manpower. It was informed that the Food Authority has already assigned to Quality Council of India to conduct the gap analysis of State food laboratories. However information from some states regarding their existing lab infrastructure is still awaited.

- All the states appreciated the FSSAI's initiative on identifying the labs for upgradation with the help of QCI. The representatives of the State Governments from whom information in the specific Questionnaire is awaited were requested to expedite the same.
- The invitee from Ministry of Food Processing Industries informed that they are having a specific scheme for setting up/upgradation of food testing labs and States/UTs may make use of the scheme to strengthen their lab infrastructure.
- It was informed that a public portal www.labnetwork.org maintained by UNIDO is a virtual consultant about laboratory and can be a very useful link for laboratories in the process of seeking accreditation.
- FICCI raised their concern about variation in the results of two different labs for same food sample and suggested that Codex Committee on Methods of Analysis and Sampling (CCMAS) keeps on coming with new updates and new methods of analysis which can be consulted for keeping abreast with the global developments in the methods of analysis. It was also suggested that emphasis should be on web based system for analysis of samples, sharing of raw data and value added service of knowledge transfer on method of analysis.

(X) It was informed that Section 94 of the FSS Act, 2006 provides for power of State Government to make rules on certain matters, after previous publication and with previous approval of the Food Authority, by notification in the Official Gazette to carry out the functions and duties assigned to the State Government and the State Commissioner of Food Safety under the FSS Act and the rules and regulations made there under. The powers of the State Government under this Section read with Section 30(2) of the Act may be utilised by the State Governments after the Commissioners have been appointed and the Rules/Regulations under the FSSA, 2006 come into force.

- CEO, FSSAI discussed the progress made in different States with regard to appointment of Food Safety Commissioners and observed that among the members present, the states viz. Uttarakhand, Jammu & Kashmir, Maharashtra, Karnataka, Himachal Pradesh, Chhattisgarh, Daman & Diu, have not appointed the Food Safety Commissioner.
- It was pointed out that there should be a saving clause for the people who are already in service and who do not have prescribed qualification for being appointed as Food Safety Officer and Designated Officer.
- The State Food Safety Commissioners were requested to take note of the fact that it was necessary to expedite creation of FSSA Structure in the states/UTs as once the new rules and regulations are notified by FSSAI, there should not be a vacuum. It was necessary to work out quickly and place the people in position within a period of 3 months time.
- There is need to create awareness among masses at all levels in the country regarding the FSS Act. FICCI informed that in next 2-3 months they will be doing programmes on awareness in some parts of the country.

(xi) Work programme of Food Authority

CAC recommended the work programme circulated by FSSAI to the members. During discussion, the following points were made:-

- Pursue the matter with the State Governments/UTs to appoint Food Safety Commissioner, Designated Officers and Food Safety Officers etc.
- The proposed time line for transition needs to be clearly defined to avoid any confusion among industry and some communication in this regard may be placed on FSSAI website. There is a need to look into Food Additives approval procedure which is on hold and pending notifications under PFA need to be expedited.
- Accreditation system for FSSAI labs need to be developed and Regular proficiency testing programmes for laboratories need to be protected.

While concluding CEO, FSSAI thanked all the participants for their active participation in the discussion and valuable suggestions which would be of immense use in refining the programme of FSSAI.

ANNEXURE-1

List of Participants

The following were present during the First Meeting of Central Advisory Committee (CAC) held on 19th January, 2010 (Tuesday) at 1000 Hrs at Hall No.4, Vigyan Bhawan, New Delhi.

On the Dias:

1. Shri P.I.Suvrathan, Chairperson, FSSAI- as Chief Guest
2. Shri V.N.Gaur, CEO, FSSAI & Chairman, CAC
3. Shri S.B.Dongre, Director (F&VP), FSSAI
4. Dr. Dhir Singh, ADG (PFA)
5. Ms. Sumita Mukherjee, Director, FSSAI

Members of CAC:

6. Shri R.K.Vats, Commissioner Food Safety, West Bengal
7. Shri Durga Shankar Mishra, Principal Secretary & Commissioner, FDA, UP
8. Shri Vinod Kumar Yaduvanshi, Additional Commissioner, FDA, UP
9. Dr. (Ms.) Asha Mathur, Addl. Director Health, Directorate of Medical Health, Uttarakhand
10. Shri Satish Gupta, Controller, Drug & Food Control Organization, J&K
11. Dr.K.Y.Sultan, Director, Medical & Health Services, Daman & Diu.
12. Shri Pradeep Chordia, Managing Director, Chordia Food Products Ltd.
13. Dr. Keya Ghosh, Head, Consumer Unity and Trust Society (CUTS), Kolkata.
14. Dr. (Ms.) P. Sucharitha Murthy, Commissioner Food Safety, Andhra Pradesh
15. Dr. Manjit Singh Bains, Director, Health & Food Health Authority, Chandigarh
16. Shri K.Subramaniam, Controller, Food & Drug Administration, Chhattisgarh
17. Shri Sameer Barde, FICCI, New Delhi.
18. Dr. S.P.Vasireddi, Managing Director, Vimta Labs Ltd.
19. Prof. Gopal Naik, Centre for Public Policy, IIM, Bangalore.
20. Shri D.P.Dwivedi, Commissioner Food Safety, Delhi.
21. Shri J.K.Nanda, Local Health Authority, Delhi.
22. Shri H.G.Koshia, Commissioner Food Safety, Gujarat
23. Shri K.K.Goyal, District Food & Supplies Controller, Gurgaon, Haryana

24. Shri H.S.Malik, Special Secretary, Health Department, Haryana.
25. Shri Rohit Jamwal, Additional Director, Health, Himachal Pradesh
26. Dr. N. Sadasivan, Commissioner Food Safety, Andaman & Nicobar Island.
27. Dr. Navin Gaud, OSD, Food Safety, Andaman & Nicobar Island
28. Dr. S.M.Mittal, Joint Director (R.H), Rajasthan
29. Shri Ashok Kumar Gergosh, Public Analyst, Punjab
30. Dr. Rakesh Gupta, DD (Food), Punjab
31. Dr. P.Seetaram, Additional Director (Public Health), Orissa.
32. Dr. J. Tongpang Walling
33. Shri K.L.Norworiya, Joint Controller, FDA, Madhya Pradesh
34. Shri Sachin Logeenie, Deputy Director, FDA, MP
35. Shri Prakash Sabde, Commissioner, FDA, Maharashtra
36. Shri V. Vumlunmang, Commissioner Food Safety, Manipur
37. Shri Pramod K Jain, Commissioner Food Safety, Goa

Invitees from Ministries/Departments:

38. Shri A.K.Ojha, Assistant Director (Food), Ministry of Micro, Small & Medium Enterprises
39. Shri Shreerajan, Joint Secretary, Ministry of Women & Child Development
40. Ms. Kumkum Marwah, Joint Technical Advisor, Ministry of Women & Child Development
41. Dr. Keshavamurthy, Director, Department of Animal Husbandry & Dairy
42. Dr. Y.C.Nijhawan, Chief Director, Directorate of Vanaspati, Vegetable Oil & Fats
43. Shri P.C.Joshi, Deputy Director (Quality Control), Department of Food & Public Distribution
44. Captain Sanjay Gahlot, Director, Ministry of Food Processing Industries
45. Shri Kumar Anil, Scientist-E (Director), Bureau of Indian Standards, Department of Consumer Affairs
46. Dr. Pradip Kumar Saha, Deputy Commissioner (Crops), Department of Agriculture & Cooperation