

Food Safety and Standards Act, 2006- Chronology of Implementation

**Food Safety and Standards Authority of India (FSSAI)
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Why FSS Act?

- Multiplicity of food laws, standard setting and enforcement agencies for different sectors of food
- Varied Quality/Safety standards restricting innovation in food products
- Thin spread of manpower, poor laboratories infrastructure and other resources non-conducive to effective fixation of standards
- Standards rigid and non-responsive to scientific advancements and modernization
- Poor Information dissemination to consumer level

Features of Food Safety & Standards Act, 2006

- Movement from multi-level and multi-department control to a single line of command
- FSSAI as a single reference point for all matters relating to Food Safety and Standards, Regulations and Enforcement
- Integrated response to strategic issues like Novel foods, GM foods, international trade etc
- Decentralisation of licensing for food products
- Achieve high degree of consumer confidence in quality & safety of food

Features contd....

- Effective, transparent and accountable regulatory framework
- Emphasis on gradual shift from regulatory regime to self compliance
- Consistency between domestic and international food policy measures without reducing safeguards to public health and consumer protection
- Adequate information dissemination on food to enable consumer to make informed choices.
- Mechanism for speedy disposal of cases

Food Safety and Standards Authority of India

- Chairman + 22 members
- Established vide notification S.O. 2165 (E) dated 5th September, 2008
- Mandate of laying 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.

Progress in Implementation of FSS Act

- Food Safety and Standards Act, 2006 – Notified on **24th August, 2006**
- First Chief Executive Officer of Food Authority appointed by GOI- **February, 2008**
- First Chairperson of Food Authority- **9th June, 2008**
- Food Authority established and notified vide notification S.O. 2165 (E) dated **5th September, 2008**
- First Meeting – 19th December, 2008, 5 Meetings so far
- Staff working under different Ministries/Departments for implementation of various Acts/Orders transferred to FSSAI- **December, 2008** (in terms of section 90)
- 8 Scientific Panels and Scientific Committee established and notified- vide order dated **26.05.2009** [in terms of section 13 & 14 of Act]
- Central Advisory Committee established and notified on **05.10.2009** [in terms of section 11 of Act]

Notification of various sections of FSS Act

Section (s)	Notification No.	Date of coming into force
4 to 10 (both inclusive), 87, 88, 91, 101	S.O. 1758 (E)	15.10.2007
3 and 30	S.O. 1246 (E)	28.05.2008
90	S.O. 2127 (E)	28.08.2008
16 to 18 (both inclusive), 81, 82, 83, 84, 85, 86, 92 and 93	S.O. 2678 (E)	18.11.2008
11 to 15 (both inclusive)	S.O. 650 (E)	09.03.2009
99	S.O. 1575 (E)	29.06.2009
36 to 47	S.O. 1868 (E)	31.07.2009
19 to 21 (both inclusive), 23 to 29 (both inclusive), 31 to 35 (both inclusive), 48 to 80 (both inclusive), 89, 94 to 98 (both inclusive) and 100	S.O.1855 (E)	29.07.2010

Note: except section 22, all sections of the Act have been notified.

Rules and Regulations under FSS Act

- Section 91- provides for Central Government to make Rules for carrying out provisions of the Act.
- Section 92 (1)- provides Food Authority with the previous approval of Central Government and after previous publication, by notification, make regulations consistent with this Act and Rules made thereunder.
- FSSAI drafted Rules and Regulations through extensive consultation and deliberations/meetings with various stakeholders-series of meetings with stakeholders during March- September, 2009 at Bangalore, Mumbai, Guwahati, Chandigarh and Delhi
- Modified draft Rules & Regulations(based on suggestions by Food Authority) placed on website on 11.12.2009 for comments from public and stakeholders by 11.02.2010.
- Draft Rules sent to MOH&FW for approval and notification
- Draft Regulations have been approved by MOH&FW and sent to press for Notification

Salient Features of Draft Regulations

- Integrates the erstwhile acts/rules/orders, no new standards being introduced and in case of conflicting standards, provisions of PFA are being retained.
- New chapter scheme to facilitate scientific approach in regulatory framework, provide direction & space for current and future regulatory & scientific developments, provide specificity and traceability of content, easy to digitalized.
- Unified Licensing Procedures and application forms
- Clear line of distinction between licensing and registration
- Standards have been systematically arranged taking into consideration Codex classification

Drafts Prepared /Under Progress

- Food Safety Management System and mechanism for Food Safety Audit
- Laboratory Standards and Accreditation Procedure
- Regulations for Functional foods and food for special dietary uses
- Code of Self Regulation in Food Advertisement
- Regulations for Labeling and Claims
- Guidelines for Trans Fatty Acids in hydrogenated Vegetable Oils
- Regulations for Energy Drinks
- Standards for Alcohol
- Framework for regulating Genetically Modified foods
- Communication Strategy and Communication campaign
- Training Strategy
- Procedure for revision of Standards/ developing new standards

Laboratory Infrastructure

- Key in smooth implementation
- Up-gradation scheme for Food Laboratories based on gap-analysis study
- Accreditation Procedure for Food Laboratories and Referral Labs
- Standard Operating Procedures and Protocols for food laboratories
- Exam for food analysts and capacity building of laboratory staff

Awareness about Food Laws and Food Safety

- Most important instrument for success
- Costliest Part for Implementation
- Section 16(3)(n) require to promote general awareness about food safety and standards
- Target Audiences- Food Business Operators, Food Handlers in chain (wholesaler, Distributors, Transporters, Warehouse/Storage handlers, Retailers), House-wives, Children, Authorities (Central Govt., State Govt., Local Bodies, Panchayats etc.), International agencies in food safety domain/business, NGOs and of course citizen.
- Regular campaigns for awareness through various sources of media
- Working with IGNOU, IIPH for developing course curriculum and training programmes for food handlers, housewives, regulators, implementers etc.

Assessing Preparedness of States

- Regional Conferences with Food Safety Commissioners (FSCs) of States/UTs to assess their preparedness in implementation of FSS Act
 1. 16th April, 2010 at Kochi for Southern Region
 2. 11th May, 2010 at Jaipur for Western Region
 3. 18th May, 2010 at Kolkata for Eastern Region
 4. 25th May, 2010 at Delhi for Northern Region
 5. 11th June, 2010 at Guwahati for North-Eastern Region
- Interactive Sessions with Stakeholders in the regions were also organized immediately after Conferences with FSCs at the above places to create awareness about FSS Act.
- CEO, FSSAI vide D.O. letter 5th May, 2010- requested Principal Secretaries/Chief Secretaries of States/UTs for putting system in place for implementation of the Act.

Capacity Building Programmes

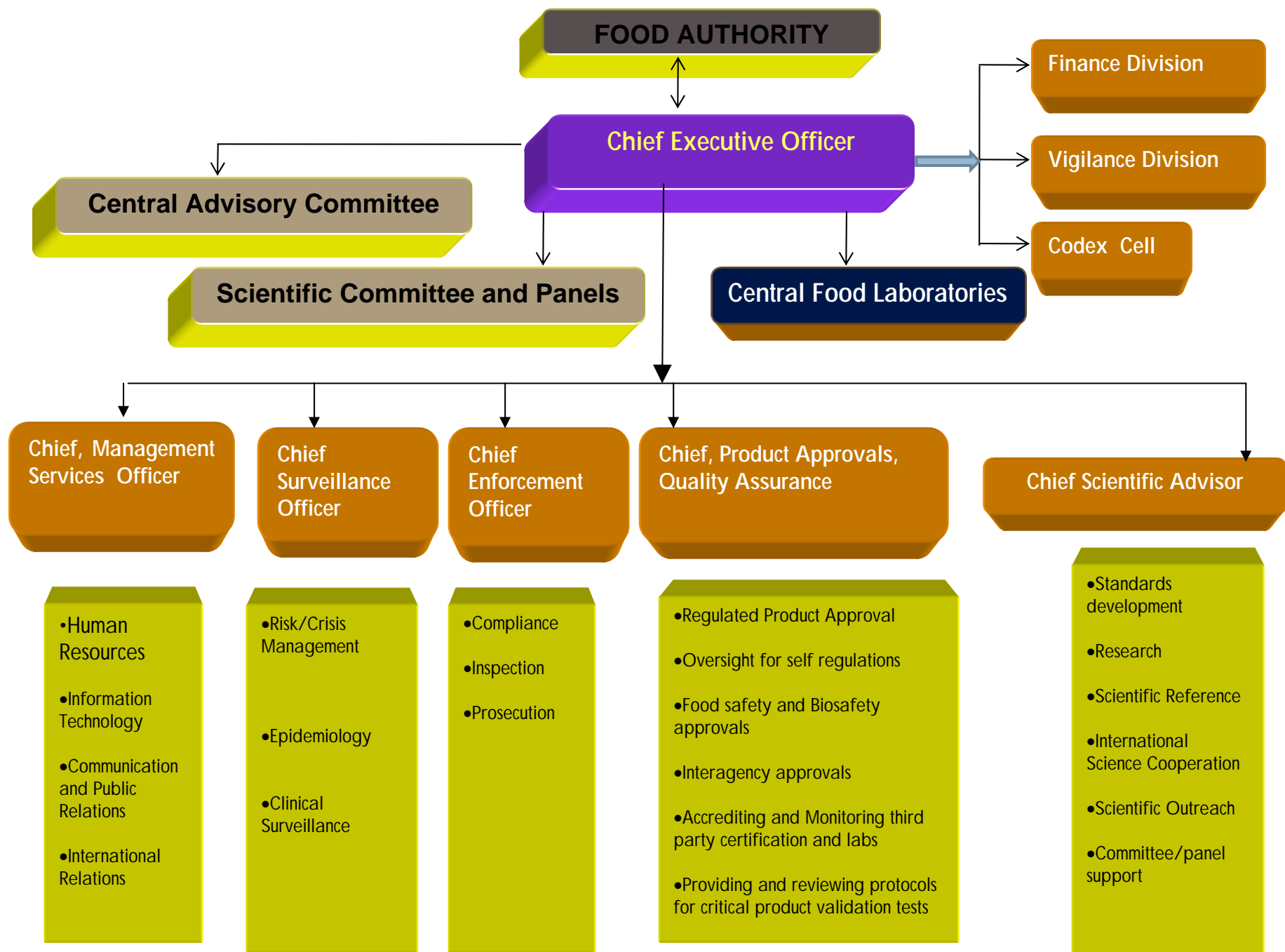
- In-house developed the training modules for FSCs, Designated Officers and Food Safety Officers
- Three Day Orientation Programme for FSCs - 7-9th June, 2010
- 5 Training of Trainers (ToT) Programmes for Food Safety Officers, region-wise to cover all states/UTs- June-July, 2010
- 8 States/UTs viz. Chandigarh, Maharashtra, Gujarat, Goa, Andaman & Nicobar Island, Tamil Nadu, Kerala and Assam, have conducted II Phase training (during August- October, 2010) with the help of trainees of ToT Programmes
- Five Day Training Programme for Designated Officer- 27th September-1st October, 2010 at Delhi
- Motivational Workshop for FSSAI's employees regarding Empowering for Mission Food Safety- 15-17th July, 2010 at Delhi
- “International Conference on Best Practices in Food Safety Implementation” in collaboration with Michigan State University, USA and TERI- 9-11th November, 2010

Safety of Imported Food Items

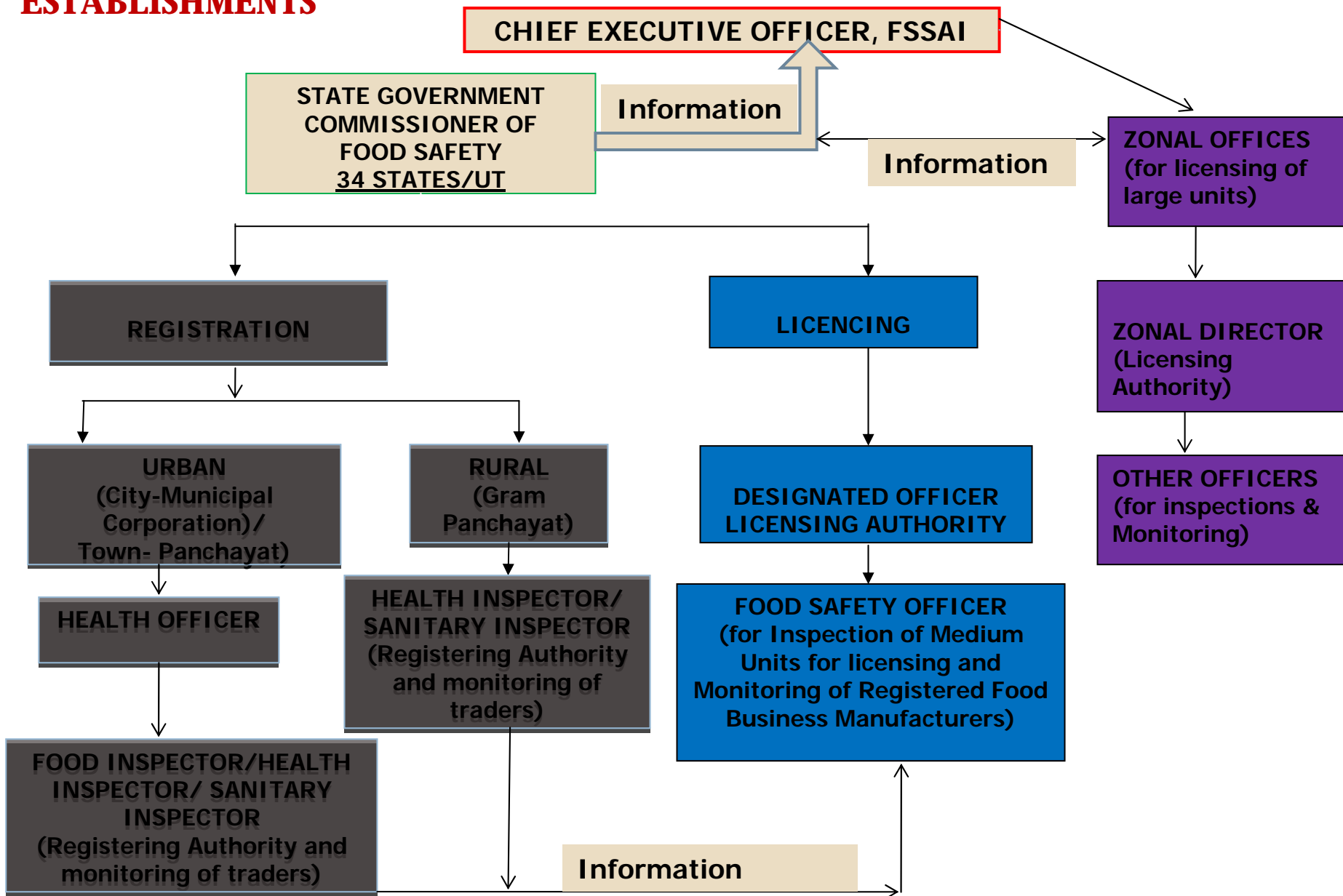
- National Institute for Smart Government (NISG) was awarded the work for Developing IT-enabled System for Safety of Imported Food.
- FSSAI notified its Authorized Officers [in terms of section 47(5) of the Act] for five Sea Ports viz. Chennai, Kolkata, Haldia, Mumbai and JNPT Nhava Sheva- July-August, 2010
- Imported Food Clearance Process by FSSAI's Authorized Officers at above 5 sea port started – 9th August, 2010 onward

Harmonization of Standards

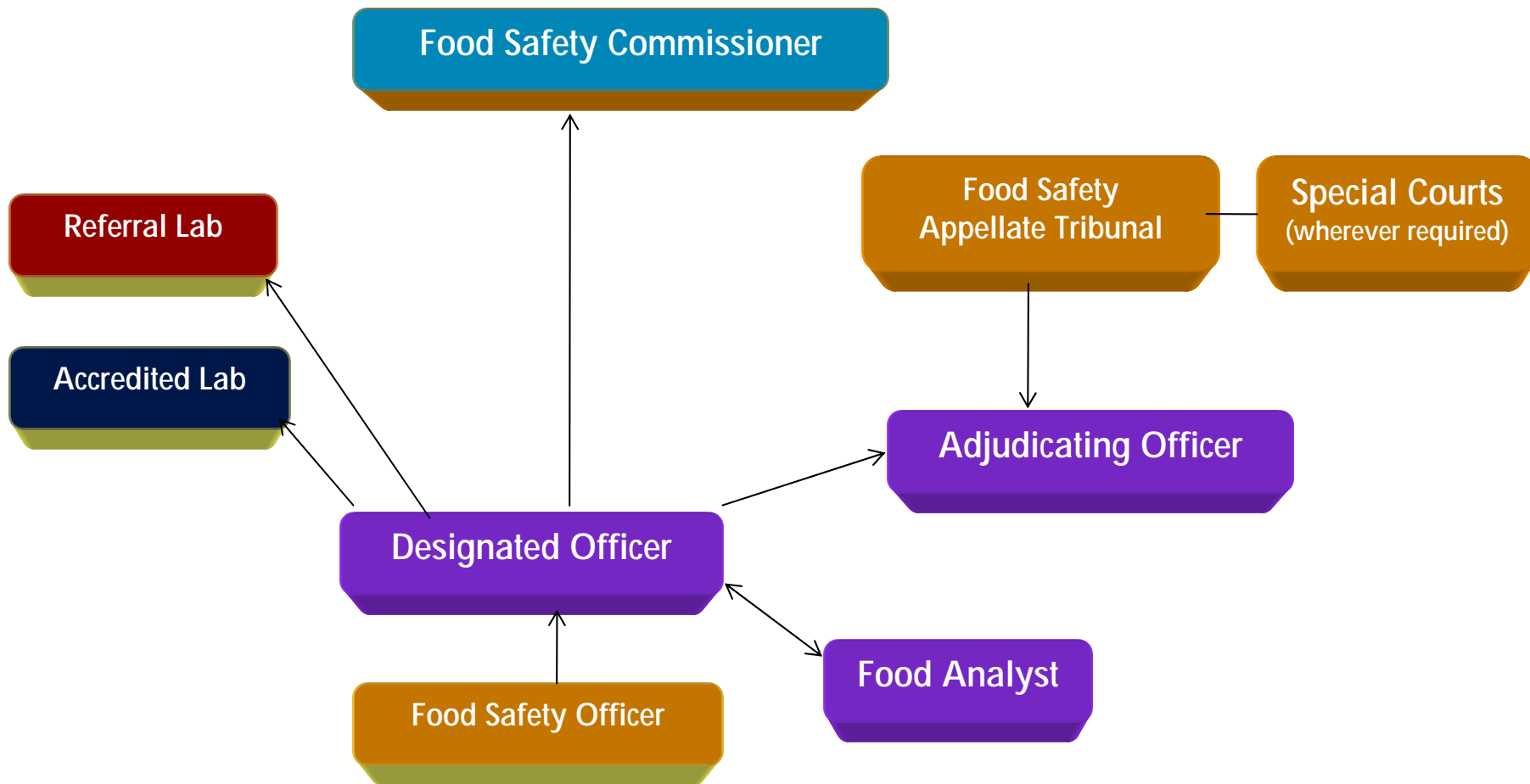
- National Codex Contact Point (NACCP) has been shifted to FSSAI's Headquarter
- FSSAI is coordinating with concerned Ministries/Departments/Organizations in conduction of Shadow Committees meetings on regular basis
- Food Authority has started active participation in the codex activities.
- FSSAI has been notified as National Enquiry Point on SPS related to Food Safety and actively participating in SPS Programmes



FRAMEWORK FOR REGISTRATION/ LICENSING/MONITORING OF FOOD BUSINESS ESTABLISHMENTS



Major Functionaries in the State



FSSAI Structure and Staff

- Sanctioned for creation of 203 new posts in FSSAI including Laboratories with simultaneous abolition of 227 posts. 151 posts have been approved for retention.
Total Posts sanctioned- 354
Existing Personnel- 181
Vacancies to be filled- $(354 - 181) = 173$
- Existing posts which are proposed for abolition can be abolished only after the employees have exercised their option for absorption against a post sanctioned under the new structure of FSSAI or opted for reverting back to their parent Ministry/ Department.
- Specific orders are required to allow the continuance of existing employees till they exercise their options. Total such posts are 127.
- Service Rules related to Pension, LTC, Children Education Allowance, Transport Allowance have been approved.
- Recruitment Rules – work is going on.

Establishment Matters

- Employees transferred to FSSAI under section 90 of FSS Act are being treated on “Deemed Deputation” and are on Foreign Service terms conditions.
- These existing employees will be asked for fresh options after approval of the service rules.
- All mandatory deductions such as GPF contribution, Leave Salary/ Pension, CGEGIS, CGHS should be maintained by Parent Ministry/ Department of such employee.
- DGHS has, however, returned the cheques for the relevant deductions stating that they are not the DDO for these employees.
- PAO, Kolkata has also returned cheques on grounds that they have no instructions on the matter.
- Ministry was requested on 15.10.2010 for issue of appropriate orders.

Budget Allocations

- ❑ 2008-09 : Rs.8.00 crore, 2009-10: Rs. 21.00 crore
- ❑ BE 2010-11 for FSSAI was Rs. 12.65 cr (Rs. 11 cr revenue, Rs. 1.65 cr capital). FSSAI had brought forward amount of Rs. 5.63 cr available from 2009-10 allotment.
- ❑ Against total funds available of Rs. 18.28 cr, additional requirement of Rs. 34.71 cr has been made in RE 2010-11, making the total RE projection Rs. 52.99 cr.
- ❑ The main heads under which additional funds are required are:
 - ❑ Advertising & publicity + 18.12 cr
 - ❑ Office expenses + 3.7 cr
 - ❑ Salary etc. + 3 cr
 - ❑ Professional services/ research + 1.9 cr
 - ❑ Rent, rates & taxes + 1.85 cr
 - ❑ Trainings/ workshops + 1 cr
- ❑ BE 2011-12, projected at Rs. 77.78 cr. Main areas of expenditure apart from salary (including salary for new recruitments as per FSSAI's newly approved structure) are :
 - ❑ Advertising & publicity
 - ❑ Trainings & workshops
 - ❑ Professional services & research proposals
 - ❑ Rent, taxes & Office expenses

Issues for Ministry's Consideration

A. Related to Transition from PFA to FSSA

- Rules and Regulations are to be notified without which States can not proceed.
- Appointment of Designated Officers, Food Safety Officers, Adjudicating Officers, Appellate Tribunal & Special courts, by States
- States to provide adequate staff/funds to these functionaries
- Training for these functionaries in the States
- States to upgrade food labs in time bound manner & Centre to consider financial assistance
- States to assign authorities for registration (like Panchayats/Municipalities etc.)
- Sanction of Posts for Safety of Imported Food
- Higher Budget Allocation will be required in 2011-12 & during remaining part of 2010-11, for implementing the Act.
- Monthly review of Important Issues by MOHFW

Issues for Ministry's Consideration

B. Establishment related matters

- Approval on remaining Service Rules
- Order regarding continuance of employees till exercise of option
- Instructions to DGHS & PAO Kolkata regarding Various contributions & salary issues of PFA employees.
- MACPS to employees transferred under section 90
- Land allotment for a common building for FSSAI and Dental Council of India
- Permission for appointment of Directors in labs, with slight modification in the existing RRs
- Approvals regarding foreign visits of FSSAI's Officials



THANK YOU