FOOD SAFETY AND STANDARDS ACT:
A way forward to ensure safety and innovation for healthy India

INTERNATIONAL SYMPOSIUM
Carbohydrates for a Healthy Future: Lifestyle to Product Development

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Indian Food Acts

Prevention of Food Adulteration Act, 1954

Food Safety & Standards Act 2006
The Intent of Legislation

- Several Authorities
- Adulteration
- Opinion based
- Inspection

- Single Authority
- Safety
- Science based
- Surveillance, Monitoring
Implementation Phase

- Consolidation of Food Regulations
- Construction of a Science Based Framework
## Consolidation

### Prevention of Food Adulteration Act 1954
- PFA Rules 1955

### The Food Products Order, 1955

### The Meat Food Products Order, 1973

### The Edible Oils Packaging (Regulation) Order 1998

### The Vegetable Oil Products (Control) Order, 1992

### The SE Oil, De-oiled meal, edible flour (Control) Order, 1967

### Any other Order under Essential Commodities Act, 1955

### Standards of Weights & Measures Act, 1976

### Standards of Weights & Measures (Packaged Commodity) Rules, 1977

### Infant Milk Substitutes, Feeding Bottles, Infant Foods Act 1992

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### Food Safety and Standards Authority of India

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### Consolidation

- **Standards of Weights & Measures Act, 1976**
- **Standards of Weights & Measures (Packaged Commodity) Rules, 1977**
- **Infant Milk Substitutes, Feeding Bottles, Infant Foods Act 1992**
## KEY FINDINGS OF THE FICCI 2010 SURVEY

<table>
<thead>
<tr>
<th>Finding</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harmonization with International Regulations (Food Additives, Food Category System, Labeling)</td>
<td>92</td>
</tr>
<tr>
<td>Appreciates consolidation of multiple Food Laws</td>
<td>86</td>
</tr>
<tr>
<td>Lack of transparency (PFA)</td>
<td>76</td>
</tr>
<tr>
<td>Standards are not risk based (PFA)</td>
<td>66</td>
</tr>
<tr>
<td>Inconsistent application of regulations by Enforcement Agencies (PFA)</td>
<td>67</td>
</tr>
</tbody>
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*About 1/3rd Industry unaware of FSSA 2006*
Will the Act drive Innovation?

- Understand the mandate of the Act
- Convert the mandate into practice
The Act requires while framing regulations to:

- Determine food standards **on the basis of risk analysis** \[18(2)(b)\]

- Undertake risk assessment in an **independent, objective and transparent manner** [18(2)(c)]

- Carry out risk management which **shall include** taking into account the **results of risk assessment** . . .\[18(1)(b)\]
Intent of the Authority:
Mandate to Practice . . . .

- Functional Separation (Para 17)*
  - Risk Assessment
  - Risk Management

- Functional Roles (Para 5.1)#
  - Scientific Committee/ Scientific Panels (Expert Groups)
  - Food Authority

- Performing the Roles
  - Delivering a Scientific Opinion (Para 13)#
  - Regulatory Impact Analysis [pg 4, 5, 16]*

*Document: FSSAI approach to drawing up /revision of Standards
#Document: Working Procedures of Issues to Scientific Committee/Panel
FSSAI: Functional Separation

Risk Assessment

- Scientific Committee
- Scientific Panels
- Scientific Opinion
- Transparency
- Objectivity

Risk Management

- Food Authority
- Regulatory Options
  - Need for Standard?
- Regulatory Impact Analysis

Risk Communication

- Draft Consultation: 2 Draft Hearings [if required] prior to Final Notification.
- Scientific Opinion
- Contact Point – Information

Performing the Roles:

Working Procedures of Issues to Scientific Panels & Committee

5.1 The Scientific Committee/Panels are responsible for providing Scientific Opinions to the Food Authority based on risk assessment.

5.2 Scientific Opinions provided by the Scientific Committee/Panels should be robust and the evidential analysis stands up to challenges of credibility, reliability and objectivity.

5.5 Where risk assessment leads to the determination that a regulatory measure and in order to ensure the measures are proportionate and no more restrictive of trade than is required . . . a regulatory impact analysis shall be done . . .
Scientific Opinion

- Conveyed in easily understandable form
- In a standardized format
  - Title of the Opinion/Name of Panel/Who has asked the Query
  - Summary of the Opinion (1-2pages)
  - Key words – guide document search
  - Conclusions & Recommendations
- Request for an opinion shall be
  - defined by Terms of Reference and
  - made in a manner so as not to pre-empt the outcome
- Conduct a Regulatory Impact Analysis (RIA)
- Documentation – references/bibliography etc
Way Forward ... Engage all stakeholders

1. Work out procedures for Science based Regulations
   - Risk Analysis
   - Transparent & Predictive

2. Move from Enactment to Enablement

• Minimum Effective Regulation
  - Promote Safety & Consumer Health-
  - No more restrictive of trade -
  - Freedom to innovate
Thank You!