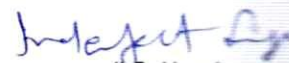


27<sup>th</sup> January 2022

**Sub: Standard Operating Procedure (SOP) on Regulatory Action against Malpractices in Disposal of Used Cooking Oil (UCO) - reg.**

Reference is drawn to FSSAI order no. 1-2/Std/O&F/Notification n (II)/FSSAI-2018 dated 06.05.2019 regarding enrolment of Biodiesel plants under Repurpose Used Cooking Oil (RUCO) initiative for collection of Used Cooking Oil (UCO) from Food Business Operators. FSSAI is also initiating similar enrollment process for manufacturers of soap, lubricants, etc.

2. It is essential to ensure that the UCO collected by the FSSAI enrolled biodiesel plants, manufacturers of soap, lubricant, etc. is utilized only for preparation of the intended product and not re-directed to food supply chain.
3. In case of any malpractice is observed against the FSSAI enrolled biodiesel plants, manufacturers of soap, lubricant, etc. and/or their aggregator/collection agency then suitable regulatory action must be taken against them by FSSAI regulatory officials. Similar actions are required in respect of FBOs not disposing UCO as per the directions issued by FSSAI.
4. The regulatory officials may refer to the SOP on Regulatory Action against Malpractices in Disposal of Used UCO at **Annex A** for taking suitable action against the non-compliant FSSAI enrolled biodiesel plants, manufacturers of soap, lubricant, etc, their aggregators and FBOs.
5. This issue with the approval of the Competent Authority.

  
(I.S. Hura)

Joint Director (Regulatory Compliance)

*Encl: Annex A-Standard Operating Procedure (SOP) on Regulatory Action against Malpractices in Disposal of Used Cooking Oil (UCO).*

**Copy to:**

1. Director, Regional Offices of FSSAI
2. Food Safety Commissioners of all States/UTs
3. PS-CEO
4. PS-CP

# Standard Operating Procedure (SoP) on regulatory action against malpractices in disposal of Used Cooking Oil (UCO)

## Introduction

The purpose of this document is to suggest the Standard Operating Procedure (SoP) to be followed by the regulatory authorities to prevent use of Used Cooking Oil (UCO) in food. It gives an account of relevant provisions of Act, Regulations and Orders on UCO and the line of regulatory action to be taken by regulatory authorities.

## Background

Edible Oil is one of the most common ingredients used in cooking, frying and processing of food. During frying, edible oil undergoes degradation due to their exposure to elevated temperatures and forms polar compounds which are associated with several diseases such as hypertension, atherosclerosis, liver diseases etc. In view of health hazards associated with TPC, FSSAI has fixed a limit for TPC at 25% beyond which edible oil shall not be used.

## Terminology

Terms used in this document are given below:-

5. **Used Cooking Oil (UCO)** : As per schedule VI of Hazardous and Other Wastes (Management and Trans boundary Movement) Rules, 2016 lists Used Cooking Oil (UCO) as '*Waste edible fats and oils of animal or vegetable origin (e. g. frying oil)*

In this document UCO refers to '*Waste edible fats and oils of animal or vegetable origin generated after commercial/industrial food processing which will not be reused in food operations*'

2. **Non-food production (NFP) units** refers to company or production units involved in preparation of non-food products such as biodiesel, candles, soaps, lubricant, etc. in which Used Cooking Oil (UCO) is used as an ingredient.
3. **Collection agencies** refer to companies involved in collection or recovery of the Used Cooking Oil from the food industry.
4. **Aggregator** refers to any person individuals or companies involved in the collection or recovery of the Used Cooking Oil from the food industry.

## Regulatory Provisions on UCO

The relevant provisions relating to UCO are given below:-

1. Section 2.3.15 (8) of FSS (Prohibition And Restrictions on Sales) Regulations, 2011 specifies that "***the Total Polar Compounds in unused or fresh vegetable oil or fat shall not be more than 15% and used vegetable oil or fat having developed Total Polar Compounds more than 25% shall not be used***".
2. FSS (Licensing and Registration) Amendment Regulations, 2017 prescribes ***the limit of Total Polar Compound (TPC) to be maximum 25% beyond which vegetable oil is not suitable for use.***
3. FSSAI order vide no. 1-2/Std/O&F/Notification n (II)/FSSAI-2018 dated 30<sup>th</sup> January 2019 directs that all Food Business Operators whose consumption of edible oils for frying is 50 litres or more shall maintain record of usage and disposal of edible oil in prescribed format. It further directs them to dispose used cooking oil to agencies authorised by FSSAI or Commissioner of Food Safety of States/UTs with effect from 1<sup>st</sup> June 2019.

Thus, UCO i.e. edible oil with more than 25% TPC is unsafe and its use in food is prohibited. Further, FBOs whose daily consumption of edible oil is 50 litre or more are required to maintain records of usage and disposal of oil

and they must dispose UCO generated to only those aggregators/collection agencies of the non-food production units which are approved by FSSAI or the Commissioners of Food Safety of State/UTs.

#### Regulatory Provisions for taking action against non-compliant FBO, Aggregator/Collection Agency and NFP Units:

##### Under Indian Penal Code:

- **Section 272 for Adulteration of food or drink intended for sale** states that "whoever adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both."
- **Section 273** states that "*Whoever sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.*"

##### Under Food Safety and Standards Act, 2006:

- **Section 55 of FSSA, 2006** specifies the penal action for failure to comply with the directions of Food Safety Officer. It states that If a food business operator or importer without reasonable ground, fails to comply with the requirements of this Act or the rules or regulations or orders issued thereunder, as directed by the Food Safety Officer, he shall be liable to a penalty which may extend to two lakh rupees.
- **Section 57 of FSSA, 2006** specifies the **penal action for possessing an adulterant**. This section specifies:
  - (1) *Subject to the provisions of this chapter, if any person who whether by himself or by any other person on his behalf, imports or manufactures for sale, or stores, sells or distribute any adulterant shall be liable-*
    - (i) *where such adulterant is not injurious to health, to a penalty not exceeding two lakh rupees;*
    - (ii) *where such adulterant is injurious to health, to a penalty not exceeding ten lakh rupees.*
  - (2) *In a proceeding under sub-section (1), it shall not be a defence that the accused was holding such adulterant on behalf of any other person.*
- **Section 59 of FSSA, 2006** specifies **punishment for unsafe food**. It states that any person who, whether by himself or by any other person on his behalf, manufactures for sale or stores or sells or distributes or imports any article of food for human consumption which is unsafe, shall be punishable,-
  - (i) *where such failure or contravention does not result in injury, with imprisonment for a term which may extend to six months and also with fine which may extend to one lakh rupees;*
  - (ii) *where such failure or contravention results in a non-grievous injury, with imprisonment for a term which may extend to one year and also with fine which may extend to three lakh rupees;*
  - (iii) *where such failure or contravention results in a grievous injury, with imprisonment for a term which may extend to six years and also with fine which may extend to five lakh rupees;*
  - (iv) *where such failure or contravention results in death, with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and also with fine which shall not be less than ten lakh Rupees.*

- **Regulation 2.1.14 (1) of FSS (Licensing and Registration of Food Businesses) Regulation, 2011** specifies that "Every Food Business Operator to whom any direction or order is issued in pursuance of any provisions of this regulation shall be bound to comply with such directions or regulation and any failure on the part of the Food Business Operator to comply with such direction or order shall be deemed to be contravention of the provisions of these Regulations and will attract legal action under the provisions of the Act".

### FSSAI Recognised Collection Agencies

FSSAI has enrolled bio diesel manufactures to collect either directly or through their aggregators, UCO from the FBOs and use it in bio diesel production. The list of enrolled bio diesel manufactures authorised to collect UCO is available on the FSSAI portal [www.fssai.gov.in/RUCO](http://www.fssai.gov.in/RUCO). At present, FBOs whose daily consumption of edible oil is 50 litre or more are required to dispose UCO to these collection agencies or their aggregators. In due course, other NFP units such as Soaps, lubricants, etc may also be enrolled. In addition, the Commissioners of Food Safety of State/UTs can also empanel aggregators/collection agencies of the non-food production units for collecting UCO.

### Standard Operating Procedure by regulatory authorities:

It is the responsibility of regulatory authorities to ensure that UCO is removed from the food supply chain and is not utilised for adulteration of fresh edible oil or fat or reused for food preparation. In case UCO is used for adulteration of fresh edible oil then penal action can be initiated under FSSA, 2006, rules and regulations against the person or organisation involved in collection/sale/use of UCO for adulteration.

Regulatory officials should take enforcement and surveillance activities as under:-

#### FBOs:

- a. Samples of edible oil should be taken and got tested for TPC and other parameters.
- b. Wherever available, FSOs may carry with them devices to check TPC values of edible oil on the spot. In case of excessive TPC value, sample of edible oil should be taken for lab test.
- c. Where FBOs are using 50 liter or more edible oil per day for frying, it should be checked that records of usage and disposal of UCO are being maintained in the format prescribed by FSSAI and UCO is being disposed to FSSAI/CFS empaneled aggregators/collection agencies. This information may be cross checked with records of concerned aggregator/collection agency.
- d. In case records for usage of edible oil and disposal of UCO are not maintained as prescribed by FSSAI, then actions may be taken against the FBO as per regulation 2.1.14 (1) of FSS (Licensing and Registration of Food Businesses) Regulation, 2011, section 55 of FSSA, 2006 and other relevant provisions under the FSS Act, Rules and Regulations.
- e. In case of non-compliance relating to use of edible oil with TPC levels above 25% or disposal of UCO, appropriate action against the defaulting FBO may be taken as per Section 57 or 59 of FSSA, 2006 and other relevant provisions under the FSS Act, Rules and Regulations.

#### Aggregator/Collection Agency:

- a. It should be checked if Aggregator/Collection Agency is FSSAI/CFS empanelled or not.
- b. The records of UCO should be checked to verify that quantity of UCO collected/purchased from the FBOs are comparable to the quantity supplied for the production of non-food commodities such as bio-diesel, soap, lubricants, etc.
- c. In case, the aggregator/collection agency are not able to justify the end use of UCO in non-food activities and or it is established that UCO may be used for the purpose of food preparation or adulteration of edible oil or any other food product intended for human consumption, directly or indirectly, then the Regulatory

Officials (CLAs/DOs) may initiate action against such aggregator/collection agency as per Section 57 of Food Safety and Standards Act, 2006 and FIR may be filed under Section 272 and 273 of Indian Penal Code.

**Non Food Production (NFP) Units:**

- a. It should be checked that NFP unit has been authorised by FSSAI/CFS/any organisation recognised by FSSAI to use UCO collected from food business operator.
- b. It should be checked that the NFP units are maintaining the records for receipt of UCO collected directly or through its aggregators/collection agency.
- c. It should be verified that the UCO collected being utilised only for manufacture of non-food commodities such as bio-diesel, soap, lubricants, etc as per condition of enrolment. To ensure the same, it must be verified that the NFP unit has required equipment/facilities to produce said NFPs.
- d. In case NFP unit is unable to justify that the entire quantity of UCO collected was used or will be used only for production of non-food commodities such as diesel, soap, lubricants, etc or it is established that UCO has been used for the purpose of food preparation or adulteration of edible oil or any other food product intended for human consumption, directly or indirectly, then the Regulatory Officials (CLAs/DOs) may initiate action against such non-food production unit/ individual as per Section 57 of Food Safety and Standards Act, 2006 and FIR may be filed under Section 272 and 273 of Indian Penal Code. FSSAI (HQ) must be informed about the same to consider their enrolment for cancellation.

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