

**Notice Calling for suggestions, views, comments etc from WTO- SPS Committee members on the draft regulation on Recovery and distribution of surplus food.**

**F.No. REG/11/27/ Surplus Food/FSSAI-2017.-**

**CHAPTER I  
GENERAL**

**1. Short title, -** These regulations may be called the Food Safety and Standards (Recovery and distribution of surplus food) Regulations, 2017.

**2. Definitions. -**

(1) In these regulations, unless the context otherwise requires,

- (a) **Surplus Food-** means any leftover unused portions of safe food that have not been served to the customers.
- (b) **Food Donor:** means any food business operator who donates surplus food.
- (c) **Surplus Food Distribution Organization-** means the organization that collects surplus food and distributes directly to the needy people free of any cost without any profit.

(2) All other words and expressions used herein and not defined in the Act, rules or regulations made thereunder shall have the meanings assigned to the same in the Act, rules or regulations respectively.

**3. Scope:** These regulations specify the responsibility of the food donor and surplus food distribution organization that are distributing the surplus food to needy free of any cost

**4. Responsibilities of food business operator. -**

- (a) Any Food Donor having surplus food shall donate such food to Surplus Food Distribution Organizations in accordance with these regulations.
- (b) Surplus food shall be maintained in accordance with the requirements made under schedule -I of these regulations.
- (c) Surplus food shall be handed over to Surplus Food Distribution Organization at a reasonable time before expiry, so that the food is made available to needy people for consumption within the shelf life of the food.

## **5. Responsibilities of Surplus Food Distribution Organization. -**

- (a) Surplus Food Distribution Organizations that are serving food to needy people shall have valid registration and such foods shall be obtained from the reliable sources having valid registration /license under the FSS Act, 2006.
  - (b) The Surplus Food Distribution Organizations shall have the proper facilities for transport, storage, and reheating and shall comply with the requirements prescribed in the schedule I of these regulations.
  - (c) Surplus Food Distribution Organization shall not distribute surplus food after the expiry of shelf life.
  - (d) Surplus Food Distribution Organization shall not be liable for damages resulting from injuries or death caused by the consumption of the food unless in distributing the food, the Surplus Food Distribution Organization or their personnel intended to injure or to cause the death of any person who consumed the food or acted with reckless disregard for the safety of others.
6. Surplus food that is not safe for human consumption shall not be donated or distributed.
7. The Food Donor and Surplus Food Distribution Organizations shall jointly make and sign a policy documents specifying their roles and responsibilities individually.
8. Labeling requirements of donated foods: requirements for labeling depend on whether the food is in its original package or has been prepared as meal.
- (a) Donated prepackaged food shall bear its complete original label, including name of the item/food, manufacturer information, list of ingredients, and date of expiry.
  - (b) Donated prepared food shall be labeled with the name of the food, the source of the food, the date of preparation and last date of consumption and nature if the food i.e. vegetarian or non-vegetarian.
  - (c) The information on the label shall not be masked in any manner.
9. The Food Donor and Surplus Food Distribution Organizations shall maintain the record of surplus food viz. Name and Address of the Food Donor Organization, Name and Address of Surplus Food Distribution Organization, Donation Date, Name of the Food product (item), Batch no. of Food Product (item), , Date of Manufacturing, Best Before date/expiry date, Quantity Donated by Food Donor, Temperature of food ,

Quantity Distributed by Surplus Food Distribution Organization, The area where food is distributed, Date of distribution,.

10. The Commissioner of Food safety of the State/ UTs shall constitute a monitoring Committee for surplus food at state level consisting of two members from State enforcement, one representative from Department of Consumer Affairs of respective state, one member from NGO, one representative from Food Distribution Organization and one representative from industry association and other relevant stakeholders, if any.
11. The said committee shall monitor and make recommendation on the improvement for improvement of the operations by the surplus food distribution organization and food donors. Committee may also conduct a training program in health and hygiene for the food handler of Food Distribution Organization and also make recommendation on issues arising from implementation of these regulations.
12. The Food Authority may issue the guideline on collection and retrieval of food, which is near to their expiry, for donation and provide guidance to support the operations of Food Business Operators covered under these regulations. The Food Authority may also specify the time before the expiry, at which food shall be segregated.

#### **Schedule-I**

##### **1. Handling of surplus food by the food business operator. -**

- 1) Surplus food that will be handed over to food distribution organisation shall be safe and segregated into perishable and non-perishable.
- 2) The segregated food shall be packed appropriately so as to avoid contamination during handling and storage.
- 3) Perishable and non-perishable surplus food shall be stored in hygienic condition at optimum temperature to ensure their safety.
- 4) Surplus food shall not be kept with any waste material or products.
- 5) The Food Donor shall give an advance notice to the Food Distribution Organization so as to ensure a timely distribution and consumption of the food within its shelf life.

##### **2. Handling and distribution of surplus food by the Food Distribution Organization. -**

- 1) Surplus food shall be picked up from the food business operator's facility and Packed in clean and covered containers. Such food containers shall have the required date marking such as pick-up date and the use by date of food.

- 2) Surplus food shall be stored and transported in appropriate hygienic condition at appropriate optimum temperature suitable for perishable and non-perishable food separately. Insulated containers and ice packs, if necessary, may be used to maintain food temperature during handling and transportation.
- 3) Transporting vehicle shall be cleaned on a regular basis and shall not be used for purposes other than delivering food.
- 4) Surplus food shall be distributed or served to the needy before the expiry of surplus food or until food is fit for human consumption as the case may be.
- 5) Food that is not fit for human consumption shall be put in a container clearly marked as "Food for Disposal".
- 6) Food shall be stored off the floor and away from walls and non-food items. Storage area, including the floor, pallets and shelves shall be cleaned regularly.
- 7) Where refrigerator is used for storage of surplus food, these should be cleaned at least once a week to remove stains, ice particles and food particles. The temperature in the refrigerator should be maintained below 7°C.
- 8) Doors, windows and roofs of storage area shall be well sealed to prevent pest entry and a pest control program shall be in place for such areas.
- 9) All employees or volunteers that work with distribution organization and come in direct contact with food shall keep their finger nails trimmed and shall wear clean outer garments and wash their hands before starting work, and as often as necessary, especially after eating handling or using the washroom etc.
- 10) Avoid eating food, drinking beverages, or using tobacco in any form in areas where food is exposed, or in areas used for washing equipment or utensils.
- 11) No person shall come in contact with food during any illness that is communicable through food. Cuts, boils and wounds shall be covered.
- 12) All employees or volunteers that work with distribution organizations and come in direct contact with food shall have training in health and personal hygiene.