

**URGENT**  
**FAX/SPEED POST**

No. Dir.(F&VP)/43/CAC/FSSAI/09  
**Food Safety and Standards Authority of India**  
Ministry of Health & Family Welfare, Govt. of India  
3rd & 4th Floor, FDA Bhawan, Kotla Road,  
New Delhi-110 002

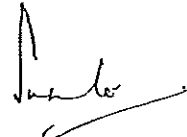
Dated: 8<sup>th</sup> February, 2011

**MEETING NOTICE**

**Subject: Third Meeting of Central Advisory Committee of FSSAI on 22<sup>nd</sup> February, 2011 (Tuesday) – reg.**

In continuation to our letter of even number dated 21.01.2011 on the above mentioned subject, the undersigned is directed to inform that the venue for third meeting of the Central Advisory Committee (CAC) scheduled to be held on 22<sup>nd</sup> February, 2011 (Tuesday) is **Hotel The Ashok, Diplomatic Enclave, 50-B Chanakayapuri New Delhi - 110021**. Detailed programme schedule and agenda for the meeting is enclosed. The details are also available on FSSAI's website at [www.fssai.gov.in](http://www.fssai.gov.in).

You are requested to kindly make it convenient to attend the meeting. A line in confirmation to your participation for the meeting to **undersigned or Shri Adesh Mohan, Senior Inspecting Officer (Phone: 011-23237433, E-mail: adeshmohan@fssai.gov.in)** will be highly appreciated.



(Sumita Mukherjee)

Director

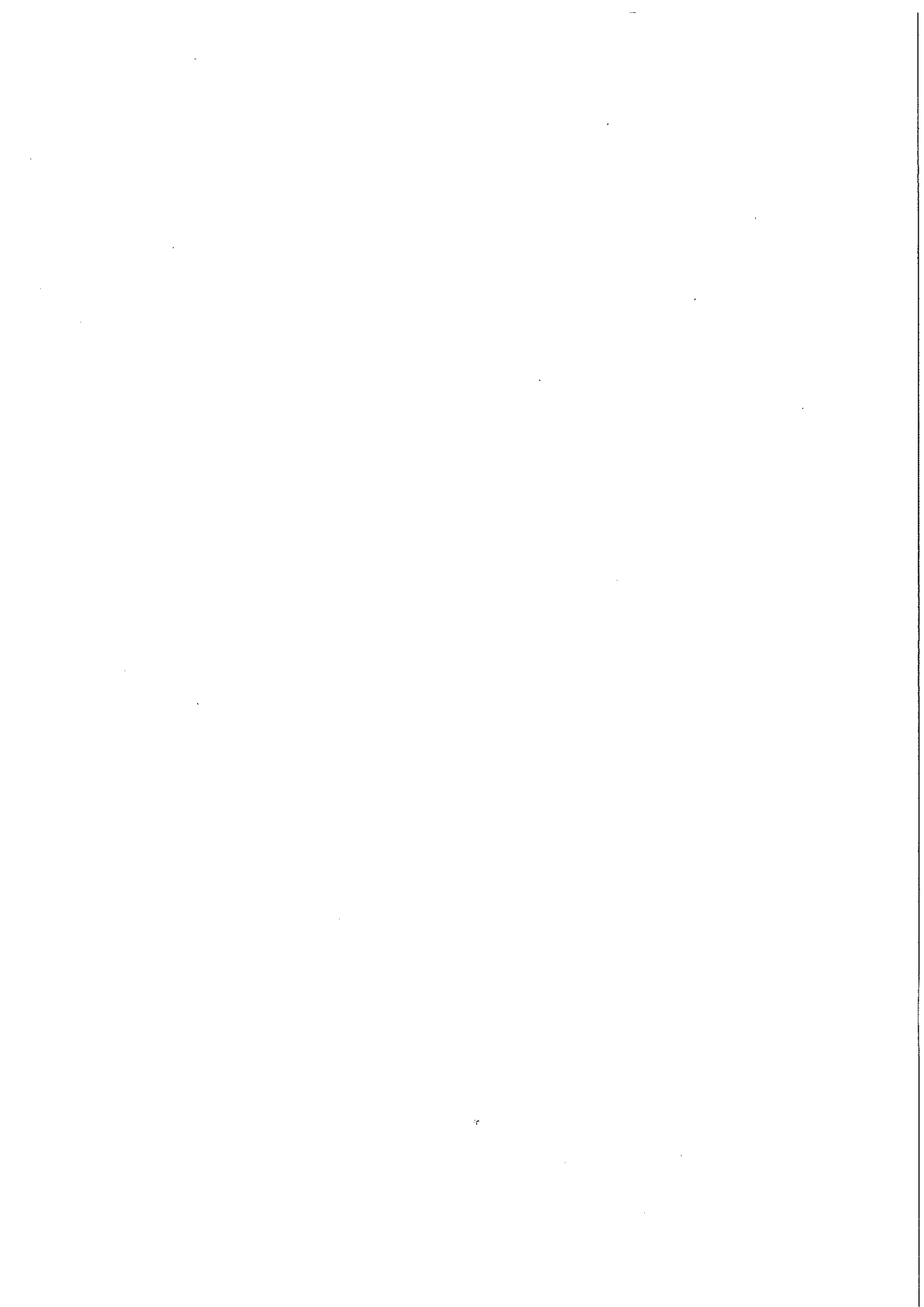
Tele-fax: 011-23237442

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E-mail: smukherjee@fssai.gov.in

To

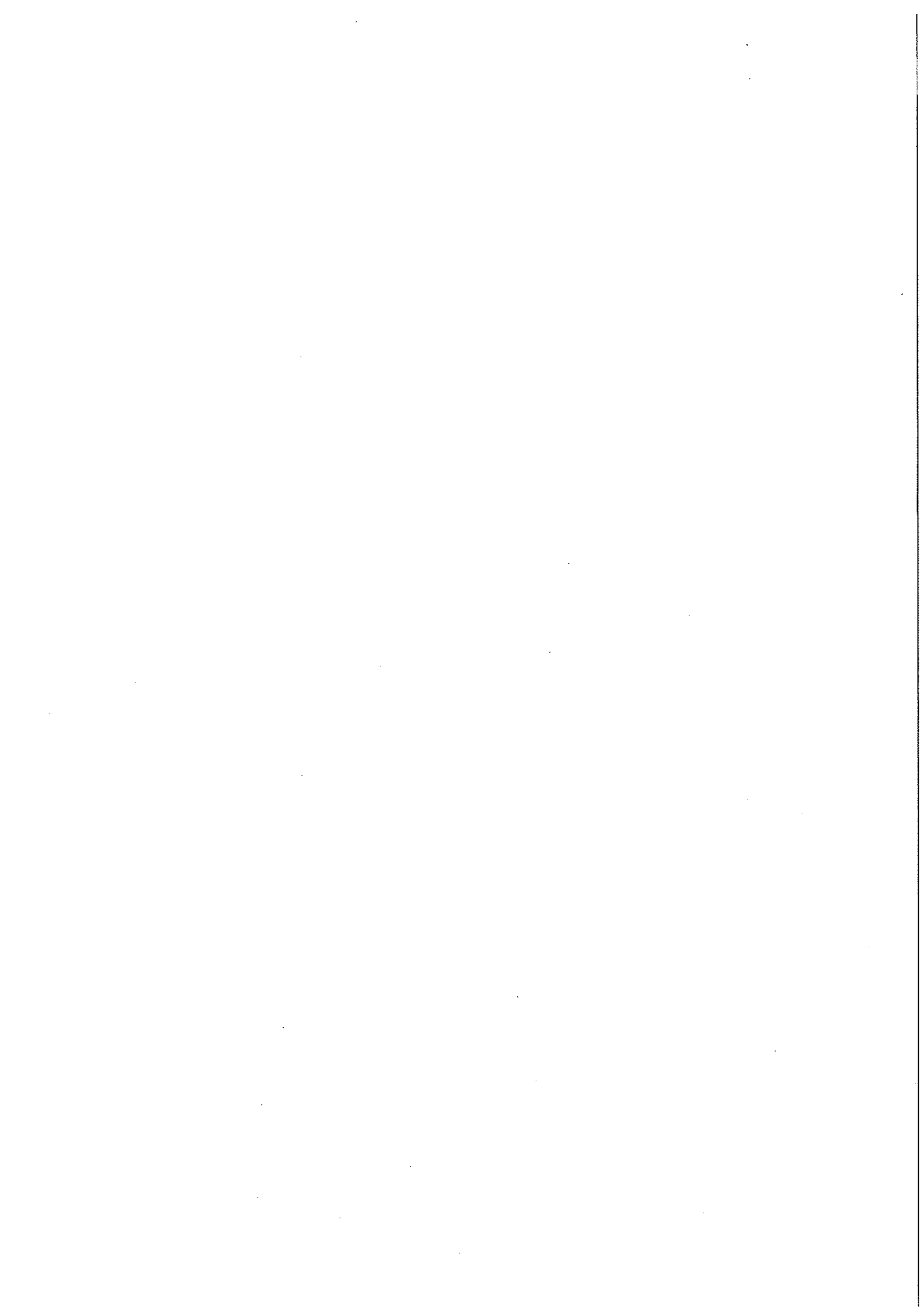
1. Secretary, Department of Agriculture & Cooperation, Ministry of Agriculture; Government of India, Krishi Bhawan, New Delhi. Fax:23386004, E-mail: sec-agri@nic.in
2. Secretary, Ministry of Health & Family Welfare, Government of India, Nirman Bhawan, New Delhi. Fax: 23061252
3. Secretary, Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture, Government of India, Krishi Bhawan, New Delhi. Fax:23388006, E-mail: secyahd@nic.in
4. Secretary (F&PD), Department of Food and Public Distribution, Ministry of Consumer Affairs, Food and Public Distribution, Krishi Bhawan, New Delhi. Fax: 23386052, E-mail: secy-food@nic.in



5. Secretary (CA), Department of Consumer Affairs, Ministry of Consumer Affairs, Food and Public Distribution, Krishi Bhawan, New Delhi. Fax: 23384716.
6. Secretary, Ministry of Food Processing Industries, Government of India, Panchsheel Bhawan, August Kranti Marg, New Delhi-110049, Fax:26493012
7. Commerce Secretary, Department of Commerce, Ministry of Commerce & Industry, Udyog Bhawan, New Delhi. Fax:23061796
8. Secretary, Ministry of Micro, Small and Medium Enterprises, Government of India, Udyog Bhawan, New Delhi. Fax:23063045, E-mail: secretary-msme@nic.in
9. Secretary (PR), Ministry of Panchayati Raj, Government of India, Krishi Bhawan, New Delhi. Fax: 23389028, E-mail: secy-mopr@nic.in
10. Secretary, Ministry of Environment and Forests, Government of India, Paryavaran Bhavan, CGO Complex, Lodhi Road, New Delhi. Fax: 24361896  
E-mail: envisect@nic.in
11. Secretary, Ministry of Women and Child Development, Government of India, Shastri Bhawan, New Delhi Fax:23381495, E-mail: secy.wcd@nic.in
12. Secretary, Department of Biotechnology, Ministry of Science & Technology, Government of India, CGO Complex, Lodhi Road, New Delhi. Fax: 24362884

**The above mentioned Ministries/ Departments are requested to kindly nominate, preferably a JS level officer but not below the rank of Director, for attending the meeting.**

13. Sh. Satish Gupta, Food Safety Commissioner for J&K & Controller, Drugs & Food Control Organisation, State Food Health Authority, Patoli-Mangotrian, Jammu-180007, J&K. Tele-fax:0191-2538527, 2538626, Mobile:09419180734, E-mail: controllerdrugsfood@yahoo.in
14. Sh. Rakesh Srivastava, Food Safety Commissioner for Madhya Pradesh & Controller (Food & Drugs Administration), Govt of Madhya Pradesh, Idgah Hills, Bhopal-462001, Tele-fax: 0755- 2665385, Mobile: 09425020607, E-mail: fda\_mp@hotmail.com
15. Dr. O.P. Gupta, Food Safety Commissioner for Rajasthan & Director (Public Health), Directorate of Medical, Health & Family Welfare Services, Govt. of Rajasthan, Swasthya Bhavan, Tilak Marg, C-Scheme, Jaipur, Tele-fax: 0141-2229858, Mobile: 09829333936, E-mail: directorph-rj@nic.in
16. Dr. (Mrs.) P. Sucharitha Murthy, Food Safety Commissioner for Andhra Pradesh & Director, Institute of Preventive Medicine, Public Health Laboratories and Food (Health) Authority, Naryanaguda, Hyderabad-500029, Tel: 040-27560191/27552203, Fax: 040-27567894, Mobile: +919849905229, E-mail: diripm@yahoo.co.in
17. Sh. H. G. Koshia, Food Safety Commissioner for Gujarat & Commissioner, Food and Drugs Control Administration, Government of Gujarat, Block No. 8, 1st Floor, Dr. Jivraj Mehta Bhavan, Gandhi Nagar-382010, Gujarat. Tel: 079-23253417, 23253399, Fax: 079-23253400, Mob: 09978405054, E-Mail: hkoshia@yahoo.co.in, comfdca@gujarat.gov.in
18. Dr. (Mrs.) Sumedha R. Desai, Food Safety Commissioner for Karnataka & Director (Health & Family Welfare Services), Health & Family Welfare

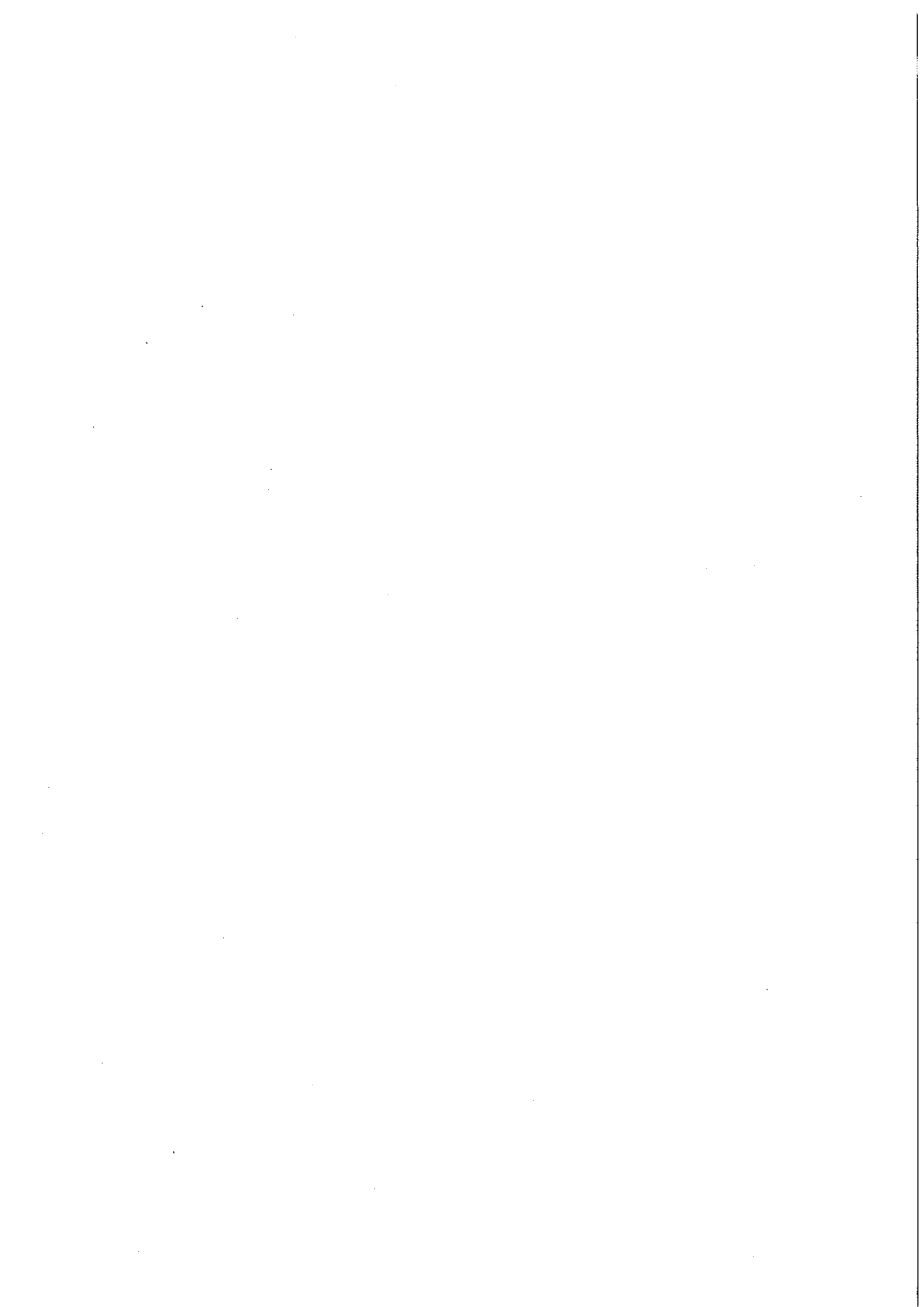


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22. Sh. R.K. Vats, Commissioner Food Safety for West Bengal & Secretary (Health), Health & Family Welfare Department, Govt. of West Bengal, Swasthya Bhawan, 3rd Floor, Wing "B", GN-29, Sector -V, Salt Lake, Kolkata -700091. Tel. 033-23579278, Fax:033-23572222, Mobile: 09007392222, E-mail: rkvats@wbhealth.gov.in
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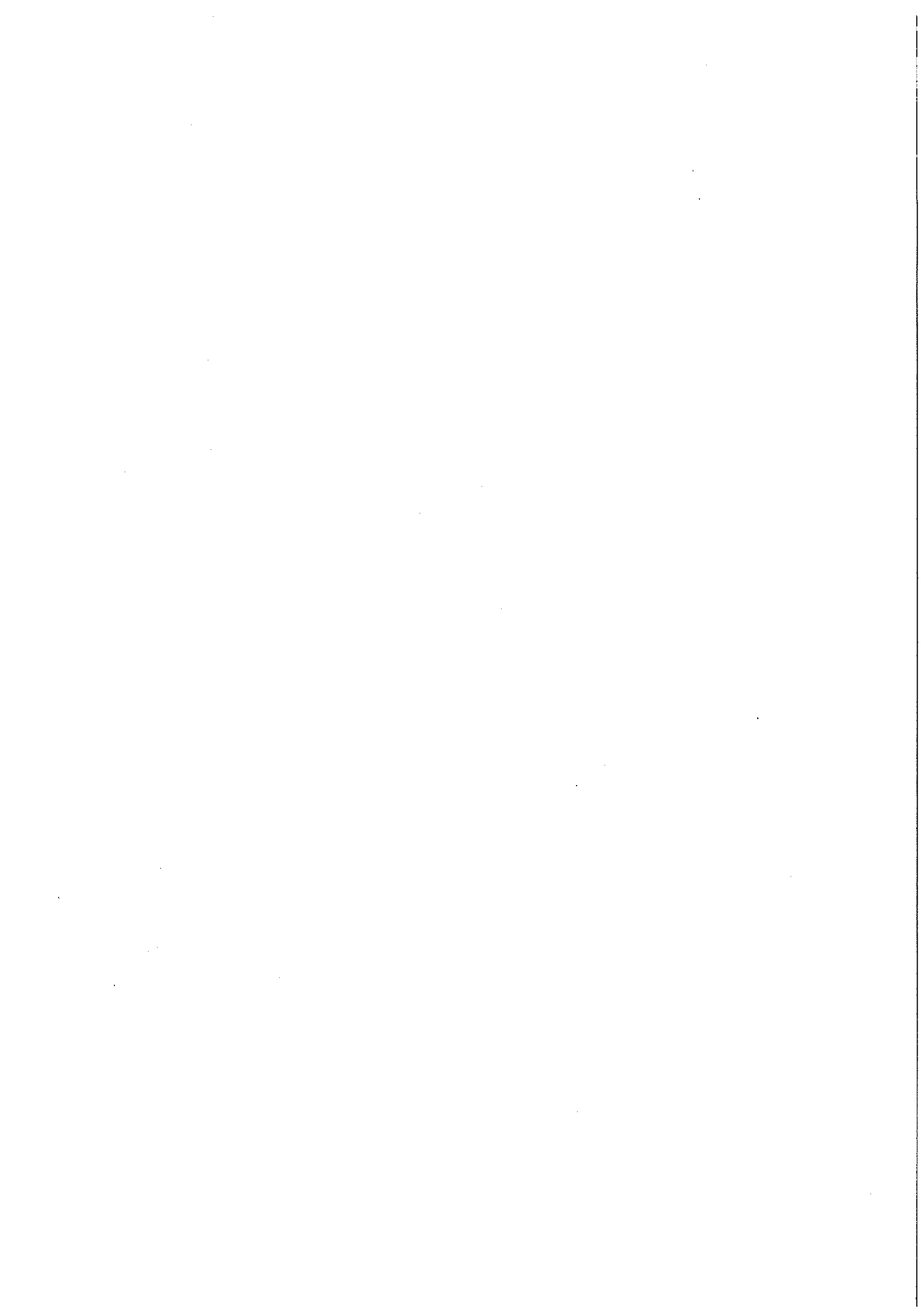


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40. Sh. D.P. Wahlang (IAS), Commissioner & Secretary (Health & Family Welfare), Room No. 315, Additional Secretariat Building, Shillong, Meghalaya-793001. Tele-fax: 0364-2226978, Mobile: 09862011111, E-mail: dwahlang@yahoo.com
41. Shri V.B. Pathak (IAS), Commissioner cum Secretary (Health), Health Care, Human Services and Family Welfare Department, Government of Sikkim,



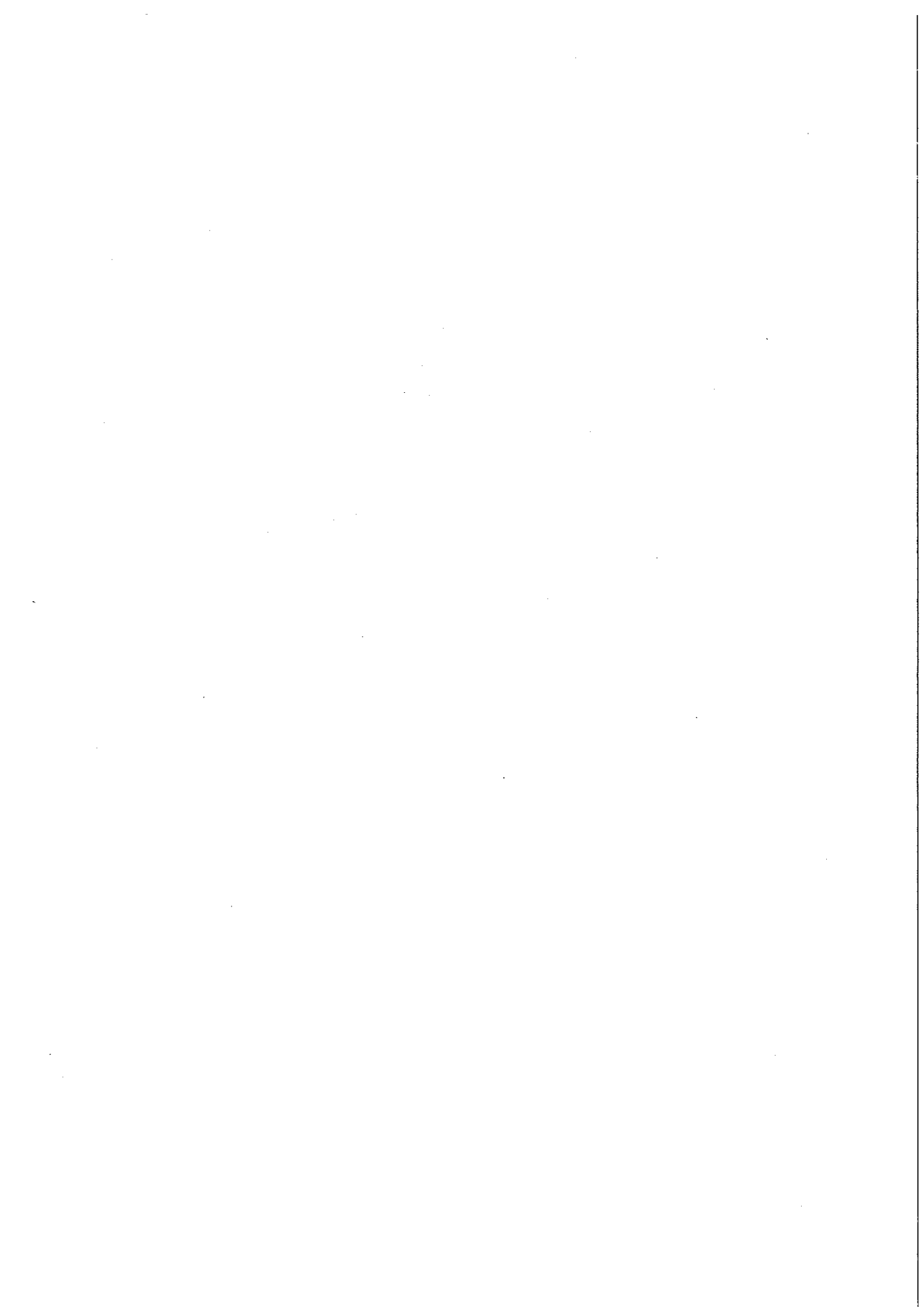


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Mobile:09434000013, E-mail: healthccs90@yahoo.com
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44. Sh. J.P. Singh (Food Controller), Joint Food Drug Controller, Government of  
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Tel: 0162-2217110, Fax:0162-2224608, Mobile: 09431029934
45. Shri Rohit Jamwal, Director (Health Safety & Regulations), Government of  
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0177-2621383, Mobile: 09418989000. E-mail:rohitjamwal.has@gmail.com
46. Shri Vikas Anand, Officer In-Charge Food Safety & Collector, Collectorate ,  
Silvassa, Dadara & Nagar Haveli-396230. Ph.0260-2642721, Fax: 0260-  
2642787, Mobile:09913188333, E-mail: collector-dnh@nic.in
47. Dr. K.P. Hamsa Koya, Director (Medical & Health Service), Directorate of  
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+919496429027, E-mail: rchlakshadweep@gmail.com
48. Sh. Sameer Barde, Asst. Secretary General, Confederation of Indian Food  
Trade & Industry (Food wing of FICCI) / Retail, Phone No. : 23311920,  
23738162, 23738760-70 (Ext.) 310, Email : sameer@ficci.com
49. Shri Pradeep Chordia, Chordia Food Products, 48/A, Pravati Industrial Estate,  
Opp. Adinath Society, Pune-Satara Road, Pune-411009. Tel: 09922990064
50. Dr. J. Tonpangyongdang Walling, Village-Sungratsu, Distt.-Mokokchung,  
Nagaland.
51. Shri Arun Balamatti, 815, 7<sup>th</sup> Cross, Banashankari, 3<sup>rd</sup> Phase, 3<sup>rd</sup> Block, 3<sup>rd</sup>  
Stage, Bangalore-560085
52. Shri R. Desikan, Founder Trustee, CONCERT and Consumer Association of  
India, 3/242, Rajendra Garden, Vettuvankeni, Chennai - 600 041. Tel/Fax:  
(044)24494576, (044)24494578, E-mail: nirdesi@gmail.com,  
cai.india1@gmail.com
53. Smt. Keya Ghosh, Consumer Unity & Trust Society, Calcutta Resource  
Centre, 3 Suren Tagore Road, 2nd Floor, Kolkata 700 019, West Bengal.  
Telefax: 033-24604987, Ph: 033-24604985, E-mail: calcutta@cuts.org
54. Dr. S.P. Vasireddi, Chairman and Managing Director, VIMTA Labs Limited,  
142, IDA, Phase-II, Cherlapally, Hyderabad-500051, Andhra Pradesh. Tel:  
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55. Prof. Gopal Naik, Indian Institute of Management Bangalore (IIMB),  
Bannerghatta Road, Bangalore-560 076. Ph: 080-26993194, E-mail:  
gopaln@iimb.ernet.in



Copy to:

1. Sr. PS to Chairperson, FSSAI.
2. PS to CEO, FSSAI
3. DD (GA) - with request for necessary arrangements for the meeting.
4. JIO (PK) - with request to upload the notice on website.
5. All concerned officers of FSSAI.



**Programme Schedule**  
**3<sup>rd</sup> Meeting of Central Advisory Committee**

**Date: 22<sup>nd</sup> February, 2011**

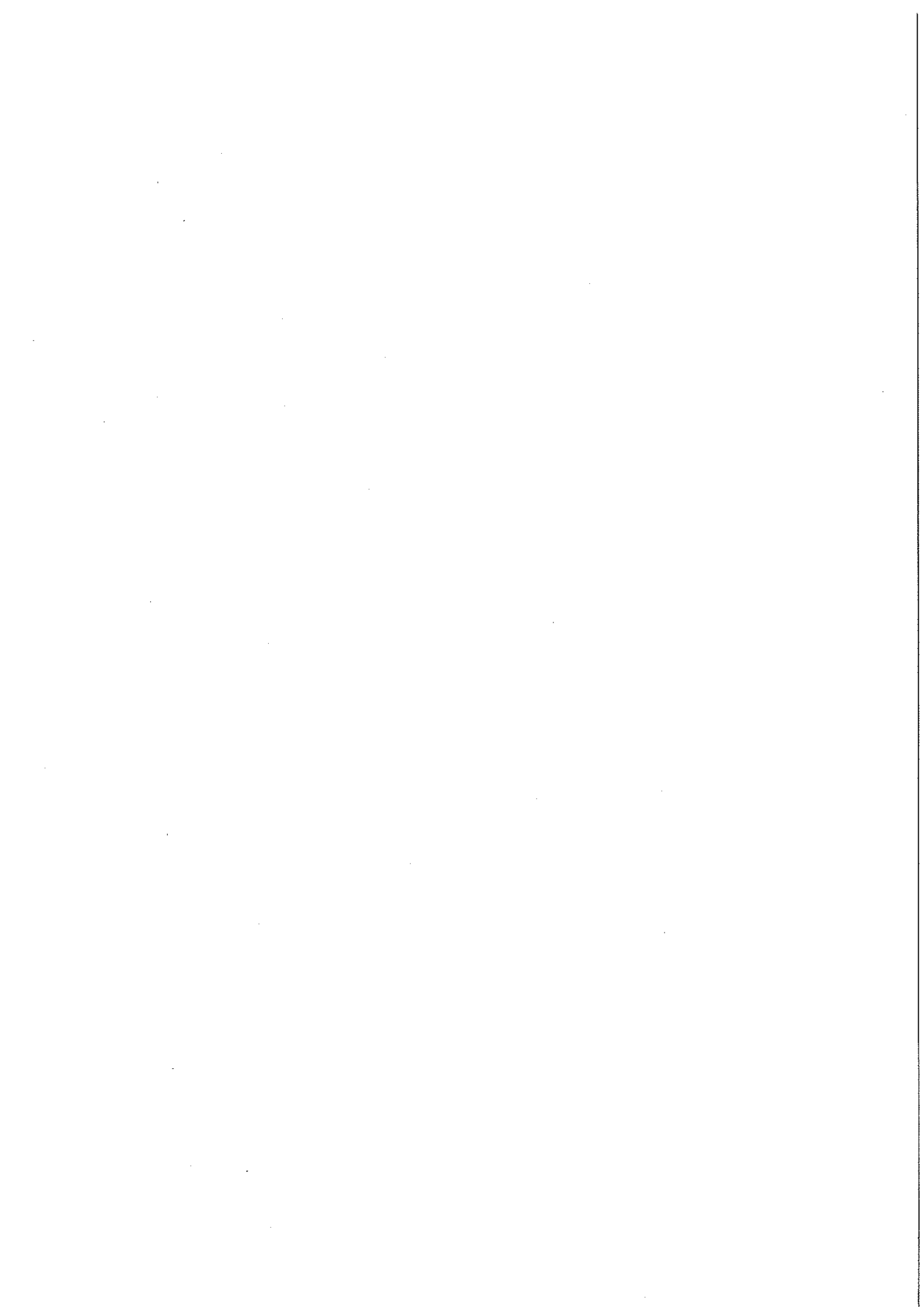
**Venue: Hotel The Ashok, New Delhi**

**Session-I**

- |                    |   |
|--------------------|---|
| 11.00-11.15        | Opening Remarks by CEO, FSSAI & Chairman, CAC         |
| 11.15-11.20        | Agenda Item No. 1                                     |
| 11.20- 12.20       | Discussion on Agenda Item No.2                        |
| 12.20- 12.50       | Discussion on Agenda Items No. 3 to 5                 |
| 12.50- 13.30       | Address by Chairperson, FSSAI followed by Interaction |
| <br>               |   |
| <b>13.30-14.30</b> | <b>Lunch Break</b>                                    |

**Session-II**

- |              |  |
|--------------|--|
| 14.30-15.00  | Presentation on Agenda Item No. 6 followed by discussion |
| 15.00- 15.15 | Discussion on Agenda Item No. 7                          |
| 15.15- 15.45 | Presentation on Agenda Item No.8 followed by discussion  |
| 15.45- 16.00 | Discussion on Agenda Item No.9 & 10 and status report    |
| 16.00- 16.15 | Summing up and Action points from meeting                |
| 16.15        | Vote of thanks   |





**FOOD SAFETY & STANDARDS AUTHORITY OF INDIA**

*fssai*

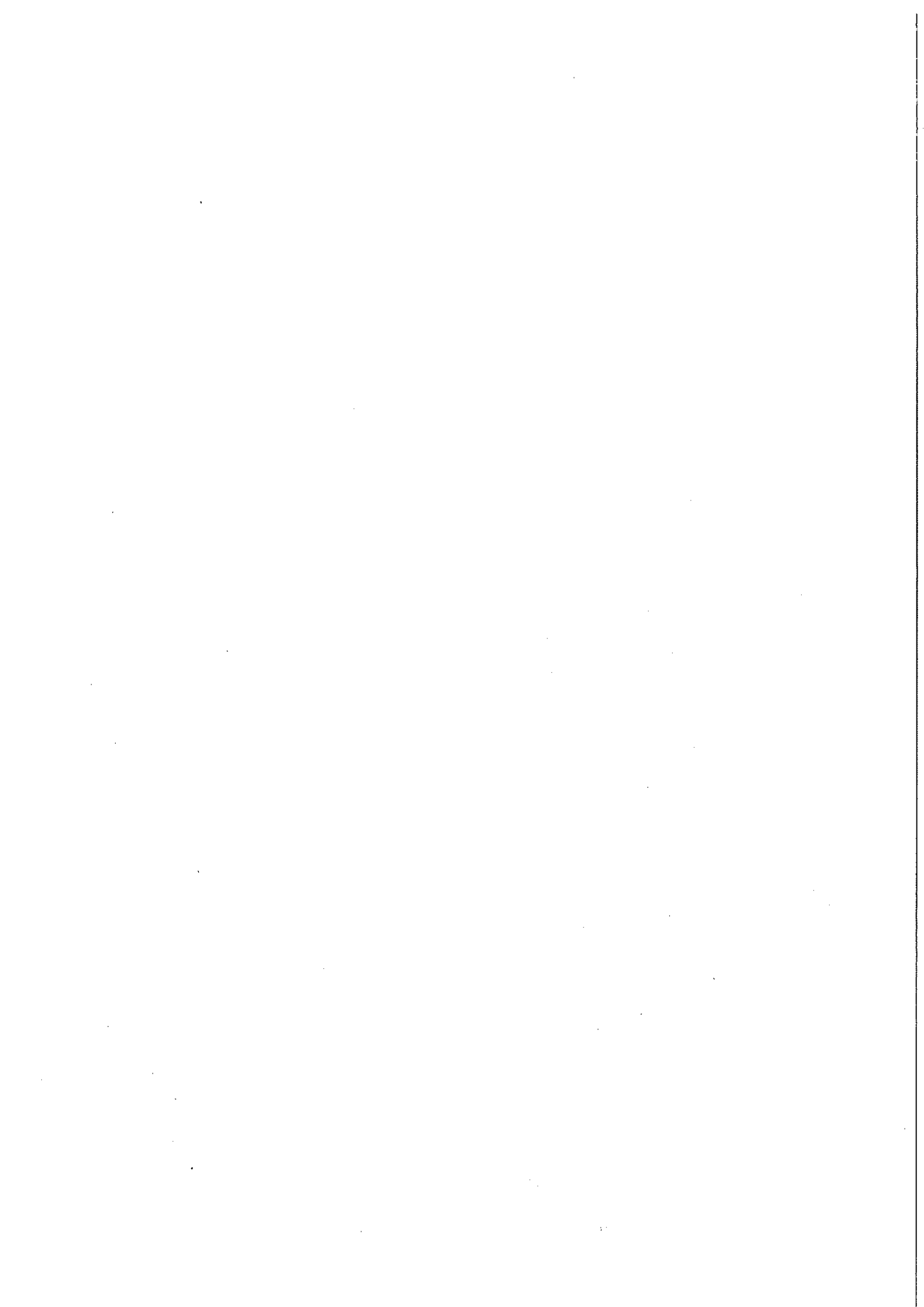
**Agenda**

for

**3<sup>rd</sup> meeting of Central Advisory Committee**

**VENUE: HOTEL THE ASHOK, NEW DELHI**

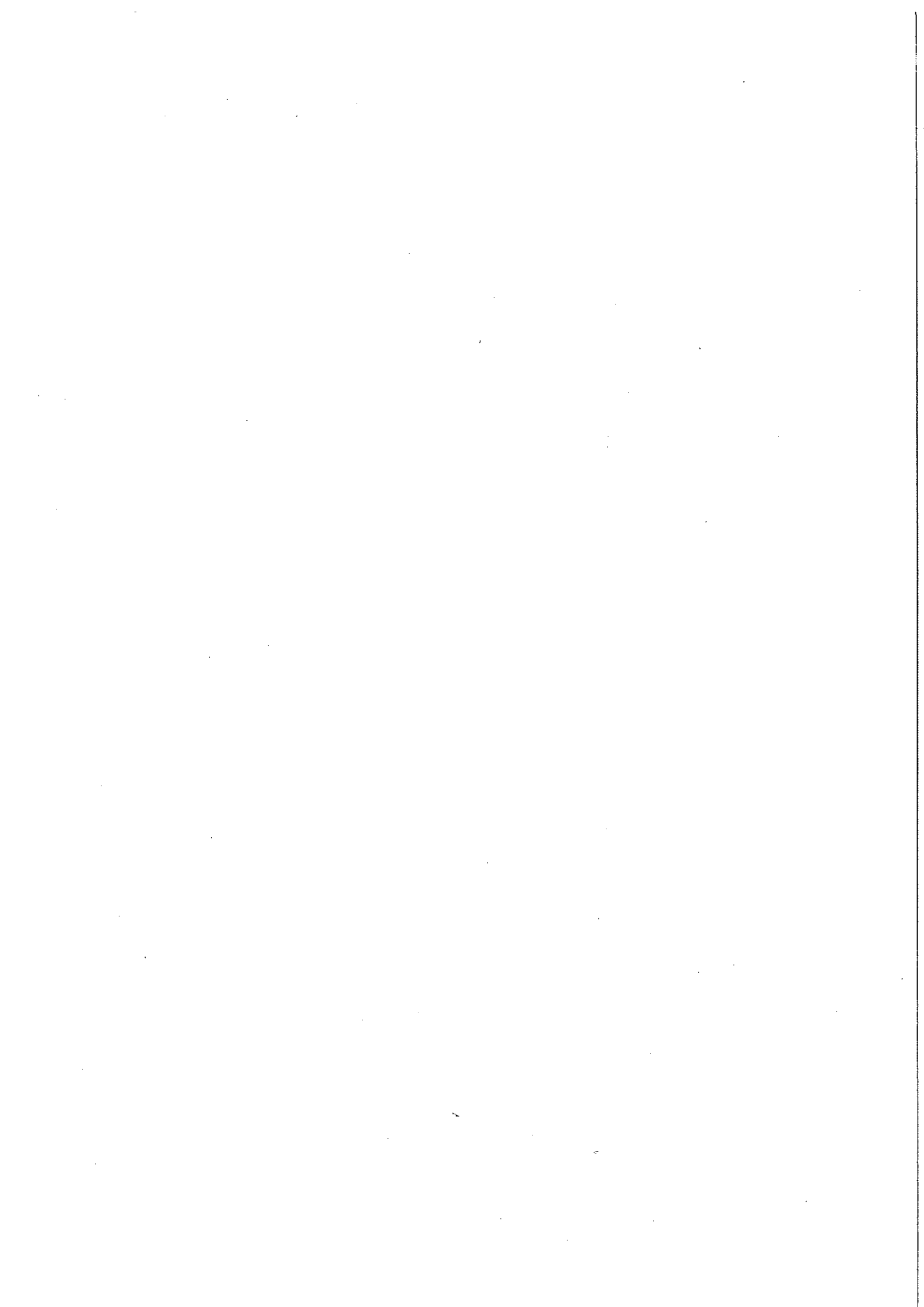
**DATE: 22<sup>ND</sup> FEBRUARY, 2011**





## LIST OF CONTENTS

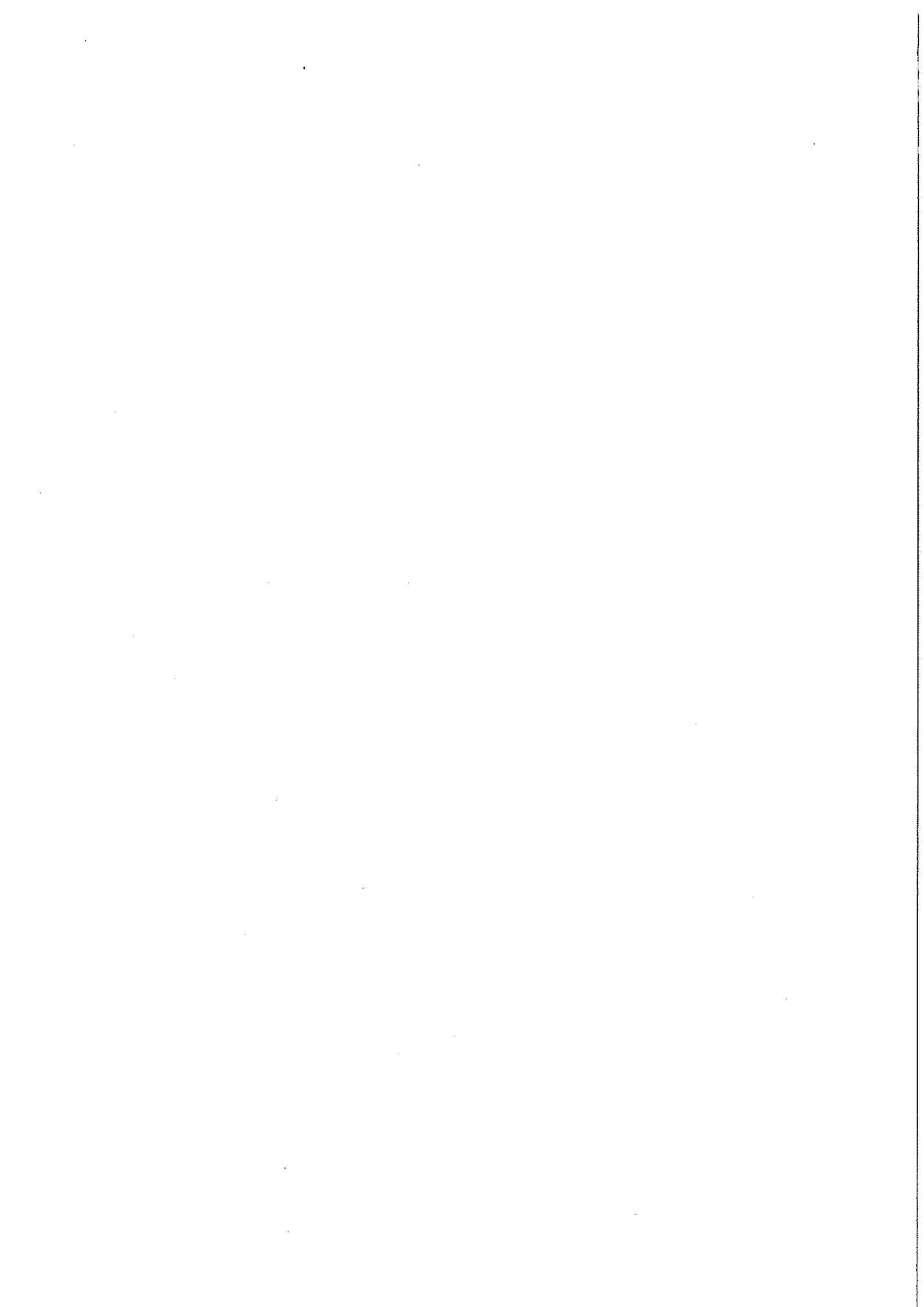
Sr. No.	Agenda Item	Pages
1.	Confirmation of minutes of the last meeting of CAC held on 22 <sup>nd</sup> October, 2010	3-24
2.	Review of preparedness from PFA to FSS Act	25-28
3.	Licensing and Registration System	29
4.	Structure suggested for States by FSSAI for implementation of provisions of FSS Act vis-à-vis Action taken by States- Presentation by each State/UT	30-36
5.	Action Plan by States for upgradation of public food laboratories in their states in response to Gap-Analysis Study	37
6.	Safety System for Imported Food	38-40
7.	Draft Regulations on Food Recall Procedure	41-58
8.	Information Updation System for States/UTs	59
9.	Reporting of Food Poisoning Incidences by registered Medical Practitioners- Section 35 of FSS Act	60-61
10.	Pending information from States/UTs related Annual Report on PFA implementation	62
11.	Any other item with the approval of chair	63



## **AGENDA ITEM NO.1**

**Confirmation of minutes of the last meeting of CAC held on 22<sup>nd</sup> October, 2010**

Minutes of the second meeting of Central Advisory Committee (CAC) held on 22<sup>nd</sup> October, 2010 at Hotel Vivanta (Ambassador), New Delhi under the chairmanship of Shri V.N.Gaur, Chief Executive Officer, FSSAI, are enclosed for the reference.

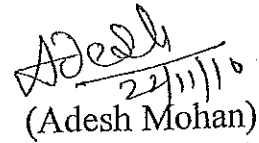


No. Dir(F&VP)/43/CAC/FSSAI/09  
Food Safety and Standards Authority of India  
Ministry of Health & Family Welfare  
3<sup>rd</sup> & 4<sup>th</sup> Floor, FDA Bhawan, Kotla Road,  
New Delhi – 110002

Date: 22<sup>nd</sup> November, 2010

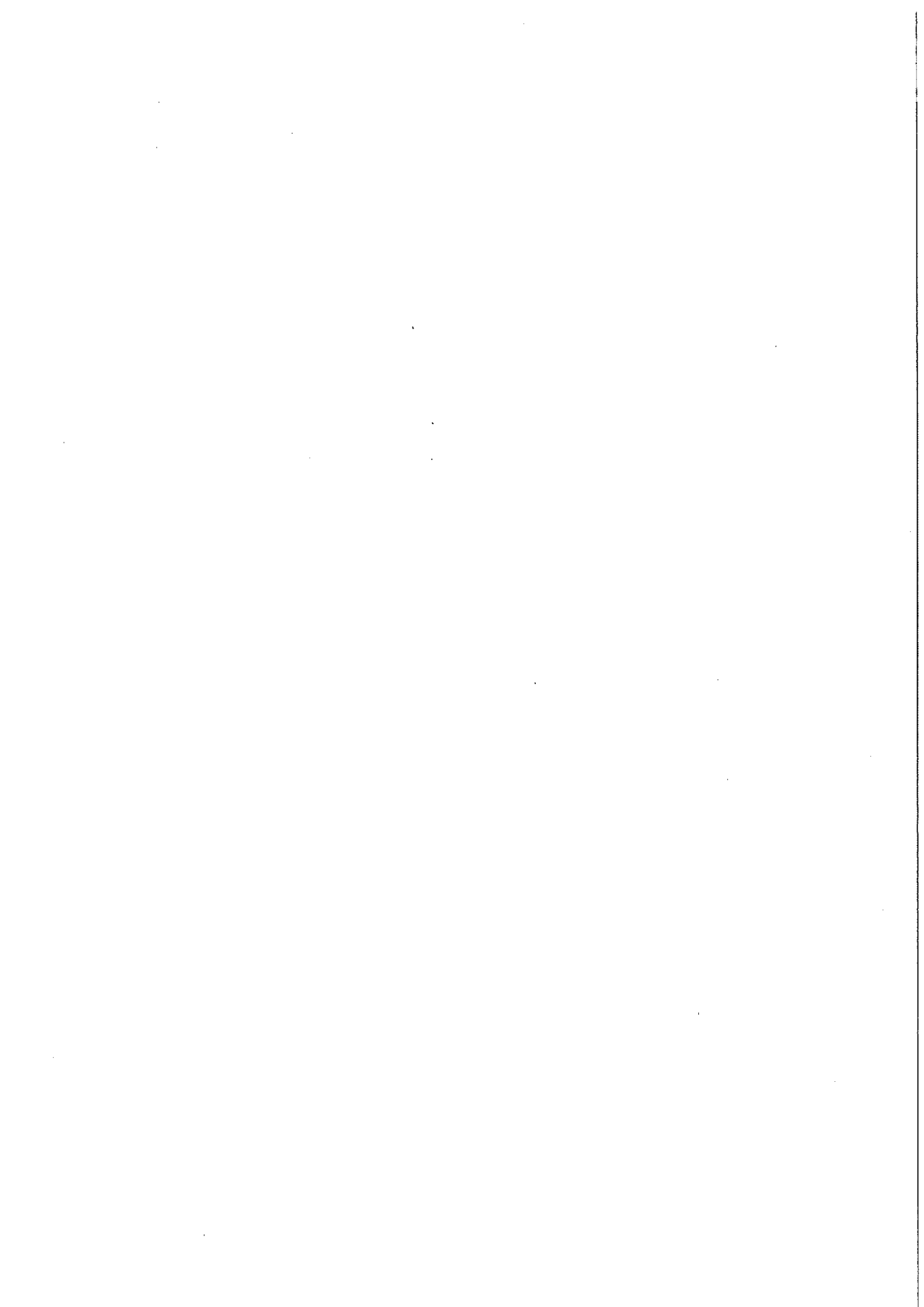
Sub: - Minutes of the Second Meeting of Central Advisory Committee (CAC) held on 22<sup>nd</sup> October, 2010 (Friday) at 1030 Hrs at Hotel Vivanta (Ambassador), New Delhi

The undersigned is directed to forward herewith the minutes of the second meeting of Central Advisory Committee (CAC) held on 22<sup>nd</sup> October, 2010 (Friday) at 1030 Hrs at Hotel Vivanta (Ambassador), New Delhi under the chairmanship of Shri V.N.Gaur, Chief Executive Officer, Food Safety and Standards Authority of India.

  
22/11/10  
(Adesh Mohan)

Senior Inspecting Officer (F&VP)  
Ph.011-23237433/Fax: 232220991  
E-mail: adeshmohan@yahoo.com

To: As per List attached



**List:**

1. Secretary, Department of Agriculture & Cooperation, Ministry of Agriculture, Government of India, Krishi Bhawan, New Delhi. Fax:23386004, E-mail: sec-agri@nic.in
2. Secretary, Ministry of Health & Family Welfare, Government of India, Nirman Bhawan, New Delhi. Fax: 23061252
3. Secretary, Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture, Government of India, Krishi Bhawan, New Delhi. Fax:23388006, E-mail: secyahd@nic.in
4. Secretary (F&PD), Department of Food and Public Distribution, Ministry of Consumer Affairs, Food and Public Distribution, Krishi Bhawan, New Delhi. Fax: 23386052, E-mail: secy-food@nic.in
5. Secretary (CA), Department of Consumer Affairs, Ministry of Consumer Affairs, Food and Public Distribution, Krishi Bhawan, New Delhi. Fax: 23384716.
6. Secretary, Ministry of Food Processing Industries, Government of India, Panchsheel Bhawan, August Kranti Marg, New Delhi-110049, Fax:26493012
7. Commerce Secretary, Department of Commerce, Ministry of Commerce & Industry, Udyog Bhawan, New Delhi. Fax:23061796
8. Secretary, Ministry of Micro, Small and Medium Enterprises, Government of India, Udyog Bhawan, New Delhi. Fax:23063045, E-mail: secretary-msme@nic.in
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12. Secretary, Department of Biotechnology, Ministry of Science & Technology, Government of India, CGO Complex, Lodhi Road, New Delhi. Fax: 24362884
13. Sh. Satish Gupta, Food Safety Commissioner for J&K & Controller, Drugs & Food Control Organisation, State Food Health Authority, Patoli-Mangotrian, Jammu-180007, J&K. Tele-fax:0191-2538527, 2538626, Mobile:09419180734, E-mail: controllerdrugsfood@yahoo.in
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16. Dr. (Mrs.) P. Sucharitha Murthy, Food Safety Commissioner for Andhra Pradesh & Director, Institute of Preventive Medicine, Public Health Laboratories and Food (Health) Authority, Naryanaguda, Hyderabad-500029, Tel: 040-27560191/27552203, Fax: 040-27567894, Mobile: +919849905229, E-mail: diripm@yahoo.co.in
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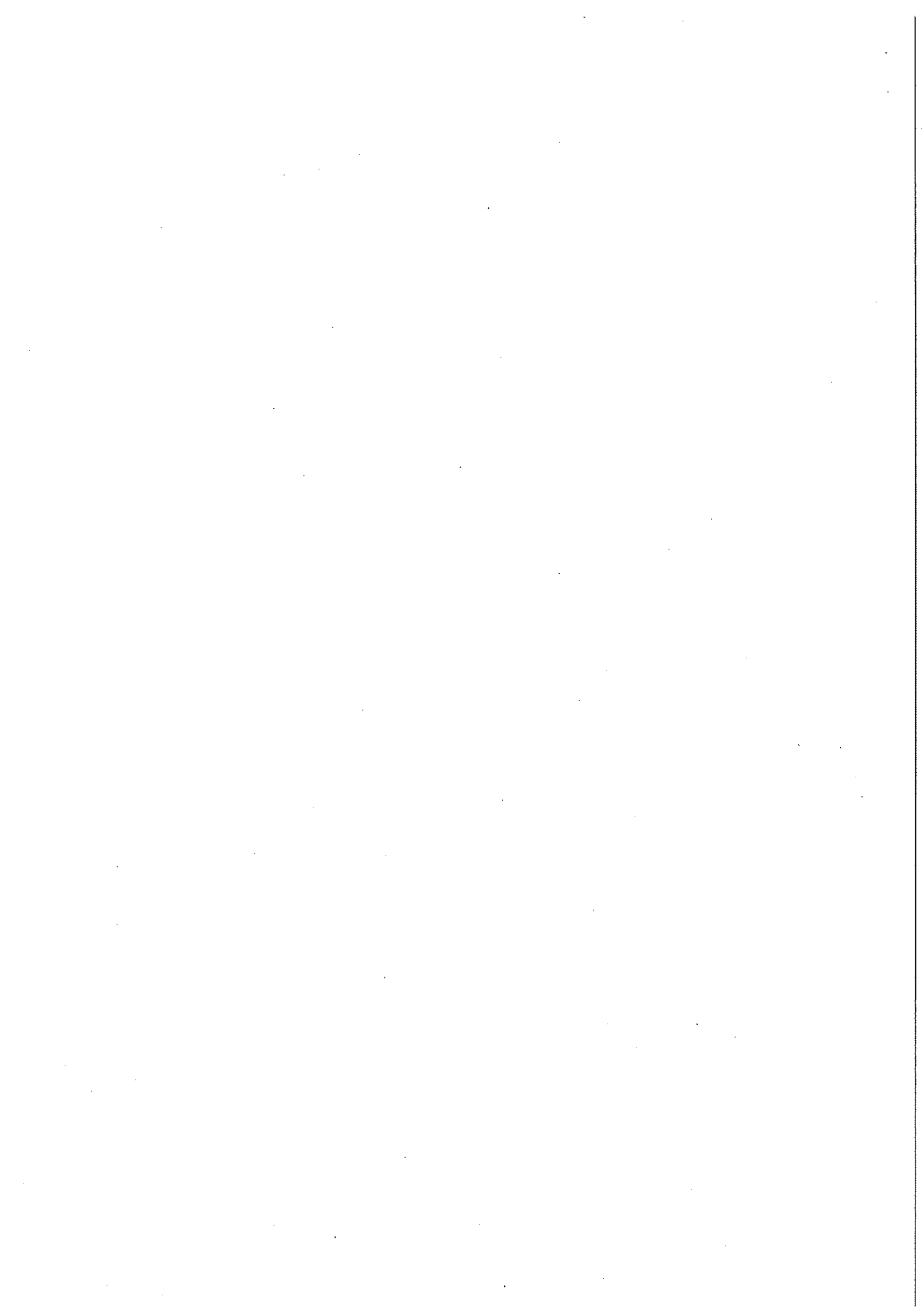
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Copy to:-

1. Sr. P.S. to Chairperson, FSSAI
2. P.S. to C.E.O., FSSAI
3. Smt. Sumita Mukherjee, Director, FSSAI
4. All Concerned Officers of FSSAI



## Minutes of the Second Meeting of Central Advisory Committee

Venue : Hotel VIVANTA (Ambassador), New Delhi.  
Date and Time : 22<sup>nd</sup> October, 2010, 10.30 AM  
List of Participants : Annexure-I

Shri V.N. Gaur, CEO, FSSAI & Chairman of the Central Advisory Committee (CAC) welcomed the members to the second meeting of the CAC. Underscoring the agenda of the meeting he stated that its primarily focus was on the approach of FSSAI to be followed toward food safety regulation in the country. It was explained that all sections of the FSS Act, 2006 have been notified, however, all existing Acts & Orders shall continue to be functional till their repeal by the Government. FSSAI Rules are under consideration of Ministry of Law and the draft regulations have already been notified. Extensive consultation with stakeholders before notification of the sections of Act, 2006 will pave the way for repeal of existing Acts & Orders related to food regulation. Role of States is very crucial in implementation of Act, therefore, State machinery is required to be ready for implementation. Act envisages every District should have Designated Officer, Adjudicating Officer besides FSOs and State level Tribunal. QCI had already carried out gap analysis in respect of 33 labs. The reports are being shared with the States who are expected to move the proposal for upgradation of labs up to NABL. FSSAI standards for certification of labs is also being framed to facilitate upgradation of labs in the country.

To facilitate discussions, presentations were made on various agenda items.

### Agenda Item 1: Confirmation of minutes of first meeting of CAC.

The CAC confirmed the minutes of its 1<sup>st</sup> meeting held on 19<sup>th</sup> January, 2010.

### Agenda Item 2: Key initiatives of the Food Authority.

Shri S.B. Dongre, Director (F&VP), made a presentation on key initiatives taken up by FSSAI which are as follow:

- i. Food Safety Management System (FSMS)

- ii. Regulations on Functional Foods, dietary supplements.
- iii. FSSAI's Authorised Officers to ensure safety of imported food.
- iv. R&D scheme to promote research activities oriented towards food safety.
- v. Regulations on Trans Fatty Acids (TFA) & Energy Drinks.
- vi. Centres of Excellence to support FSSAI's programme.

He explained that the focus of FSMS is on self compliance since under new law the food business operator is responsible for delivering safe food to the consumer. FSSAI will develop a system to facilitate achieving food safety; in this regard 'India HACCP' is being developed. FSSAI has already appointed Authorised Officers at ports in Calcutta, Chennai and Mumbai to study food import system and collect baseline data to facilitate development of IT enabled imported food safety system. Under R&D scheme FSSAI needed feedback from States in identifying issues to be undertaken for R&D.

National centers with comprehensive facilities will be identified in different areas of food safety e.g. Meat, Dairy, F&V etc. and will subsequently be designated as "Centers of Excellence" by FSSAI for carrying out specific studies relating to respective area of food safety. The "Centers of Excellence" will also be responsible for overseeing the FSSAI mandated studies by regional centers. Trans fatty acid is a burning issue in the field of foods and nutrition. These fatty acids give stability to food products but are highly deteriorating to the consumers' health. Similarly, caffeinated drinks marketed as energy drinks contain more than prescribed limit of caffeine. The limit of caffeine permitted in soft drinks, lemon drinks etc is 140 ppm. Considering the importance of the issues, FSSAI has initiated framing regulation for these products.

### **Agenda Item 3: RFD (2010-11) and inter-se priorities in the items**

Presentation on this was made by Dr. J. P. Dongare, Marketing Officer, FSSAI covering the objectives of Results Framework Document (RFD), key activities involved and the inter-se priorities of the items /activities.

He explained that the performance of the Authority depends on the performance of the State Government. The Format of the RFD has been devised by PMO and the Cabinet. Success Indicators are based on the previous years' performance. This helps in calculating the success rate of an organisation.

### **Discussion on Agenda Item 2 & 3:**

The views emerged during discussions are as follows:

- Food Safety Commissioners asked whether RFD would be applicable to States also. It was clarified by CEO, FSSAI that as such there will be no RFD for States, however, FSSAI's performance largely will be depend on the performance of States in implementation of the Act. Therefore, it is proposed that a MOU will be signed between FSSAI and States, various criteria of implementation will be part of MOU and the performance of the states will be evaluated accordingly.

Other important issues raised were:

- Prioritization of activities should reflect in the RFD.
- R&D scheme should be renamed as risk-assessment scheme which is more relevant in the context of food safety. However, it was clarified by CEO that the title R&D scheme has been kept deliberately to make it broad based scheme which will also cover risk assessment proposals as well as other topics related to food safety. Regarding prioritization of regulation on Energy drinks, CEO explained that the matter had gone to courts where the need for laying down standards to regulate this food item was underlined.
- There was an opinion that the communication strategy should be given top priority under RFD. In clarification of this CEO, FSSAI informed that RFD is not a plan document, only those targets which are achievable by 31<sup>st</sup> march, 2010 are reflected in RFD, however, the importance of communication is well established and the draft communication strategy is under finalisation which will be circulated shortly.
- It was also inquired whether food standards will vary from state to state and the States will have the power to lay down standards. CEO, FSSAI elucidated that the States will not have power to lay down standards, there will be uniform food standards laid down by FSSAI,

which will be applicable to whole territory of India. Local variations in food standards if any will be taken care while developing standards.

- It was also suggested that the Centres of Excellence for behavioural aspects should also be looked after apart from technical and scientific aspects.
- It was suggested that the time had come to allocate separate budget for food safety by State Governments to facilitate implementation of the provisions of the FSS Act.
- Apprehensions was expressed as to how the law can be implemented by Panchayats. In this regard CEO, FSSAI clarified that the responsibility of implementation of law will be given keeping in view the wherewithals of Panchayats and local bodies. Panchayats will be authorised to do registration only for small/petty food business operators. Gradually steps will have to be taken towards empowerment and equipping of local bodies to take over food safety functions.

#### **Agenda Item 4: Enforcement Structure in States/UTs for Implementation of FSS Act**

A presentation was made by Sh. S.B. Dongre, Director (F&VP), FSSAI on the proposed enforcement structure by FSSAI. The States/UTs indicated the action taken by them on this proposed structure. 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 safe and wholesome food to the consumers, it was advisable to have a separate Department of Food Safety in the States/UTs which would also undertake capacity building and training programmes not only for the employees but also for food manufacturers, handlers, food business operators etc.

The number of levels & officers may be decided as per the requirement and resources available. The most appropriate and suitable enforcement structure for the State/UT may be decided by an expert group set up for the purpose. He emphasized that arrangements/plan should be made by the States in time before the FSS Act comes into force. He also said that in India



there was no reliable data so far regarding the number of Food Business Operators licensed.

**Agenda Item 5: IT-enabled Licensing System: Tool for smooth implementation**

Sh. Ashok Jha, Sathguru Management Consultant made a presentation on above mentioned subject covering the roadmap for the implementation of IT-enabled Licensing System and the key components of the plan.

He emphasized that the goal of FSSAI is the establishment of a robust IT enabled Registration/Licensing system for Food Business Operators within India and the key components of the Plan will cover:

- Development of modules for effective IT enabled platform for Registration and Licensing.
- Hybrid system of offline and online process in the beginning (2011 - pilot and All India roll out )
  - ✓ Through FSSAI Licensing and Registration unit
  - ✓ DO/FSO/Authorized officer facilitating the form filling process and entering the data in the central server
  - ✓ Generation of UID after verifying the details submitted by the applicants
  - ✓ Inspection and generation of Licensing/Registration no.
- Slow transition from hybrid system to completely online system
- Engagement of a reliable agency for pilot and final roll out - continuity is a major consideration for the Authority.

**Discussion on Agenda item 4 & 5**

The following views emerged during discussions:

- It was explained by CEO that there will be common software for IT enabled licencing system up to District level since all the Districts are now connected with NIC. At Panchayat level the registration / licencing process will be done manually, which can also be linked to IT network subsequently with the development of IT infrastructure at village level.
- Representative from Department of Animal Husbandry suggested for incorporation of provisions for collection of data on milk

production in the country in the same software. On this issue CEO, FSSAI clarified that the provision for filing production return is part of annexure to licencing / registration application but that may not be as per the requirement of Animal Husbandry Deptt since the priorities of FSSAI may be different from that of Animal Husbandry Department. This issue will have to be mutually discussed in detail.

- It was also opined by representative of Ministry of Food Processing Industries that FSSAI should take initiative on traceability, fixing of MRLs & aligning standards with Codex. CEO, FSSAI clarified that FSSAI has been made Codex contact point for India and fixing MRLs is ongoing process and FSSAI is working on this issue.

- It was also opined that to make the IT enabled system user friendly, if possible, mobile applications can also be included to reach small business operators at village level.

- It was brought out by consumer organizations that States are clubbing food safety with health which ultimately dilutes the issue of food safety. FSSAI may insist for separate Food Safety Department in the States and also consider financial assistance initially for 2-3 years for priming.

The representatives from State Government also submitted their reports which are summarised as follows:

- **A&N Islands:** stated that Sub-divisional Magistrates have been appointed as Designated Officers for food safety, however, they are overburdened. He asked for switching over to earlier system i.e. Medical Officers to be made Designated Officers. CEO, FSSAI clarified that the spirit of FSS Act is that a whole time Officer in the rank of SDM should be made Designated Officer but not necessarily the Sub-Divisional Magistrate. There is sufficient flexibility provided in the appointing of DOs.

- **Madhya Pradesh:** There are 199 Food Safety Officers in the State and all are trained. Finance Department had been approached for sanction of Rs.50.00 lakh to each District for food safety. Up-gradation of labs is in process.

- **J&K:** The Adjudicating Officer appointed. Rs.2.0 crore has been sanctioned from NRHM fund for implementation of this Act.
- **Himachal Pradesh:** The proposal for notification of the FSS Act is pending with Government.
- **Delhi:** Presently licensing work is being done by local bodies, SDMs are working as Designated Officers, however, they are exploring for other options for appointment of DOs. For accreditation of labs application has already been made to NABL.
- **Haryana:** Proposal submitted to the Finance Department for creation of posts. Gap analysis of labs is already completed, upgradation of labs is in process.
- **Gujarat:** Ready for implementation of FSS Act, budget provision for Rs.60 lakhs has been made. Six labs are there, 2 NABL accredited and other 4 are in the process of NABL accreditation.
- **Tamil Nadu:** Two hundred FSOs appointed, creation of separate cadre for food safety is in process. NRHM had been requested for funding. Also labs are ready for accreditation.
- **Chhattisgarh:** There are 38 sanctioned posts of FSOs in the State but only 2 have been appointed. As an ad-hoc measure, 35 doctors have been trained with the help of Government of Madhya Pradesh to be appointed as FSO. Gap analysis has been done by QCI, after getting report the proposal for upgradation of labs will be moved. He suggested that FSSAI may issue an advisory to the State government emphasizing the need for immediate action.
- **Goa:** Licencing system as per PFA is already in place which would switch over to FSSA system once the rules get notified. One food testing lab is there which is to be strengthened as testing facility for all the parameters is not available, as for example pesticides and other residues testing. FSO training has been completed in the month of August. QCI has done the Gap analysis, report is awaited.
- **Manipur:** At district level, Chief Medical Officers have been appointed as Designated Officers. There are two Food testing labs. GAP analysis has been done by QCI; report is awaited. DOs and FSOs participated in ToT programme at Kolkata. However, for further

organising of training of DOs and FSOs in the State, FSSAI should provide subject matter experts.

- **Assam:** The training of all the FSOs was completed in the month of September. Proposal for appointment of staff is pending with the Government. Funds are the major constraint in rollout of FSS Act. Regarding upgradation of food lab, only one lab is there and QCI has done Gap analysis study, report is awaited.
- **Tripura:** Food safety commissioner was on leave and Director, Health was working as food safety commissioner, but he did not have enough time to spare to the cause of food safety. Health Officers are busy with other programmes. State Government is arranging people from existing PFA and district health officers for implementation of this Act. They have a small Lab which is more than 35 years old. Public Analyst joined recently.
- **Nagaland:** Dumping of foreign foods through illegal channel is a major cause of concern as they are substandard and no labelling norms followed. State is unable to check it because of porous border. There is shortage of staff; they have arranged some contractual staff to assist the DOs. Main constraint in enforcement of the Act is the lack of basic knowledge of food safety among enforcement staff since the personnel are from the pharma sector. Training of staff is required. In Nagaland there is only one lab which is not well equipped, upgradation of lab is needed.
- **Kerala:** FSOs are there in sufficient number. The appointment of DOs is in process. Recently training of FSOs was completed. Regarding lab, there is a need for funding for lab accreditation. Also FSOs had minimum knowledge of technical aspect. Representative from the State suggested that when shifting to the new licensing regime, some kind of hand-holding from FSSAI is required to setup a proper enforcement structure.
- **Orissa:** Adequate training of enforcement personnel is required. The representative from the state suggested for setting up of a full-fledged residential training college / academy in or around Delhi, where enforcement personnel from all the States can be trained at regular intervals to maintain uniformity in training. Public Analyst

needs to be appointed for labs. It was also suggested that private firms may be involved in assisting labs.

- **Jharkhand:** Food Safety Commissioner has not yet been appointed in Jharkhand.

- **Andhra Pradesh:** Structure of enforcement is same as suggested by FSSAI. Assistant Food Controllers and District Food Inspectors are nominated as DOs and FSOs respectively. One hundred thirty-three part-time sanitary inspectors are there in municipalities. It is proposed to appoint them on deputation for implementation of this Act and Municipalities have been requested. Principle Secretary is taking stock of the situation. Some Municipalities agreed to provide staff on deputation. Joint Collectors are going to be notified as Adjudicating Officers. MoU with QCI signed for upgradation of Labs. The training of FSOs is over.

- **Bihar:** Food Safety Commissioner not yet appointed in Bihar, State Drug Controller is working as FSC. Training of FSOs completed. Requested for writing DO letter to the Principle Secretary for appointment of FSC. There is a need for public analyst for microbiological testing. However, CEO, FSSAI stated that a microbiologist may be appointed as Public Analyst who would carryout microbial testing and the same Public Analyst would be qualified to sign the lab analysis report.

- **Punjab:** There are three labs and 51 persons are working there. At present 23 inspectors are there and they will be appointed as FSOs. Training was imparted to them. Also Medical Officers are working as designated Officers. Health Ministry is promoting private labs for supplementing government labs in terms of infrastructure, technical manpower and skills.

- **Chandigarh:** Enforcement structure put in place. The DOs have been appointed and trained. Adjudicating Officers are being appointed in consultation with High Court.

## Session-II

### Agenda Item 6- Training Policy, Capacity Building and HR Development Programmes

Dr.J.P.Dongare, Marketing Officer, FSSAI made a presentation covering draft training policy, orientation programme, Training of Trainers (ToT) conducted, status on implementation of 2<sup>nd</sup> level training by States as follow up to ToT, developing training modules for regulatory staff, food handlers, housewives, school children etc.

Suggestions were invited for periodicity and duration of mandatory training indicated in regulations and the States/U.T.s indicated the action taken by them to organize training programmes for Food Safety Officers and Designated Officers. An intensive and appropriately designed training & development regime in relation to Orientation programme, Induction training, comprehensive in-service training for staff/officers at Centre & State level is regarded as a priority area by FSSAI to realize the vision of professionally competent regulatory personnel for effective enforcement of FSS Act, 2006.

Under section 16(3) (h) of FSS Act, 2006, Authority is expected to provide training programmes in food safety and standards to Food safety regulators at Central and State Level, Food Business operators and food handlers and other Stakeholders. Apart from training of FSSAI regulatory staff, arrangements need to be put in place for training of State food safety regulators (FSC, DO, FSO, AO). On specialised topics, experts can be sourced from outside or provided by FSSAI.

### Agenda Item 7- Upgradation and strengthening of Food Laboratories Infrastructure in country

Dr. Shaikh Nadeem Ahmed, Assistant Director, FSSAI made a presentation covering the Gap Analysis study for laboratories, a Summary of reports submitted by QCI, standards of Interim criteria for food laboratories and Framework for upgrading State food laboratories to meet the Interim criteria.

Under sections 16(2)(e) and 43 of the Food Safety and Standards Act, 2006, the FSSAI is mandated to notify laboratories and research institutions accredited by NABL or any other accreditation agency for testing the food samples and the Authority may lay down the procedure and guidelines for accreditation of laboratories and notification of the accredited laboratories.

FSSAI has commissioned a gap analysis study of food labs (50 labs) under Central/State Govt. Till now gap analysis for 33 labs (out of 50) have been completed. Gap study of many State Food Testing Laboratories like Bihar, Arunachal Pradesh, Sikkim, Mizoram, Chhattisgarh, Uttarakhand, Jharkhand and Maharashtra (FDA Lab) is pending due to non receipt of responses to the questionnaire sent to the respective State Governments/Labs.

The gap study has indicated that in Central and State Food Testing Laboratories there is urgent need to upgrade infrastructure, strengthen staffing and training inputs and put in place more reliable laboratory management and operation procedures.

To begin-with these labs (existing food testing laboratories in the public sector as identified by gap study) will be given a period of one year to come up to the minimum acceptable levels of food testing to meet the requirements of Food Safety and Standards Act, 2006. Till then they will continue to perform the current functions so that there is no disruption of testing services. Food testing laboratories will be given a period of 3 years for achieving NABL accreditation.

#### **Discussion on Agenda item 6 & 7**

Following deliberations were made on the subject:

- It was suggested that self educating training portals for upgradation of labs may be developed.
- Representative from FICCI brought to the notice that Ministry of Finance has already allocated funds to the tune of Rs.2000 crore for National Skill Development Programme under the Ministry of Food Processing. This fund can also be used for imparting training on food safety.

- It was also brought out by a number of Food Safety Commissioners that three months training is a pre-condition for appointment of FSO, however, no such training course is available, also there is a dearth of training Institutes in the country, which is a major obstruction in recruitment of FSOs. In this regard it was suggested that State can appoint suitable candidates as trainee FSOs who can be trained in due course.
- It was also suggested that duration of training for Adjudicating Officers is to be reduced to around two weeks.
- It was raised whether all the testing labs should be accredited for all the parameters. CEO, FSSAI has clarified that at present we have only basic chemical testing facility in most of the PFA labs. We are exploring the possibility of subcontracting and involving private labs in food testing.

### **Agenda Item 8- Awareness Generation Programme and Communication**

#### **Strategy**

Smt. Sumita Mukherjee, Director, FSSAI presented the Communication strategy of FSSAI.

Major initiatives taken by FSSAI are:

- Telecast of food safety programmes under the Kalyani Initiative.
- Preparation and dissemination of guidelines for school canteens.
- MOU with KVS, Navodaya Vidyalaya and DPS Society for rolling out of safe food programme.
- Collecting "food safety" related material for communication purpose from concerned organisations like WHO, NIN, MoH&FW, NCERT, and educational institutions like Lady Irwin College, Bhaskaracharya College of Applied Sciences.
- Telecasting of programmes on food safety.
- Broadcast of radio jingles on food safety on Prasar Bharati FM channels.

It was suggested that State governments may explore involving ASHA workers for food safety issues.



### **Discussion on Agenda item 8:**

- It was suggested that the States can involve ASHA workers in disseminating food safety messages in remote areas.
- Representative from consumer organizations stated that the consumer groups should be involved in devising communication strategy.
- Members from laboratory and consumer groups complimented FSSAI's initiative on communication strategy and also suggested that simple effective slogans should be devised and disseminated through local communication medium in local language.
- It was opined by members that FSSAI should also plan a communication strategy for countering unscientific and baseless news items on food safety which creates panic in the public like Oxytocin in cucurbits etc.
- Representative from FICCI suggested that FSSAI should also develop an awareness programme on new rules and regulations made under FSS Act, 2006 for industry to facilitate switchover from PFA to FSSA.
- It was also opined by the representative from consumer organizations that Mid-day-meal (MDM) scheme of the Ministry of HRD can also be used to popularise the concept of food safety at grass root level.
- It was also discussed that since FSSAI cannot reach down to village level, it can create materials like posters, banners etc. which can be distributed to every nook and corner of the country by involving local bodies, Panchayats, Self help Groups etc.
- Prof Gopal Naik from IIM Bangalore suggested that short films & animations on do's and don'ts on food safety may be developed for disseminating messages.

### **Agenda Item 9- Information Pending from States/UTs**

Dr. Dhir Singh, ADG(PFA) reminded States regarding submission of information on the following subjects:

- i. Annual Report on the working of PFA Act and Rules in the States
- ii. Notification of Food Poisoning under section 15 of PFA.
- iii. Information related to pending Parliament Assurances and Questions

It was informed that Annual report for 2008-09 had not been received from several States also there are several Parliament assurances pending on account of non-receipt of information from States like prosecution data, use of carbide in ripening etc. States assured for providing information on the same.

**Recommendations of the Central Advisory Committee:-**

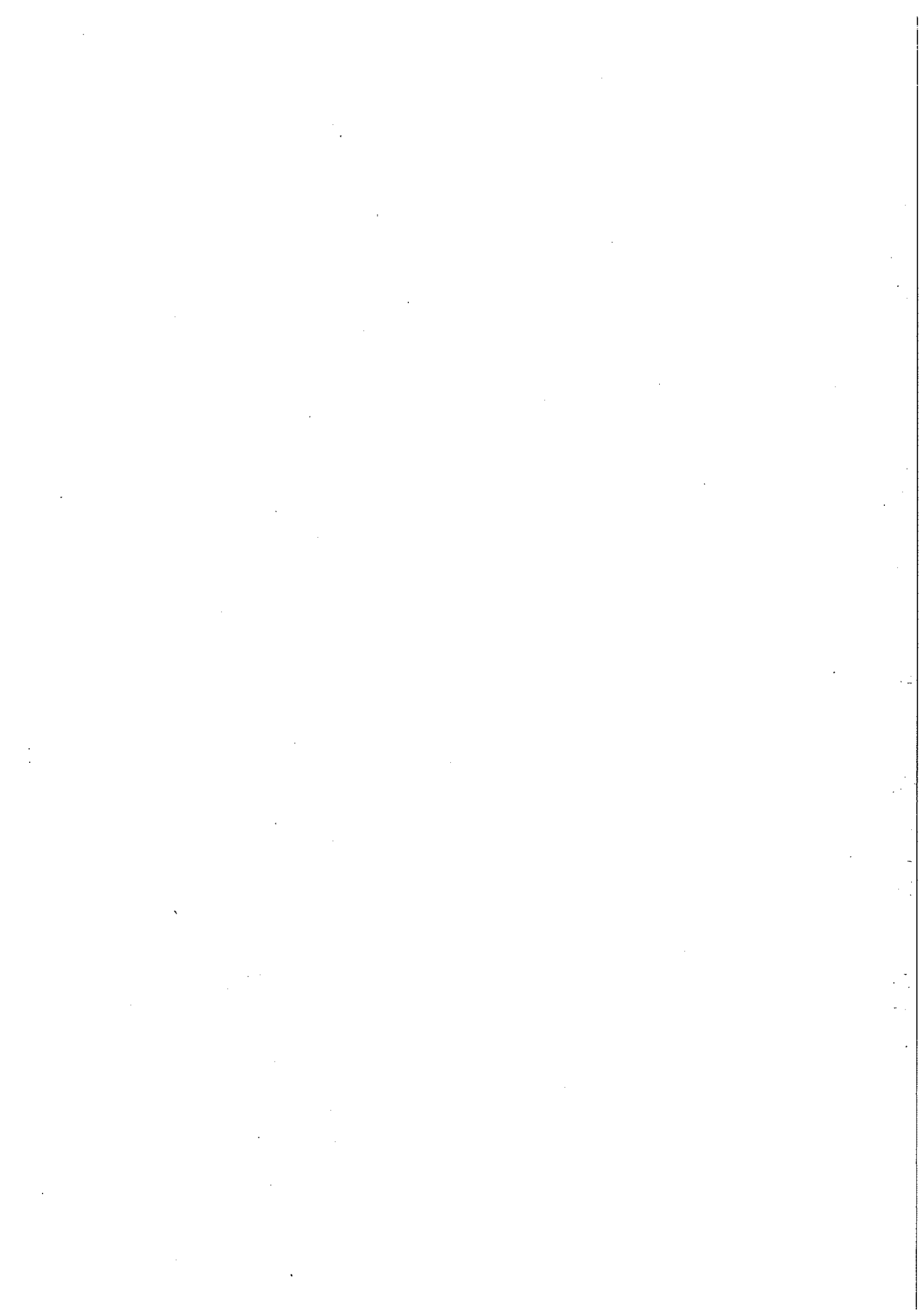
The recommendations of the Second CAC are summarised as below.

- A MOU may be signed between FSSAI and States on various criteria of implementation of the FSS Act and the performance of the states will be evaluated accordingly. **[FSSAI/States]**
- Activities in RFD may be done in accordance with the priorities of FSSAI and Communication strategy should be given top priority in it. **[FSSAI]**
- Separate budget allotment for food safety may be provided by State Governments to facilitate implementation of the provisions of the FSS Act. **[States]**
- To make the proposed IT enabled Licensing system user friendly, if possible, mobile applications can also be included to reach small business operators at village level. **[FSSAI]**
- A separate Food Safety Department may be set up in the States and FSSAI may consider providing financial assistance initially for 2-3 years for priming. **[States]**
- Self educating training portals for upgradation of labs may be developed. **[FSSAI]**
- Ministry of Finance has already allocated funds to the tune of Rs.2000 crore for National Skill Development Programme under the Ministry of Food Processing. This fund can also be used for imparting training on food safety. **[FICCI/FSSAI]**
- A residential training college/academy may be established in/around Delhi for training of food safety personnel at regular intervals. This will ensure uniformity in training. **[FSSAI]**

- States may be permitted to appoint suitable candidates as trainee FSOs who can be trained in due course. Also, duration of training for Adjudicating Officers may be reduced to around two weeks. [States]
- ASHA workers may be involved in disseminating food safety messages in States covered by the Scheme. [States]
- A communication strategy may be planned by FSSAI for countering unscientific and baseless news items on food safety which creates panic in the public, like Oxytocin in cucurbits etc and disseminating useful information on food safety. [FSSAI]
- Mid-day-meal (MDM) scheme of the Ministry of HRD can also be used to popularise the concept of food safety at grass root level. [FSSAI/States]
- Communication may be through simple effective slogans through local communication medium and in local languages for wider reach. Also, posters, banners etc may be distributed in villages through local bodies, Panchayats, self-help groups etc. [FSSAI/States]
- Short films and animations on do's and don'ts on food safety may also be developed. [FSSAI/States]

In his concluding remarks, CEO, FSSAI thanked all the participants for their active participation in the discussion and providing valuable suggestions which would be helpful in refining programmes and policies of FSSAI.

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## **AGENDA ITEM NO.2**

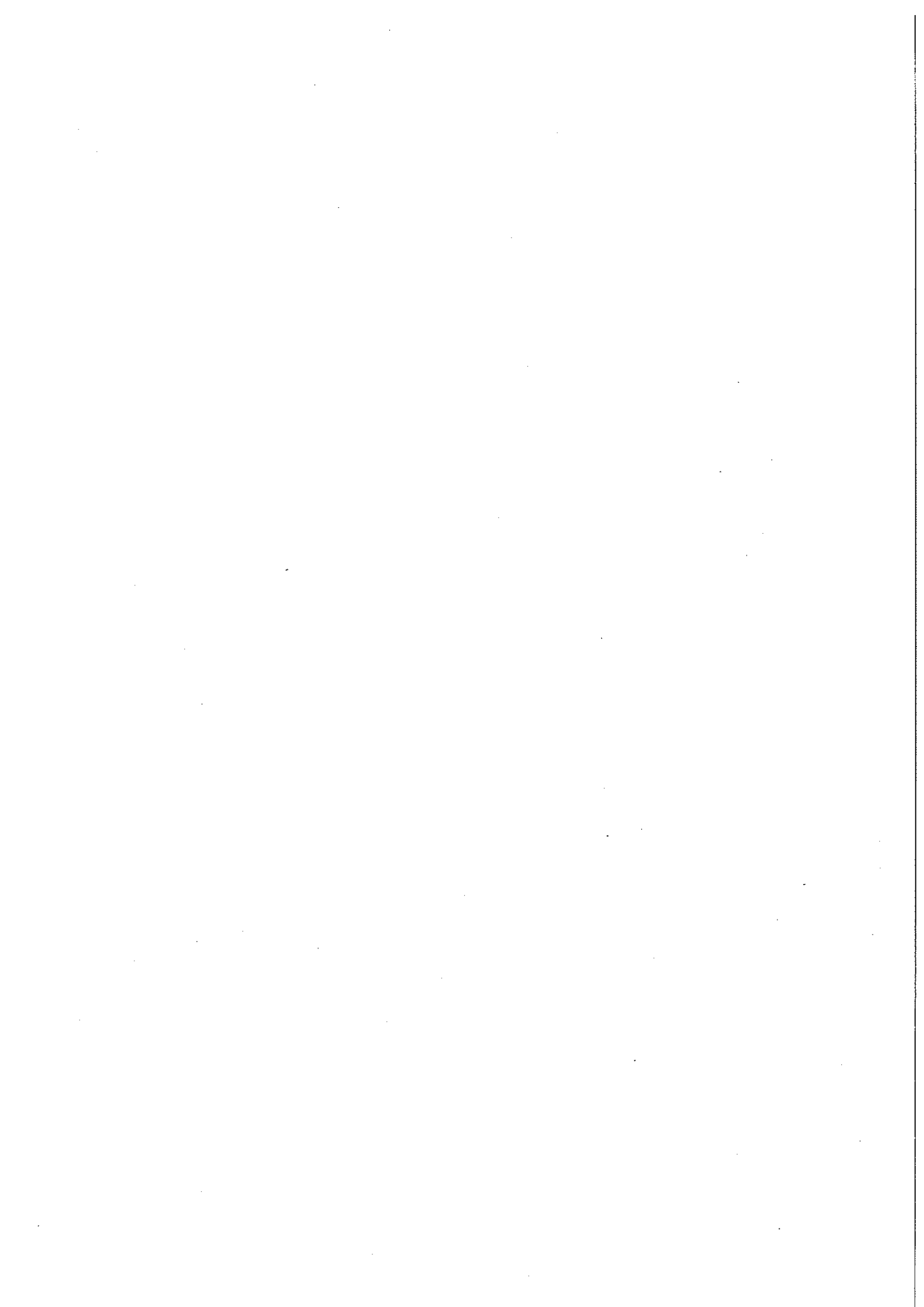
### **Review of preparedness from PFA to FSS Act**

Very soon, the Food Safety and Standards Act, 2006 will be replacing the various food related orders, including PFA Act & Rules in the country. Draft Rules and Regulations in terms of section 91 & 92 of the new FSS Act have already been notified in the Gazette of India and the final notifications are expected shortly. The relevant enabling sections of the Act have already been notified. It is quite evident that role of States/UTs is going to be very crucial in successful implementation of the provisions of FSS Act.

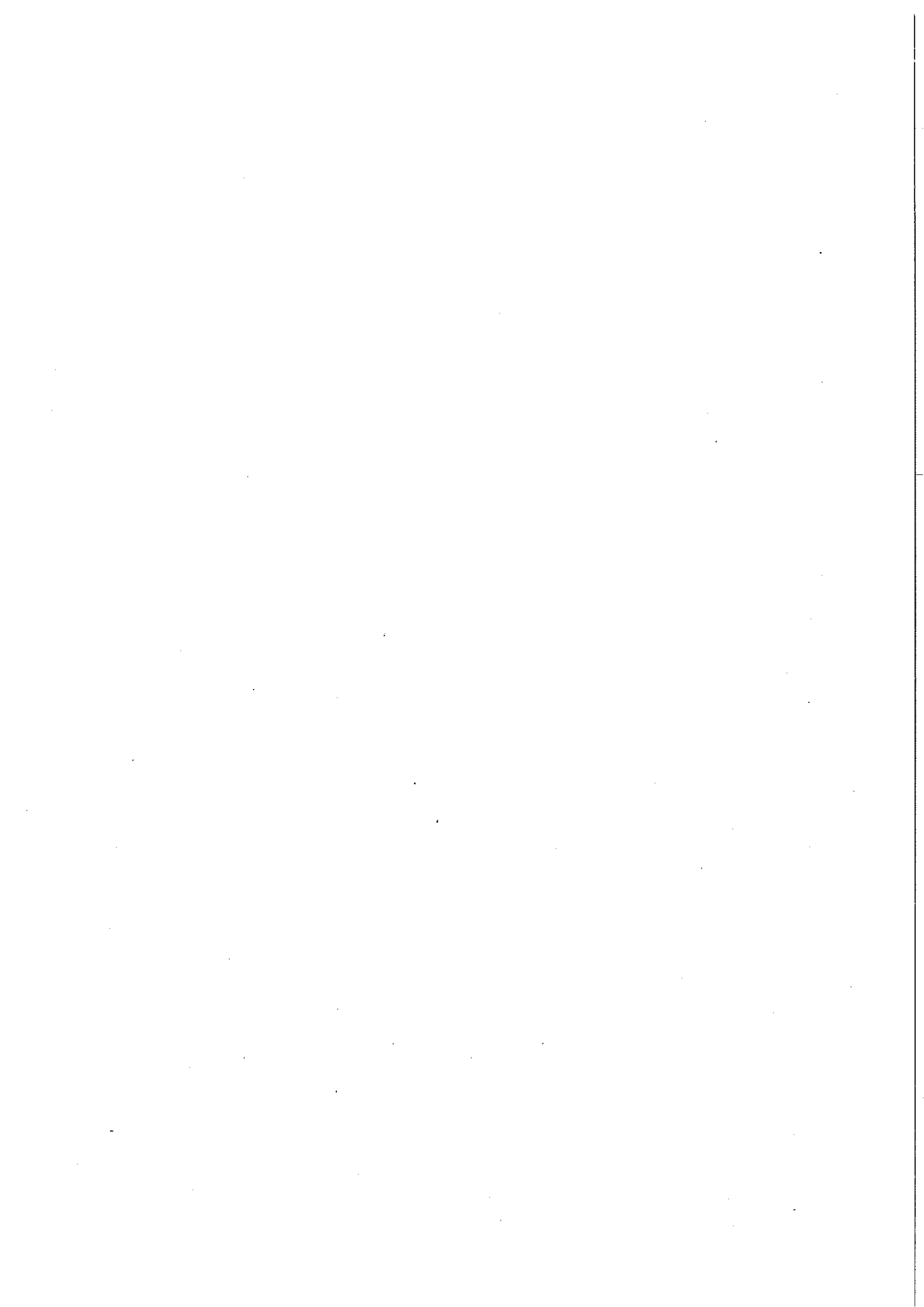
Keeping in view the shortage of time, State Governments need to ensure that adequate infrastructure and system is in place for smooth implementation of new Act without creating any vacuum once the PFA Act & other Orders are repealed. The FSSAI has already sensitized all the stakeholders including the State Governments in previous meetings of CAC, regional meetings with Food Safety Commissioners and also written to Chief Secretaries of States/UTs for necessary action plan. A copy of the checklist indicating the steps required to be taken by States/UTs for implementation of FSS Act is again enclosed for the reference.

Therefore, it is the right time to review the preparedness of States/UTs for transition from PFA to FSS Act and States/UTs may please come prepared with update status in the light of following points:

- Status of Rules & Regulations [ to be notified by Central Govt./FSSAI]
- Action taken by State Governments
- Preparation of draft notifications for appointment of field officers
- Assessment of requirement of FSOs/DOs/Food Analysts etc., filling up of the vacant posts & proposal to create additional posts.
- Creation of a technically qualified cadre of food safety officers.
- Logistics arrangements for the new offices of Food Safety Commissioners, Designated Officers, Adjudicating Officers and Food Safety Officers etc.



- Training of Officers
- Awareness campaign for Food Business Operators (FBOs) & consumers.
- Upgradation of Food Laboratories to meeting statutory accreditation requirement.
- Filling up of technical posts and creation of new posts wherever necessary in the labs.





**Check list of steps to be taken for implementation of FSS Act by  
State Governments and Union Territories.**

1. Constituting a Department of Food Safety as the authority responsible for enforcement of the Act {Section 29(1)}
2. Appointment of Commissioner of Food Safety\* for the State/UT {Section 30(1)}
3. Appointment of one Designated Officer\* for each district in the State/UT (Section 36).
4. Assessment of the Food Business Operators in States/UTs and based thereon the requirement of Food Safety Officers & Designated Officer. Appointment of Food Safety Officers\* either by transferring the existing qualified PFA staff after proper screening and mandatory training or fresh recruitment through Public Service Commission in accordance with the eligibility conditions prescribed by FSSAI (Section 37).
5. Preparatory steps to be taken for putting systems in place for registration and licensing of food businesses in accordance with the blue-print prepared by FSSAI which will be a part of the Regulations to be notified for consultation shortly (Section 31).
6. To work towards/facilitate creation of network and other supporting mechanism for IT based registration/licensing system from Panchayat /Municipalities level upwards.
7. Send proposal for recognising or designating food testing labs as envisaged in section 43, besides strengthening / upgrading existing Govt. food testing labs by sanctioning/filling up posts of technical manpower and providing essential testing equipments.
8. Appointment of Food Analysts\* as per requirement (Section 45).
9. Appointment and notification of Adjudicating Officers\* (Section 68).
10. Establishment of Food Safety Appellate Tribunal\* for the State and appointment of Presiding Officer (Section 70).

11. Constitution of Special Court\* and appointment of Public Prosecutor/Additional Public Prosecutor/Special Public Prosecutor\* (Section 74).

12. (i) Preparation for imparting induction training to all officers connected with transition from PFA Act to FSSA Act {Section 16(3)(h)}.

(ii) Preparation of Food Safety Plan for local areas, Panchayats, Municipalities etc..

13. Making Rules whenever necessary to carry out the function and duties assigned various functionaries appointed under FSS Act (Section 94).

14. Empowering FSCs and **provision of funds for enforcement measures, staff etc.** and to order payment of reward to a person who renders assistance in detection of offence (Section 95).

Note :- All the offices and officers marked \*(Star) will have to be provided with adequate fund, staff and infrastructure.

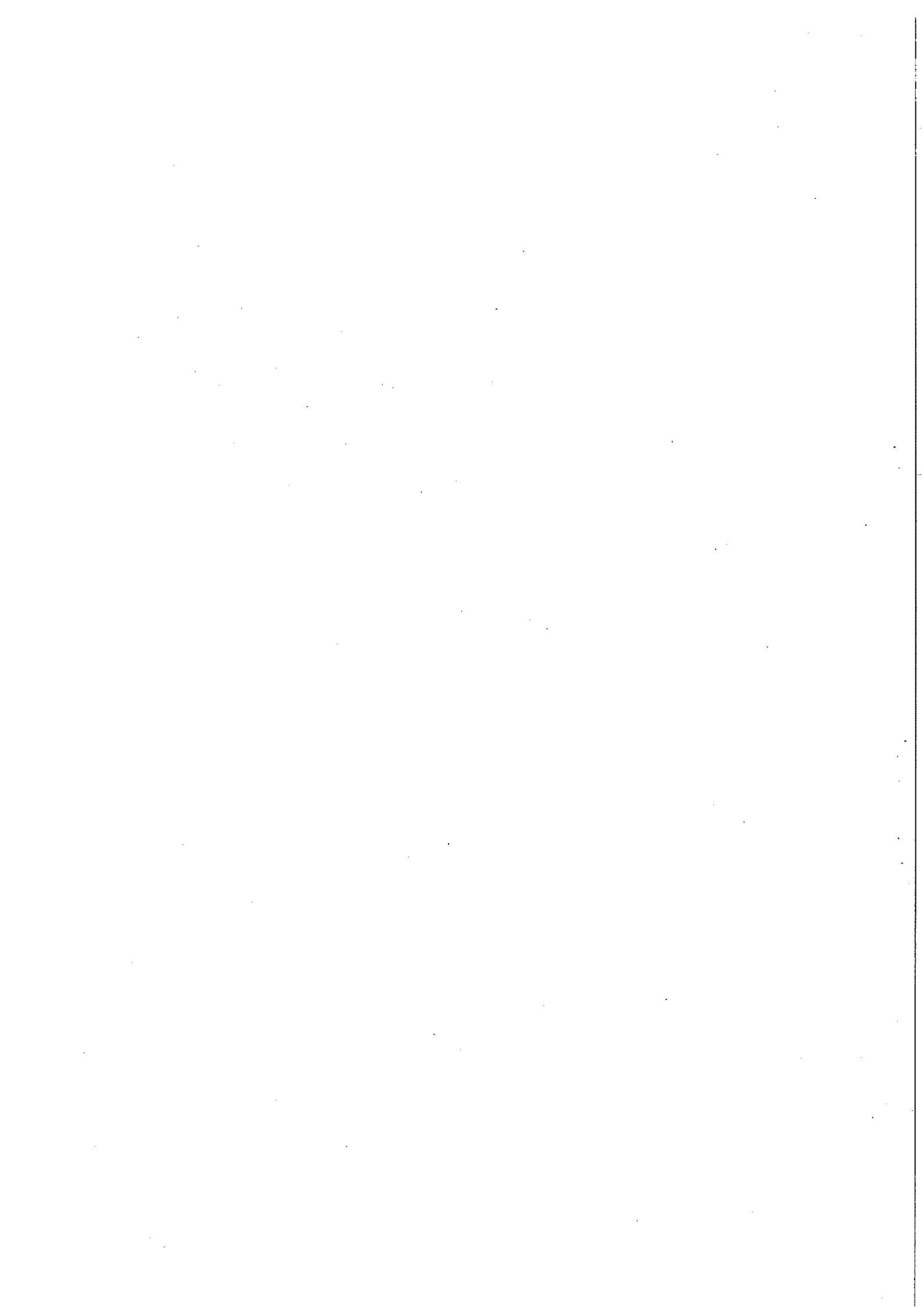
### **AGENDA ITEM NO.3**

#### **Licensing and Registration System**

New Licensing and Registration system under the Food Safety and Standards Act, 2006, the mechanism thereof, process flow, fees, IT-enabled framework etc. have already been discussed during the last two meeting of the CAC. Licensing and Registration Regulations have already been draft notified in the gazette of India. Registration of Petty Food Business Operators is a new concept which is coming into being in the food enforcement framework and lot of challenges are likely to be there.

The CAC may like to discuss on the following aspects in reference to the Registration and Licensing system:

- Who will be the registration authority in the States/UTs and at what level it would be handled to have uniformity throughout the country?
- In the present system, local bodies are involved in the licensing in some of the states. How the system will be harmonized keeping in view of the new proposed system where Designated Officer will be licensing authority?

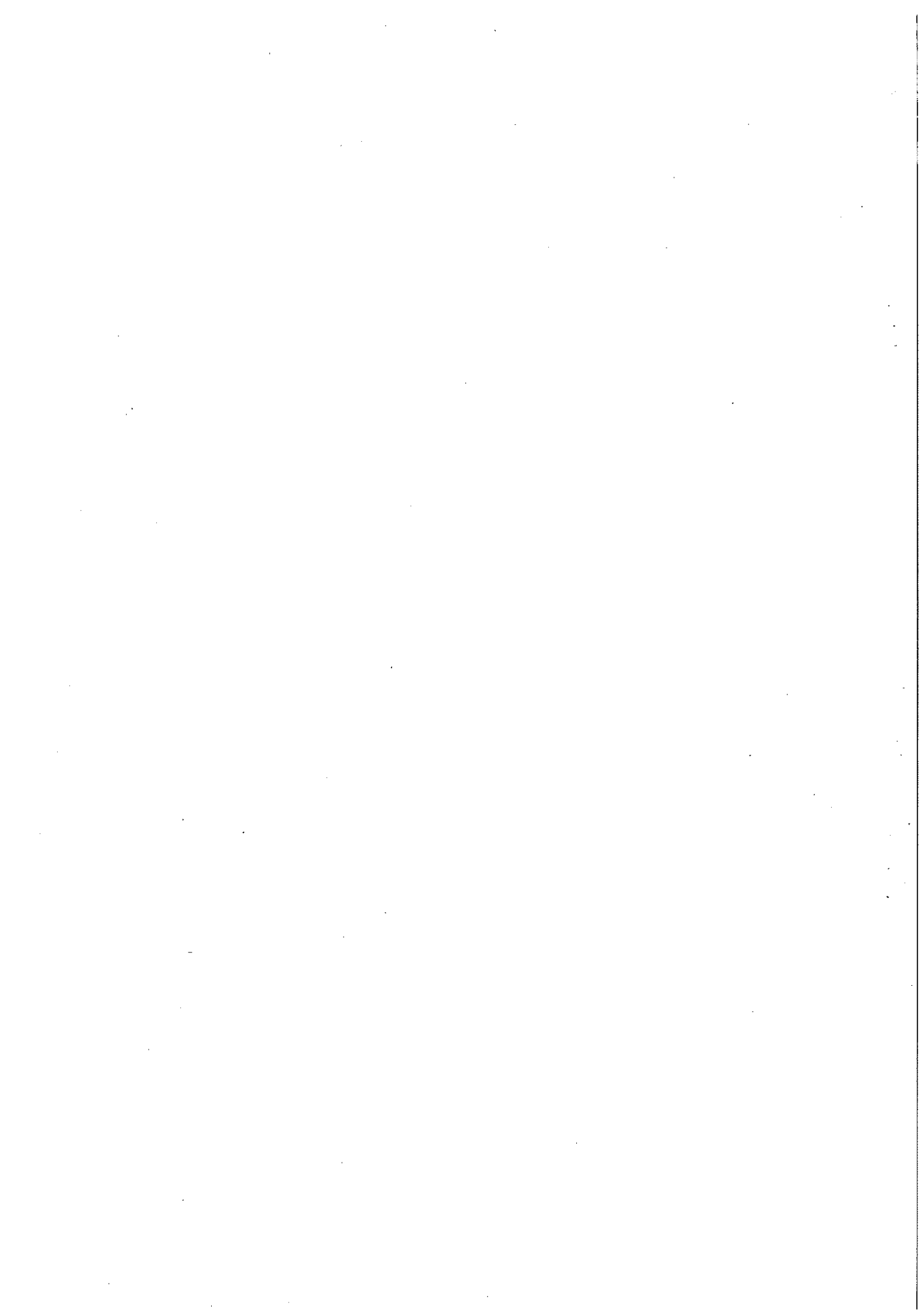


## **AGENDA ITEM NO.4**

### **Action taken by States vis-à-vis the structure proposed by FSSAI**

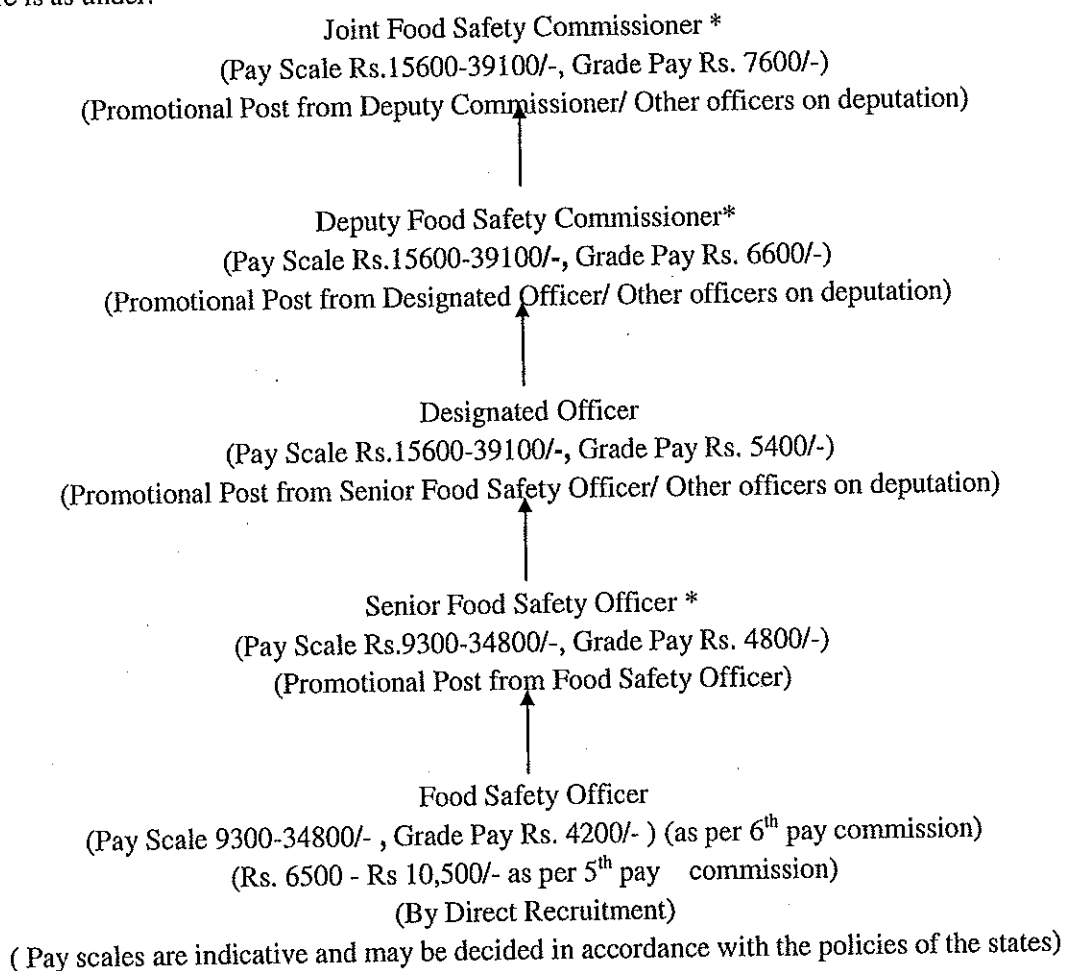
It may be recalled that during the 1<sup>st</sup> meeting (19<sup>th</sup> January, 2010) and 2<sup>nd</sup> meeting (22<sup>nd</sup> October, 2010) of Central Advisory Committee, the FSSAI had suggested a structure of Food Safety Setup in the States for implementation of the Act in the true spirit. A copy of the proposed structure is enclosed for reference.

Every State/UT may please apprise CAC regarding the details about the action taken vis-à-vis proposed structure.



## SUGGESTED FOOD SAFETY SET UP IN THE STATES

To ensure achievement of the objectives of food safety, it is advisable to constitute separate department of food safety headed by senior secretary level officer. There will be a Food Safety Commissioner in each State who preferably will not be below the rank of the Joint Secretary of Government of India to plan, structure and implement the food safety initiative in the State. Under Food Safety Commissioner, there will be a cadre of Food Safety Officers/Designated Officers/Adjudicating Officers and Food Analysts. The suggested set up of Food Safety Cadre is as under:



**Note:-**

- i) Direct recruitment will be at the level Food Safety Officer through State Public Service Commission.
- ii) The officers may be posted anywhere in the State by the State Government depending upon the work load at the District / Zonal/ State level.
- iii) Keeping in view the wide responsibilities of Food Safety Officer under the FSS Act, it is considered desirable to have all FSOs from a unified technical cadre of the State/UT. Where food safety functions are performed by Municipal Corporations / Boards and FSOs are required to work under such bodies , even such posts may be filled up from the FSOs cadre on deputation basis.
- iv) At levels above designated officer, it is desirable to have a mix of cadre officers and other officers of appropriate skills to bring in an external perspective, benchmarking vis-a-vis other departments and accountability.

- v) State Government may decide:
- a) Number of levels and officers indicated in the proposed structure (Annexure- I) taking into consideration the work load in the respective State / Union Territory.
  - b) Number of designated officers to be appointed and their jurisdiction keeping in view the workload, food clusters and consumption centres. A balance should be maintained between Designated Officers and the number of Food Safety Officers (FSOs) under them to avoid excessive work load on Food Safety Officers.
  - c) Whether the Food Safety Staff presently working under local bodies are qualified to be brought under the cadre or not. To avoid any dislocation of work, it may be advisable to let the existing staff continue food safety work till alternative arrangements are made. Suitable reallocation of jurisdiction may be made so that the entire state is covered.
- vi) The State Government may depute Food Safety Officers and other officers in the hierarchy for training in accordance with the policy framed by FSSAI regularly in reputed institutes in order to upgrade their knowledge in the areas of food safety. Such training will also be a precondition for promotion
- vii) Several States have identified qualified personnel from the existing staff to constitute a separate cadre. To develop professionalism, adequate promotion prospects and ensure deliverable improvements in food safety, constitution of a separate department and cadre would be advisable.

Since the existing food safety structure in states is part of the Health Department, it may be advisable to set up an expert group to draw up the structure most appropriate and suitable to the state. The proposed structure will not only accommodate existing incumbents but also provide for adequate channels of promotions and professional development.

**Work and duties of different ranks under Food Safety and Standards Act, 2006**

1. **Food Safety Commissioner:-** work and duties as described in Section 30 of Food Safety and Standards Act, 2006.
2. **Joint Food Safety Commissioner\* (Administration/ Enforcement/ Training & Development / legal):-**
  - (i) Joint Commissioner will assist the Food Safety Commissioner in the specific field assigned by the Commissioner.
  - (ii) Will supervise the work of Deputy Commissioners posted at Zonal level.
  - (iii) May perform the delegated power of Food Safety Commissioner as defined under article 30 (3) of FSS Act, 2006, if agreed by State Government and approved by Central Government.
  - (iv) Any other work related to food safety management viz. Food surveillance, Food recall/ incident reporting, Food Terrorism and Rapid Alert System as directed by Food Safety Commissioner.
  - (v) Management of the cadre of officials , establishment, finance and other administrative matters

\* Number of levels and officers to be decided by State Government taking into consideration the work load in the respective state / Union Territory and financial implications.



3. **Deputy Food Safety Commissioner\* (Administration/ Enforcement/ Training & Development / legal):-**

- (i) Deputy Commissioner will assist the Food Safety Commissioner in the specific field assigned by the Commissioner.
- (ii) Will supervise the work of Designated Officers posted at District level.
- (iii) May perform the delegated power of Food Safety Commissioner as defined under article 30 (3) of FSS Act, 2006, if agreed by State Government and approved by Central Government.
- (iv) Any other work related to food safety management viz. Food surveillance, Food recall/ incident reporting, Food Terrorism and Rapid Alert System as directed by Joint Commissioner.
- (v) Management of the cadre of officials , establishment, finance and other administrative matters

\* Number of levels and officers to be decided by State Government taking into consideration the work load in the respective state / Union Territory and financial implications.

4. **Designated Officer:** Work and duties as described in Section 36 of the Food Safety and Standards Act, 2006. When posted in Zonal / Regional offices, Designated Officers will function on staff assignments under the control of Deputy Food Safety Commissioner.

5. **Senior Food Safety Officer \* (Administration/ Enforcement/ Training & Development / legal):**

- (i) Senior Food Safety Officer will work under direct supervision of Designated Officer in the related field as decided by the Commissioner.
- (ii) May work as Food Safety Officer but may also be entrusted with a bigger jurisdiction.
- (iii) May perform the delegated power of Food Safety Commissioner as defined under article 30 (3) of FSS Act, 2006, if agreed by State Government and approved by Central Government.
- (iv) Any other work related to food safety management viz. Food surveillance, Food recall/ incident reporting, Food Terrorism and Rapid Alert System as directed by Designated Officer.
- (v) Identifying, reporting and coordinating the cases of food poisoning, any such issues related to food safety.

\* Number of levels and officers to be decided by State Government taking into consideration the work load in the respective state / Union Territory and financial implications.

6. **Food Safety Officer:** Work and duties as described in Section 37 of the Food Safety and Standards Act, 2006. The following functions have been laid down in the draft FSSAI Rules/Regulations for the Food Safety Officer:-
- i. To inspect as frequently as may be prescribed by the Designated Officer all establishments licensed for the manufacture, storage or sale of an article of food within the area assigned to him;
  - ii. To satisfy himself that the conditions of licences are being observed by each of the Food Business Operator carrying on business within the area assigned to him;
  - iii. To procure and send for analysis if necessary, samples of any articles of food which he has reason to suspect are being manufactured, stocked or sold or exhibited for sale in contravention of the provisions of the Act, or rules framed thereunder;
  - iv. To investigate any complaint which may be made to him in writing in respect of any contravention of the provisions of the Act, or rules framed thereunder;
  - v. To maintain a data base of all Food Business Operators within the area assigned to him;

- vi. To carry out periodical inspection of each of the Food Business Operator operating within the area assigned to him and to recommend the grading of each such Business Operator on the basis of parameters laid down for the purpose;
- vii. To issue improvement notices to the Food Business Operator whenever necessary;
- viii. To maintain a record of all inspections made and action taken by him in the performance of his duties, including the taking of samples and seizure of stocks, and to submit copies of such records to the Designated Officer as directed in this behalf;
- ix. To make such inquiries and inspections as may be necessary to detect the manufacture, storage or sale of articles of food in contravention of the Act or rules framed thereunder;
- x. To stop any vehicle suspected to contain any food intended for sale or delivery for human consumption;
- xi. To recommend to the Designated Officer cancellation of licence issued to any Food Business Operator, if the Food Safety Officer has reason to believe that the Food Business Operator had violated the conditions for grant of licence;
- xii. To carry out food safety surveillance to identify and correct safety hazards;
- xiii. To respond to incidents of food poisoning in his area and to send report to the Designated Officer to enable him to initiate corrective action plan for non repetition of such incidents;
- xiv. When so authorised by the Designated Officer, having jurisdiction in the local area concerned or the Food Safety Commissioner to detain imported packages which he has reasons to suspect contain food, the import or sale of which is prohibited;
- xv. To liaise with the Food Business Operators within his area of operation and facilitate the introduction of food safety systems by the Food Business Operator.
- xvi. To prepare in consultation with the Designated officer and in consultation with each Panchayat and Municipality a brief food safety plan as per parameters specified in Schedule hereto and to liaise with the officials of each Panchayat and Municipality for placing the food safety plan before the Council of Members of Panchayat and Municipality for the purpose of approval and implementation of such safety plan and for allocation of responsibilities for monitoring the implementation of the food safety plan.
- xvii. To perform such other duties, as may be entrusted to him by the Designated Officer having jurisdiction in the local area concerned.

**Note:** Besides above mentioned work, Designated Officers, Deputy Commissioners and Joint Commissioners may also be given Staff assignments and posted at Zonal level and State level as decided by State Government depending upon the work load. These officers will work as coordinators between next higher officers and the officers working at lower level. Any other work related to food safety management viz. Food surveillance, Food recall/ incident reporting, Food Terrorism and Rapid Alert System may be assigned to them.

It would be advisable to ensure periodic rotation of officers between field and office assignments. No officer should remain in a jurisdiction for more than 3 years unless he completes another assignment for at least one year in another area or is promoted to a higher level.

The Annual Confidential Report of Food Safety Officer, Designated Officer and other officers should be based on the work assigned to them. The Food Authority will be proposing draft formats in this regard shortly.

**Objectives of proposed set up of unified Food Safety Officer's Cadre at District / Zonal / State level**

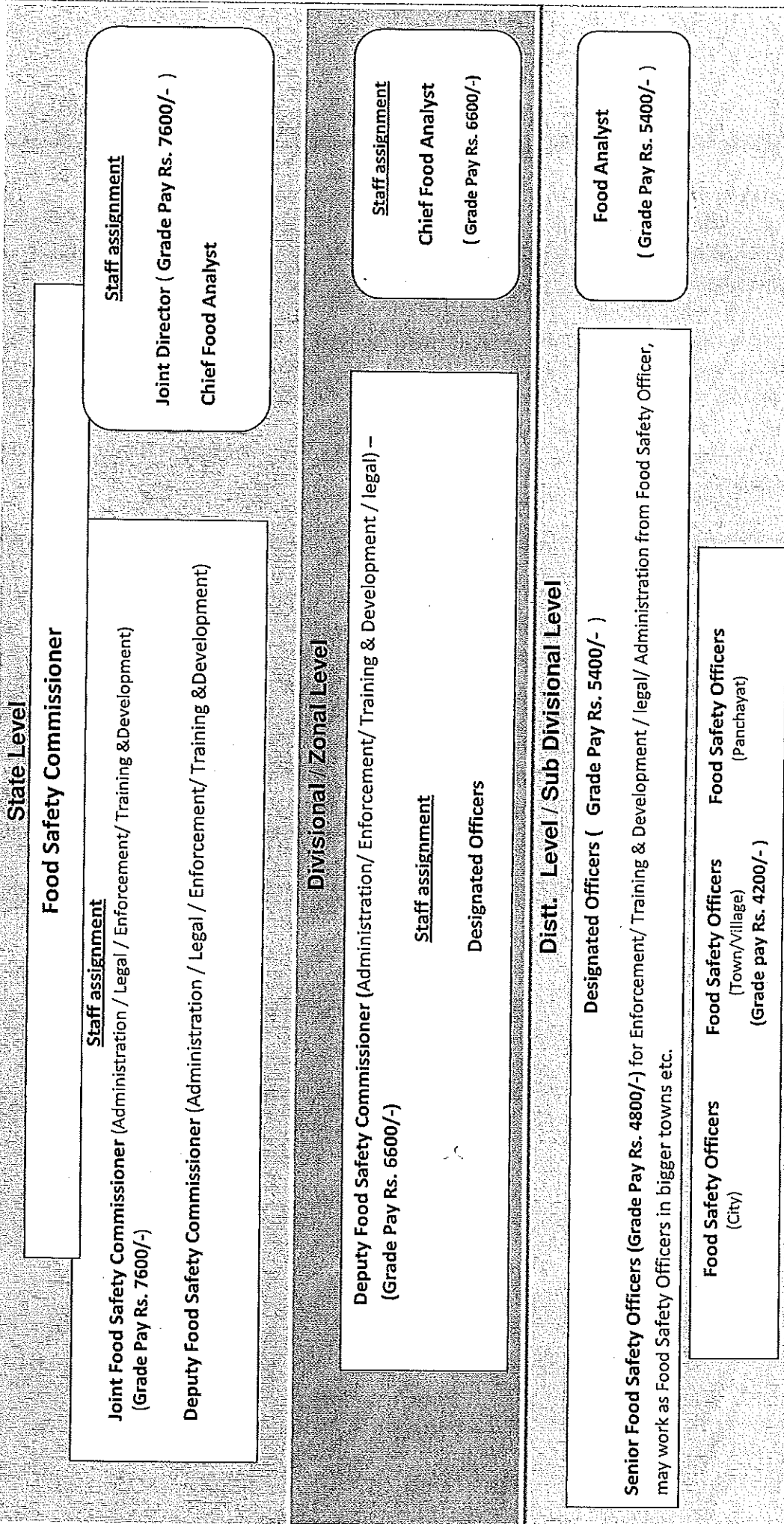
- (i) Satisfactory promotion career will result better performance / output of all officers.
- (ii) Quality recruitment, training and development of a specialised technical cadre of food safety officials.
- (iii) Better exposure of work at District/ Zonal/ State level for the skill development of officers.
- (iv) Equal opportunity for working in Rural / Urban / difficult areas.
- (v) Opportunity for contributing in policy making.
- (vi) Working in different sections will result in overall development of officers and will result in shift of emphasis of officers from enforcement & penalisation to development & training.
- (vii) Transfer from one department to another or to a local body will ensure that no vested interest develops at one place.
- (viii) It will provide manoeuvrability to the department to post personnel according to their aptitude and performance.

**Proposed Posting of Food Analyst, Chief Food Analyst and Joint Director at District/Zonal/State Level**

It is also proposed that Food Analysts (Grade Pay Rs. 5,400/-), Chief Food Analyst (Grade Pay Rs. 6,600/-) and Joint Director (Grade Pay Rs. 7,600/-) may be posted at District Level, Zonal Level, and State Level Offices in rotation with their posting in the laboratory. These officers will act as co-ordinators between Enforcement Officers and Laboratory. These officers will assist Food Safety Commissioner in identification food laboratories and research institutions for testing and calibration or any other accreditation agency to be notified by the Food Authority for the purpose of carrying out analysis of samples. These officers will also play a role in policy making, formation of schemes related to development of laboratories including infrastructure, well qualified staff, training of existing staff and may be entrusted with any other work related to food safety management viz. Food surveillance, Food recall/ incident reporting, Food Terrorism and Rapid Alert System as directed by Food Safety Commissioner.

The qualifications, training requirements and work plan for these officers will be notified by Food Authority shortly.

**Proposed Set up of Food Safety Officers Cadre at District / Zonal / State level**      **Annexure- I**



**NOTE :-** Number of levels and officers to be decided by State Government taking into consideration the work load in the respective state / Union Territory.

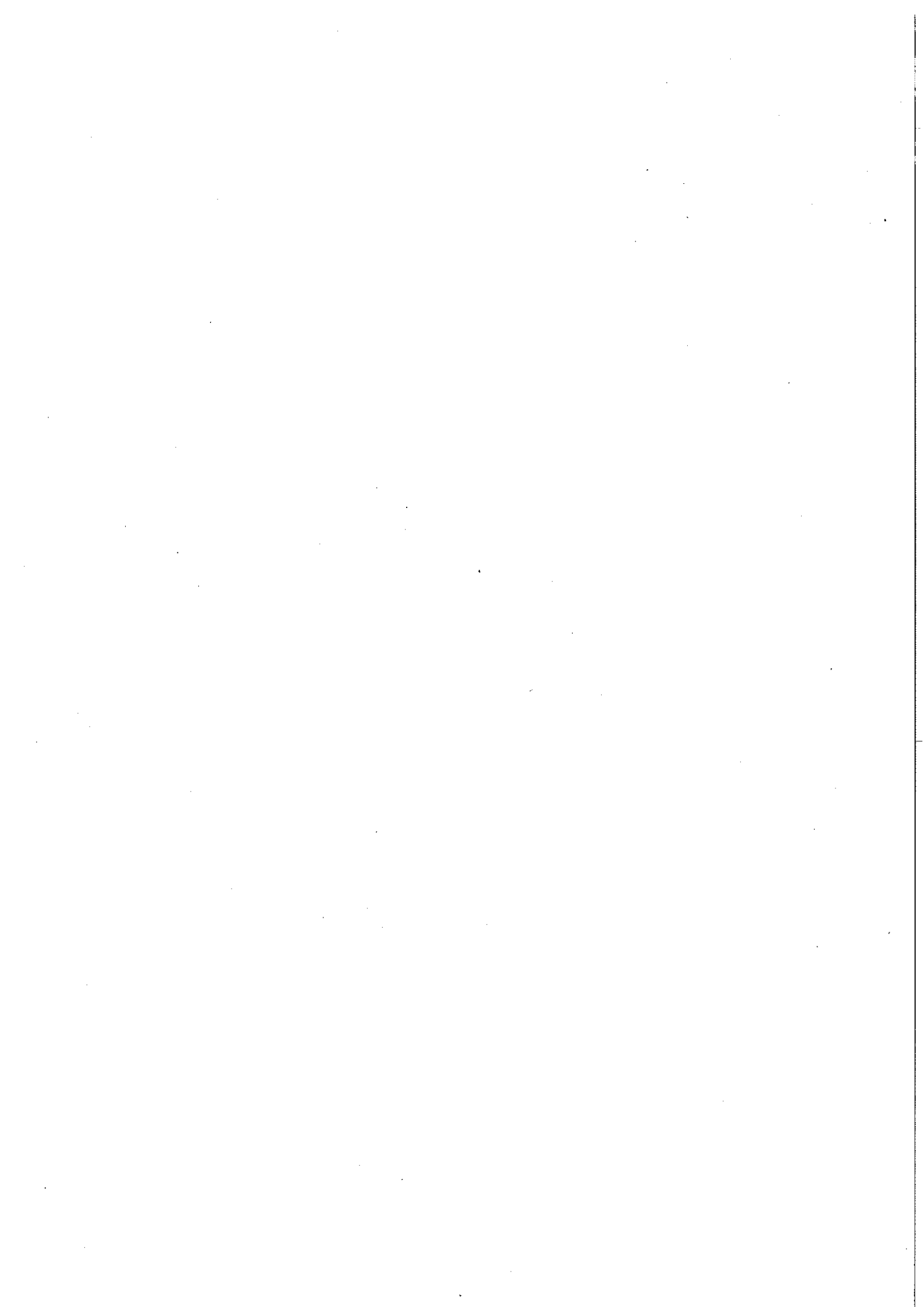
## **AGENDA ITEM NO.5**

### **Action Plan by States for Upgradation of Public Food Laboratories**

Under section 43 of the FSS Act, the Food Authority is required to notify food laboratories and research institutions accredited by National Accreditation Board for Testing and Calibration Laboratories (NABL) or any other accreditation agency for the purposes of carrying out analysis of samples by Food Analyst. As such all labs in the countries need to be accredited by NABL or other accreditation agency to undertake the analysis of samples under the new Act.

Keeping in view the above in mind, the FSSAI had undertaken a Gap-Analysis Study covering 50 State/Central Public Food Laboratories to understand their status and capabilities to handle food analysis and thereafter to devise a strategy to make these labs enable to operate at acceptable level of reliability and competence in terms of new Act. The gap analysis reports received so far have already been sent to the concerned States for necessary action for upgradation of food laboratories.

Accordingly, CAC may discuss the steps taken by the States about the action plan for upgradation of food testing laboratories vis-à-vis gap analysis report.



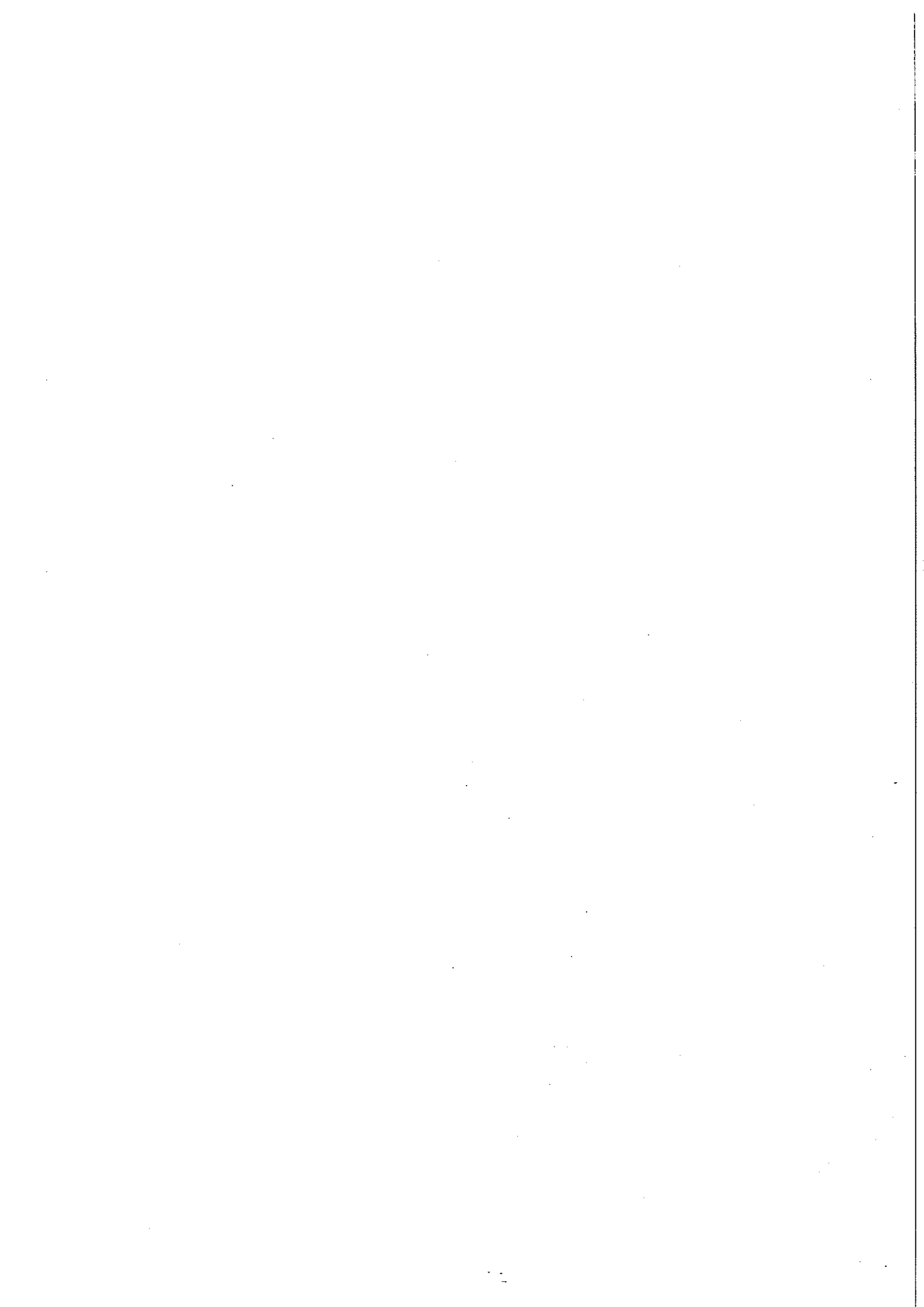
## **AGENDA ITEM NO.6**

### **Safety System for Imported Food**

Demand for imported food items has increased considerably in India coinciding with the impressive economic growth achieved by the Country and concurrent changes in the import regulations since last few years. Imports into India are permitted to be made through 255 entry points. These include 82 customs ports, 32 customs airports, 132 land customs stations and 9 foreign post offices/sub-foreign post offices. However the current lack of clarity on the food laws and their implementation, lack of an integrated IT system and coordination among the various enforcing departments makes the food imports complex in terms of food safety norms. Hence, there is a need for a more robust, systematic and efficient clearance of food imports and a streamlined food safety control mechanism.

Under the FSS Act, the Food Authority has a mandate of ensuring safety of food items imported into the country also. Keeping in view the need to establish a food import information system to facilitate FSSAI in regulating safety of food imports into the country in an efficient, transparent and hassle free manner, a **Core Group** was constituted under the chairmanship of CEO, FSSAI consisting of members from FSSAI, (Ministry of Health & Family Welfare), Ministry of Commerce and Industries, Central Board of Excise and Customs (Department of Revenue, Ministry of Finance), Department of Consumer Affairs (Ministry of Consumer Affairs, Food and Public Distribution), Department of Agriculture and Cooperation (Ministry of Agriculture) and Department of Animal Husbandry (Ministry of Agriculture) for consultation and suggestions in this regard.

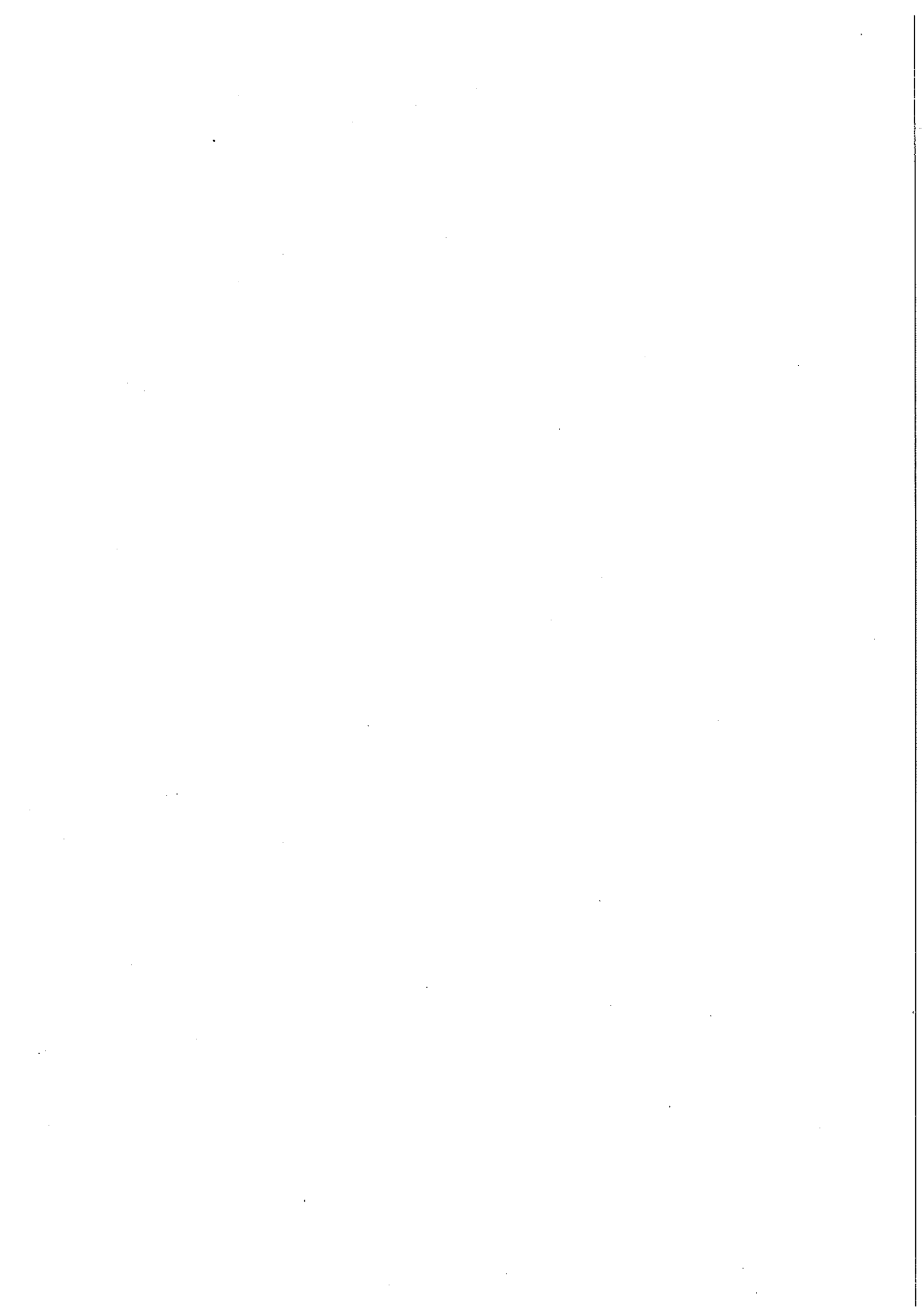
The National Institute of Smart Government (NISG) was awarded with the work for conceptualization, design and implementation of an IT-enabled Food Import Information System for ensuring that safe food is imported into India. NISG has submitted an Inception Report, AS - IS Report, Best Practices Report and Business





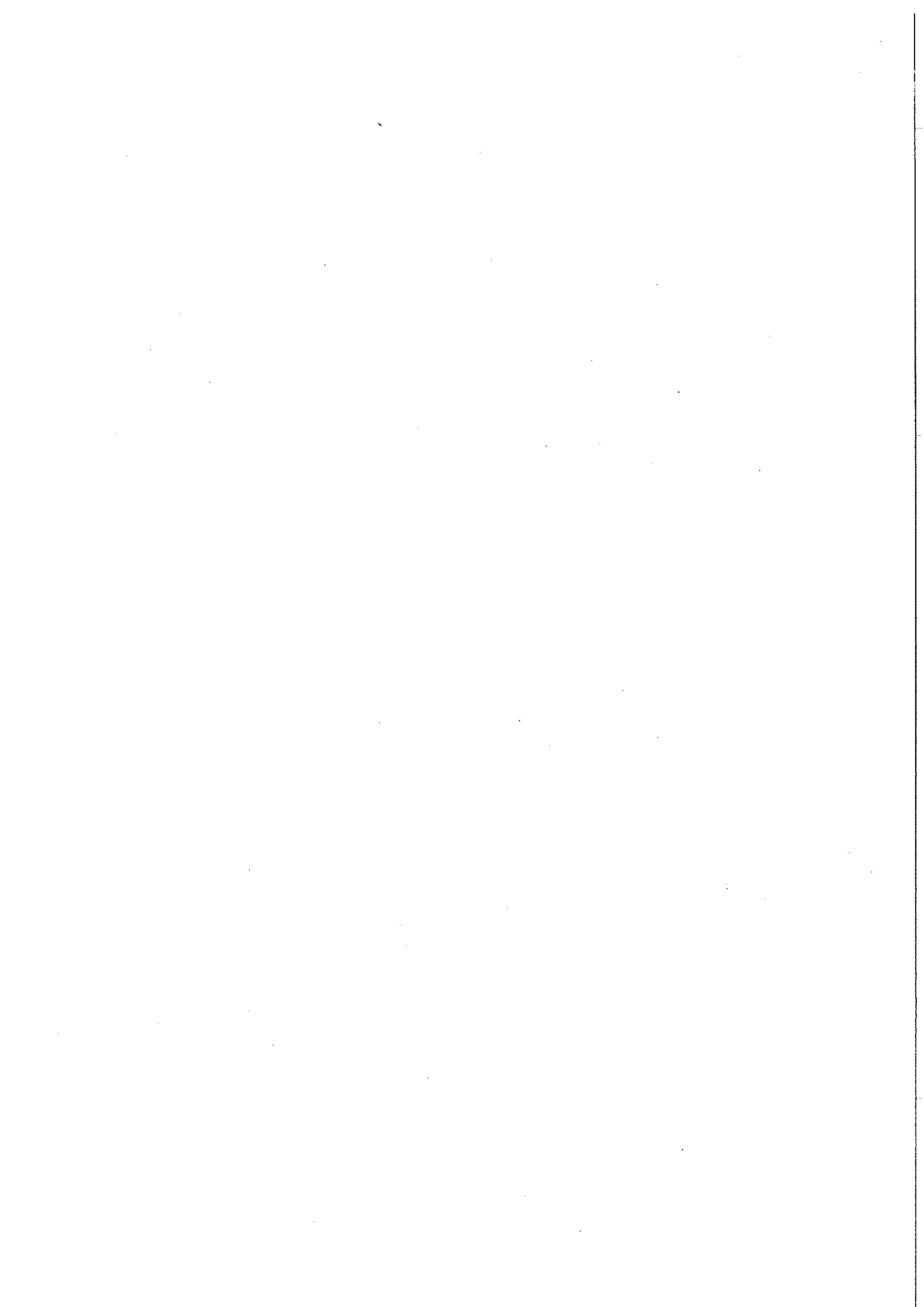
Process Reengineering Report which were discussed during Core Group Meetings, a National Visioning Workshop and various regional Workshops. Copies of synopsis of As-Is Assessment report, Business Process Re-engineering (BPR) report are enclosed for your ready reference. During the process, it was realized that the FSSAI should get into the process of imported food clearance through appointment of Authorised Officers in pursuance of section 47(5) of FSS Act, 2006, and learning achieved through the process could be utilized in developing a final robust, quick, IT-enabled safety system for imported food. Here it will be pertinent to mention that prior to the notification of FSS Act and establishment of FSSAI, Port Health Officers under administrative control of Directorate General of Health Services (DGHS), in addition to their duties related to health issues, were also looking into the safety aspect of imported food items. Based on the reports received from food laboratories PHOs were issuing NOC to the Customs for release of consignments of imported food items.

Meanwhile, DGHS directed the PHOs to stop the work of drawing samples of imported food items at the ports due to establishment of FSSAI, creating vacuum at some ports, though at some other ports PHO continued to do that work on informal basis. Such a situation could not be allowed to continue in the interest of ensuring safety of imported food in public interest. Accordingly, FSSAI has moved in and in the first phase has replaced PHOs with its own Authorized Officers at the above mentioned ports in terms of section 47(5) of the FSS Act, 2006. The FSSAI has already initiated the process of operationalisation of imported food clearance process in a phased manner through appointment of Authorized Officers initially at selected ports in terms of the mandate of the Act. The functions of the FSSAI's Authorized Officer will inter alia include the existing functions of the Port Health Officer under the PFA Act, 1954 with respect to imported food clearance process, in co-ordination with the customs department. Authorized Officers for the jurisdiction of Chennai Sea Port, Kolkata Sea Port, Haldia Sea Port, Mumbai Sea Port and Jawaharlal Nehru Port Trust (JNPT), Nhava Sheva have already been notified and the Imported Food Clearance Process by FSSAI's Authorized Officers at these five ports from August-September, 2010.



The FSSAI is also focusing on availability of adequate laboratory infrastructure for speedy analysis of samples of imported food items. Export Inspection Agency (EIA) labs at Chennai Kolkata and Mumbai have also been authorized for the analysis of samples of imported food items. FSSAI has also authorized two more NABL accredited food testing laboratories in the near vicinity of two sea ports at Mumbai under Section 43(1) of FSS Act, 2006 for undertaking analysis of samples of imported food articles on ad-hoc basis. . Recently, the FSSAI floated an EOI for empanelment of NABL accredited private food testing laboratories near major ports of entries for analysis of samples of imported food items and a good response has been received.

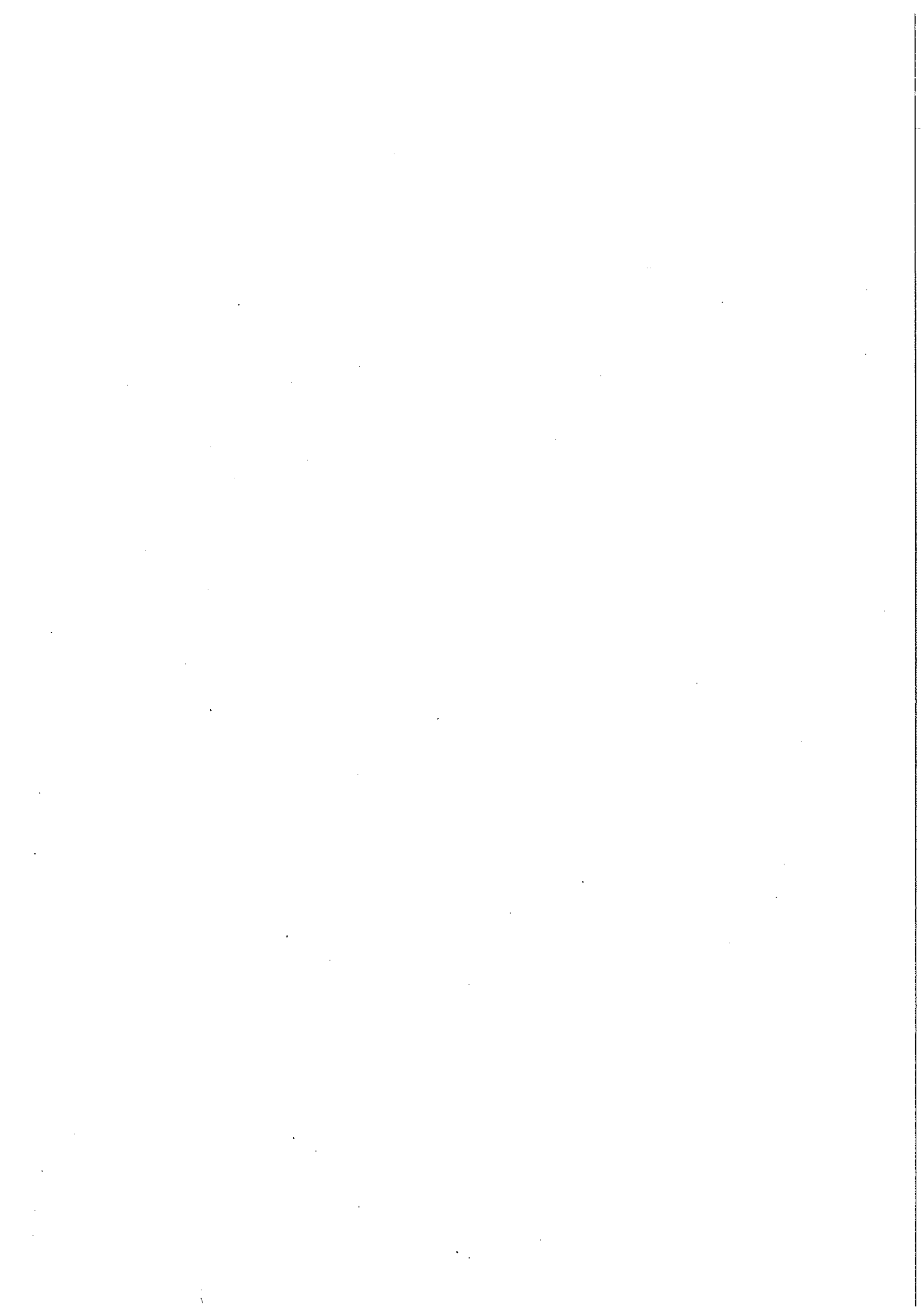
The FSSAI is considering taking over the imported food clearance process at some other major ports of entries in the second phase where there is significant import of food items. NISG will be making a presentation before CAC about the Import Safety activities taken by FSSAI and proposed plan of action.



## **AGENDA ITEM NO.7**

### **Draft Regulation on Food Recall Procedure**

The Food Authority is required to specify by regulations, the conditions and guidelines relating to food recall procedures to be followed by every food business operator, in terms of sub-section 4 of section 28 of Food Safety and Standards Act, 2006. Accordingly, the FSSAI attempted draft regulations on Food Recall Procedure and has already gone through wide consultation by placing the document on website. A copy of revised draft regulation (after incorporating the comments received) being placed before CAC for information and comments.



**FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA  
FOOD AND DRUG ADMINISTRATION BHAWAN  
KOTLA ROAD, NEW DELHI - 110002**

**DRAFT REGULATIONS ON FOOD RECALL PROCEDURE**

**DRAFT NOTIFICATION**

GSR (E)-In exercise of powers conferred by sub section (1) of section 92 of the Food Safety and Standards Act, 2006 and in pursuance of clause (m) of sub section (2) of section 92 read with sub section (4) of section 28 of the said Act, Food Safety and Standards Authority of India with the previous approval of the Central Government hereby makes the following regulations.

**CHAPTER-1**

**Article 1: Short title and commencement:** (i) These regulations may be called Food Authority's Food Recall Procedures Regulations, 2009.

(ii) They shall come into force from date of notification in the official Gazette.

**Article 2: Definitions-** In these regulations, unless the context otherwise requires:

- (i) "Act" means the Food Safety and Standards Act, 2006.
- (ii) "Food Authority" means the Food Safety and Standards Authority of India established under section 4 of the Act.
- (iii) "Food Business Operator" in relation to food business means a person by whom the business is carried on or owned and is responsible for ensuring the compliance of the Act, rules and regulations made there under.
- (iv) "Food Business" means any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of manufacture, processing, packaging, storage, transportation, distribution of food, import and includes food services, catering services, sale of food or food ingredients.
- (v) "Public warning" means alert issued to the public by Food Authority or State Food Authority or by the Food Business Operator on its own with approval of Food Authority, that the food being recalled presents a health hazard
- (vi) "Recalling Food Business Operator" means manufacturer, importer or company engaged in whole sale supply, who has the primary responsibility to recall the food under recall.

- (vii) "Recall Plan" means a written set of procedures, practices and actions to be put in place by Food Business Operators for food recall.
- (viii) "Recall" means action taken to remove a marketed food from distribution, sale and consumption which is unsafe and violate the provisions of the Act and the rules & regulations made there under.
- (ix) "Regulations" means regulations made under the Act,
- (x) "State Food Authority" means Commissioner of the Food Safety Authority of the State appointed under Section 30 of the Act or any other person authorized by him for the purpose
- (xi) "Unsafe food" is food as defined under section 3 (c) (iii) (zz) of the Food Safety and Standards Act, 2006.

All other words and abbreviations, which are not defined under these regulations, shall have the same meaning and definition/interpretation as given in the Act or rules & regulations laid there under.

## CHAPTER 2

### **ARTICLE 3: OBJECTIVES OF FOOD RECALL**

The objectives of food recall procedure are:

- (i) To guide Food Business Operators on how to carry out a food recall through an efficient, rapid identification as well as removal of unsafe food and food that violate the Act and Rules & Regulations made there under from the distribution chain and informing consumers (where necessary) of the presence of potentially hazardous food in the market and ensure that unsafe food are contained and destroyed or rendered safe;
- (ii) To guide Food Business Operators on how to establish a written recall plan for carrying out food recall in case the food does not meet the requirements of the hygiene, safety and quality of food and to protect the health of consumers; and
- (iii) To establish a follow-up action/post recall report in order to ensure the effectiveness of the recall and prevent a reoccurrence.

### **ARTICLE 4: SCOPE OF FOOD RECALL**

- (i) These regulations apply to the recall of food that presents a threat to the public health or whose quality does not conform to the Act and Rules & Regulations made thereunder. Recall of food is in the common interest of the industry, the government and in particular the consumer.



- (ii) All food businesses engaged in the wholesale supply, manufacture or importation of food regulated by Food Authority must have a up-to-date recall plan except food retailers, unless they are also engaged in the wholesale supply, manufacture or importation of food. Food businesses within the food service sector such as restaurants, caterers and takeaways are exempted to have recall plan unless they are running multi-outlet food business chains having integrated manufacturing and distribution network.
- (iii) The food retailers and businesses within the food service sector which do not need a recall plan, shall remove recalled stock from shelves and return it to the manufacturer, importer or wholesaler and must ensure that food that is subject to a recall is separated and identified from other food until it is disposed of in accordance with the instructions provided as part of the recall plan.
- (iv) A recall plan must be available in written form and shall be made available to the State Food Authority / Food Authority on request. The Food Business Operator is required to comply with the plan it has developed when it recalls food.
- (v) In the case of alcoholic beverages the mandatory mentioning of warning "consumption of alcohol is injurious to health" may not be treated as unsafe unless the beverage is otherwise not containing any harmful and dangerous substance that may cause serious health problems or is unsafe to the consumer.

### CHAPTER 3

### FOOD RECALL PROCEDURE

#### ARTICLE 5: INITIATION OF FOOD RECALL:

- (i) A Food Business Operator engaged in wholesale supply, manufacturing and importation of food shall initiate a recall at any time to fulfil their responsibility to protect public health from food that is unsafe for the consumer or is not in compliance with the Act and the rules and regulations made there under.
- (ii) A recall may be initiated as a result of reports / complaints referred to the food business operators from a variety of sources. The reports / complaints may be referred by manufacturers, wholesalers, importer, exporter, distributor, retailers, consumer, media, Government agencies and Food Authority or State Food Authorities. In case the Food Business Operator does not respond to the complaint, complainant / consumer may report to the State Food Authority / Food Authority which will take steps to determine the need for recall and instruct the Food Business Operator involved accordingly.

- (iii) The State Food Authority / Food Authority may direct the Food Business Operator engaged in wholesale supply, manufacturing and importation to initiate a recall if a food manufactured and distributed by him is unsafe or violate Act and rules & regulations made there under and if the Food Business Operator has not initiated a recall on its own. On such directions it is the responsibility of the Food Business Operator to carry out recall.
- (iv) It is the responsibility of all the Food Business Operator in the entire distribution chain to implement the recall instruction of the recalling Food Business Operator and shall conduct the recall and provide information on the distribution of the food to the recalling Food Business Operator or State Food Authority / Food Authority; failure to do so may result in appropriate action.
- (v) When a Food Business Operator refuses to undertake a recall directed by the State Food Authority / Food Authority or where the State Food Authority / Food Authority has sufficient reasons to believe that a recall would not be effective, determines that a recall is ineffective, or discovers that a violation is continuing the State Food Authority/Food Authority will take appropriate action. The cost incurred by the State Food Authority / Food Authority for carrying out such actions will be recovered from the Food Business Operator responsible for such violation.
- (vi) A recall of food manufactured overseas may also be initiated by reports of health authorities, or from information received directly from such authorities or otherwise.
- (vii) In case of recalls involving exported food; Food Authority will specifically monitor the recall plan. The State Food Authority needs to keep Food Authority fully informed in all such cases of the proposed recall plan. Food Authority may also consider communicating with the regulatory bodies of the importing countries for effectiveness of the recall of such foods.
- (viii) The initiation of Food Business Operator or State Food Authority / Food Authority directed recall does not preclude the State Food Authority / Food Authority from taking further regulatory action against a responsible Food Business Operator.

#### ARTICLE 6: RECALL CLASSIFICATION

Recalls are categorised in to two classes according to the level of hazard involved.

- (i) **Class I Recalls:** are for unsafe food that could cause serious health problems or even death.
- (ii) **Class II Recalls:** are for food that are unlikely to cause any adverse health problem, but violate the Act and the rules and regulations made thereunder. ?

#### **ARTICLE 7 - OPERATION OF FOOD RECALL SYSTEM**

- (i) The Food Business Operator shall maintain distribution records in which the name and address of supplier and/or customer as well as the nature of the food and date of purchasing and delivery, lot No./batch code, pack size, brand name, date of manufacture and best before date and shall maintain such records for a period of one year after the shelf life and expected use of the food.
- (ii) The recalling Food Business Operator shall submit a recall alert notification as per **Annexure-I** to the State Food Authority / Food Authority immediately but not later than 24 hours from the time the Food Business Operator learnt about the food is unsafe and not conforming to the requirements of the Act and rules and regulations made there under and the recall exercise has been initiated. To ensure speedy communication, such alert may be sent by Fax, e-mail, On-line and/or by speed post. The State Food Authority shall inform of such recall alerts to Food Authority within 24 hours of receipt.
- (iii) The recalling Food Business Operator shall stop distribution, production of the food under recall, without waiting for State Food Authority / Food Authority response so as to ensure that consumer safety is not compromised, contact distributors of the affected food by phone, e-mail, fax, letter or a combination there of, notify the suppliers and any other relevant retailer/trade association and immediately identify total quantity produced dispatched with all possible identification details. The recalling Food Business Operator may resume production and distribution of the identified product after obtaining the clearance from the State Food Authority / Food Authority.

#### **ARTICLE 8: RECALL PLAN**

- (i) The recalling Food Business Operator shall formulate a broad level recall plan as part of their Food Safety Management System (**Annexure-II**).
- (ii) The Food Business Operator shall submit a specific recall plan to State Food Authority / Food Authority at the time of actual recall being carried out by the Food Business Operator, taking into account result of health hazard evaluation/ classification; ease / challenges in identifying the product; degree to which the deficiency in the food is obvious to consumer; degree to which the food remains unused in the marketplace and supervise the recall, assemble data and report on the completion of recall.

- (iii) The State Food Authority / Food Authority will review the adequacy of the proposed recall plan developed by the recalling Food Business Operator and recommend the changes as appropriate. The Food Business Operator shall conduct the recall in accordance with the recall plan submitted to the State Food Authority / Food Authority without waiting for the response of the State Food Authority / Food Authority.

#### ARTICLE 9: RECALL COMMUNICATION

- (i) The recalling Food Business Operator shall be responsible for promptly notifying each of its affected downstream Food Business Operator and individuals about the recall. The format, content, and extent of a recall communication shall commensurate with the hazard of the food being recalled and the plan developed for recall.
- (ii) Such recall communication shall be accomplished by e-mail, fax, letter or a combination thereof; conspicuously marked "Food Recall" preferably in bold red type. The communication shall also be marked "urgent". Telephone calls or other personal contacts shall ordinarily be confirmed by one of the above methods and documented in an appropriate manner.
- (iii) Food business operator who receive a recall communication shall immediately carry out the instructions set forth by the recalling food business operator and, wherever necessary, extend the recall to its own downstream food business operators and individuals in accordance with paragraphs (ii) and (iii) of this article (Annexure-III).
- (iv) In case of Class I recall the recalling Food Business Operator shall inform the consumer (Public Warning) in the affected area of the recall at the earliest possible moment which may take the form of press release, letter to the concerned parties or paid advertisement in the media. Such press release, letter or advertisement shall be in the form of Food Recall Notice and shall contain the following information:
- a) Name of the Food Business Operator recalling the food.
  - b) Name of the food, brand name, Pack size, Batch & Code Number, date of manufacture, used by date or best before date.
  - c) The contamination/ violation in the food / reason for recall.
  - d) The "do not consume message if the food is unsafe".
  - e) Health warning and action.
  - f) The places/ outlets where the food is found.
  - g) The action to be taken by the consumer.
  - h) A contact number for queries.
- (v) The recalling Food Business Operator shall respond to each query from the State Food Authority / Food Authority within 24 hours of the receipt of the query.

## ARTICLE 10: RECALL STATUS REPORT

- (i) It is the responsibility of the recalling Food Business Operator to determine whether its recall is progressing effectively. The Recalling Food Business Operator shall submit periodic status reports to the State Food Authority/Food Authority after the notification of the recall for assessing the progress of the recall. The frequency of such reports will be determined by the relative urgency/gravity of the recall and will be specified by the State Food Authority/ Food Authority for each recall. However, in any case the reporting interval shall not be more than 1 weeks:
- (ii) Unless otherwise specified or inappropriate in a given recall case, the recall status report shall contain the following information (**Annexure- IV**):
  - a) Number of downstream Food Business Operators or individuals notified, and date and method of notification;
  - b) Number of Food Business Operator responding to the notification and quantity of the particular food in their possession;
  - c) Number of Food Business Operator or individuals not responding to the notification and Quantity of food dispatched to them. (if needed, the identity of non responding Food Business Operator may be requested by the State Food Authority/ Food Authority);
  - d) Quantity of recalled food and result of investigation;
  - e) Proposed method of disposal or otherwise of recalled stock with records of destruction.
  - f) Anticipated time limit for completion of the recall.
- (iii) Recall status report are to be discounted when the recall is terminated by the State Food Authority / Food Authority.
- (iv) The recalling Food Business Operator shall properly retain complete documentation on food recall for inspection and verification by the State Food Authority or Food Authority.

## ARTICLE 11: FOOD RECOVERY

- (i) The recalling Food Business Operator shall store the recovered food in an area which is separated from any other food and is identified by a label plate with prominently written RECALLED PRODUCT.
- (ii) The recalling Food Business Operator shall maintain accurate records of the recovered food and their lot No./batch code, pack size, brand name, date of manufacture, best before date etc. Proper recording system shall be available to ensure that all the foods are retrieved and their details recorded.

- (iii) The recalling Food Business Operator may correct or reprocess the recovered food if appropriate in consultation with State Food Authority and ensure that it is fit and safe for human consumption before release to the market. In all other cases, the recalling Food Business Operator will ensure appropriate destruction of such food in consultation with/presence of the State Food Authority representative. A complete record of the disposal of such product shall be maintained.

#### ARTICLE 12 - POST RECALL REPORT

- (i) The recalling Food Business Operator shall submit post recall report after the completion of the recall to assess the effectiveness of the recall.
- (ii) The effectiveness of a recall shall be assessed on the basis of the quantity/ amount of food returned as a proportion of the quantity/amount of food that left the recalling Food Business Operator while taking into account the retail turnover of the food.
- (iii) In addition to assessing the effectiveness of a recall, it is necessary to follow up by investigating the reason for the recall and taking action to prevent a recurrence of the problem.

#### ARTICLE 13: TERMINATION OF A RECALL:

- (i) The recalling Food Business Operator may request termination of its recall by submitting a written request to the State Food Authority / Food Authority along with latest recall status report / post recall report stating that the recall was effective. The request may be made as per Annexure-V.
- (ii) A recall may be terminated when the State Food Authority / Food Authority determines that all reasonable efforts have been made and it is reasonable to assume that the food subject to the recall has been removed and proper disposition or correction has been made.
- (iii) Written notification to the effect that a recall is terminated will be issued by the State Food Authority / Food Authority the recalling Food Business Operator within two weeks of the request submitted by the recalling Food Business Operator.
- (iv) In case of unsatisfactory reports, the State Food Authority/ Food Authority may consider further action like stepped-up inspection, seizure or any other legal action, against the recalling Food Business Operator.

#### ARTICLE 14 - FOLLOW-UP ACTION

Recalling Food Business Operators shall provide the State Food Authority/Food Authority with an interim report as soon as a recall is completed, in any case not later than one month after the completion of a recall, covering the following information such as:

- (a) the circumstances leading to the recall;
- (b) the action taken by the recalling Food Business Operator including details of any publicity;
- (c) the extent of distribution of the relevant batch in the country and overseas;
- (d) the result of the recall (quantity of stock returned, corrected, outstanding, etc.);
- (e) the proposed method of disposal or otherwise of recalled stock with record of destruction; and
- (f) the action proposed to be implemented in future to prevent a recurrence of the problem.

#### ARTICLE 15: RESPONSIBILITY OF THE FOOD BUSINESS OPERATOR:

- (i) It is the responsibility of Food Business Operator to have procedures and systems in place to identify other business to whom they have supplied their food.
- (ii) Food Business Operator shall collaborate with the State Food Authority/Food Authority on action taken to avoid or reduce risks posed by the specific batch/lot/code of food, which they supply or have supplied.
- (iii) It is the responsibility of Food Business Operator to remove the food from sale or distribution, when requested by the State Food Authority/ Food Authority.

#### ARTICLE 16: RESPONSIBILITY OF THE STATE FOOD AUTHORITY

- (i) The State Food Authority shall supervise the recall by the Food Business Operator and inspect the Food Business Operator's capability of recall after receiving the recall alert notification. The work of the State Food Authority shall include the following:
  - a) Inspect the violating food after receiving complaint from the consumer, take action by law and advise the Food Business Operator in consultation with food Authority to recall such food.
  - b) In recalls involving consumers, and where warranted, liaise with the Food Business Operator to prepare a media release for immediate use by the media.

- c) Conduct audit checks selectively when it determines that the Food Business Operator is unable to ensure the effectiveness of its recall.
  - d) Advise the Food Business Operator who has submitted an incomplete recall proposal to make improvements.
  - e) Give instruction on the frequency of reporting the condition of recall, subject to the urgency of the case, and the monitor the Food Business Operator's recall progress.
  - f) Supervise the Food Business Operator in its completion of recall and assess their recall report.
  - g) Offer follow-up guidance to the Food Business Operator; conduct periodic inspections to ascertain the extent of recall accomplished; file relevant recall information and issue the necessary press release.
  - h) Monitor the effectiveness of the recall notification, correction or removal, verify appropriate food disposal and terminate the recall.
  - i) Where exported Indian-made foods are subject to recall, liaise with the Food Business Operator in order to determine
    - The recall plan for the exported foods;
    - The form of advice about the recall to be given to health authorities in the importing countries.
- (ii) The Food Authority shall be kept informed by the State Food Authority in the execution of the above work and will be guided by such instructions as the Food Authority may give.

#### **ARTICLE 17: RESPONSIBILITY OF THE FOOD AUTHORITY**

- (i) The Food Authority shall supervise the State Competent Authority in the execution of the above work and, where necessary, may assess the relevant reports submitted by the Food Business Operator and give instructions.
- (ii) The Food Authority may have the recall portal with having unique identification number assigned to each recall for monitoring and to provide information to the consumer about the recall. The Food Authority may make publicity about the recall when it considers that the public need to be altered about the health hazard depending upon the situation.



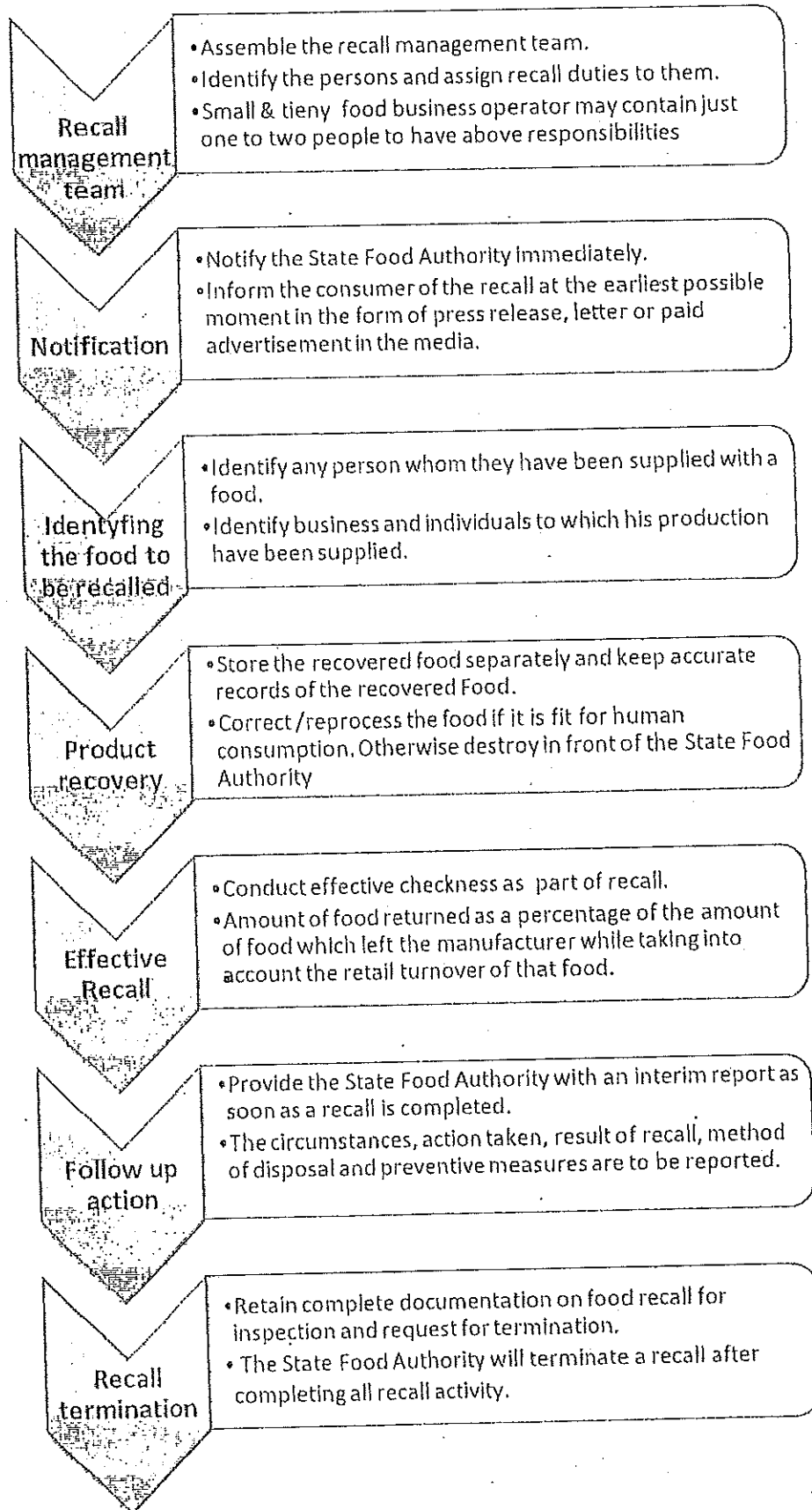
# Recall plan

## Annexure-A

The following elements shall be included in the recall plan.

<u>Elements</u>	<u>Purpose</u>	<u>what to do?</u>
<b>RECALL MANAGEMENT TEAM</b>	Allows you to action your recall plan smoothly	Appoint responsible people from production, Quality, Sales Purchasing, Insurance, legal, technical, media - where appropriate. Responsibilities of such committee member shall be plan defined with recall plan
<b>COMPLAINT FILE</b>	Allows you to identify unsafe food and correct problems in food safety systems.	Recording, investigating the complaint and Taking action based on the investigation findings
<b>RECALL NOTIFICATION CONTACT LIST</b>	The State Food Authority staff can assist you with your investigations and safety corrective action decisions	Name of the State Food Authority contact telephone number and fax number
<b>IDENTIFYING THE FOOD</b>	limit the scope of the recall and remove the food from distribution quickly and accurately	Link all raw ingredients from suppliers and to finished product. Code your finished products.
<b>PRODUCTION AMOUNTS</b>	Allows you to know how much of the food is in your company control and how much has been sold.	Record the amount of each lot code of each food produced
<b>DISTRIBUTION RECORDS</b>	Allows you to limit your recall to the specific accounts that received the food being recalled	Record name and type of the account, address, food name, lot code, telephone number, amount of food shipped /distributed
<b>RECALLED FOOD RECORDS</b>	Allows you to know that the food has been controlled and has not reentered the market.	Record brand and food name, size, codes, amount, date of recall
<b>RECALL PROCEDURES</b>	contain a step-by-step description of what to do when you have to recall a food	Follow step by step procedure given in the flowchart enclosed

## STEPS IN RECALL PROCURE



**FOOD RECALL ALERT NOTIFICATION FORMAT**  
(to be given on Food Business Operator's letterhead)

To  
Food Authority/State Food Authority

1. Name and Address of the Recalling Food Business Operator		
2. Name, Designation and Contact details of person who should be contacted		
3. Identity of the implicated food	a. Food Type:	
	b. Brand Name:	Pack Size:
	c. Date of Manufacturing:	Batch/Number code:
	d. Quantity/No. of Food Affected:	
4. Reason for recall		
5. Date and circumstances under which Food deficiency was discovered		
6. Nature of Hazard	Date of reporting:-	
	a. Name and address & tel. No. of person reporting the problem	
	b. Has any testing been under taken:	
	c. Nature of problem	
d. Results:		
7. Total quantity /amount of implicated food produced		
8. Time span of production		
9. Amount of implicated product sold to the Food Business Operator / individual in the distribution channels		
10. Extent of distribution of the food (Level of distribution, No. of direct accounts, Identity of direct accounts if possible)		
11. Copy of Recall Communication (if already issued) otherwise proposed communication and means/proposed means of communication		
12. Action already taken and Proposed plan for recall.		
13. Any other relevant information		

\* Please attach extra sheets if space is insufficient

Signature and title

Date:

**FOOD RECALL STATUS REPORT FORMAT**  
(to be given on Recalling Food Business operator's letterhead)

Date: \_\_\_\_\_

Food Authority's Unique Identification No. for Recall \_\_\_\_\_

Name of the food \_\_\_\_\_ Brand Name: \_\_\_\_\_

Batch /Code Number: \_\_\_\_\_ Date of Mfg: \_\_\_\_\_

State Food Authority / Food Authority Contact: \_\_\_\_\_

Phone: \_\_\_\_\_ Email address: \_\_\_\_\_

Dear \_\_\_\_\_

\_\_\_\_\_ (Name of the recalling Food Business Operator) hereby submits the following Recall Status Report regarding the above-listed food

**1. Quantity related details of implicated product before recall initiation**

- a. Total produced: \_\_\_\_\_
- b. Total sold to Food Business Operator / individual in distribution channel: \_\_\_\_\_
- c. Total to be recalled: \_\_\_\_\_

**2. Notification**

- a. Total number of Food Business Operator / individual identified: \_\_\_\_\_
- b. Number of Food Business Operator / individual notified: \_\_\_\_\_
- c. Method of notification (check all that apply):

- 1. Letter \_\_\_\_\_
- 2. Phone \_\_\_\_\_
- 3. FAX \_\_\_\_\_
- 4. Email \_\_\_\_\_
- 5. Other (specify) \_\_\_\_\_

**3. Food Business Operator Response**

- a. Total number of Food Business Operator/ individual responding: \_\_\_\_\_
- b. Total number of Food Business Operator / individual not responding: \_\_\_\_\_
- c. Total quantity of food dispatched at Non-responding Food Business Operator/individual end: \_\_\_\_\_
- d. Number of packaged units and its amount sold to and returned by each responding Food Business Operator/ individual: \_\_\_\_\_

	<u>Sold</u>	<u>Returned</u>
	<u>Number</u>	<u>Quantity</u>
	<u>Number</u>	<u>Quantity</u>
1. Food Business Operator/ individual		
2. Food Business Operator/ individual		
3. Food Business Operator/ individual		
4. Food Business Operator/ individual		
5. Food Business Operator/ individual		
(Add more as required)		

**Total**

e. Quantity of implicated product accounted for (Total amount in custody of recalling firm, including that recalled, expressed as percentage of total produced: \_\_\_\_\_)

**4. Effectiveness Checks**

- a. Total number required: \_\_\_\_\_
- b. Total number completed: \_\_\_\_\_
- c. Completion date: \_\_\_\_\_

**5. Estimated Recall Completion Date:** \_\_\_\_\_

**6. Proposed method of disposal of recovered stock/record of destruction:**

**7. Actions proposed to avoid recurrence in future**

Sincerely,

Signature and title  
Recalling Food Business Operator

**Note:**

- 1. Provide cumulative information.
- 2. The final status report to be attached with the Recall termination request shall provide decided method of disposal / records of destruction in point 5.

**FOOD RECALL COMMUNICATION FORMAT**  
(to be given on Recalling firm's letterhead)

FAX/Letter Template

To

All Food Business Operator of Recalled Food  
(Distributors/Wholesalers/Retailers/Restaurants)

**URGENT!**

**FOOD RECALL** (should be in bold red type)

Food Authority's Unique Identification No. for Recall (when available) \_\_\_\_\_

Date: \_\_\_\_\_

Our company is voluntarily recalling \_\_\_\_\_ (food name) \_\_\_\_\_ due to \_\_\_\_\_ (reason for recall) \_\_\_\_\_.  
It may not meet food safety & quality standards, and/or may represent a small/moderate/serious  
(CHOOSE one word) health or safety threat to people who use it.

Please follow these instructions to ensure a successful recall:

- (i) Immediately discontinue selling or distributing your existing stock of \_\_\_\_\_ (brand, name, code of food, package size, etc.) \_\_\_\_\_.
- (ii) Inform us of the quantity of food you have on hand by completing the bottom portion of this form. Sign the form and return it by FAX to \_\_\_\_\_ (Contact person & FAX number) \_\_\_\_\_ as soon as possible.
- (iii) DO NOT dispose of the food! Instead: (Choose one of the two options)
  - a. Wait for further instructions from \_\_\_\_\_ (their sales rep) \_\_\_\_\_ OR
  - b. Return the recalled food to \_\_\_\_\_ (name of company's (contact person) \_\_\_\_\_ as soon as possible.

If you have distributed any of the recalled food, please immediately:

- (i) Contact your downstream food business operator/individuals by telephone and in writing to advise them about the recall.
- (ii) Instruct them to return their unused, un destroyed stock to (company or supplier).
- (iii) Instruct them to also notify any of their Food business operator/individuals, which may have received the recalled food.

If you have any questions regarding this recall, please feel free to contact \_\_\_\_\_ (company's contact person) \_\_\_\_\_ at \_\_\_\_\_ (phone) \_\_\_\_\_.

Sincerely,

(Recalling Food Business Operator)

CUSTOMER NAME: \_\_\_\_\_

QUANTITY ON HAND: \_\_\_\_\_ Cases / Cans / Packages Circle  
One)

Owner's Name – Please Print

Owner's Signature

**FOOD RECALL TERMINATION REQUEST FORMAT**  
(to be given on Food business Operator's letterhead)

Date: \_\_\_\_\_

To

The State Food Authority/Food Authority

Food Authority's Unique Identification No. for Recall \_\_\_\_\_

Product Brand: \_\_\_\_\_ Product Code: \_\_\_\_\_ Date Code: \_\_\_\_\_

Food Authority Contact: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Ref: Request for Recall Termination**

Dear \_\_\_\_\_

\_\_\_\_\_(Food Business Operator)\_\_\_ initiated a Class \_\_\_ recall of the above-listed product on \_\_\_\_\_(date)\_\_\_ that extended to the \_\_\_\_\_ level. Proper notifications were made by phone, fax, email, mail and personal visits, and records of these notifications have been provided to your office.

All requested Status Reports have been filed (indicate if or not within the proper timeframes), and the latest report is being submitted with this. \_\_\_\_\_( Food Business Operator)\_\_\_ believes the above-listed product has been successfully recalled.

In light of this successful and conscientiously executed recall, \_\_\_( Food Business Operator)\_\_\_ hereby requests that this food product recall be terminated, and that \_\_\_( Food Business Operator)\_\_\_ be provided with written confirmation of the termination.

Thank you for your assistance.

\_\_\_\_\_  
Signature and title

(Food Business Operator)





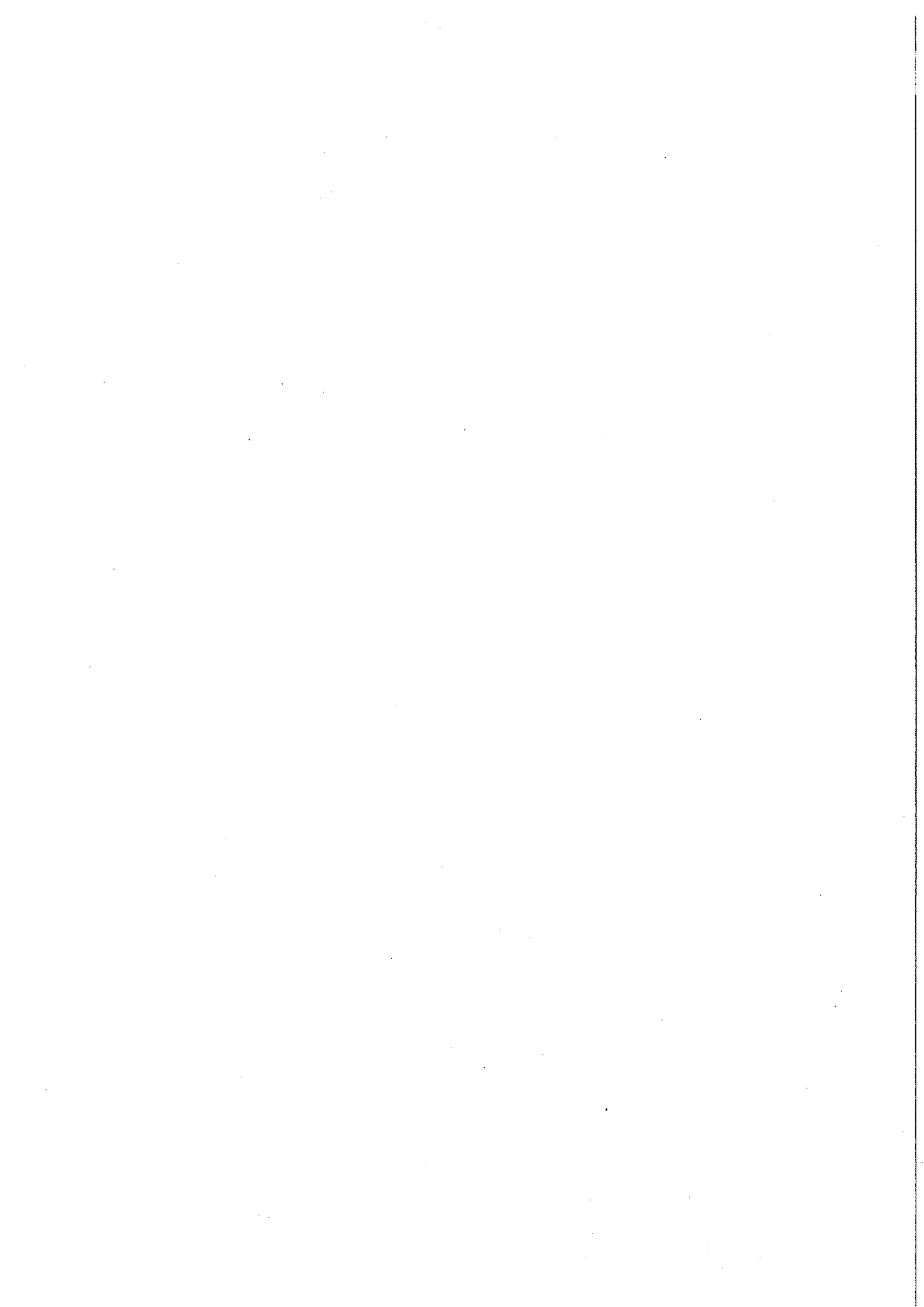
## **AGENDA ITEM NO.8**

### **Information Updation System for States/UTs**

Timely availability of update information is always going to be very crucial in every regulatory system especially in case food which is primary need of consumer. Prior experience had not been very enthusiastic as far as having update information from States regarding implementation of PFA Act. Further, historical data is always going to be very crucial in taking various policy initiatives.

Keeping this in mind, FSSAI has attempted to develop a user-friendly software based system which would be accessible to State Food Commissionerate through user id and password. States through this system would be able to update the information regarding implementation of FSS Act in their state, online instead of making physical submission of the information and at the same time the Food Authority at Central Level will be to review the status through customized reports from the system.

The agency assigned with the task will be making a presentation on this Information Update System before CAC to have feedback and suggestions for further improvement in the system.



## **AGENDA ITEM NO.9**

### **Reporting of Food Poisoning Incidences by Registered Medical Practitioners**

Section 35 of Food Safety and Standards Act, 2006, specifies that "*The Food Authority may, by notification, require registered medical practitioners carrying out their profession in any local area specified in the notification, to report all occurrences of food poisoning coming to their notice to such officer as may be specified*". The section 35 of the FSS Act has already been notified in the Gazette of India on 29.07.2010 and a copy of the notification is enclosed for reference. The matter was also discussed during the 1<sup>st</sup> meeting of the CAC held on 19.01.2010 as one of the agenda item.

Accordingly, Food Safety Commissioners of States/UTs immediately need to take necessary action regarding notifying registered medical practitioners in their respective states specifying their local areas to report all occurrences of food poisoning coming to their notice to such officer in the State Government as may be specified.



रजिस्ट्री सं. डी. एल. 33004/99

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# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (II)  
PART II—Section 3—Sub-section (II)

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PUBLISHED BY AUTHORITY

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No. 1549]

नई दिल्ली, बुधवार, जुलाई 29, 2010/श्रावण 7, 1932  
NEW DELHI, THURSDAY, JULY 29, 2010/SHRAVANA 7, 1932

स्वास्थ्य और परिवार कल्याण मंत्रालय  
(स्वास्थ्य और परिवार कल्याण विभाग)  
अभिसूचना

नई दिल्ली, 29 जुलाई, 2010

का.अं. 1855(अ).—खाद्य सुरक्षा और मानक अधिनियम, 2006 (2006 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा 29 जुलाई, 2010 के दिन को उस दिन के रूप में नियत करती है जिसको उक्त अधिनियम की धारा 19 से 21 (दोनों शामिल), धारा 23 से 29 (दोनों शामिल), धारा 31 से 35 (दोनों शामिल), धारा 48 से 80 (दोनों शामिल), धारा 89, 94 से 98 (दोनों शामिल) और धारा 100 के उपबंध प्रभावी होंगे।

[का. सं. एल-303/डीएडीजी/2010]

विनीत चौधरी, संयुक्त सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE  
(Department of Health and Family Welfare)

NOTIFICATION

New Delhi, the 29th July, 2010

S.O. 1855(E).—In exercise of the powers conferred by sub-section (3) of Section 1 of the Food Safety and Standards Act, 2006 (34 of 2006), the Central Government hereby appoints the 29th day of July, 2010 as the day on which the provisions of Sections 19 to 21 (both inclusive), Sections 23 to 29 (both inclusive), Sections 31 to 35 (both inclusive), Sections 48 to 80 (both inclusive), Section 89, Section 94 to 98 (both inclusive) and Section 100 of the said Act, shall come into force.

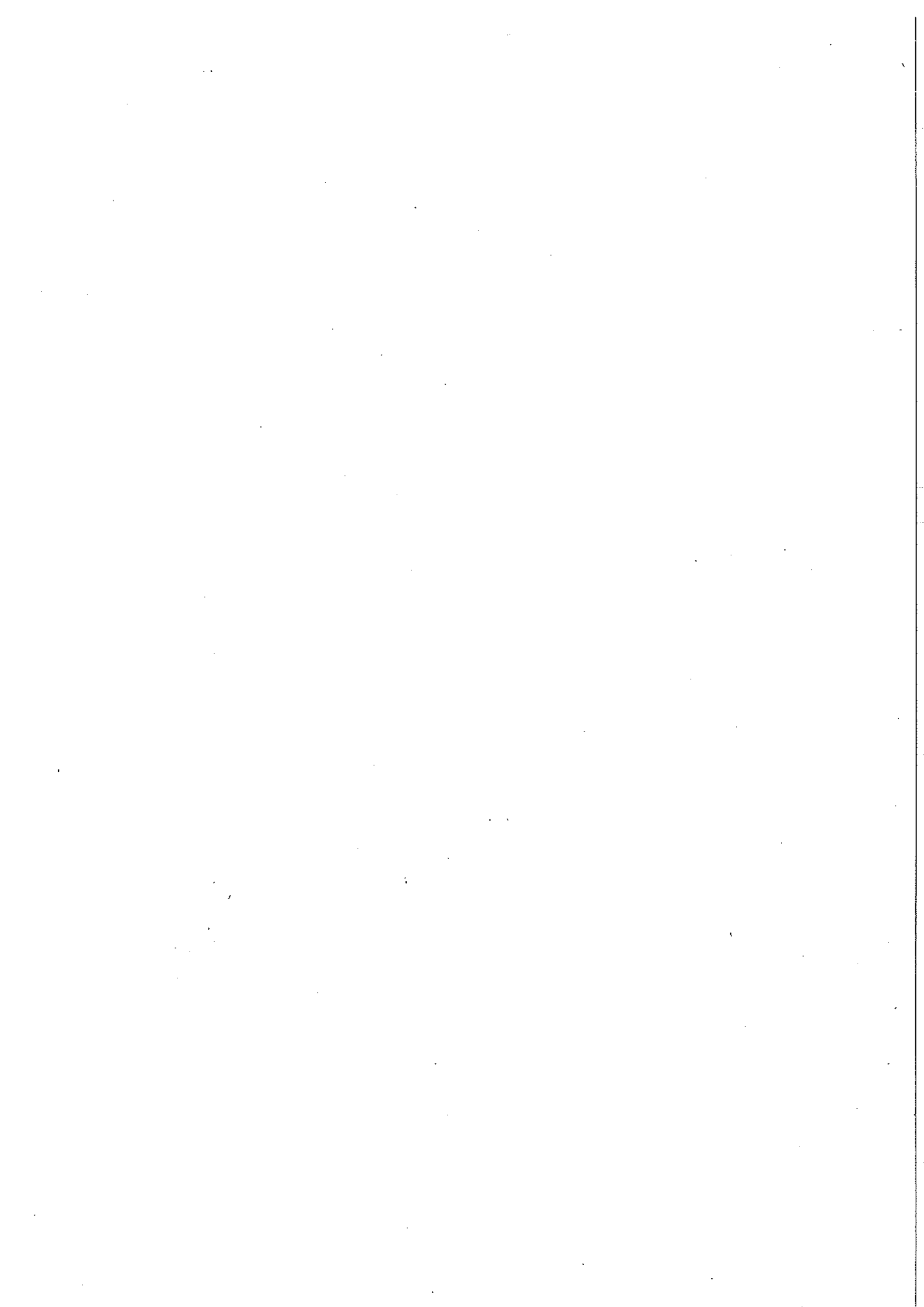
[F. No. L. 303/DADG/2010]

VINEET CHAUDHRY, Jt. Secy.

Kind Attention: Mr. Dongre, Dir.

2962 GI/2010

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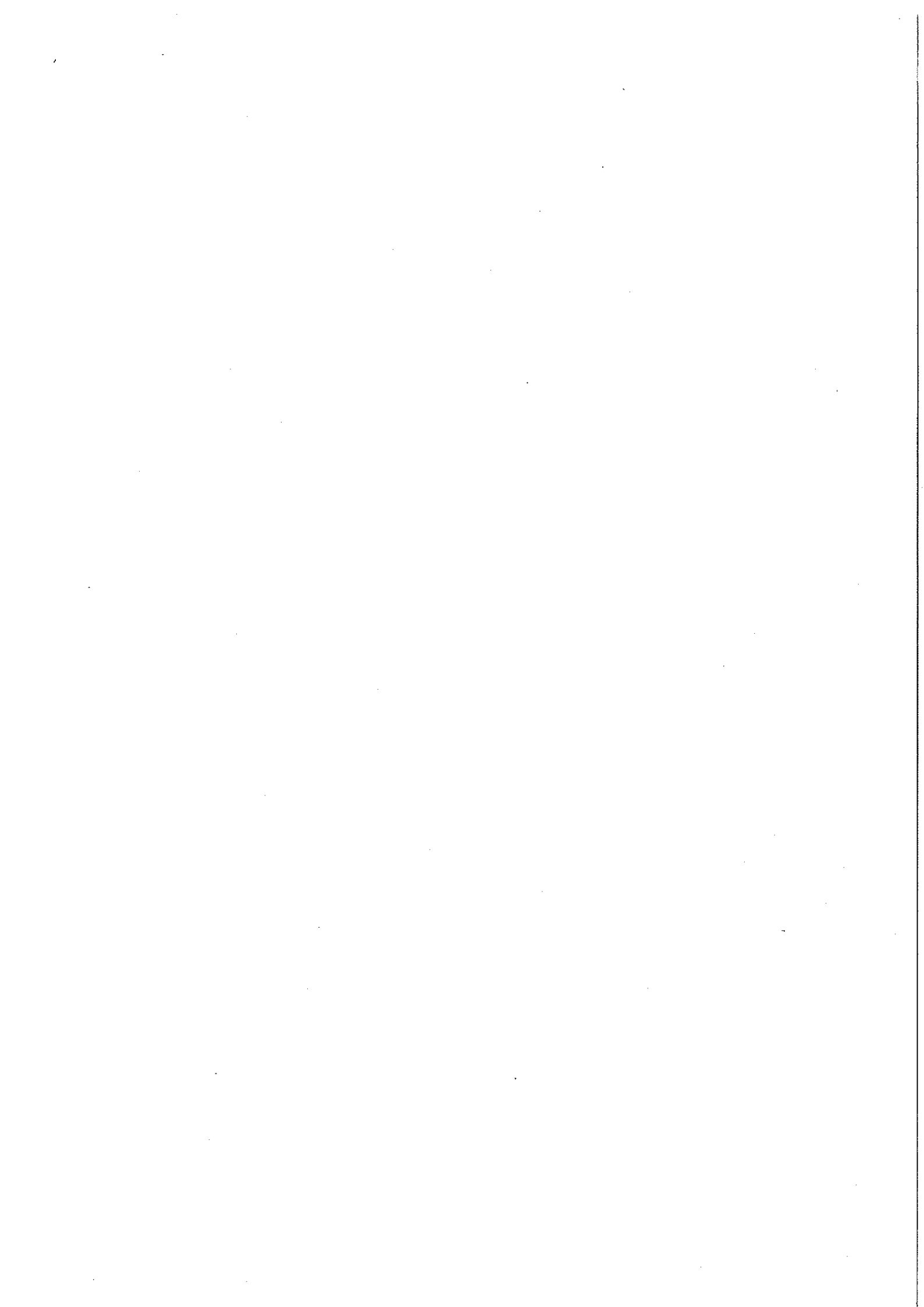


## **AGENDA ITEM NO.10**

### **Pending information from States/UTs related Annual Report on PFA implementation**

It has been observed that even after repeated reminders, information from States/UTs on Annual Report on PFA implementation is still pending for several years. The matter has also been discussed during the previous two meetings of the CAC.

All the States/UTs representatives (wherever applicable) are again requested to come with the pending information relating to Annual Report on PFA implementation and information relating to parliament assurances.





**AGENDA ITEM NO.11**

Any other item with the approval of Chair

