

Minutes of the Fourth Meeting of FSSAI held on 12th April, 2010 at 1100 Hrs at its Headquarter at FDA Bhawan, New Delhi.

Shri P. I. Suvrathan, Chairperson extended a warm welcome to all the members to the fourth meeting of the Food Authority. List of participants who attended the meeting is at Annexure-I. Leave of absence was granted to Smt. Upma Chaudhry, Smt. Navraj Sandhu, Shri K. Rajeswara Rao, Shri V. Balasubramaniam, Dr. (Mrs.) T.A. Kadarbhai, Shri A.B.Shukla, Shri Vineet Chawdhry, Dr. Indira Chakravarty, Dr. N.N.Varshney, Shri Bejon Mishra and Shri Gibson G. Vedamani who could not attend the meeting.

Item No.1: Disclosure of Interest by Members

All the present members signed "Specific Declaration of Interest" in respect of the agenda items to be considered in the meeting, before the start of the proceedings.

Item No.2: Confirmation of minutes of the last meeting held on 26th November, 2009 and Action Taken Report

Confirmed the minutes of third meeting of the Food Authority held on 26th November, 2010 and Action taken Report in respect of minutes of the meeting.

Item No.3: Approval of accounts of financial year 2008-09 of FSSAI

CEO, FSSAI informed the members that expenditure statement of FSSAI for the year 2008-09 was approved by Food Authority in its 2nd meeting held on 8th May, 2009. There was minor change in total expenditure. The Annual Accounts of FSSAI for the year 2008-09 has been prepared in commercial format as prescribed by CA&G for Central Autonomous Bodies. The Accounts would require approval of the Authority before being reported upon by C&AG Audit. The Food Authority considered and approved the Annual Accounts of FSSAI for the financial year 2008-09.

Chairperson informed that FSSAI is presently following the Central Government Accounting system. FSSAI aims to have a very strong and transparent finance &

accounts system keeping in view its area and scope of activities. Details of such a system will be brought before the Authority soon.

Item No.4: Final draft on Food Safety and Standards Rules, 2010 for approval

Chairperson informed that FSSAI has gone for wide & extensive consultation with stakeholders on the draft rules since these were considered by the Food Authority in its last meeting on 26th November, 2009. These rules deal with governance and working of food safety structure/system in terms of provisions of Food Safety and Standards Act, 2006. FSSAI has deliberated upon the inputs received during the consultation process and has taken conscious decisions on each issue before coming out with final draft rules. During the discussion on final draft on Food Safety and Standards Rules, 2010, the following were the major observations:

- (i) With reference to point 2 under Rule 3.4.1, it was suggested that witnesses should be independent during the sampling and not the members from the regulatory team. It was clarified that it may not always be practically possible to have independent witnesses during the sampling. Provision in the guidelines however will be made to provide that regulatory team members will sign as witness only if independent witnesses are not available.
- (ii) Concerns were raised that sampling by purchaser may not be technically feasible and therefore the contact details of the officer who can help purchaser in sampling process should be easily accessible. Chairperson, mentioned that law provided for flexibility in this regard and a purchaser could approach Designated Officer for drawal of sample of a food product on his behalf. Provisions regarding easy accessibility/display of contact details of such officer to purchaser would be included in the guidelines.
- (iii) The members observed that the earlier draft mentioned that designated officer should have atleast one of the qualification of Food Safety Officer however the same has been deleted from the final draft. Representative member from Andaman & Nicobar mentioned that SDMs have been appointed as Designated Officers and they do not have any technical background about food safety. Representative Member from Industry was

of the opinion that designated officer must have technical qualification as there would always remain a risk of misinterpretation if he is not technically qualified. Further, period of 2 years for compulsory training is quite long and should be for a maximum of 1 year. CEO mentioned that if DO did not possess Science/technical qualification, he would be solely dependent on the technical opinion of FSO which was not a desirable situation. Also, he would not be able to discharge the responsibilities cast on him under the new Act which is far wider than the responsibilities of the LHA in the PFA Act.

Chairperson, FSSAI clarified that modification in the qualification of designated officer have been made to ease the states in implementation because they may not be in the position to recruit afresh technically qualified designated officers. Further, the Act says that designated officer should be of rank of sub-divisional officer and does not specify the qualification. The rules no way restricted that FSO cannot be promoted to designated officer. However, when FSSAI was emphasizing on unified cadre for food safety and separate department for food safety in the States/UTs, technical qualification for designated officers could be made compulsory. We need to develop the mechanism and infrastructure for training to cut short the period for compulsory training.

- (iv) Representative members from Industry suggested that role of FSO should be limited to presenting the facts to Designated Officer and he should not be authorized to recommend the cancellation of license. Chairperson mentioned that simply based on the facts given in the report, DO may not be able to understand the severity of situation and as such recommendation of action by FSO in his report is must. CEO, FSSAI further added that even if FSO recommends for suspension/cancellation of license, the decision making power lies with DO regarding the action. Further, law provides provision for action against FSO in certain cases. The FSSAI may prepare checklist/guidelines for FSOs for assessing violation of conditions of license and recommending specific actions in terms of the Act.

- (v) It was brought into the notice that note under Rule 12 says about "independent witnesses". There was opinion that launching prosecution can be difficult due to the word 'independent' and proving that someone is independent itself will lead to lot of legal hassles. Therefore, it was suggested only the word 'witnesses' should be used wherever the reference comes. The representative from legislative department also suggested that Rules cannot have 'Note' but it should be incorporated as sub-rule or explanation.
- (vi) With reference to query regarding 'State Food Authorities' it was clarified that having the replica of Food Authority at State Level was not required as it will only create confusion and would not be in keeping with the basic objectives of FSS Act, 2006. The Act also does not dwell upon the structure, powers, function of such an 'Authority' if there was one. The Act clearly stipulates that the authorities who will implement the Act in states will be Food Safety Commissioner, Designated Officers, Food Safety Officers etc.
- (vii) There was a suggestion that as more food categories like nutraceuticals, food supplements etc. are getting added day-by-day, subjects like Chemical Engineering, Pharmacy should be included in the qualification of FSOs. Chairperson mentioned that drug is different from food and as more science is getting into food, this technical distinction needs to be maintained. Moreover, the word 'equivalent' in the qualification will take care of any specific technical area requirements if need arises.
- (viii) The members raised the issue regarding possible conflicts arising due to different methods of analysis prescribed in manuals as listed under point 6 of Rule 3.4.2 and suggested that manual to be used for each parameter may be specified. It was clarified that the draft only indicates the existing provisions and so far no such contradictions had been reported between manuals/literatures on method of analysis for any specific parameter. However, in due course these manuals to be used for analysing the samples of food articles will be considered and codified by the concerned Scientific Panel.
- (ix) Point 3 under Rule 3.1.4 and point 5 under Rule 3.4.2 regarding sending the sample report were found to be contradictory to each other. Purchaser

of sample and Food Business Operator need to be included in point 5 under Rule 3.4.2.

The Authority approved the final draft on Food Safety and Standard Rules, 2010 authorising Chairperson to approve suitable modifications in the draft rules in the light of the discussions/ decisions of the Authority and recommended that FSSAI may take further action regarding notification of the rules.

Item No. 5: Changes in the structure of Food Authority in accordance with decision of the Authority on 8th May, 2009

CEO, FSSAI informed that based on the suggestions of Food Authority in its meeting held on 8th May, 2009, necessary modification in terms of independent codex cell, Hindi cell, sufficient staff for Mumbai Laboratory etc. had been made and the revised proposal of new structure of the Authority with a total 531 posts had been sent to Ministry of Health & Family Welfare, Government of India for approval. The Food Authority took note of changes in the revised proposal on structure of Authority.

Item No.6: Changes in the service rules to bring it at par with the Central Government Rules in certain matters

CEO informed members that on proposal of Service Rules for employees of FSSAI as approved by food authority in its meeting on 8th May, 2009, DoPT had suggested that wherever the rules were at par with Central Government Rules no specific permission of DoPT was required and administrative Ministry was competent to take decision. Any deviation from Central Government Rules would require approval of DoPT. Accordingly, the proposal has been referred back to the MoHFW specifying deviations and incorporating a few modifications/additions which have been made to bring them up to the level of Central Government Rules. Further, to safeguard the interest of the employees transferred from various Ministries/Departments, the clause reading as "In respect of employees transferred under section 90 of the Food Safety and Standards Act, 2006, the provision of the CCS Rules on the subject would be applicable" has been incorporated under each service rule. The revised proposal on the Service Rules has been sent to Government of India for approval.

The Food Authority took note of modifications/additions in Service Rules/Regulations for FSSAI's employees and approved the same.

Item No.7: To approve the procedure for working of Scientific Committee

The Authority considered and approved procedure for working of Scientific Panels and Scientific Committee.

Item No. 8: Guidelines for Members of the Food Authority for approval

The Food Authority considered and approved guidelines for interest disclosure and confidentiality protocols for the Members of Food Authority.

The issue regarding change in members by nominating departments/organizations like in case of Shri Bejon Mishra from Voice, Shri Gibson G. Vedamani from Retailers Association of India or retirement of member from organization like Dr. N.N.Varshney from NDDB, was discussed in detail. The FSSAI has already brought the matter before the Government. Finally there was a consensus that nominating a member is not in the hand of Food Authority and it was within the purview of the Selection Committee under Chairmanship of Cabinet Secretary. Therefore, it was suggested whenever any such reference comes to FSSAI, it may be sent to Government for necessary action and same may be brought into the notice of Food Authority.

Chairperson informed that as decided in last meeting, a committee of members heard the case of Mr. Bejon Mishra on conflict of interest and report has been prepared. Mr. Mishra has requested for an opportunity to present his case before the Authority. It was agreed that the report of the committee may be brought before the Food Authority when Mr. Bejon Mishra is also present.

Item No.9: Presentation on issues under consideration of Scientific Committee/ Scientific Panels and progress made in development of IT enabled Import Safety System for information

Chairperson informed that all the 8 Scientific Panels and Scientific Committee have already started their activities and have identified their priority areas. A few of the Panels have already come out with very useful draft concept papers. Project on development of IT enabled imported food safety system is also moving as per schedule and Business Process Re-engineering (BPR) report is being discussed with various stakeholders in regional workshops.

Item No.10: Concept note on labelling of genetically modified food for information/views

Chairperson informed members that Government of India has already made a draft notification regarding Labelling of GM foods and a court case is already pending seeking information regarding action taken in the matter. The issue of Labelling of GM foods was also discussed by Scientific Panel and FSSAI will have to come out with its views within one month as the next hearing is in July, 2010. The following points emerged during the discussion on labelling of GM foods:

- Labelling should be there keeping in view the consumer and trade demand.
- Labelling of GM food should be there to give consumers an informed choice. Whether this objective can be served by voluntary labelling will have to be examined.
- It was suggested that we should develop our own regulations regarding labelling of GM foods in Indian context.
- Industry Representative mentioned that they will discuss the matter and will come out with their views on the issue.

Item No.11: Any other item with the approval of Chairperson

There was a suggestion that a tentative calendar of the meetings of Food Authority (indicating tentative week of meeting) may be prepared in advance and communicated to members so that they can plan their availability during

the meeting. Further, it was also suggested that agenda for the meeting may be made available at least 3 weeks before the meeting. Chairperson assured that feasibility of these suggestions will be examined.

Vote of thanks: The meeting ended with vote of thanks to the Chair.

Following were present during the fourth meeting of the Food Authority held on 12th April, 2010 at 1100 Hrs at its Headquarter at FDA Bhawan, New Delhi.

Members of Food Authority:

1. Shri P.I.Suvrathan, Chairperson
2. Shri V.N.Gaur, Member-Secretary
3. Smt. Vasundhra Pramod Deodhar
4. Ms. Mona Malhotra Chopra
5. Dr. Indrani Kar
6. Shri Dinesh Sharma
7. Shri M.P. Singh
8. Shri Sanjay Singh
9. Dr. P. Sucharitha Murthy
10. Dr. Swapan Kumar Paul
11. Dr. S. Girija
12. Shri J.P.Singh
13. Shri G. Narayan Raju