

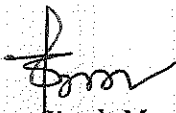
File No. 15-08/GA/2015-16-FSSAI
Food Safety and Standards Authority of India
(A Statutory Authority established under the Food Safety & Standards Act, 2006)
(PC&GA Division)
FDA Bhawan, Kotla Road, New Delhi-110002

The 14th March, 2016

SUBJECT:- Minutes of the 19th Meeting of the Food Authority held on 06th November, 2015.

The Authority adopted the minutes of the 19th Meeting of the Food Authority held on 06th November, 2015 at FDA Bhawan, New Delhi in its 20th Meeting held on 27th January, 2016.

2. Accordingly, the minutes of the 19th Meeting of Food Authority are being uploaded on the website of FSSAI.


(Sumer Singh Meena)
Assistant Director (Mgmt.)

Enclosure:
Minutes of the 19th Meeting of the Food Authority (nine pages)

**Minutes of the 19th meeting of the Food Authority held on
November 6, 2015 at 1100 hrs at FDA Bhavan, New Delhi**

The nineteenth meeting of the Food Safety and Standards Authority of India (FSSAI) was held on November, 6, 2015 at 1100 hrs at FDA Bhavan, Kotla Road, New Delhi under the Chairmanship of Shri Ashish Bahuguna, Chairperson, Food Safety and Standards Authority of India. The list of participants present in the meeting is at **Annexure**. Leave of absence was granted to the members who could not attend.

2. Shri Rakesh Chandra Sharma, Director (General Administration), FSSAI welcomed the members of the Authority to the meeting. Thereafter, the agenda items were taken up for consideration.

A. Standing Items

Item No. I: Disclosure of Interest by the members

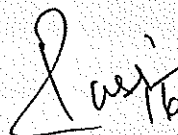
1. Before commencement of the proceedings, all the members present were asked to sign "Specific Declarations of Interest", if any, in respect of the agenda items to be considered in the meeting. It was clarified that Annual Declarations of Interest would be signed by the members in the first meeting attended by them during the course of the financial year and in subsequent meetings, only specific declarations of interest would be circulated to the members for disclosure.

**Item No. II: Confirmation of the minutes of the last meeting held on 4th
September, 2015**

1. Shri V K Thakkar mentioned that his written comments on the minutes of the 17th & 18th meetings of the Authority have not been included in the amended minutes. The Chairperson mentioned that the minutes of the 17th meeting of the Authority, along with the written comments of Shri Thakkar thereon, were sent to the then Chairperson who observed that as far as he could recall, they were a faithful reproduction of the discussions & decisions taken in the meeting. Accordingly, the request of Shri Thakkar was turned down & the minutes of the 17th meeting of the Authority, as circulated were approved.

2. As far as the minutes of the 18th meeting were concerned, it was informed that requests for amendments therein had been received from Shri V K Thakkar, Shri Abulkalam, Ms. Meetu Kapoor & Ms. Shreya Pandey. These requests had been considered & wherever possible incorporated in the minutes and the members apprised accordingly.

3. The Chairperson further stated that the minutes of meetings should capture the essence of the discussions and faithfully record the decisions, after noting any dissenting view.


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4. It was decided that members would be free to submit their views on the minutes of the 19th meeting within three working days.

5. With the above observations, the Authority resolved to approve the draft amended minutes of the 18th meeting of the Authority as circulated.

Item No. III: Action Taken Report- 18th Authority Meeting

1. The Action Taken Report (ATR) was noted by the members. Shri Vasudev Thakkar stated that he had some misgivings on Agenda Item 18.11 of ATR regarding the legal validity of the report of the Task Force on product approval. Chairperson explained that the report of the Task Force was only of recommendatory nature and would serve as a valuable input for FSSAI. The Regulation on Product Approval is in the process of being drafted and shall be put up before the Authority for consideration.

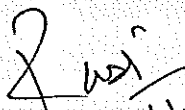
2. With regard to Agenda Item 18.18, Shri VK Thakkar desired to know the progress in filing of SLP against the order of the Bombay High Court on the Maggi noodle case. The Chairperson informed that the files in the matter were with him. On being pressed by Shri Thakkar as to who would take responsibility for this delay, the Chairperson clarified that he would.

3. With regard to Agenda Item 18.19, members were informed that FSSAI is currently in the process of drafting three regulations viz., (i) import regulations, (ii) regulations to issue advisories, and (iii) product approval regulations. Shri V K Thakkar opined that no advisory of any kind can be issued as directed by the Hon'ble Supreme Court. It was explained that the Supreme Court had merely rejected the appeal of FSSAI against the decision of the Bombay High Court quashing the advisory on product approvals. In fact, all three judges of the High Court who dealt with this matter, had different points of view on the powers of FSSAI to issue advisories. The Authority proposes to frame regulations on matters detailed under Section 92 of the FSS Act, and to address the other issues through advisories till it frames regulations for those issues.

4. With regard to Agenda Item 18.20, Shri V.K. Thakkar, Member said that he is not being given the information asked by him from the Authority Office. The Chairperson assured the Member that information as per law will be given to him as and when he applies for it as per the prescribed procedure.

5. Regarding Agenda Item 18.21, Ms. Meetu Kapoor, requested that sampling methods in case of milk and milk products be included in the manual on method of analysis. It was informed that a separate manual on general guidelines on sampling is being developed. Chairperson further explained that it has been decided to adopt each manual as soon as it is completed rather than await completion of all the manuals.

6. With regard to Agenda Item 18.22, Chairperson requested the sub-committee to finalise the report expeditiously. Shri Kumar Anil, Advisor (Standards) informed that a meeting will be held in the month of November to


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finalise the report on the process of selection of members of the Scientific Committee and the Scientific Panel.

7. It was decided that the ATR as placed before the Authority be deemed to have been noted.

Item No. IV: Chief Executive Officer's Report

A copy of the CEO's report was circulated among the members. While presenting the report, the Chairperson/Chief Executive Officer highlighted the activities undertaken by the Authority after the last meeting. Members noted the contents of the report.

It was decided to place on record the appreciation & grateful thanks of the Authority to Shri Y.S. Malik for his initiative, dynamism and work ethic that he brought to the organisation during his stint as CEO.

B. Regular Agenda Items

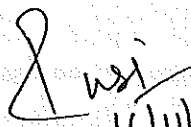
After the presentation of CEO's report, regular agenda items were taken up for deliberations as under:

Agenda Item No. 19.1-

Draft notification of Food Safety and Standards Authority of India (Recruitment and Appointment) Regulation, 2015.

1. Shri VK Thakkar suggested that a Sub-Committee should be constituted for reviewing the draft regulation, especially in the context of permanent absorption of temporary staff. It was explained that the said draft regulation had already been approved by the Authority earlier. However, it was felt by some officials that a few provisions in the regulations are inconsistent with the FSS Act, 2006 and, therefore, the matter was referred to the Ministry of Health and Family Welfare. After consulting the Law Ministry, the Health Ministry has clarified that these are in alignment with provisions of the Act. Accordingly, the final draft is placed before the Authority for consideration. Comments received on the draft regulations would, in any case, be duly considered before the regulations are finalised. Shri V.K. Thakkar expressed his concurrence to the draft regulations after several members supported the same, but has later, in writing, asked for his dissent to be recorded

2. The Authority resolved to approve the draft notification of Food Safety and Standards Authority of India (Recruitment and Appointment) Regulations, 2015 for publication.


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Agenda Item No. 19.2-

Fixation MRLs of Pesticides

The Food Authority considered the agenda and approved the recommendations of the Scientific Committee on Fixation of MRLs of Pesticides in Food Commodities. However, Ms Meetu Kapoor mentioned that some MRLs for pesticides are more stringent than the Codex. In response, Chairperson, asked her to send these comments in the form of a comparative statement.

Agenda Item No. 19.3-

Categorization of Caramel as a 'Natural' or a 'Synthetic' Colour

The Food Authority considered and approved the recommendations of the Scientific Committee to restate the extant regulation with respect to the categorization of the caramel as prescribed under Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011 i.e. categorization of caramel as a Natural Colour as per regulation 3.1.2 (1) (d).

Agenda Item No. 19.4-

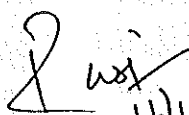
Assessment/determination of the safety of consumption of Khesari dal/ban on consumption of Khesari dal.

1. The Food Authority discussed the agenda and noted that *Khesari dal* is grown on 0.48 million ha area in the country particularly in Maharashtra and Chhattisgarh in spite of a ban on its sale and storage. The Scientific Committee had not, however, reached a conclusion regarding the safety of *Khesari dal* and suggested that the views of ICAR be obtained in lifting the ban based on introduction of low toxin varieties, after which the matter may be revisited in consultation with other stakeholders. The report of the Expert Committee constituted by ICMR was of the view that there is no reason to recommend the continuation of ban on sale and storage of *Khesari dal* in view of its low level of consumption, availability of low toxin varieties and its high protein content & water use efficiency. This view had been supported by ICAR. In view of the details made available by Dr. G.S. Toteja, and as no evidence of lathyrism cases due to consumption of *Khesari dal* have been reported in the last 20 years, the Authority was of opinion that the ban on sale & storage of *Lathyrus sativus* varieties with low ODAP content namely Ratan (Bio L 212), Prateek (LS 157-14), and Mahateora may be lifted & Ministry of Agriculture requested to promote their cultivation in traditional areas under cultivation of lathyrus to replace local varieties having high ODAP.

Agenda Item No. 19.5-

Revision of Standards of the Packaged Drinking Water

1. The Food Authority considered the agenda and approved the recommendations of the Scientific Committee on Revision of Standards of


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Packaged Drinking Water, without the provision for labelling of water based products which were not for human consumption.

Agenda Item No. 19.6-

Iron fillings in Tea

1. The agenda was considered and the Authority resolved to approve the recommendations of the Scientific Committee to allow up to 150 mg / kg of iron filings in tea.
2. Further, it was suggested that FSSAI may collect data in respect of the limit of iron filings allowed in tea by other exporting countries.

Agenda Item No. 19.7-

Draft notification for changes in the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulation, 2011

The Food Authority considered the agenda and approved in principle the draft amendment notification of Food Safety and Standards (Licensing and Registration of Food Businesses) Regulation, 2011 proposing to increase the turnover limit from Rs. 12 lakhs to Rs. 25 lakhs and to remove the capacity criteria for petty food manufacturer.

Shri V.K. Thakkar proposed that the capacity of food processing units mentioned in Item No. V of Schedule 1 of Food Safety and Standards (Licensing and Registration of Food Business) Regulation, 2011 be expressed in litres in addition to metric tonnes. Such a dispensation may be required for all liquids & may have widespread implications. It was decided to refer this issue for detailed examination.

Agenda Item No. 19.8-

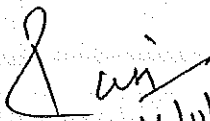
Constitution of the National Codex Committee (NCC) and various Shadow Committees under NCC

The Food Authority considered the agenda and approved the Constitution of the National Codex Committee (NCC) and various Shadow Committees under NCC with some minor editorial corrections.

Agenda Item No. 19.9-

Review of limits of Extraneous Matter in Pulses

The Food Authority considered the agenda and recommended that there should be a separate Standard for Raw Pulses (not for direct human consumption).


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Agenda Item No. 19.10-

Approval of 'use of Maltitol & Maltitol syrup in various food Products'

The Food Authority considered the agenda and approved the recommendations of the Scientific Committee w.r.t the use of maltitol [965 (i)] and maltitol syrup [INS 965 (ii)] in dairy based desserts (FCS: 01.7) such as halwa, boondi, laddo; jalebi, gulab jamun, rasgulla, flavoured yoghurt; in cereal and starch based desserts (FCS 06.5) like custard mixes, rice pudding etc., at GMP level; in heat desiccated dairy based sweets (01.7) like Kalakand; and as carrier and filler of the artificial sweeteners, after noting the suggestion of Ms Meetu Kapoor that the above said standards have to be checked for alignment with Codex.

C. Agenda for Information to the Authority

Agenda Item No. 19.11-

Minutes of the 14th meeting of the Central Advisory Committee.

The Members noted the contents of the Agenda Item.

Agenda Item No. 19.12-

Joint Statement of Intent (JSI) signed between the Federal Office of Consumer Protection and Food Safety (BVL) and Federal Institute for Risk Assessment (BfR), Germany and FSSAI on cooperation in Food Safety on 05th October, 2015.

The Members noted the contents of the Agenda Item.

Agenda Item No. 19.13-

Discontinuation of Dr. Sunil Bakshi from the Scientific Panel on Milk & Milk Products.

The Authority took note of the information.

Agenda Item No. 19.14- With the permission of the Chair

1. The Authority considered the Agenda raised by Shri Thangalura regarding the Scheme for associating Central / State Government Agencies, Consumers' Organizations, Non-Governmental Organizations and other Institutions including Government Universities / Colleges working in the area of food safety for undertaking Information, Education and Communication (IEC) activities on behalf of Food Safety and Standards Authority of India (FSSAI).

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2. It was decided to reduce the criteria for experience of the applicant organization from 5 years to 3 years and to ~~allow~~^{include} these activities in the capital of States/UTs in addition to the metros.

D. Supplementary Agenda Items

Agenda Item No. 19.15

Testing Parameters for Imported Pulses:

The matter was ~~not~~ considered as per Agenda Item ~~19.9~~.

Agenda Item No. 19.16

Tripartite Agreement between FSSAI-Tamil Nadu State - CONCERT TRUST

The Members noted the contents of the Agenda Item.

Agenda Item No. 19-17


Status of various Standards/Notifications for the information to the Authority

The members were informed of the status of pending notification of Standards.

The meeting concluded with a vote of thanks to the Chair and all the Members present.



Chief Executive Officer/Chairperson


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List of Participants

A. Members of the Authority:

1. Shri Ashish Bahuguna, Chairperson, FSSAI;
2. Dr. Reeta Vashishta, Additional Secretary, Ministry of Law & Justice;
3. Sh. K.L. Sharma, Jt. Secretary, Ministry of Health & Family Welfare;
4. Ms. Anuradha Prasad, Jt. Secretary, Ministry of Food Processing Industries;
5. Dr. G. S. Toteja, Director, Desert Medicine Research Centre (DMRC), New Delhi;
6. Shri Salim A Veljee, Commissioner Food Safety, Goa;
7. Shri Sukhwinder Singh, Designated Officer, Chandigarh;
8. Shri Vasudev K. Thakkar, President, 'V' Care Right & Duty NGO. Vadodra;
9. Ms Shreya Pandey, All India Food Processors' Association;
10. Ms. Meetu Kapur, Confederation of Indian Industry (CII);
11. Shri Thanglura, Mizoram Consumers' Union, Lalat Chamber;

B. Special Invitees

1. Dr. Mohan Lal, Representative, DADF, Ministry of Agriculture; and
2. Shri R. K. Gupta, Representative, DADF, Ministry of Agriculture.

C. Officers of the FSSAI

1. Shri Kumar Anil, Advisor (Standards)
2. Shri Sunil Bakshi, Advisor (Regulations/ Codex)
3. Dr. Sandhya Kabra, Director (OA/Legal)
4. Shri Bimal Dubey, Director (Imports)
5. Shri Rakesh Chandra Sharma, Director (Enforcement)

6. Dr. A.K. Sharma, Consultant
7. Dr. S. C. Khurana, Consultant
8. Shri P. Karthikeyan, AD (Regulations/ Codex)
9. Shri S.S. Meena, AD (Mgmt.)
10. Sh. Rajesh Kumar, Scientist IV(I)
11. Ms Ranum Dabbas, Scientist IV(I)