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January 20, 2015

Shri K L Sharma
Joint Secretary (Regulation)
Department of Health and Family Welfare
Room No. 151-A, Nirman Bhavan
New Delhi 110011

Subject: Amendments in the Food Safety and Standards Act, Rules and Regulations

Dear Shri K L Sharma,

This is regarding the recently constituted committee by Ministry of Health and Family Welfare to propose suitable amendments in the Food Safety and Standards (FSS) Act, Rules and Regulations. We, at Centre for Science and Environment (CSE) have been involved in issues falling under the purview of the FSS Act and would like to take this opportunity to suggest amendments on below mentioned areas for consideration by the said committee.

A. **Pesticide residues:** In 2013, CSE assessed the state of pesticide regulation in the country keeping in view the recommendations of the Joint Parliamentary Committee (JPC) that was setup in the wake of our findings of pesticide residues in soft drinks in 2003. We found that about one fourth of the registered pesticides do not have Maximum Residue Limits (MRLs) set. In certain cases, MRLs are not set for all crops they are registered for; MRLs do not comply with Acceptable Daily Intake (ADI); waiting periods are not notified and enforced; farmers are not unaware about registered pesticide uses. Besides poor implementation of the JPC recommendations, the findings highlighted gaps in pesticide regulation and management such as a need for periodic monitoring mechanism for the food sold in the market and a public information system to disclose monitoring information ([weblink: State of pesticide regulation in India](#)). In this regard, we suggest the following points that should guide necessary amendments:

1. MRLs for all registered pesticides to be set and for all crops they are registered for. Waiting periods to be notified for all pesticide-crop combination. Time-bound and seamless communication with central registration committee is essential in this regard.
2. MRLs should be set keeping into view the ADI. India should, therefore, establish ADI for all pesticides based on latest scientific information and notify them in FSS Rules. The notified ADI should then be used along with the dietary exposure studies to set MRLs based on risk exposure assessment. Special consideration must be given to children and vulnerable groups while setting these limits.
3. The role of FSAAI should be to ensure that harmful chemicals are continuously reduced in the food chain. This means that before setting standards for any new chemicals in food commodities, a comparative risk assessment should be done to ensure that the new chemicals are safer than the previous ones. Similarly, a procedure should be put in place to ensure that high toxic chemicals are removed over a period of time by revoking their standards in the food commodities.

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4. Stringent MRLs for pesticides for soft drinks in line with draft BIS standards. Individual pesticide limit to be set at 0.1 ppb. Total pesticide limit at 0.5 ppb should also be set. Instead of the existing standards for only eight pesticides, standards should be set for at least 16 as per the draft BIS standards
5. The food safety authority to conduct regular monitoring of raw food commodities such as cereals, fruits and vegetables etc. as well as processed food commodities such soft drinks, juices, packaged food etc. from across the country.
6. A public disclosure system that provides updated information on standard setting procedures, banned and restricted pesticides, monitoring results and safety alerts.

B. Antibiotic residues: In continuation to our 2010 study on presence of antibiotic residues several brands in honey; in 2014 we highlighted rampant use of antibiotics for non-therapeutic purpose such as growth promotion and mass disease prevention in chicken. Antibiotic residues were found in chicken meat samples sourced from Delhi NCR which was followed by a field survey of poultry farms in Haryana and Rajasthan. Five out of the six tested antibiotics were present including ciprofloxacin which is critically important for human beings (*web link: Down to Earth story [Hatching superbugs](#), including lab report, fact sheets and other details*). Such non-therapeutic use in food-producing animals such as chicken, fish and cattle is worldwide known as a significant contributor to growing emergence of resistance bacteria in environment and food chain.

The Food Safety and Standards (Contaminants, Toxins and Residues) Regulations, 2011 regulates antibiotic use only in sea foods and in a limited way. While it prohibits use of several antibiotics in sea food processing units but provides tolerance limits for only four antibiotics. In this regard, following should be ensured through amendments:

1. MRLs of antibiotics to be set for food-producing animals such as poultry, dairy animals and other animals for meat such as goat. The limits to be set for antibiotics which are approved to be used by the designated authority. Use of antibiotics which are considered to be critically important for humans should be prohibited. This means that FSS Act should keep standards for these important antibiotics at "below detectable levels" (*web link: [WHO list of critically important antibiotics for human medicine](#)*).
2. The residue standards should be stringent enough to address the issue of emergence of antibiotic resistance. They should not be based on toxicity only as done in the case of standards for pesticide residues. The set limits should reflect only therapeutic use and should notify withdrawal periods.
3. A nation-wide surveillance system to monitor presence of antibiotic residues, bacterial pathogens and resistant strains in food-producing animals. This is very important to combat food-borne infections and resistance. This forms a part of the integrated surveillance networks designed to contain emergence and spread of antimicrobial resistance in several countries. Both raw and processed samples to be included in this system. This would also feed into the global data deemed necessary for generating trends on global resistance to better formulate country-level interventions.



- C. **Junk food availability and exposure to children:** Worldwide, increased regulatory focus on consumption of junk foods by children is considered need of the hour. This is due to growing public health burden of diet-related non-communicable diseases such as diabetes, cardiovascular diseases and conditions such as childhood obesity and metabolic syndrome. Junk food being ultra-processed and high in fat, salt and sugar is strongly linked with these. Increasing taxes, restricting availability in schools and regulating advertisements and promotion are three key measures adopted by several countries. World Health Organisation also provides policy framework to limit consumption of HFSS foods (foods high in fat, salt and sugar) by children. Indian National Dietary Guidelines of 2011 also recognise junk foods as unhealthy and recommends to be consumed sparingly.

In view of the global regulatory initiatives and increasing prevalence of childhood obesity, early onset of type II diabetes and cardiovascular diseases in India, CSE after having extensively consulted with eminent paediatric and nutrition experts of India recommended on regulatory action required to limit exposure and availability of junk food targeted at children in 2014 (*web link: [Junk food targeted at children](#)*). We propose those that can be under the purview of the FSS Act and be considered by the committee:

1. Ban on commonly available standardized junk food items in and around schools. These include chips and other fried packaged food, carbonated beverages, instant noodles, and confectionery
2. A canteen policy such that food categorised as green (healthy) would constitute over 80 per cent of the choices available. Such foods are balanced in their nutritional composition and are not high in fat, salt and sugar. Small portions of yellow category foods should be served less frequently. There should be an attempt to green them by making them more balanced. Junk foods are red category and banned therefore.
3. Establish stringent limits for unhealthy ingredients such as trans fatty acids: Finalise draft of notification that limits trans fatty acids to 5 percent. There should be no further delay (over and above the recently notified Dec 2015) in implementation of the amendments of trans fatty acid labelling requirements

- D. **Labelling of junk food:** We came across several labelling related issues in 2012 study on presence of salt, sugar and fats in commonly available junk foods. For example, no standardisation of serving size; absence of nutrition information for a serving size and depiction of comparison to the recommended daily allowance (RDA). Further, non-packaged junk food items such as burgers, fries and pizzas had their nutritional information on websites and in a limited way compared to information on their international websites (*web link: [Down To Earth story Eat at your own risk including lab report and other details](#)*). Providing accurate, standardised and comprehensive information particularly for foods that are known to be high in fat, salt and sugar is considered critical. Based on our review of international best practices (*web link: [Junk food targeted at children](#)*) we propose the following to be made mandatory:

1. 'Nutrition facts' labelling to be made mandatory. Typically at the back of the pack, these depict comprehensive information such as serving size, number of servings, and nutrient information per serving, as percentage of the daily value. Information on how much of a packet or a serving would add up to the RDA for sugar, salt, fat, total calorie etc is widely recognised as a potent tool
2. An easy to understand, 'Front-of-pack' labelling system such as 'traffic light' of the UK, which is a figurative representation and complements labelling at the back of the pack. It involves colour coding – Green, Amber and Red – and includes energy and four nutrients of concern, i.e. total fat, saturated fat, sugar and salt; amount of nutrients and percentage contribution to the reference intake; and descriptions such as 'High', 'Medium' or 'Low' based on the amount of ingredients.
3. 'Menu labelling' which is about listing of calorie content and nutrients such as sodium/salt displayed at point of purchase on menus and menu boards of fast food outlets and chain restaurants. It should also apply to vending machines.

Besides the above, we would like to bring the attention of the committee to the need for:

1. A stringent procedure based on scientific evidence to approve 'health claims' and 'nutrition claims'. Similarly, a regulated approval process and periodic monitoring system for claims such as trans fat free, low in cholesterol.
2. Tracking public health concerns and complaints on energy drinks to see if the upper limit of 320 ppm of caffeine needs to be reduced
3. Increase/amend penalties and punishments to make them act as a deterrent to creating an offence
4. A safety alert communication system using mass media and a public disclosure system on product recalls
5. A coordinated framework of greater public participation and consultations with stakeholders

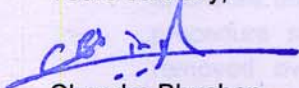
We hope that the committee gives due attention to the suggested modifications and facilitates a regulatory system that is equipped to address huge public health and economic threats of the current times including antimicrobial resistance, diet-related non-communicable diseases.

Web links to studies have been provided above. These can also be viewed at www.cseindia.org. Relevant documents are also enclosed along with hard copy of the letter sent.

We would be happy to present our findings and recommendations or provide clarifications over an email as required.

With my best wishes,

Yours cordially,



Chandra Bhushan
Deputy Director General