



# SNS COLLEGE OF TECHNOLOGY



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COIMBATORE-641 035, TAMIL NADU

## UNIT IV: NATIONAL AND INTERNATIONAL FOOD LAWS AND STANDARDS

### FSSAI, BIS, AGMARK

#### FSSAI:

##### INTRODUCTION

FSSAI: Although the food industry has become one of the most in-demand industries, it is still not reliable for daily consumers. One of the greatest difficulties in today's culture is adulteration, adding additives, or contamination of natural food products. Adulterants of poor quality are added to food for economic and technical reasons. To tackle this issue, the government of India formed the Food Safety and Standards Authority of India (FSSAI), which monitors, governs, and inspects food manufacturing, storage, packaging, and handling procedures of food business operators. This ultimate authority's principal goal is to regulate and supervise food safety to safeguard and promote public health.

This government agency is in charge of overseeing India's food industries and ensuring that they adhere to government regulations. Their job is to make sure that the food is pure and meets the specified requirements. Their task is to get rid of food that isn't up to standard.

##### WHAT IS FSSAI?

FSSAI is an acronym used for Food Safety and Standards Authority of India, an independent body recognized under the Ministry of Health & Family Welfare, Government of India. FSSAI was formed by Former Union Minister Dr Anbumani Ramadoss on 5 August 2011 under Food Safety and Standards Act, 2006, which became operational in 2006.

The Food Safety and Standards Act of 2006, which was enacted to promote food cleanliness and quality, has resulted in significant changes in the food business. Delhi, Guwahati, Mumbai, Kolkata, Cochin, and Chennai are among the authority's six regional offices. According to the Act, no person may start or operate a food business without obtaining an FSSAI license or registration. As a result, any firm that manufactures, processes, packages, or distributes food must now obtain an FSSAI License or Registration.

##### TYPES OF FSSAI REGISTRATION/LICENSE

FSSAI in India issues the following three types of license

**FSSAI Basic Registration License** - The State Government issues a basic Registration license to food industry operators such as petty food makers and small-scale manufacturers, storage units, transporters, retailers, marketers, and distributors with an annual turnover of less than Rs. 12 lakh. This license has a maximum of 5 years and a minimum of 1 year. It will only take 7 days to complete this registration.

**FSSAI State License** - The State Government issues this license to SMEs such as transportation, storage houses, transporters, distributors, marketers, and so on. The company must operate in only one state and have a minimum yearly sale of Rs. 12 lakh. The license is valid for a maximum of five years and a minimum of one year. The procedure for obtaining a state license from the FSSAI takes 15 days.

**FSSAI Central License** -The Central Government issues the license. If food producer/importer has operations in more than one state, food business operators must obtain a Central License for their main office. This license is only for FBOs with a turnover of Rs. 20 crore per year. It is valid for a minimum of one year and a maximum of five years. It takes only 25 days to process.

#### **FUNCTIONS OF FSSAI**

Following functions are performed by the Food Safety and Standards Authority of India:

- **Setting Rules and Guidelines** - FSSAI sets up rules and guidelines that must be followed by all food manufacturing companies, considering hygiene and food safety.
- **Granting License** - To pursue any food-related business, the owner requires to get a certificate and license with the permission of FSSAI.
- **Test the Standard of Food** - The standard and quality of food manufactured by all companies registered under FSSAI is done by the organization themselves.
- **Regular Audits** - Proper inspection is conducted for food-producing and manufacturing companies to make sure the standards comply with the guidelines.
- **Spreading Food Safety Awareness** - FSSAI creates awareness and informs the citizens about the significance of safe and hygienic food consumption.
- **Maintain Records and Data** - FSSAI also has an obligation to maintain proper records and data of all the registered organizations. Any violation of FSSAI rules can result in the termination of the license.
- **Keeping the Government Updated** - Any food safety-related threat must be informed to the Government authorities for further action. Also, assist them in framing food standard policies.

#### **WHAT ARE THE DOCUMENTS REQUIRED FOR FSSAI REGISTRATION?**

The requirement of documents varies according to the type of FSSAI License. However, some major documents required are as follows

- Copy of address proof
- Manufacturing process with flow chart
- Manufacturing layout
- Brand certification
- Testing facility
- Equipment list
- Proof of possession of premises
- NOC from the municipality and local body
- NOC/PA issued by FSSAI
- Contact Details of Directors
- FSSAI Declaration form
- Source of Milk, if applicable
- Proof of possession of premises

#### PROCEDURE FOR FSSAI REGISTRATION

Documentation FSSAI Registration starts with the collection of required documents that are necessary for the registration.

- Online submission of application - Once required documents are collected, the next step is to generate the online portal on the FSSAI website and submit the application for registration to the food and safety department online.
- Submission of (hardcopy) application - Also, submit the hard copy of the application with documents to Food and Safety department.
- Scrutiny - FSSAI officials will verify the application, and within 7 days of the application date, the department may accept or reject the application.
- Inspection from FSSAI - After scrutiny of documents, FSSAI Officials will conduct the audit in the applicant's premises. (Optional)
- Grant of FSSAI Certificate - If the application is approved, the department will provide a registration certificate that includes the applicant's registration number and photo.

#### FOR WHOM FSSAI LICENSE IS MANDATORY IN INDIA

Whether you're beginning a food processing, trading, repacking, wholesaling, marketing, canteen, or restaurant, you'll need an FSSAI license. As per the rules and regulations of the Food Safety and Standards Act, 2006, it is obligatory for the following to obtain FSSAI Registration or License

All types of food manufacturer

- Raw food supplier
- Exporter and importer of food products
- Food storage and packaging unit
- Food traders
- Food product retailers
- Online Food business operators
- Caters or Hotels
- Food Products Transporter and Distributors
- Wholesale food business operators

#### TIMELINE FOR FSSAI LICENSE

Timeline depends upon the type of license, which is as follows

- Basic license - 7 days
- State License - 15 - 30 days
- Central license - 30-60 days

#### RENEWAL OF FSSAI LICENSE

The validity of the license is 1-5 years depends on the application fee paid. A license must be renewed before 30 days of the expiry of the license.

#### **BIS:**

The Bureau of Indian Standards Act, 2016 provides for the establishment of the Bureau of Indian Standards (BIS) as the national standards body of India.

Bureau of Indian Standards Act, 2016 [BIS Act]

The Act was originally enacted in 1986 and the BIS came into existence in December 1986. A new act (to replace the BIS Act of 1986) was introduced in the Lok Sabha in 2015, which was subsequently passed by both houses of the Parliament. The new act came into force in 2017.

Bureau of Indian Standards (hereinafter referred to as 'BIS') is a statutory body established under the Bureau of Indian Standards Act, 2016 (hereinafter referred to as the 'Act'). BIS prescribes the standards for covering goods and systems under the standardization regime. Under the Act, BIS has been identified


as the 'National Standards Body of India' and is regulated under the Ministry of Consumer Affairs, Food & Public Distribution, and Government of India

### Features of BIS Act

The Act establishes a Bureau for the purpose of standardization, marking and certification of articles and processes.

- The Act allows the union government to make it **compulsory** for certain notified goods, processes, articles, etc. to carry the **standard** mark in the public interest, safety of the environment, national security or to prevent unfair trade practices.
- The BIS Act also allows many types of simplified conformity assessment schemes and this includes **self-declaration of conformity** against a standard which will offer simplified options to manufacturers to adhere to the standards and get a certificate of conformity.
- According to the Act, the central government has the power to appoint any agency or authority (apart from the BIS) to verify the conformity of product & services and issue the conformity certificates.
- Additionally, there is a provision in the Act for the **recall or repair** for products that bear the Standard Mark but do not conform to the required Indian standard.
- The Act has identified new areas for standardisation. These include:
  - Medical devices
  - Alternate fuels
  - Smart cities
  - E-mobility
  - New and renewable energy
  - Digital technologies (Artificial Intelligence, Industry 4.0, Blockchain, etc.)
- The BIS (Hallmarking) Regulations, 2018 makes the hallmarking of precious metals jewellery and artefacts such as gold and silver mandatory.
- The penalty for improper use of the Indian standard mark will be a fine of up to Rs. 5 lakh.
  - The Act also prescribes penalties for the following points:
    - The improper use of the standard mark by testing and marking centres
    - Manufacturing or selling goods & articles that do not carry a standard mark and have been mandated to do so, etc.

## AGMARK:

<b>Certifying agency</b>	Directorate of Marketing and Inspection, Government of India	
<b>Effective region</b>	India	
<b>Effective since</b>	1986	
<b>Product category</b>	Agricultural products	
<b>Legal status</b>	Advisory	
<b>Website</b>	<a href="http://agmarknet.nic.in/agm_std1.htm">agmarknet.nic.in/agm_std1.htm</a>	

**AGMARK** is a certification mark employed on agricultural products in India, assuring that they conform to a set of standards approved by the *Directorate of Marketing and Inspection*, an agency of the Government of India. The **AGMARK** is legally enforced in India by the *Agricultural Produce (Grading and Marking) Act of 1937 (and amended in 1986)*. The present **AGMARK** standards cover quality guidelines for 205 different commodities spanning a variety of Pulses, Cereals, Essential Oils, Vegetable Oils, Fruits & Vegetables, and semi-processed products like Vermicelli. The term agmark was coined by joining the words 'Ag' to mean agriculture and 'mark' for a certification mark. This term was introduced originally in the bill presented in the parliament of India for the *Agricultural Produce (Grading and Marking) Act*.

### Agmark Laboratories

The Agmark certification is employed through fully state-owned Agmark laboratories located across the nation which act as testing and certifying centres. In addition to the *Central AGMARK Laboratory (CAL)* in Nagpur, there are *Regional AGMARK Laboratories (RALs)* in 11 nodal cities (Mumbai, New Delhi, Chennai, Kolkata, Kanpur, Kochi, Guntur, Amritsar, Jaipur, Rajkot, Bhopal). Each of the regional laboratories is equipped with and specializes in the testing of products of regional significance. Hence the product range that could be tested varies across the centres.

### Commodities and tests

The testing done across these laboratories include chemical analysis, microbiological analysis, pesticide residue, and aflatoxin analysis on whole spices, ground spices, ghee, butter, vegetable oils, mustard oil, honey, food grains (wheat), wheat products (atta, suji, and maida), gram flour, soyabean seed, bengal gram, ginger, oil cake, essential oil, oils and fats, animal casings, meat and food products.

### Agmark Registration is available for following products

Hides, skins, Goat Hair, Animal Casings, Bristles, Wool, Raw meat (chilled and frozen), Handpicked selected groundnuts, Cashew Kernels, Ambadi seeds, Rape and mustard seeds, Taramira seeds, Groundnuts, Walnuts, Vegetable oil cakes, Ghee, Vanaspati Creamery butter, Essential oils, Vegetable oils, Tobacco, Bura, Sugarcane, Gur (Jaggery), Lac, Arecanuts, Myrobalans, Tendu (Bidiwrapper Leaves), Senna Leaves and pods. Tapioca products (Animals feed) Table Eggs, Honey, Seed less Tamarind, Dried Edible Mushrooms, Saffron, Sheekakai powder, Kangra Tea, Agar Agar, Papain, Rice, Wheat Atta, Pulses, Cereals, Besan (Gramflour), Basmati Rice (Export), Suji and Maida, Grapes, Apples, Alphonso Mangoes-Export, Plants, Alphonso Mangoes Home consumption, Canned, Bottled fruits and fruit products citrus, Table potatoes, William Pears, Kanchan (Bathua), Mangoes, Home consumption, Seed potatoes, Table potatoes Table potatoes (Export), Water chestnuts. Coconuts, Curry Powder, Chillies, Cardamom, Coriander, Garlic, Ginger, Onions, Chillies powder, Poppy seeds, Turmeric, Fennel, Fenugreek and Celery seeds Cumin seeds, Pepper, Ajowan Seeds, (Whole), Sun hemp, Palmyra Fibres, Cotton, Aloe Fibres, Jute.and other products.

### **Requirement of Agmark Application Proceedings**

- Copy of test report(s), duly authenticated, from independent Agmark recognized laboratory.
- Document authenticating establishment of the firm, such as Registration by Company Registrar
- State Authority or Memorandum of Article in case Applicant Firm is a Limited Company
- Partnership Deed in case the applicant firm is under Partnership.
- Name of the products .
- Name of the applicant
- Name of the Firm/ Company
- Address of the Firm/ Company
- Sample of the product(in pouch of 500gm.1kg.
- Startred Time period of product(specify exact Date/Month/year)
- Total gross product in K.g.(for last year)
- Turnover of last year
- **What is the FSMA?**
- A regulatory-driven shift from responding to contamination to preventing it. The US Food and Drug Administration (FDA) Food Safety Modernization Act (FSMA) was signed into law by President Obama in January 2011.
- It aims to ensure the US food supply is safe by shifting the focus of federal regulators from responding to contamination to preventing it. FDA FSMA includes preventive controls for Human Food and Animal Food; contains specific requirements for Foreign Food Suppliers and Importers; and identification of Preventive Controls Qualified Individuals just to name a few.
- **Major elements of FSMA**

## Prevention

For the first time, FDA will have a legislative mandate to require comprehensive, science-based preventive controls across the food supply.

- Mandatory preventive controls for food facilities
- Mandatory produce safety standards
- Authority to prevent intentional contamination

## Inspection and Compliance

The FSMA recognises that preventive control standards improve food safety only to the extent that producers and processors comply with them. Therefore, it will be necessary for FDA to provide oversight, ensure compliance with requirements and respond effectively when problems emerge.

- Mandated inspection frequency
- Records access: FDA will have access to records, including industry food safety plans
- Testing by accredited laboratories

## Response

The FSMA recognises that FDA must have the tools to respond effectively when problems emerge despite preventive controls.

- Mandatory recall
- Expanded administrative detention
- Suspension of registration
- Enhanced product tracing abilities
- Additional record keeping for high-risk foods

## • Benefits of FSMA

### • **Third Party Certification, Independent Assurance and Training**

The Food Safety Modernization Act gives the FDA authority for the first time to ensure that imported products meet US standards and are safe for US consumers, and specific requirements are in place for Foreign Supplier Verification.

### • **GFSI Recognised Certification – FSSC 22000 and BRC**

It is important for organisations impacted under FDA FSMA – as well as their suppliers – to obtain certification to a GFSI-recognised standard such as FSSC 22000 for Food Manufacturing and Packaging, FSSC 22000 for Animal Food, or the BRC Global Standard for Food in order to help further ensure compliance with FSMA requirements.

### • **HACCP vs HARPC**

The FDA Food Safety Modernization Act introduces requirements beyond HACCP, called Hazard Analysis and Risk-Based Preventive Controls or HARPC. HARPC encompasses far more in the way of food safety assessment and control than a traditional HACCP plan. The FDA Food Safety Modernization Act (FSMA) Preventive Controls for Human Food rule and the FDA Food Safety Modernization Act (FSMA) Preventive Controls for Animal Food are both now final, and compliance dates for some businesses begin in September 2016.

### • **Preventive Controls Qualified Individual**

The FDA has engaged the Illinois Institute of Technology to develop a recognised training course to satisfy the requirements around the PC Qualified Individual, including gaining a full understanding of the regulations around the Preventative Controls for Human Food. LRQA offers the FDA-recognised FSPCA Preventive Controls for Human Food course in both public and onsite settings.



