

Voluntary Report – Voluntary - Public Distribution

Date: February 06, 2025

Report Number: IN2024-0057

Report Name: India Publishes Draft Amendment Regulations on Metal Contaminants

Country: India

Post: New Delhi

Report Category: FAIRS Subject Report

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Report Highlights:

Comments on India's revised measure on metal contaminants, toxins and residues are due by February 10 as notified to the World Trade Organization (WTO). The measure addresses tolerance limits for metal contaminants, crop contaminants, and antibiotics and includes limits for saffrole and oxolinic acid for certain processed foods and seafood products which may not have much impact on U.S. exports to India.

DISCLAIMER: The information contained in this report was retrieved from the Food Safety and Standards Authority of India's (FSSAI) <http://www.fssai.gov.in> and the World Trade Organization (<https://www.wto.org/>) websites. The Foreign Agricultural Service (FAS) Office of Agricultural Affairs at the U.S. Embassy in New Delhi, USDA, and/or the U.S. government make no claim of accuracy or authenticity. The Government of India has not officially endorsed this report. Import approval for any product is subject to local rules and regulations as interpreted by Indian officials at the time of product entry. [Note: Use Google Chrome to access the links that do not open in Microsoft Edge. Indian host sites geo-block site access on a rolling basis].

GENERAL INFORMATION

On December 12, 2024, the Ministry of Health and Family Welfare's Food Safety and Standards Authority of India (FSSAI) notified to the World Trade Organization (WTO), its draft amendment relating to modified limits for lead, arsenic, cadmium, and aflatoxins in various food products, including pulses, edible oils and seafood products. The amendment also includes limits for safrole and oxolinic acid. The WTO notification number is G/SPS/N/IND/324. FSSAI invites the WTO members to submit comments/suggestions on the proposed draft amendments within 60 days from the date it is notified on the WTO website. The comment period will accordingly end on February 10, 2025.

Comments should be sent to:

Dr. Alka Rao
Advisor (Regulations, Science and Standards)
SPS Enquiry Point for Food Safety and Human Health
Food Safety and Standards Authority of India
Ministry of Health and Family Welfare
FDA Bhawan, Kotla Road, New Delhi 110002
Email: spstbt.enqpt@fssai.gov.in

For more details on the draft regulation, please refer to the full text of the FSSAI proposed amendment pasted below in Appendix I or on FSSAI's website: https://fssai.gov.in/upload/uploadfiles/files/gazette_250924.pdf. The draft amendment is also available on the WTO Website (<https://www.wto.org/>).

APPENDIX I: FOOD SAFETY AND STANDARDS (CONTAMINANTS, TOXINS, AND RESIDUES) AMENDMENT REGULATIONS, 2024

FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA

Notification

New Delhi, the 18th September, 2024

F.No.01/SP-02/S&S/NotificationContaminants/2021-22.- The following draft of certain regulations, further to amend the Food Safety and Standards (Contaminants, Toxins and Residues) Regulations, 2011, which the Food Safety and Standards Authority of India, with previous approval of the Central Government, proposes to make in exercise of the powers conferred by clause (i) and (j) of sub-section (2) of section 92 of the Food Safety and Standards Act, 2006 (34 of 2006) is hereby published as required under sub-section (1) of section 92 of the said Act for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft regulations shall be taken into consideration after the expiry of the period of sixty days from the date on which copies of the Gazette containing this notification is published are made available to the public.

Objections or suggestions, if any, may be addressed to the Chief Executive Officer, Food Safety and Standards Authority of India, Food and Drug Administration Bhawan, Kotla Road, New Delhi- 110002 or sent on email at regulation@fssai.gov.in.

Objections and suggestions, which may be received with respect to the said draft regulations before the expiry of the period so specified, shall be considered by the Food Safety and Standards Authority of India.

Draft Regulations

1. These regulations may be called the Food Safety and Standards (Contaminants, Toxins and Residues) Amendment Regulations, 2024.
2. In the Food Safety and Standards (Contaminants, toxins and Residues) Regulations, 2011,-
 - (1) in regulation 2.1 relating to “METAL CONTAMINANTS”,
 1. in sub-regulation 2.1.1, in clause 2, in the Table,

- (i) against serial number 1 relating to Lead, in Column (2), for the words “Pulses”, the words “Pulses and Pulse flours” shall be substituted;
- (ii) against serial number 3 relating to Arsenic, in Column (2), for the words “Edible fats and oils (edible fats and oils not covered by individual standards)”, the words and figure “Edible fats and oils (edible fats and oils not covered by individual standards)* ” shall be substituted;
- (iii) at the end of the table, following shall be inserted, namely:-
****Note-** For fish oils, the ML is for inorganic arsenic (As-in). Countries or importers may decide to use their own screening when applying the ML for As-in in fish oils by analyzing total arsenic (As-tot) in fish oils. If the As-tot concentration is below the ML for As-in, no further testing is required, and the sample is determined to be compliant with the ML. If the As-tot concentration is above the ML for As-in, follow-up testing shall be conducted to determine if the As-in concentration is above the ML.”;
- (iv) against serial number 5 relating to Cadmium, in Column (2), for the words “Pulses, excluding soybean dry”, the words “Pulses and Pulse flours, excluding soybean dry” shall be substituted.
- (2) in regulation 2.2 relating to “Crop contaminants and naturally occurring toxic substances”,-
- (a) in sub-regulation 2.2.1, in clause 1, in the Table,-
- (i) against serial number 1 relating to Total Aflatoxins, in Column (3), for the words “Oilseeds or oil: Oilseeds for further processing, Ready to eat” the following shall be substituted, namely:-

Article of the food
(3)
“
<ul style="list-style-type: none"> • Oils and Oilseeds for further processing • Ready to eat oilseeds ”;

- (ii) against serial number 2 relating to Aflatoxin B1, in Column (3), for the words “Oilseeds or oil: Oilseeds for further processing, Ready to eat”, the following shall be substituted, namely:-

Article of the food

(3)
“
<ul style="list-style-type: none"> • Oils and Oilseeds for further processing • Ready to eat oilseeds”;

(b) in sub-regulation 2.2.1, in clause 2, in the Table, for serial number 4, the following shall be substituted, namely:-

Sl. No.	Name of naturally occurring toxic substances (NOTS)	Article of food	Maximum limits (ppm)
(1)	(2)	(3)	(4)
“4	Saffrole	Beverages and foods containing mace and/or nutmeg kernel as an ingredient	10”

(3) in regulation 2.3, in sub-regulation 2.3.2,-

(i) the clause (1) shall be omitted;

(ii) in the clause (4), -

(a) against the serial number 45 relating to Trimethoprim, in columns (3) and (4), after the existing entries, the following entries shall be inserted, namely: -

Food	Tolerance Limit (MRL) mg/kg
Column (3)	Column (4)
“Sea foods including shrimps, prawns or any other variety of fish and fishery products	0.05”

(b) after the serial number 49 (Zinc Bacitracin (minimum 60IU/mg dried substance)), the following shall be inserted, namely: -

S. No.	Antimicrobials and other drugs used in	Food	Tolerance limit (mg/Kg)
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Column (1)	Column (2)	Column (3)	Column (4)
“50	Oxolinic acid	Sea foods including shrimps, prawns or any other variety of fish and fishery products	0.3”

G. KAMALA VARDHANA RAO, Chief Executive Officer

[ADVT.-III/4/Exty./504/2024-25]

Note: The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section 4 *vide* notification number F. No. 2-15015/30/2010, dated the 1st August, 2011 and last amended *vide* notification Stds/SP/(Contaminants)/Notification-1/FSSAI-2018, dated 7th August, 2020.

Attachments:

No Attachments.