

CONSULTATION ON DRAFT PROVISIONS IN THE FOOD SAFETY AND SECURITY BILL

SEGMENT C: AGRI-PRODUCTION INPUTS (ANIMAL FEED AND PLANT PESTICIDES)

Animal Feed

Background

1 Animal feed can become contaminated at any point along the feed supply chain. To ensure that animal feed, which is intended to be fed directly to any food producing animal, will not pose food safety risks or compromise local production of food derived from animals, the FSSB will include improvement on the current regulatory requirements for the manufacture and processing for sale of animal feed. This is intended to ensure that animal feed for food producing animals is fit for purpose.

2 The manufacture and processing for sale of animal feed is currently regulated under the Feeding Stuffs Act 1965 (FSA). The Director-General, Food Administration from SFA regulates the manufacture and processing for sale of feed for food-producing animals while powers are delegated to National Parks Board's (NParks) officers to regulate the manufacturing of feed for non food-producing animals, such as pet food.

3 The regulation of import of animal feed is covered in Segment B of this series of FSSB REACH consultations.

Proposed Provisions

4 Under Part 11 of the FSSB, SFA will continue to regulate the manufacture and processing of animal feed for food-producing animals. Additionally, the scope of regulating animal feed for food producing animals will expand to cover rearing/cultivation of animals to be used as feed for food producing animals, such as breeding insects or frogs to be used as feed on food fish farms.

5 The FSA will be amended to only apply to regulating manufacture and processing for sale of animal feed for non-food producing animals and the administration of the FSA will be transferred from SFA to NParks. This will result in a clear delineation of regulatory oversight between SFA and NParks for animal feed regulations. While this requires businesses which manufacture animal feed for both food producing animals and non-food producing animals to obtain two separate licences from SFA and NParks, it will give the industry clarity on the requirements of the respective licences for each type of animal feed.

Definition of Animal Feed

6 "Animal feed" is defined to mean a live animal, or a material or a mix of materials (whether processed, semi-processed or raw), which is intended to be fed directly to any food producing animal and includes feed additives. A "feed additive" is a substance or combination of substances that is not normally consumed as animal feed by itself but is intentionally added

as an ingredient to a basic animal feed and affects the characteristics of the animal feed or of the animal products.

Feed Control Plan (FeCP)

7 The FSSB will introduce a new criterion that involves requiring the animal feed production licensee to maintain and implement a *Feed Control Plan*. A *Feed Control Plan* is a regulatory tool to enable a shift from prescriptive regulation that is enforced primarily through inspection of the finished product, to placing responsibility on licensed animal feed producers to put in place preventative measures to minimise risks and assure fitness of the animal feed in their respective production processes.

8 The *Feed Control Plan* covers the following components: (i) systematic identification of the potential hazards that may be expected to occur in the course of producing the animal feed; (ii) how and where each identified hazard can be controlled and the means of control; (iii) systematic monitoring of the controls and appropriate corrective actions when an identified hazard is found not to be under control. As licensees are well-versed with their day-to-day animal feed production process, they are better placed to come up with these measures.

9 Licensees will also be required to keep sufficient records of monitoring of and compliance with the *Feed Control Plan*, which will be subject to verification by SFA.

Animal Feed Production

10 “Animal feed production” will include (i) the breeding or rearing of animals as animal feed; (ii) the hydrolysing, heating, mixing or blending together of any substances to make the animal feed for sale; (iii) the storing, packing or labelling unpackaged animal feed for sale.

11 Animal feed production for food producing animals will require an animal feed production licence. The FSSB will: (i) stipulate criteria SFA considers when deciding whether a license should be granted; and (ii) enable SFA to impose and modify, with notice, conditions that licensees need to adhere to. This is aimed at providing businesses more clarity and increased certainty in regulatory requirements that must be satisfied, and thus facilitate compliance. Unauthorised production of animal feed will be an offence.

Animal Feed that is “Not Fit for Purpose”

12 There will be a definition of the circumstances where animal feed is deemed not fit for purpose, as animal feed that is not fit for purpose will impact food production and food safety. It will be an offence to produce animal feed that is not fit for purpose.

Animal Feed Directions

13 The FSSB will include provisions to enable SFA to serve directions to animal feed producers to require preventive or corrective action to be taken. The directions include: (i) imposing movement controls; (ii) recalling; (iii) managing (for example, disposing or destroying) the animal feed. Such directions can be issued when there are situations which could cause animal feed to be not fit for purpose, or to deal with biosecurity threats to

sustainable food production. Tampering and non-compliance with the directions constitute offences.

Regulatory Action

14 The FSSB will have provisions to enable SFA to take regulatory action, such as financial penalties, suspending or revocation of licences, or requiring implementation of rectification measures, if non-compliances are found. This will see SFA decriminalising non-compliances that are less egregious in nature and instead take regulatory action if they are committed.

Traceability Obligations

15 Animal feed production licensees would be required to keep proper records and have procedures for traceability and recall of the animal feed that is supplied. The information that licensed animal feed producers are required to keep, or have ready access to, will enable the tracing of the animal feed one step backwards and one step forwards in the supply chain. The information relating to the animal feed must also be retained for a period prescribed in the animal feed regulations.

Plant Pesticides

Background

16 Currently, plant pesticides for use on either food or non-food plants require registration under the Control of Plants Act 1993 (COPA). Additionally, pesticide operators applying or supervising the application of these pesticides on food or horticultural farms require a certification. Nurseries or outlets which primary purpose is for retail sale of plants are not required to be licensed nor required to use registered plant pesticides even if they sell potted edible plants (e.g. mint, chilli plant).

Proposed Provisions

17 The FSSB will regulate plant pesticides for use in the cultivation of plants intended for consumption by humans. To ensure that pesticide usage in local food production will not compromise food safety, SFA will continue to regulate the use of plant pesticides in food crop production (e.g. fruits, vegetables) intended for supply (including sale) for human consumption, at three levels:

- i. Pesticide level: Plant pesticides for use on food crops must be registered with SFA.
- ii. Pesticide operator level: Only SFA-certified pesticide operators who have completed the training prescribed by SFA, may apply or supervise the application of pesticides to food crops.
- iii. Farm level: SFA licenses food farms under FSSB. Farm operators are to ensure that they comply with 16(i) and (ii). SFA carries out food safety testing on food crops cultivated at these farms for sale and consumption, to ensure that they meet food safety requirements.

18 Ornamental plant nurseries / premises that cultivate whole edible plants in pots will continue to not be required to use registered pesticides, or to employ SFA-certified pesticide operators. This is commensurate with the low food safety risk, where any pesticide residues present at point of sale would have degraded substantially after the potted plants are planted or harvested for subsequent consumption by the consumers.

19 Plant pesticides, which are currently registered under COPA for use on food crops, will have their registrations saved and transitioned to FSSB. There will be no need to submit a new registration for these existing registered pesticides.

20 As NParks will not require registration of pesticides for use in the cultivation of plants not intended for human consumption, such pesticides which are currently registered under COPA for use on non-food plants will no longer be registered after COPA is amended.

Certification of Pesticide Operator

21 There will continue to be provisions for appointing a certified pesticide operator and clear grounds for regulatory action concerning certified pesticide operators. This is to provide those subjected to this vocational control more clarity and increased certainty in regulatory requirements that they must meet to continue in the vocation.

Registration of Plant Pesticide Product

22 There will be a description of the criteria and procedure for evaluating a plant pesticide product for registration and its label. There will also be greater clarity on the validity of the registration and the approved label. Similarly, this is to provide businesses greater clarity and increased certainty in regulatory requirements that must be satisfied.

Regulatory Action

23 The FSSB will provide clearer grounds upon which regulatory action against registrants of plant pesticides may be taken. The range of regulatory tools to monitor and manage defaults by registrants will be expanded. Aside from the option of revoking the registration for a plant pesticide product, FSSB will empower SFA to suspend the registration.

Offences Relating to Use of Plant Pesticides

24 There are also offences relating to the improper use of plant pesticides in the growing of plants intended for human consumption¹. Unauthorised changes to an approved label on a registered plant pesticide product which render the label, (i) non-compliant with the labelling criteria or (ii) false or inaccurate, or (iii) the keeping of a registered plant pesticide in a container that does not have a label that is identical to the approved label for that product in a primary production setting (i.e. farms) will also be offences.

¹ Excludes such plants grown in domestic and home gardening.

General provisions (for both animal feed and plant pesticides)

Strengthening of Penalty Framework for Offences

25 Complementing the move to decriminalise less egregious non-compliances, the Act will rationalise the penalties across existing Acts. Currently, the penalties for food safety offences are markedly different across different Acts even though the offences are similar in substance. The maximum penalty is also raised to be consistent with the Wholesome Meat and Fish Act 1979, which is the highest among existing food legislations. This will ensure continued deterrent effect as Singapore's living standards have increased and considering the trend in sentencing by courts.

26 Further, a two-tier offence system will be introduced, where the offences are divided generally into the "mental" and/or "physical" elements². Offences committed "knowingly" will attract a higher punishment upon conviction, where the prosecution has to prove this mental element. "Strict liability" offences which attracts a lower punishment upon conviction is where the prosecution has to prove only the physical elements of the offence.

Monitoring and Enforcement

27 The FSSB will include clear and proportionate powers for authorised personnel to monitor, investigate and enforce against non-compliances. For example, this includes the power to enter premises at a reasonable time, to observe activities within the premises, record observations or require provision of documents, samples or information. The authorised personnel will also be empowered to detain or seize materials if he or she reasonably believes the material is relevant to any offences being committed. Obstructing these authorised personnel in the discharge of their duties will be offences.

Appeals

28 The FSSB will include an appeal mechanism to the Minister of Sustainability and the Environment, against discretionary decisions made by SFA, Director-General (Food Administration) or Director-General (Food Security), where such decisions can adversely affect livelihoods or business viability. This would allow businesses and individuals aggrieved by the decisions to bring fresh evidence and ask the Minister, as an independent authority, to re-assess the merits of the decision taken.

29 In deciding on an appeal, the Minister can confirm or revoke the decision appealed against. Minister can also substitute or vary the decision appealed against, except when the decision is a direction issued by the Director-General (Food Administration) in his / her capacity as a technical expert. The Minister's decision on appeal (including a substituted decision) will be final.

² In order to secure a conviction for both "strict liability" and "knowingly" offences, the prosecution must prove the offence beyond reasonable doubt. This is the standard of proof for every criminal offence in Singapore. In respect of a "strict liability" offence, the prosecution only needs to prove the physical element(s) of the offence. In contrast, for a "knowingly" offence, the prosecution must take an additional step of proving the requisite mental element i.e., he committed the offence knowingly (via a confession) or he ought reasonably to know (via circumstantial evidence) at the time of the commission of the offence.

Request for Comments

30 SFA invites feedback and comments on the proposed provisions. Please refer to the explanatory notes as well as the draft provision of Parts 7, 11, 12 and 13 in **Annex I**.

31 All submissions should be clearly and concisely written. They should provide a reasoned explanation for any proposed revisions. Please submit your feedback at <https://go.gov.sg/fssb-reach-part11-animalfeed> for animal feed or <https://go.gov.sg/fssb-reach-part11-pesticides> for plant pesticides. Alternative, please send in your feedback to fssb_engagement@sfa.gov.sg using the template in **Annex IV**.