



CALCUTTA TEA TRADERS ASSOCIATION

Circular No.16

23rd May 2022

To: All Seller Members

COMPLIANCE WITH FOOD SAFETY AND STANDARDS ACT AND REGULATIONS

I send herewith, for the kind attention of seller members, a copy of the letter dated 10th May 2022 from the Chairman, Federation of All India Tea Traders Association (FAITTA) to the Deputy Chairman, Tea Board regarding the failure by some producers to comply with MRLs prescribed under the Food Safety and Standards Act and Regulations.

CTTA has been informed by FAITTA that they have engaged Eurofins Analytical Services India Pvt Ltd to test the teas purchased by various buyers in the Kolkata Auctions.

Till date, 3 buyer members have informed the broker members concerned, Tea Board and CTTA that on the basis of the test reports received from Eurofins Analytical Services India Pvt Ltd they are rejecting 40 lots purchased in Sale Nos.14 to 18. Copies of the test reports have been sent by the buyer members to the broker members concerned, Tea Board and CTTA.

I send herewith, for the ready reference, the list of Plant Protection Formulations for use in tea plantations as per Tea Board's Plant Protection Code (Version 13.0 of August 2021) together with their respective MRLs as prescribed by the Food Safety and Standards Authority of India.

I also send herewith the Conditions of License as per the Food Safety and Standards Act, 2006 and would draw the kind attention of seller members to Sl. No.12, specifying that Food Business Operators shall ensure testing of relevant chemical and/or microbiological contaminants in food products in accordance with Food Safety and Standards Regulations as frequently as required on the basis of historical data and risk assessment to ensure production and delivery of safe food through own or NABL accredited/FSSAI notified labs at least once in six months.

Encl: as above

Copy to:

All CTTA General Committee Members

All Broker Members


Secretary

**FEDERATION OF ALL INDIA TEA TRADERS ASSOCIATION
(FAITTA)**

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**Mr Saurav Pahari IAS
Deputy Chairman
Tea Board
Kolkata**

10.05.2022

Dear Sir,

Non - compliance of FSSA Standards

This has this has reference to the FAITTA's communication dated 29th March 2022 (and accompanying Note) addressed to you conveying the Tea Trade's concerns and apprehensions on Food Safety compliance failures in respect of teas purchased through Public Auctions held under the aegis of the Tea Board -- and in accordance with the Pan India Auction Rules approved by the Board.

Further to the FAITTA's referred mail suggesting a Stakeholder meeting to flag and discuss these vital issues, FAITTA member buyers already have sufficient data on samples tested from their previous auction purchases which reveal significant failure rates against some FSSA parameters -- mainly those relating to Chemical MRLs. These tests are revealing failure rates ranging between 15% – 40% which clearly cannot be used in blends, packaged and retailed. FAITTA has been collecting all the relevant test reports which can be shared with the Tea Board. FAITTA has additionally initiated a coordinated group testing on teas purchased in Kolkata Sale No18 drawing samples from registered CTTA Warehouses -- the results of are expected shortly.

As statistically significant data is already in hand and the results have exposed Buyers to real threats of regulatory FSSAI action and attendant commercial and legal risks, FAITTA would respectfully submit the following suggestions for immediate action.

1) As the procedure for claiming refund in the event of FSSA non - compliance for auction teas is a cumbersome and complicated one, FAITTA would suggest that an alternative method be devised and put in place to obviate these problems. The proceeds of auction purchases -- in respect of lots undergoing testing -- could be parked in an Escrow account and in the event that tests reveal failure the Buyer should be permitted to cancel/ annul these purchases and get their money back. If the samples pass the tests the proceeds could

then be released from the Escrow Account to the Seller. Once this is accepted in principle the detailed modalities can be worked out.

2) Any teas in respect to which the samples do not pass the test should be declared unsafe should not be resold and must be destroyed / denatured in accordance with provisions of law.

3) The Tea Board should immediately re-examine the mandatory Warranty provisions which accompany Teas offered for sale through Public Auctions as in the event of FSSA compliance failure there would have been breach of Warranty provisions attracting potential legal action against the Auction Brokers who are parties to the sale and who issue the Invoices relating to the Sale carrying the Warranty.

4) The responsibility of producing FSSA compliant teas rests with the Tea Estates/ Factories. FSSA parameters cannot be altered or improved at the Buying / Blending/ Packaging end. Therefore the onus of testing and bearing the costs of the same should vest with the Tea Producer. Should buyers conduct confirmatory tests of their own they will be seeking reimbursement of costs from the Producer.

5) As had been done in the case of the Iron Filings matter there should be strong and immediate efforts from the Tea Board and Ministry of Commerce Govt. of India to prevail on FSSAI to stop forthwith drawal / testing of samples at the retail level and any testing should happen at the Tea Estates producing the teas.

A team representing the FAITTA's senior office bearers seek to call on you at the earliest to apprise you of the serious threats which have already emerged to the Trade as regulatory action / Show Cause Notices from the FSSAI are on the rise exposing Tea re-sellers, blenders, packers and retailers to unsustainable risks which include prosecution.

FAITTA would therefore seek an appointment for this purpose.

Yours faithfully,

Viren Shah

Chairman

TB Letter on MRLs 9.5.2022

Annexure: 1

List of CIB&RC approved Plant Protection Formulations for use in Tea plantations along with their MRLs fixed by FSSAI [Food Safety and Standards (Contaminants, Toxins and Residues), Third Amendment Regulations, 2018 (effective from 3.1.2019)]

Type of PPFs	Sl. No.	Name of PPFs	MRL (ppm)
Acaricides	1	Cyflumetofen 20 SC	0.05*
	2	Dicofol 18.5 EC	40
	3	Ethion 50 EC	5
	4	Fenazaquin 10 EC	3
	5	Fenpyroximate 5 EC/SC	2
	6	Hexythiazox 5.45 EC	15
	7	Propargite 57 EC	10
	8	Sulphur 80 WP	Not required
	9	Sulphur 40 WP	
	10	Sulphur 52 SC	
	11	Spiromesifen 22.9	70
	12	Etoxazole 10 SC	15
	13	Flufenzine 20 SC	MRL yet to be notified
	14	Pyridaben 20% WP	MRL yet to be notified
	15	Propargite 42% + Hexythiazox 2% EC	Propargite= 10 Hexythiazox= 15
Insecticides	16	Azadirachtin 1 EC	
	17	Azadirachtin 5 EC	
	18	Bifenthrin 8 SC	30
	19	Clothianidin 50 WDG	0.7
	20	Deltamethrin 2.8 EC	
	21	Deltamethrin 11 EC	5
	22	Emamectin Benzoate 5 SG	0.01*
	23	Emamectin Benzoate 3% + Thiamethoxam 12% WG	Emamectin Benzoate= 0.01 Thiamethoxam = 20
	24	Fenpropathrin 30 EC	2
	25	Flubendiamide 20 WG	50
	26	Quinalphos 25 EC	0.01*
	27	Thiacloprid 21.7 SC	5
	28	Thiamethoxam 25 WG	20
	29	Thiamethoxam 12.6% + L-Cyhalothrin 9.5%	Thiamethoxam= 20 L-Cyhalothrin= 0.05*
Fungicides	30	Carbendazim 12% + Mancozeb 63% WP	Carbendazim= 0.5 Mancozeb= 3
	31	Hexaconazole 4% + Zineb 68% WP	Zineb= 0.1*
	32	Hexaconazole 5 EC	0.02
	33	Propiconazole 25 EC	0.1
	34	Copper Oxychloride	150 (as elemental copper)
	35	Tetraconazole 3.8% w/w (4% w/v)	MRL yet to be notified

	36	Trifloxystrobin 25% + Tebuconazole 50% WG	MRL yet to be notified
Herbicides	37	Glyphosate 41 SL	1.0
	38	Glyphosate 71 SG	
	39	Glyphosate Ammonium Salt 5 SL	
	40	Glufosinate Amonium 13.5 SL	0.01
	41	Oxyfluorfen 23.5 EC	0.2
	42	Paraquat Dichloride 24 WSC	0.2
	43	Oxyfluorfen 2.5% + Isopropyl amine salt of Glyphosate 41% w/w SC	Oxyfluorfen=0.2 Glyphosate=1.0
	44	Carfentrazone Ethyl 0.43% + Glyphosate 30.82% EW	Carfentrazone Ethyl=0.02* Glyphosate=1.0
	45	Indaziflam 1.65% w/w + Glyphosate-isopropyl ammonium 44.63% w/w SC	MRL of Indaziflam is yet to be notified
	46	Saflufenacil 70 % WG	MRL yet to be notified

Bio-pesticide	47	<i>Beauveria bassiana</i> 2.5%WP (Cfu count 2x10 ¹⁰ gm)
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The above list is dynamic and may change from time to time based on the CIB approved list of pesticides for use in tea and this may be seen from the website of Tea Board.

* Maximum Residue Limit fixed at Limit of Quantification (LOQ). Tolerance limit of 0.01 mg/kg shall apply in cases of pesticides for which MRL have not been fixed

** 2, 4-D, Copper Hydroxide, Profenophos, Bitetranol have been removed from this list for the time till further notification following gazette notification of Ministry of Agriculture S.O. 2486 (E) dated 24th September, 2014 although MRLs of 2,4-D and Bitetranol are fixed by FSSAI.

Note: This list does not contain extremely and highly hazardous chemicals classified under World Health Organization (WHO) 1a & 1b and are fully aligned with the Rotterdam and Stockholm conventions.

TEA BOARD ★ INDIA

Annexure 3

Conditions of License

All Food Business Operators shall ensure that the following conditions are complied with at all times during the course of its food business.

Food Business Operators shall:

1. Display a true copy of the license granted in Form C shall at all times at a prominent place in the premises.
2. Give necessary access to Licensing Authorities or their authorised personnel to the premises
3. Inform Authorities about any change or modifications in activities /content of license.
4. Employ at least one technical person to supervise the production process. The person supervising the production process shall possess at least a degree in Science with Chemistry/Bio Chemistry/Food and Nutrition/ Microbiology or a degree or diploma in food technology/ Dairy technology/ dairy microbiology/ dairy chemistry/ dairy engineering/ oil technology /veterinary science /hotel management & catering technology or any degree or diploma in any other discipline related to the specific requirements of the business from a recognized university or institute or equivalent.
5. Furnish periodic annual return (1st April to 31st March), within upto 31st May of each year. For collection/ handling/ manufacturing of Milk and Milk Products half yearly returns also to be furnished as specified (1st April to 31st September before 30th November and 1st October to 31st March).
6. Ensure that no product other than the product indicated in the license/ registration is produced in the unit.
7. Maintain factory's sanitary and hygienic standards and worker's Hygiene as specified in the Schedule - 4 according to the category of food business.
8. Maintain daily records of production, raw materials utilization and sales separately.
9. Ensure that the source and standards of raw material used are of optimum quality.
10. Food Business Operator shall not manufacture, store or expose for sale or permit the sale of any article of food in any premises not effectively separated to the satisfaction of the licensing authority from any privy, urinal, sullage, drain or place of storage of foul and waste matter.
11. Ensure Clean-In-Place systems (wherever necessary) for regular cleaning of the machine & equipments.
12. Ensure testing of relevant chemical and/or microbiological contaminants in food products in accordance with these regulations as frequently as required on the basis of historical data and risk assessment to ensure production and delivery of safe food through own or NABL accredited /FSSAI notified labs at least once in six months.
13. Ensure that as much as possible the required temperature shall be maintained throughout the supply chain from the place of procurement or sourcing till it reaches the end consumer including chilling, transportation, storage etc.
14. The manufacturer/importer/distributor shall buy and sell food products only from, or to, licensed/registered vendors and maintain record thereof.

Other conditions

1. Proprietors of hotels, restaurants and other food stalls who sell or expose for sale savouries, sweets or other articles of food shall put up a notice board containing separate lists of the articles which have been cooked in ghee, edible oil, vanaspati and other fats for the information of the intending purchasers.
2. Food Business Operator selling cooked or prepared food shall display a notice board containing the nature of articles being exposed for sale
3. Every manufacturer [including ghani operator] or wholesale dealer in butter, ghee, vanaspati, edible oils, Solvent extracted oil, de oiled meal, edible flour and any other fats shall maintain a register showing the quantity of manufactured, received or sold, nature of oil seed used and quantity of de-oiled meal and edible flour used etc. as applicable and the destination of each consignment of the substances sent out from his factory or place of business, and shall present such register for inspection whenever required to do so by the Licensing Authority.
4. No producer or manufacturer of vegetable oil, edible oil and their products shall be eligible for license under this Act, unless he has own laboratory facility for analytical testing of samples.

5. Every sale or movement of stocks of solvent-extracted oil, 'semi refined' or 'raw grade I', edible groundnut flour or edible coconut flour, or both by the producer shall be a sale or movement of stocks directly to a registered user and not to any other person, and no such sale or movement shall be effected through any third party.
6. Every quantity of solvent-extracted oil, edible groundnut flour or edible coconut flour, or both purchased by a registered user shall be used by him in his own factory entirely for the purpose intended and shall not be re-sold or otherwise transferred to any other person:
Provided that nothing in this sub-clause shall apply to the sale or movement of the following:—
 - (i) karanjia oil;
 - (ii) kusum oil;
 - (iii) mahua oil;
 - (iv) neem oil;
 - (v) (vi) tamarind seed oil.
 - (vii) edible groundnut flour bearing the I.S.I. Certification Mark
 - (viii) edible coconut flour bearing the I.S.I. Certification Mark
7. No Food Business Operator shall sell or distribute or offer for sale or dispatch or deliver to any person for purpose of sale any edible oil which is not packed, marked and labelled in the manner specified in the regulations unless specifically exempted from this condition vide notification in the official Gazette issued in the public interest by Food Safety Commissioners in specific circumstances and for a specific period and for reasons to be recorded in writing.