Suggestions on Strengthening Food Safety in the PRC
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Abstract

- Unsafe food is a serious threat to public health. There is an urgent need to address numerous problems in the People’s Republic of China (PRC’s) food safety management system;
- The PRC needs to establish a sound and comprehensive ‘basic food law’. Existing legislation is fraught with overlaps, duplication, and mutual inconsistencies. A basic food law should provide an all-encompassing and sound framework for subsequent legislation related to all links in the food safety chain, covering all stages such as production, processing, and distribution of food (i.e., “from the farm to the final consumer”);
- While the State Food and Drug Administration (SFDA) and other related agencies have exerted great efforts, the PRC still has not achieved high-level comprehensive coordination or many other earlier envisaged targets;
- It will be critical to establish within the Government a single agency with clear cross-sectoral authority and accountability for managing food-related risks, and which puts public health and consumer interests first. The current number of enforcement agencies should be cut considerably. ADB experts suggest two options for such restructuring, put forth for consideration by relevant agencies.
Suggestions on Strengthening Food Safety in the PRC

Since the reform and opening up, the People’s Republic of China (PRC) has made impressive progress in developing a basic food safety system, including excellent work currently being undertaken on the revision of the Food Hygiene Law which will help to modernize and solidify food legislation. However, at present, unsafe food in the PRC remains a serious threat to public health. Considerable problems remain in the food safety regulatory system, and there is a pressing need for further reform. Recently, WHO and ADB organized a group of domestic and foreign experts with the help of the State Food and Drug Administration (SFDA) to conduct investigation into food safety in the PRC. On the basis of international experience and considering the present status of the PRC’s food safety regulatory system, the experts appraised the PRC’s food safety system and future directions for its reform and put forward some suggestions on establishing a comprehensive national food safety regulatory system.

1. Current problems

Assuring food safety is an important task for the government. In the past three years, the PRC government did a lot of work in comprehensive supervision of food safety and accumulated rich experience.

These efforts include (i) establishing a food safety credibility system; (ii) carrying out the comprehensive evaluation of food safety performance in 31 provincial capitals; (iii) developing systems to distributing clear and uniform food safety information; (iv) implementing a safe food campaign; (v) formulating a food safety advocacy and education network; (vi) organizing the drafting of National Food and Drug Section of the Outline 11th Five Year Plan; and (vii) preparing emergency response plans.

The economic and social consequences of food contamination can also be significant. Foodborne diseases themselves cause economic and social problems, such as loss of income, lowered productivity, and higher medical care costs. It may also impact social stability. Even in highly industrialized countries (e.g., Australia, the United Kingdom, and the United States of America), between 20% and 30% of the population may be affected by foodborne disease each year. It is estimated that at least 300 million PRC citizens are affected by foodborne disease each year. According to experts that medical care costs and productivity losses for the PRC from foodborne disease—based on estimates in the US—is between RMB3.6 billion and RMB10.9 billion (US$4.7 billion to US$14 billion), amounting to 0.2% - 0.6% of the PRC’s GDP in 2005.

The PRC is a major player in global trade in food. Export trade in food can be adversely affected by food safety problems. Contaminated foodstuffs may be rejected or condemned or may be subject to an embargo if levels of contaminants are above the limits permitted by the importing country. In 2005, agricultural product exports totaled USD 27.58 billion. Some of the PRC’s main trade partner countries have stepped up safety supervision of food imported from the PRC. Without appropriate measures, exports of the PRC’s agricultural products and its farmers’ income will be affected.
In addition, a poor food safety record can adversely affect tourism. The SARS outbreak a few years ago showed that public health events can generate adverse impact on tourism: due to lost revenues from domestic and foreign tourists, the tourist industry suffered a loss of US$16.8 billion. These concerns have even greater relevance in view of the forthcoming Olympic Games in Beijing in 2008, World Expo in Shanghai in 2010 and 16th Asian Games in Guangzhou in 2010.

Currently, the PRC still lacks a basic food law and needs to complete construction of its food safety supervision and management framework. Relevant departments have made great efforts to formulate food safety policies and have published numerous laws, regulations and industrial standards. However, as many of these represented ad hoc responses to specific circumstances and were based on different levels of recognition and perspectives, these different regulations and standards inevitably are fraught with overlaps, duplication, and even mutual inconsistencies. Current food safety legislation should be reviewed for necessity/usefulness, relevance, and appropriateness.

Although the State Food and Drug Administration and other departments made great efforts, high-level comprehensive coordination and many other anticipated targets haven’t been fully realized. Nine government authorities and agencies have responsibilities for managing various facets of the PRC’s food safety system, while another eight have secondary roles. This has resulted in a large number of separate and distinct policies and activities related to food control. Though the SFDA has sought to strengthen the comprehensive management of food safety, the efficacy of communication and consultation between these authorities and agencies needs to be improved. For instance, when the PRC found Sudan red a coloring agent found to be carcinogenic in food in 2004, relevant departments carried out multiple tests according to different management rules and published not completely consistent statements about the risk of Sudan red to health, raising concerns and leaving consumers unable to correctly assess the safety of affected foods.

Authorities of different departments should be more clearly defined to raise coordination efficiency in formulating and carrying out food safety policies. Greater efforts should be made to reduce both gaps and duplication in enforcement, such as repeated inspection (in many cases, every 2 to 3 days) of supermarkets and other retailers by enforcement authorities, which in some cases appears to be motivated for reasons other than public health. These inspections provide little benefit in protecting public health, while they impose unreasonable burdens on food businesses. When something adverse is found, the retailer is fined but often no action is taken to correct the problem at the production stage.

2. Domestic and international experience in reforming food safety systems

Food safety is a issue of great concern to governments of all countries. International experience shows that strengthening legislation is the basis for establishing a highly
efficient food safety regulatory system. To ensure the growth of food trade, the European Union (EU) enacted a universal food safety law, creating a common foundation by which all member countries could formulate and perfect more detailed food safety laws and regulations. This single food safety law is now effective in all 27 EU Member States. Japan’s “Food Safety Basic Law” was enacted in 2003 so as to reduce citizens’ anxiety over food safety and also established a high-level Food Safety Committee responsible for risk assessment, including reexamining various food safety standards.

Governments of other countries also raised the work efficiency of food safety institutions through consolidating relevant government departments. The United Kingdom established its Food Standards Agency (FSA) to act as a single food safety regulatory agency. Food safety was consolidated under FSA primarily in response to a loss of consumer confidence resulting from the outbreak of mad cow disease. Since its establishment, the new agency has developed a reputation for reliability, competence, and transparency that has largely restored doubts about the government’s commitment to food safety. Canada also reorganized its food safety regulatory system: the organizational simplification not only improves working efficiency, but also reduces operating cost by 10%. In the Netherlands, reorganization of the food safety system has reduced duplication in food safety inspections, with anticipated savings reflecting an expected 25 percent reduction in administrative and management personnel and sale of excess property.

Recent experience from reform experiments in Shanghai also shows the efficiency of food safety work was greatly enhanced through strengthening cooperation and providing a proper amount of financial resources for enforcement. Shanghai’s reforms to adjust the food safety supervision role of the government have aimed at creating a comprehensive, professional, and systematic supervision model with clear leadership by one agency. This reform is based on the principle of determining targets, formulating phased plans to accomplish these, and implementing such plans step-by-step. Carrying out mandates under the Food Hygiene Law, the Shanghai Food and Drug Administration undertakes the supervisory responsibilities for market entry and commercial activities related to transportation of food, as well links in the chain related to consumption and health food production.

Both the food safety supervision ability and food safety guarantee level of the Shanghai government have been raised after adjustment. The noticeable phenomenon is the advantage of comprehensive food safety supervision is evident. The Shanghai Food and Drug Administration undertakes the concrete responsibility for food safety in flows of food products and related to final consumption and therefore can compile far-reaching relevant information. In turn, analysis of such information allows to problems to be traced back to causal factors and identification of problems existing in every link of the food supply chain and their possible hazards. It is more active and has a clearer direction and a more noticeable effect in exercising its responsibilities of comprehensive supervision, organization, and coordination. At the same time, food enterprise managers don’t need to deal with multiple supervisory bodies and have higher work efficiency as a result.
3. Some suggestions

Unsafe food not only poses a serious threat to public health, it also elevates health care costs, reduces productivity, and depresses the PRC’s export competitiveness in food products. It has an especially great influence on the rural economy. It is imperative to reform the PRC’s food safety regulatory system. To advance the PRC’s reform of its food safety system, we put forth some recommendations below.

First, the PRC needs a robust basic food law that provides a sound bundation for subsequent, more detailed food safety legislation. The basic food law should regulate the whole process of food production, processing, circulation, etc.: i.e. from “the farm to final consumption”. This includes not only food safety and the setting of standards, but also labeling and food authenticity, i.e. addressing food fraud. A new basic food law should be comprehensive in its scope in protecting public health and the interests of consumers, and it should include the necessary provisions to enable the PRC to meet its international obligations under WTO and other applicable treaties, such as the International Health Regulations. It should provide a sound, rational framework within which current regulations, standards and other relevant food safety legislation can be reviewed for need, relevance, appropriateness and scientific soundness. A basic food law could be prepared as a new legislative initiative, or it could be incorporated into the revision of the Food Hygiene Law that the Legislative Affairs Office of the State Council is currently undertaking.

We suggest that a basic food law should embody the following general principles: (i) the core aim of this law and any other food legislation should be to protect human life and health and the interests of consumers; (ii) all food legislation should be based on scientific evidence and an appropriate risk assessment; (iii) the drafting of all food legislation should be carried out in a transparent manner so that all key stakeholders are properly consulted.

The basic food law should contain the following general requirements: (1) Food businesses should be explicitly responsible for ensuring that the food produced or handled in their business is safe; (2) Food should be traceable so that rapid withdrawal of food can be undertaken; (3) Legislative provisions should be in place for a system for alerting food control authorities, food businesses, and consumers about food hazards as they occur.

The present division of responsibilities between different government authorities and agencies is confusing and greater clarity is urgently needed. An even more coordinated body and even more rational structure should be established. It is important that there should be within government an entity that can effectively and efficiently play the role of risk manager for food safety across government, putting public health and the rights and interests of consumers first.
The number of law enforcement bodies needs to be greatly reduced. We suggest there should be only one law enforcement body in the basic agricultural production link of the chain. The number of supervisory departments for the post-farm links should be reduced from five to at most two. Below we propose two schemes for consideration by relevant departments.

**Option 1—Strengthen coordination in the current organizational framework**

This first scheme essentially represents an augmentation of the current organizational framework. It appointments a special body (selected among the current institutions) to assume coordination of interdepartmental food safety work. If this strengthened comprehensive role remains under the SFDA, the State Council should give it full support and unequivocal authority, which is a guarantee for the interdepartmental body to conduct effective coordination. Other departments responsible for food safety should play their respective roles under the centralized coordination of the SFDA. The responsibilities of this authority/agency should include: (1) Provide strategic leadership of food policy development and risk management; (2) Manage serious food safety incidents including food hazards that go beyond the local level; (3) Manage risk assessment with respect to food, and draw up a national plan for market sampling and testing of foodstuffs annually; (4) Act as the gatekeeper for and coordinate development of any regulations or standards relating to food and food safety proposed by other government authorities or agencies; (5) Collect and collate relevant information on chemical and biological agents in food and the diet, human foodborne disease, and relevant animal diseases; (6) Provide public information on food safety.

An alternative would be to establish a more enhanced body, such as a Food Safety Coordination Commission (FSCC) directly under the State Council and headed by a Vice Premier-level leader. It would make sense for the secretariat supporting the FSCC to be provided by the SFDA.

**Option 2 – Merge functions into a single authority**

*Option 2* involves merging all the functions exercised across government in the area of food safety into a single authority within an existing government agency. Except primary agricultural products, the food authority would have overall responsibility within the Government for food and food safety supervision and management. An important advantage of setting up a food authority is that it avoids the high costs and many of the difficulties of coordination. Because most of the relevant powers and responsibilities in relation to food safety are vested in one government entity, the type of complex coordination described under *Option 1* would be avoided, leading to more streamlined and efficient government. The responsibilities of a food authority would include all those listed under *Option 1* above, but would also include responsibility for the drafting of all laws in relation to food safety. In addition, through the process of merging functions into one authority there would be effectively only one enforcement authority but operating through the line ministry system. A food authority set up in this way would be in a powerful position to bring about change in the management of food safety in the PRC.
Option 1 and Option 2 above are not necessarily mutually exclusive but could be considered as a possible sequential process. If immediate establishment of a single authority (Option 2) were considered not viable, adoption of Option 1 in the near term could serve as a foundation for further progress.

Within the overall policy framework defined by the national Government ministry or agency, provincial authorities or agencies would be accountable to the national ministry or agency for the management of food safety, including monitoring enforcement at lower levels of government, as well as the development of food safety policies appropriate to the province.

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