



**BIGGER IS SAFER:** Major Chinese food-processing companies such as Shineway Group in central Henan Province generally have much better food-safety records than small ones

# New Law for Safer Food

Lawmakers have drafted new regulations for food-safety standards to provide ordinary people with a safer life in the wake of this year's food-related scandals

By FENG JIANHUA

From toothpaste contaminated by a poisonous chemical used in antifreeze to false news reports about steamed buns filled with chopped cardboard, serial food-safety scandals since May have just about dashed people's faith in the safety of Chinese foodstuffs. To prevent citizens from losing what remaining trust they have in the country's food-safety system, the government in August launched a four-month national campaign against substandard foods. Under the leadership of Vice Premier Wu Yi, renowned for her troubleshooting skills and determination, the program had destroyed 667 tons of unqualified or fake food products and removed 446 more tons from marketplaces by October 8.

Meanwhile, Chinese lawmakers have been busy working on a new food-safety draft law. On October 31, the State Council, China's cabinet, approved the draft law in principle to address the country's "weak points" in food production, processing, delivery, storage and sales. The draft law, which has been three years in the making, will be submitted to the National People's

Congress, the country's legislature, for debate and adoption by year-end. It is expected to become law by the end of 2008.

The draft law attempts to close current loopholes in food-safety supervision. It says imported food and additives must meet China's national food-safety standards while food products exported from China to other countries should satisfy the compulsory requirements set by importers and pass local entry inspections and quarantines. It also specifies that local governments have legal obligations to supervise food safety in their administered regions and build fast and convenient channels to protect consumers' rights.

"I believe that this law, with its comprehensive regulations on food production, processing, consumption and supervision, will effectively improve China's food-safety situation and ensure food safety and people's health," said Li Changjiang, head of the General Administration of Quality Supervision, Inspection and Quarantine.

## Beyond insufficient supervision

Zhang Yongjian, director of the Research Center for the Development and Regulation of the Food and Drug Industry under the Chinese Academy of Social

Sciences, said the two biggest food-safety dangers in China are food-borne diseases and food hazards caused by fake or substandard products. More than 2,500 primary school students in Haicheng in Liaoning Province were poisoned after drinking a batch of bad soybean milk in March 2003. And 13 infants in Fuyang in central Anhui Province died after drinking milk made from substandard powder in 2004. If these cases were not enough, government leaders were further pushed to action after dozens of Beijing diners got food poisoning in 2006 after eating undercooked Amazonian snails. Between the two main food-safety threats, food-borne diseases cause more damage by far, Zhang said.

The Ministry of Health has said food poisoning is the most widespread kind of food-safety accident. Of all the food-poisoning cases, about 98.5 percent are caused by bacteria while chemical poisoning and food ingredient poisoning account for 0.7 percent and 0.8 percent, respectively.

Cao Zhongsheng, head of the Consumer Protection Department at Beijing's Administration for Industry and Commerce, said two other factors threaten food safety besides environmental pollution: chemical

residues caused by the excessive use of pesticides and cattle medicine during aquatic breeding, animal or poultry farming; and food additives mixed in during processing. A notorious example is the use of Sudan Red, an industrial dye normally used to color shoe polish and plastics, by pepper-jam manufacturers to make their products more savory looking.

Most Chinese food-processing businesses are small mills or stalls that collectively employ more than 7 million workers. More than 80 percent of these small businesses hire fewer than 10 people. Their equipment is antiquated and their hygienic conditions are terrible. About 30 percent of these plants fail to meet industry standards. Most of them are located in remote city outskirts, far away from supervising authorities.

"The small size and sparse location of food-processing companies have posed a great difficulty to government supervision," Cao said.

An even bigger problem is the disorderliness of the food-processing supervision system, Cao said. China has divided food production into different phases that are supervised by different government departments. This means nearly 10 government departments are involved in guaranteeing food safety at various stages. For example, the safety of raw material is supervised by agricultural department inspectors, hygienic standards are monitored by health authorities, imported and exported foods are monitored by customs officials, and crimes undermining food safety fall under the purview of the police.

"The lack of a coordinating agency under the Central Government and overlapping functions have led to a situation where no organization is really in control," Cao said.

Moreover, various supervision authorities have promulgated different food safety standards that contradict each other. Now there's a four-hierarchy food-standard system that consists of national, industrial, local and enterprise standards. Take dried vegetables, for example. The Ministry of Health says their sulfur content cannot be greater than 0.035 mg per kg, while the Ministry of Agriculture says it must be less than 100 mg per kg. This is about 2,875 times more than what the Ministry of Health

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**MOONCAKE ALERT:** Food-safety inspectors conduct sample checks on mooncakes sold in supermarkets in Huaibei City in central Anhui Province. Mooncakes are a traditional delicacy produced for the country's Mid-Autumn Festival

allows. Such inconsistencies have created more difficulties in food-safety supervision.

The lack of related laws is another problem that prevents effective food-safety supervision. The only effective law on food safety is the Food Hygiene Law that took effect in 1995. But three limitations prevent the law from being useful, Zhang said. First, its scope is too narrow. The law fails to cover the whole food-production process from field to dining table. Supervision is confined only to final food products with no regulations on planting methods, aquatic breeding, animal or poultry farming, food storage or the regulation of production and use of food additives, foodstuffs and foodstuff additives. This has created a loophole and a blind zone for food safety supervision.

Second, the overlapping administration on food safety came about after the Food Hygiene Law took effect, creating the dramatic inconsistency between law and reality. Furthermore, regulations on legal responsibilities in related laws are vague. For example, the law has no provision for the legal responsibility of related government departments in food-safety accidents.

## Gauging risk

Chen Junshi, a food-safety expert from the Chinese Center for Disease Control and Prevention, said if the draft Food Safety Law was adopted, the old Food Hygiene Law would be abolished. According to the draft law, the government will step up food-safety schemes at all stages of production, processing, packaging, transportation and storage. The monitoring, warning and appraisal functions of food-testing agencies will be enhanced, and a food-safety risk warning and response system will be set up. The testing of pesticide and cattle medicine residues, harmful microorganisms and additives will be upgraded. And food quality and safety appraisal capacity during production, processing, transportation and consumption will be enhanced. The draft law also requires the establishment of systems to regulate food production, record food-safety examinations, label food with production information, and recall unsafe food. The draft law also metes out more severe punishments for producers of substandard food.

According to legal experts who wrote the draft law, the formulation of provisions has referred to food-safety standards in other countries and set up schemes for appraising the danger of unsafe food. The new law also has broadened the scope of food safety and provided more legal means to conduct food-safety supervision.

## Challenges ahead

Zhang has high expectations for the draft law to improve China's food-safety record, and especially reduce the occurrence of major accidents. But he and Chen also said one of the draft law's weaknesses is its failure to rectify the overlapping administrations in the supervision of food safety.

Reforming the food-safety administration system will face enormous pressure, because it would harm the interests and powers of certain departments. Zhang suggests that China should explore a new management model of dividing foods into different categories that would fall under the supervision of different departments, as a supplement to the current phase-based monitoring system. Two departments could share the monitoring of similar foods while phase-based monitoring could be conducted based on information sharing between different departments, he said.

On April 17, the State Council said it wanted to establish the basic food-safety monitoring system by 2010. The system will mandate that all major food-safety incidents be investigated. It also will set up spot checks for fresh agricultural products that will cover 95 percent of the country's markets in large and medium-sized cities, large outdoor markets and supermarket chains. It also will ensure that the food-safety monitoring network covers 90 percent of food consumers. ■