

FOOD IRRADIATION REGULATIONS 2011

PU(A) 143/2011

IN exercise of the powers conferred by section 34 of the **Food Act 1983**[Act 281], the Minister makes the following regulations:

21 April 2011

PART I

PRELIMINARY

1. Citation and commencement

(1) These regulations may be cited as the Food Irradiation Regulations 2011.

(2) These Regulations come into operation on such date as the Minister may appoint by notification in the *Gazette*.

2. Interpretation

In these Regulations, unless the context otherwise requires-

"absorbed dose" means the energy absorbed by the food treated with ionizing radiation expressed in standard international units called "Gray" (Gy) and is defined as 1 Joule of energy absorbed per kilogram of matter;

"re-irradiation" means a process whereby food which has been irradiated for a specific purpose is irradiated again for the same purpose;

"irradiated food" means any classes of food that has been subjected to ionizing radiation treatment for specific purposes according to regulation 8;

"MeV" means million electron volts;

"food irradiation premises" means premises used to treat food with ionizing radiation which shall be registered with the Director under regulation 4;

"ionizing radiation" means all radiations capable of producing ions directly or indirectly in their passage through any matter.

PART II

REGISTRATION OF FOOD IRRADIATION PREMISES

3. Food irradiation premises to be registered

(1) No person shall use any premises for food irradiation treatment unless the premise is registered under these Regulations.

(2) Any person who fails to comply with subregulation (1) commits an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

4. Application for registration

(1) An application for registration of food irradiation premises shall be made to the Director in such form and manner and be accompanied with such information and particulars, as the Director may specify.

(2) The Director may, orally or in writing at any time after receiving the application, require the applicant to submit additional documents, information or particulars as he considers necessary for the purpose of the registration.

5. Certificate of registration

(1) The Director may, after considering an application under subregulation 4(1) and on being satisfied with the information and particulars submitted, issue a certificate of registration for food irradiation premises as prescribed in the First Schedule.

(2) The fee for the certificate of registration issued under subregulation (1) shall be one hundred ringgit.

6. Validity of certificate

A certificate of registration for food irradiation premises shall be valid for a period not exceeding three years from the date of its issuance.

7. Application for renewal of certificate

(1) An application for renewal of a certificate of registration for food irradiation premises shall be made at least thirty days before its expiry date and such application shall be in accordance with regulation 4.

(2) Any person who fails to comply with subregulation (1) commits an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

PART III

OPERATION OF FOOD IRRADIATION PREMISES

8. Operating and conducting food irradiation premises

(1) No person shall operate food irradiation premises and conduct food irradiation processes unless it complies with the requirements specified in the Second Schedule, wherever appropriate.

(2) No food except classes of food specified in column (1) of the Third Schedule shall be treated with ionizing radiation for purposes specified in column (2) and the irradiation doses permitted for such treatment shall not be less than the doses specified in column (3) and more than the doses specified in column (4) of the said Schedule respectively.

(3) For the purpose of subregulation (2), ionizing radiation treatment shall only be conducted where such treatment-

(a) fulfils a technological need; or

(b) is necessary for a purpose associated with food hygiene;

and such treatment is not a substitute procedure for good manufacturing practice.

(4) Any person who contravenes subregulations (1) and (2) commits an offence and shall on conviction be liable to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding five years or to both.

9. Records

(1) A person who operates food irradiation premises shall keep and maintain a record of each batch of food subjected to ionizing radiation treatment.

(2) Records specified in subregulation (1) shall include-

(a) date of irradiation;

(b) type of food treated;

(c) quantity of food treated;

(d) lot identification;

(e) manufacturer batch number;

(f) purpose of treatment;

(g) minimum and maximum absorbed dose;

(h) source of ionising radiation;

(i) name and address of the food irradiation premise;

(j) license and registration number of the food irradiation premise;

(k) name and designation of the authorized personnel in the food irradiation premise;

(l) name and address of manufacturer;

(m) the type of packaging materials used during the irradiation treatment;

(n) all controls and measurements performed during the treatment, particularly those related to the minimum and maximum doses absorbed; and

(o) any incidents or deviation observed during the treatment.

(3) Any person who contravenes subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

10. Sources of ionizing radiation

No food shall be treated with ionizing radiation unless such treatment uses either one of the following sources:

(a) gamma rays from the radionuclides Cobalt-60 and Caesium-137;

(b) X-rays generated from irradiating apparatus operated at or below an energy level of 5 MeV; or

(c) electrons generated from irradiating apparatus operated at or below an energy level of 10 MeV.

PART IV

CERTIFICATE OF IRRADIATION

11. Certificate of irradiation

(1) No person shall import, manufacture, advertise for sale or sell any food that has been treated with ionizing radiation unless a certificate of irradiation as prescribed in the Fourth Schedule has been granted by a food irradiation premise.

(2) Any person who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

PART V

PACKAGING AND LABELLING REQUIREMENTS

12. Packaging requirements

(1) All food to be irradiated shall be packed in-

(a) suitable packaging material according to food grade quality; and

(b) acceptable hygienic condition.

(2) For the purpose of subregulation (1), no person shall use or cause or permit to be used any packaging material which is in direct contact with the food except those specified in column (1) of the Fifth Schedule and the doses permitted shall not exceed the doses specified in column (2) of the said Schedule.

(3) Notwithstanding subregulation (1), all requirements in relation to the packaging of food under Part VI of the **Food Regulations 1985**[*P.U. (A) 437/1985*] shall be applicable.

(4) Any person who contravenes subregulation (2) commits an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

13. Labelling requirements

(1) Every package containing irradiated food for sale shall bear on it-

(a) a written statement-

(i) proximately close to the name of the food;

(ii) in not less than 10 point lettering, in one of the following forms:

(A) "TREATED WITH IONIZING RADIATION";

(B) "TREATED WITH IRRADIATION";

(C) "TREATED BY IRRADIATION"; or

(D) "IRRADIATED".

(b) the international food irradiation symbol as in the Sixth Schedule.

(2) Where irradiated food is used as an ingredient in another food and it constitutes more than 5 percent of the content of that food, a statement as to the presence in that food of such irradiated food, shall be declared in the list of ingredients of that food in the form "IRRADIATED".

(3) Where irradiated food is displayed for retail sale other than in a package, any information required on the label of the food under subregulation (1), shall be displayed on or in connection with the display of the food.

(4) Notwithstanding subregulations (1), (2) and (3), all labelling requirements under Part IV of the Food Regulations 1985 shall be applicable to all packages containing any irradiated food for sale.

(5) Any person who contravenes subregulations (1) and (2) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

14. Prohibition against re-irradiation

(1) No food that has been irradiated shall be re-irradiated except for the following food:

(a) food with low water activity not exceeding 0.85 aw for purposes of controlling insect re-infestation;

(b) food containing less than 5 per cent of irradiated ingredients; or

(c) food irradiated fractionally to a total absorbed dose less than that required to achieve the desired effect.

(2) Notwithstanding subregulation (1), only food prepared from materials that have been irradiated at low dose levels not exceeding 1 kGy may be re-irradiated for another technological purpose.

(3) Any person who contravenes subregulations (1) and (2) commits an offence and is liable, on conviction, to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding five years or to both.

FIRST SCHEDULE

[Subregulation 5(1)]

FOOD ACT 1983

FOOD IRRADIATION REGULATIONS 2011

CERTIFICATE OF REGISTRATION OF FOOD IRRADIATION PREMISES

SECOND SCHEDULE

[Subregulation 8(1)]

CODE OF GOOD IRRADIATION PRACTICE

THIRD SCHEDULE

[Subregulation 8(2)]

PERMITTED DOSES FOR IONIZING RADIATION OF FOOD

FOURTH SCHEDULE

[Subregulation 11(1)]

FOOD ACT 1983

FOOD IRRADIATION REGULATIONS 2011

CERTIFICATE OF IRRADIATION

Reference No.: _____

Name and address of manufacturer:

Name and address of food irradiation premises which carried out the treatment:

License no. of food irradiation premises:

Registration no. of food irradiation premises:

Type of food treated:

Minimum absorbed dose:

Maximum absorbed dose:

Quantity treated:

Trademark:

Consignment no.:

Date of irradiation:

Lot/serial no.:

Manufacturer batch no.:

Purpose of treatment:

Source of ionizing radiation:

Type of packaging material used:

For imported irradiated food, the following additional informations are required:

Name and address of exporter:

Name and address of importer:

Port of shipment:

Port of entry:

Name of vessel:

Country of origin:

This is to certify that the food described herein have been irradiated to conform to the requirements of the Food Irradiation Regulations 2011.

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(Signature of authorized personnel)

Name:

Designation:

Date:

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Official Stamp

This certificate is valid for from the date of issue.

FIFTH SCHEDULE

[Subregulation 12(2)]

PERMITTED PACKAGING MATERIALS FOR FOOD TO BE IRRADIATED

SIXTH SCHEDULE

[Paragraph 13(1)(b)]

INTERNATIONAL FOOD IRRADIATION SYMBOL