



FEDERAL MINISTRY  
OF HEALTH



# Technical Brief for the National Food Safety & Quality Bill (2019)







# Background

The production and distribution of safe foods are essential for Nigeria's socio-economic development. However, the incidences of foodborne illnesses continue to rise because of the country's weak food safety and quality risk surveillance system, resulting in many unreported cases of illnesses and deaths.

The limited literature on domestic food safety regulation in developing countries indicates a dearth of good models for standards and approaches that could work at scale to assure food safety where risks are pervasive, compliance costs are high, and enforcement capacity is weak.

In developing countries, including Nigeria, there have been several attempts to improve food safety. In some cases, the primary goal has been to improve food safety (e.g. upgrading abattoirs), while in others, food safety is one of many goals and sometimes not the most important (e.g. integrated pest management [IPM] or organic farming). When food safety is one of several objectives, it is sometimes expected to occur due to other activities rather than being actively planned and implemented, resulting in a paucity of evidence on food safety outcomes.

Food safety remains a global concern, with about 600 million cases recorded yearly from foodborne illnesses with 137,000 deaths and 91m acute illnesses in Africa. One-third of the global illnesses and deaths are accounted to Nigeria. (WHO, 2015).

An estimated annual food loss of over \$110 billion has been reported globally. This has thus become a significant global concern in the quest for global food security. Food safety has become an essential precondition to export markets and can be a limiting factor to the agriculture sector's competitiveness in Nigeria.



# The Status of the National Food Safety and Quality Bill.

For the past eight (8) years, the Federal Ministry of Health (FMOH) has led the sectoral transformation on Food Safety and Quality environment in Nigeria. In 2014, the FMOH launched the National Policy on Food Safety and its implementation strategy. In addition, a National Food Safety Management Committee was inaugurated with 30 Statutory member organisations, charged with the mandate of implementing the Food Safety Policy. By 2015, the FMOH drafted the Food Safety & Quality Bill with support from the Food and Agriculture Organisation (FAO, UN) and all food safety stakeholders across the country. The bill was then approved by the Inter-Ministerial Committee on Food Safety, National Food Safety Management Committee and thereafter approved by the Federal Executive Council before being transmitted to the National Assembly by Mr. President in January 2019 for passage and into law.

However, the Bill lingered in both houses of the 8th National Assembly without passage of presidential assent. At the resumption of the 9th National Assembly, in 2019, following President Muhammadu Buhari's re-election for a second term, the FMOH resubmitted the Food Safety & Quality Bill, 2019, as an Executive Bill. Subsequently, three (3) years went by without the National Assembly's consideration of the Bill until recently when it received attention from the Senate. The Bill, therefore, passed the second reading in the Senate and currently awaits a public hearing.

Despite this delayed win, the Bill hasn't made much progress in the House of Representatives as it stalled after the first reading. The Nigerian Economic Summit Group (NESG) recognises the importance of a legislative framework that boosts growth and economic development through food security. This necessitated the partnership between the FMOH and the NESG to advocate for harmonisation, concurrence, passage, presidential assent and to support the implementation of the Food Safety & Quality Bill, 2019 through its National Assembly Business Environment Roundtable (NASSBER) and the Agriculture and Food Security Policy Commission (AFSPC).

The passage and implementation of this Bill will substantially address the barriers with regional and global food trade and particularly the implementation of the African Continental Free Trade Agreement (AfCFTA) signed by Nigeria. In addition, food safety is an essential factor for achieving a high level of health for all Nigerians. Therefore, a National Food Safety Legislation should ensure a legal framework backing food safety quality for domestic consumption and export. This will assist in the reduction of food safety-related public health issues, enhance Nigeria's food security, boost the country's self-sufficiency in food production, which in turn will reduce pressure on foreign exchange as Nigeria's annual food import bill from January through September in 2020 was a total of N1.2 trillion which indicated a 65-per cent 5-year high.

# Objectives

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Establish one (1) functional inter-ministerial and multi-stakeholder coordinating body between the line ministries (Health, Agriculture, Trade and Industry, Science and Technology and Environment) responsible for enforcing Nigeria's food safety mandate and further strengthening its linkage with other regional bodies.

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Synergise the powers and duties of federal and state governments to ensure that food and feed safety hazards are appropriately controlled, and that food meets the consumer's expectations for nature, substance, and quality.

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Ensure the protection of consumers' health from potential food and animal feed risks.

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Engage and ensure awareness creation campaign on food safety and quality among citizens and policymakers.

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Establish the official regulatory guidelines of food and feed safety control.

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Provide responsibilities for food and feed industry owners in compliance with the set guidelines.

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Contribute to economic development by maintaining consumer confidence in the food system and providing a sound regulatory foundation for domestic and international trade in food.

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# Scenario Analysis of the Food Control Environment in Nigeria

In Nigeria, recent reports by joint external evaluators show a 40% compliance towards food safety. The World Bank estimates that Nigeria and other countries lose \$110 billion yearly to foodborne diseases, thus impeding socio-economic development by straining healthcare systems and harming national economies, tourism, and trade. These funds are lost through lost productivity and medical expenses annually. Although these diseases are under-reported, it has been reported that 200,000 Nigerians die of food poisoning annually due to food contamination by improper processing, preservation, and service.

In Nigeria, Bacterial foodborne diseases caused by *Campylobacter*, *Salmonella*, *Clostridium*, and *Escherichia* are of significant health concern contributing to the morbidity and mortality rates. The lack of or inadequate application of Good Agricultural Practices (GAP) and the abuse or misuse of agro-chemicals by farmers during storage in developing countries have had severe health effects on its population.

Inappropriate application of pesticides to stored products such as beans and grains to prevent insect infestation, leading to mycotoxins production such as aflatoxin, ochratoxins and fumonins which are the major mycotoxins issues in Nigeria. Additionally, poor food hygiene practices in small-scale food enterprises and a lack of thorough monitoring have increased economic losses. In 2010, the lead poisoning in Zamfara state caused the death of dozens of infants and children; reports showed that this was due to the poor attention given to toxic metals in food and water consumed in Northern Nigeria. Similarly, in 2021, the Commissioner for Health in Kano state confirmed that at least ten (10) people lost their lives while four hundred (400) others were hospitalised, and fifty (50) underwent kidney-related treatments due to food poisoning caused by the consumption of adulterated food and drinks containing a dangerous chemical compound known as hydroxylamine.



# The Gaps in Nigeria's Food Control Environment

## Regulatory Gaps

Non-harmonisation of regulatory activities at all levels (Fees, licencing procedures, certifications)

Indiscriminate disposal of waste products from industrial outlets, e.g., mining activities in Zamfara, lead to open river sources poisoning.

Duplicity of functions amongst regulatory agencies.



## Policy Gaps

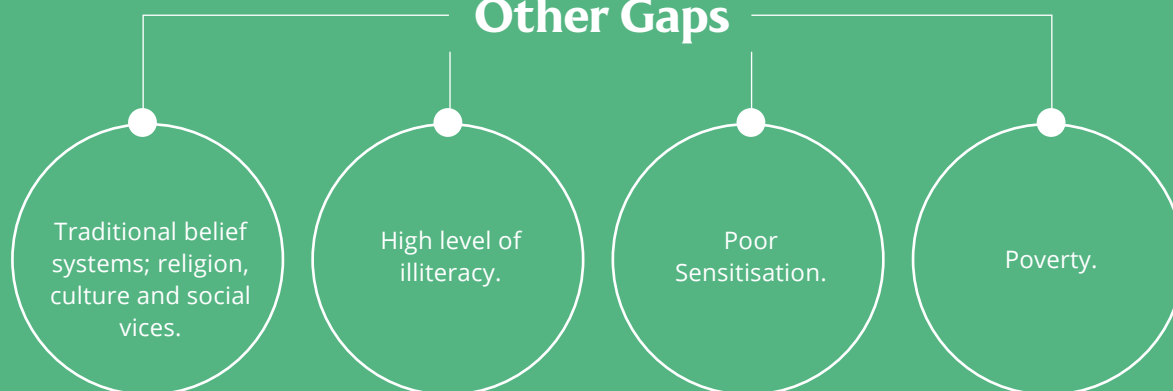


## Administrative/ Implementation Gap





## Other Gaps



## Highlights of the Bill

The Bill establishes the National Food Safety Council with functions including approval of recommendations on food safety and quality matters and conducting regular monitoring and evaluation of the implementation of the National Food Safety System. The Council comprises the Vice President, Ministers of Ministries (Health, Agriculture and Rural Development, Trade and Industry, Science and Technology and Environment), Representatives of Manufacturers Association of Nigeria (MAN) and Consumer Coalition Group of Nigeria.

The National Food Safety Management Committee (NFSMC) shall report to the National Food Safety Council. The National Food Safety Management Committee shall advise the Council on food safety and quality and will be headed by a Director in the public service and its equivalent in the private sector as Chairperson and Co-Chairperson respectively. The Committee

shall comprise one representative, not below the rank of an Assistant Director from MDAs Health, Science, Industry, Environment, Finance, Justice, Fisheries, Livestock, Nigerian Investment Promotion Commission (NIPC), National Agency for Food and Drug Administration and Control (NAFDAC), Institute of Public Analysts of Nigeria (IPAN), Standards Organisation of Nigeria (SON), Consumer Protection Council (CPC) among others.

The Bill also provides for testing and training, listing, coordinating, supporting and offering training and other services in respect of the technical standards and methodologies of the testing services.

The NFSMC shall coordinate a system of notifications and alerts regarding food and feed safety incidents, impacts and guide future preventive measures.

# Benefits of the Bill

- » The Bill will harmonise the regulatory activities to reduce the multiplicity of taxes on industry and consequent burden on the consumer.
- » The Bill will address consumer complaints which would help promote continuous improvement according to the ISO 22000 standards in any food safety management system.
- » The Bill will provide regulatory guidelines to prevent fraudulent or deceptive practices, i.e., adulterating food and feed.
- » The Bill provides a proactive approach to recognising, analysing, and responding to existing and new hazards in the human-animal-ecosystems interface.
- » The Bill will ensure the proper foundation for building an evidence-based food safety system; food safety risk management should be based on scientific evidence from data collection, utilisation, and interpretation.
- » Stakeholders' board in Food safety management should be inclusive and engaging to ensure food safety from the farm to the consumer.
- » The Bill is expected to provide significant leverage for protecting consumers' health through the provision of general principles.
- » The Bill will ensure that a regulatory framework from Top to Bottom is well defined.
- » Through this Bill, it is expected that foods will now be properly and adequately labelled, Including the adoption of the Front of Pack labelling in the country for the benefit of illiterate consumers.
- » Food and Feed Safety risks are effectively managed, and consumers have access to food of the nature, substance and quality expected.
- » The existing model is no longer applicable to the present-day food supply system.







## Conclusion

The impact of Food Safety and Quality management cannot be over-emphasised as it affects the nation's health, economic, and environmental welfare considering that access to safe, quality and nutritious food is fundamental to human existence. Hence, the passage and presidential assent of the Bill should be prioritised, considering the diverse multi-stakeholder concerns. The Food Safety and Quality Bill will resolve existing conflicts of roles between Ministries, Departments, and Agencies (MDAs) with similar mandates for effective implementation of their functions in the national interest.





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