

**U.S. AND UGANDAN FOOD SAFETY SYSTEMS: A CHALLENGE TO CREATE
DEVELOPMENT PARTNERS**

By

Patricia Bageine Ejalu

FOOD REGULATION IN THE UNITED STATES

Professor Neal Fortin
January 2008

**U.S. AND UGANDAN FOOD SAFETY SYSTEMS: A CHALLENGE TO CREATE
DEVELOPMENT PARTNERS**

TABLE OF CONTENTS

Introduction.....	3
I. US & Ugandan Food Safety Systems	4
A. Laws and Regulations	4
B. Responsible Agencies	6
II. Advantages and Disadvantages of the Food Safety Systems.....	8
A. US Food Safety System	8
B. Ugandan Food Safety System.....	9
III Benefits of having similar systems	9
IV Conclusion	10

U.S. AND UGANDAN FOOD SAFETY SYSTEMS: A CHALLENGE TO CREATE DEVELOPMENT PARTNERS

Patricia Bageine Ejalu

Introduction

Uganda is an East African Country that falls in the group of developing Sub Saharan African countries with hopes of moving their economy from one that is dependant on foreign aid to one that is financially stable due to increased trade relations with other countries. The US Government has taken steps to facilitate this change by enacting the African Trade and Development Act of 2000¹. This Act allows for the extension of certain benefits to Sub Saharan African countries in the exportation of textile products to the US. This Act could in future cover other products like food, however it would be imperative that certain standards could be met by the Sub-Saharan countries, in particular Uganda.

Uganda is blessed with a good climate all year round. The produce from this country is considered to be of a quality higher than most. Most exports however are in raw bulky materials like coffee, tea, cotton, maize (corn) and fish, which are more cumbersome to transport and have lower value than their finished products. There is therefore a need to move from the exportation of raw produce to products with added value. Products with added value come with more stringent standards since most of them are ready to eat, requiring no further processing. Uganda's food safety system therefore comes into

¹ The African Growth and Opportunity Act http://www.agoa.gov/agoa_legislation/agoa_legislation.html

question. Failing to meet the requirements of prospective trade partners (in this case the US) from the very beginning would result in the failure to develop trade partnerships.

In section I a brief comparison of the food safety systems in the US and Uganda shall be covered. Section II will highlight the advantages and disadvantages of these systems while section III will focus on the benefits of having harmonised systems.

I. US & Ugandan Food Safety Systems

A. Laws and Regulations

The main law that governs food safety in the US is the Food, Drug, and Cosmetics Act (FDCA), which was enacted in 1938. This act has had a number of amendments and clauses added to it to strengthen its ability to handle food safety issues. These include the Food Additives Amendment (1958), the Delaney clause and the Colour Additive Amendment (1960) to mention but a few.

There are a number of other laws involved in the regulation of food safety in the US, which includes the Nutritional Labelling and Education Act (NLEA) (1990), which requires all packaged foods to have nutrition labelling. This act gives guidance on what the nutrition labels should look like, where they should be placed on the product and the

information required. The Fair Packaging and Labelling Act (1966) requires all consumer products in interstate commerce to be honestly and informatively labelled².

In Uganda the main law that governs food safety is the Food and Drug Act (1964). In 1993 the drug element was transformed into the Drug Act under the National Drug Authority (NDA). This left the food element of the Food and Drug Act hanging. No amendment has been made to this date on what is now referred to as the Food Act. The current Food Act does not address technological developments in the food industry such as food additives and contaminants and packaging.

With the existence of an obsolete food law, Uganda relies heavily on other laws, which include the Uganda National Bureau of Standards (UNBS) Act (1983). Under this Act UNBS has the mandate to formulate and enforce national standard specifications for commodities and codes of practice; promote standardisation in commerce, industry, health, safety and social welfare and provide testing and calibration services to facilitate both regulatory and promotional roles³. UNBS regulations on Imports Inspection and Certification (in combination with the food standards) are used to regulate the quality of foods manufactured locally as well as those imported into the country.

² U.S. Food and Drug Administration FDA Backgrounder: Milestones in U.S. Food and Drug Law History, available at <http://www.fda.gov/opacom/backgrounders/miles.html>

³ Uganda National Bureau of Standards Act 1983: Establishment and functions of the Bureau Act1, section 2, part (1) The functions of the Bureau shall be to: (a) formulate national standard specifications for commodities and codes of practice as may from time to time be required; (b) promote standardization in commerce, industry, health, safety and social welfare; (f) enforce standards in protection of the public against harmful ingredients, dangerous components, shoddy material and poor performance; (h) provide for the testing of locally manufactured or imported commodities with a view to determining whether such commodities conform to the standard specification declared under this Act

Other supporting legislation includes the National Dairy Policy Act; the Public Health Act; the Dairy Industry Act and the Adulteration of Produce Act to mention but a few.

B. Responsible Agencies

In the US the Food and Drug Administration Act of 1988 established the FDA as the agency responsible for research, enforcement, education and information on food safety issues⁴. FDA is an agency under the Department of Health and Human Services (HHS). The FDA regulates all domestic and imported foods other than meat, poultry, egg products and wine beverages above 7% alcohol⁵.

The Food Safety and Inspection Service (FSIS) is the public health agency in the US Department of Agriculture⁶. FSIS is responsible for the safety of meat, poultry and egg products. Other agencies involved in food safety include the Environmental Protection Agency (EPA); the Centre for Disease control (CDC); the Alcohol and Tobacco Tax and Trade Bureau (TTB) and the Federal Trade Commission (FTC). These agencies participate in different ways to the regulation of food safety depending on the nature of the food or the regulation in question. For example the FTC is greatly involved in the issues of advertising and labelling.

⁴ U.S. Food and Drug Administration FDA Backgrounder: Milestones in U.S. Food and Drug Law History, available at <http://www.fda.gov/opacom/backgrounders/miles.html>

⁵ Neal Fortin Introduction to Food Regulation in the United States: Chapter 1 Section E *Agency Jurisdiction*

⁶ USDA Food Safety Inspection Service: About FSIS available at http://www.fsis.usda.gov/About_FSIS/index.asp

In Uganda the institutions responsible for food safety issues fall under the Ministry of Health (MoH)⁷, the Ministry of Agriculture, Animal Industry and Fisheries (MAAIF)⁸ and the Ministry of Tourism, Trade and Industry (MTTI). There is currently no institution or authority that is solely responsible for the Food safety in Uganda. However in MAAIF there are Departments that deal with the safety of foods such as the Fisheries Department, which is responsible for the regulation of fish and fish products in the country in particular, the exports, and the Livestock Health and Entomology Department, which deals with the health of animals and the hygiene levels in abattoirs.

Uganda National Bureau of Standards (UNBS) is an institution that falls under MTTI and is responsible for developing and enforcing standards for all food commodities (both domestic and imported), except for those handled by authorised institutions such as dairy products which are regulated by the Dairy Development Authority (DDA); coffee which is regulated by the Uganda Coffee Development Authority (UCDA) and the fish and meat which is handled by Departments in MAAIF.

In the US the food processing industry is quite large with most consumers using packaged foods as their main sources of nutrition. There is more or less a balance between the roles of the FDA and those of the USDA. In Uganda most of the food safety issues are to do with raw produce and are covered by MAAIF. With the Uganda Government's policies gearing the country to increased industrialisation, UNBS has begun to take on similar roles to those of the FDA though on a smaller scale.

⁷ See Ministry of Health site <http://www.health.go.ug/>

⁸ See Ministry of Agriculture and Animal Industry site <http://www.agriculture.go.ug/>

II. Advantages and Disadvantages of the Food Safety Systems

A. US Food Safety System

The Food safety system in the US has evolved to cater for the different problems that have arisen through the years. This means that the system is designed to deal with actual situations. The prevailing needs of the people results in the amendment of the laws concerned (e.g. Food Additives Amendment of 1958, Color Additives Amendment of 1960)⁹ or the enactment of new Acts (Infant formula Act of 1980, NLEA of 1990)¹⁰, so as to protect the people. The laws are not easily changed however allowance is made for when a change is the only solution to continue protecting the people.

In the US the number of agencies responsible for food safety is quite large which makes the system a bit confusing. The FDA is responsible for most of the food safety issues however there are a number of other agencies that get involved depending on the nature of the product(s). These include the EPA, FSIS, CDC, FTC, TTC etc. This situation is disadvantageous because it results in duplication of work and turf wars especially where funding is concerned. However it should be noted that the large number of agencies means that most of the food safety issues are being dealt with. Organisation of these agencies under one body may result in better methods of dealing with food safety issues.

⁹ U.S. Food and Drug Administration FDA Backgrounder: Milestones in U.S. Food and Drug Law History, available at <http://www.fda.gov/opacom/backgrounders/miles.html>

¹⁰ *Id*

B. Ugandan Food Safety System

In Uganda the rate of evolution is very slow. The Food and Drug Act was enacted in 1964. The only change made was the removal of the drug element, which was done in 1993 when the National Drug Authority Act was enacted. The law needs to be amended to reflect the changes that have occurred over the last 44 years.

There are a number of Ministries and institutions involved in food safety issues in Uganda but there is no clear-cut organisation of these institutions and the roles they play. The focus of the above mentioned Ministries is on the products that bring most revenue into the country (export). Most domestic food safety issues are handed over to UNBS.

There needs to be a more organised system that is responsible for the safety of food. UNBS deals with all commodities in the country not only food products. Without an Authority or Agency that is solely responsible for food safety, these issue will always be side lined in favour of other more economically viable commodities like petroleum, minerals, cotton, etc.

III Benefits of having similar systems

The population in the US is diverse (and growing) with numerous requirements for food products that cannot all be obtained within the US. Uganda has been identified as a potential source of a number of these food products. We already supply some products

(like coffee) but most of these products are in bulk form and are used as ingredients (raw materials) for other processed foods.

If Uganda were to adopt a similar system to the US, focusing mainly on how food safety issues such as labelling, additives and contaminants are handled, the trade relations would greatly improve, allowing for Uganda to sell more products to US. The US would be in partnership with a country that understands its need and requirements and this would eventually reduce on the level of regulation and save on the costs of inspection. At the same time the Ugandan economy would benefit greatly from the income from exports to the US. Confidence would be built in both countries concerning the quality of the products which would lead to a strong partnership in trade.

IV Conclusion

There is still a long way to go for the economy of Ugandan to be anywhere similar to that of the US. However Uganda has the opportunity to learn from the US when developing its own food safety system. The experiences of the US food safety system can be used to develop a system that works for Uganda. Developing countries want to move away from total dependence on AID from countries like the US, to dependence on trade with countries like the US. Development of trade partners is the key issue in Uganda and one of the best ways to get this started and ensure sustainability would be to develop similar food safety systems.