

CONSULTATION ON DRAFT PROVISIONS IN THE FOOD SAFETY AND SECURITY BILL – PROVISION OF NON-PACKAGED DRINKING WATER

Posted on: 21 March 2024 | **Closing Date:** 20 May 2024

Aim

The Ministry of Sustainability and the Environment (MSE) and the Singapore Food Agency (SFA) will be introducing the Food Safety and Security Bill (FSSB). The FSSB will consolidate food-related legislation from eight existing Acts¹ and introduce new powers to strengthen our food safety and security regime, to better protect consumers and safeguard our food supply resilience. The FSSB seeks to:

- i. Enhance the food safety regime to better protect the public
- ii. Facilitate joint responsibility between industry, consumers and the Government
- iii. Strengthen resilience against food supply disruptions.

2 MSE and SFA are seeking feedback from the food industry, as well as interested parties, on draft provisions in the FSSB. A series of public consultations will be launched progressively, based on the following themes in the FSSB:

- Defined food and pre-market approval
- Provision of non-packaged drinking water
- Strengthening resilience of food supply
- Certain agri-food production inputs (animal feed and pesticides)
- Import, export and transshipment
- Food businesses

3. This consultation is the second of the series of public consultations, and concerns only “Provision of non-packaged drinking water”². We welcome feedback on how we can work together to ensure the supply of wholesome drinking water for Singapore.

¹ These are: (i) Animals and Birds Act (ABA), (ii) Control of Plants Act (COPA), (iii) Environmental Public Health Act (EPHA), (iv) Feeding Stuffs Act (FSA), (v) Fisheries Act (FA), (vi) Sale of Food Act (SOFA), (vii) Wholesome Meat and Fish Act (WMFA), and (viii) Price Control Act.

² Packaged drinking water (e.g. bottled water) will be regulated as food. Provisions relating to packaged drinking water will be available for feedback in a subsequent consultation.

Background

4. Currently, under the Environmental Public Health Act (EPHA), SFA regulates the quality of non-packaged drinking water (e.g. piped drinking water) supplied by PUB, Singapore's National Water Agency, and other water providers.

5. Under Part 9 of EPHA (accessible from the website: <https://sso.agc.gov.sg/Act/EPHA1987?WholeDoc=1#P19->), water providers are required to ensure that non-packaged drinking water provided in the course of business, is wholesome and suitable for drinking. In addition, water providers are required to comply with prescribed duties³ (e.g. relating to sampling and testing of water, etc.) to minimise the likelihood of non-packaged drinking water being unwholesome.

6. SFA's Director-General of Food Administration (DGFA) may also, by notice, require water providers to stop the provision of non-packaged drinking water, if the DGFA is of the opinion that any water provider has contravened the prescribed requirements.

7. More information on the regulation of non-packaged drinking water quality can be found at SFA's website: <https://www.sfa.gov.sg/food-retail/drinking-water-quality/drinking-water-quality>.

Proposed provisions

8. Under the proposed provisions in FSSB (see *Annex I for draft text and explanatory notes*):

- a. Drinking water will refer to water that is intended for human consumption or for purposes connected with human consumption (e.g., food preparation).
- b. There are two (2) key terms relating to the regulation of non-packaged drinking water (referred to as "drinking water" hereinafter) – drinking water producer and drinking water service.

³ Details about these prescribed duties, which are imposed on specific group of water providers can be found in the Environment Public Health (Water Suitable for Drinking) (No. 2) Regulations, which is accessible from <https://sso.agc.gov.sg/SL/EPHA1987-S274-2019?DocDate=20190401&WholeDoc=1>

- i. Drinking water producer would include any person (an entity or individual) who carries out drinking water production in the course of business.
- ii. Drinking water service means a service that involves drinking water production and supplying water by means of a reticulation system or in bulk, to any person.

The provisions will apply to drinking water producers who provide a drinking water service. An example is PUB, who produces drinking water in the course of business and is considered as providing drinking water service as it supplies piped drinking water in Singapore.

- c. Aligned with the existing regime, drinking water producers and those providing drinking water service would be required to ensure that the drinking water supplied in the course of business is wholesome.

9. To safeguard public health, in the event of an incident involving unwholesome drinking water, DGFA would be empowered to issue a direction to – i) a proprietor of food business; ii) a drinking water producer providing drinking water service; iii) a person who supplies drinking water that is obtained from PUB or another drinking water producer; or iv) a person who has a duty to manage common property comprising network infrastructure for distribution of drinking water. Such directions may include requirement to stop the service and take remedial action to rectify the issue. A person who fails to comply with these directions would be liable for enforcement action.

Request for Comments

10. SFA invites feedback and comments on the proposed draft provisions in Annex I. All submissions should be clearly and concisely written and should provide a reasoned explanation for any proposed revisions. Please submit your feedback and comments using the template provided in **Annex II** to SFA_Drinking_Water@sfa.gov.sg. Submissions should reach SFA no later than 6:00 p.m. (Singapore time; UTC+8), 20 May 2024.

11. We will not be able to address or acknowledge every feedback or comment received. However, the feedback or comments will be consolidated, and a summary will be published, together with SFA's responses, on the SFA website after the close of the consultation exercise. The summary will not disclose the identity of person(s) or organisation(s) providing the feedback and comments.