

## **Comparative Study on Agricultural Product Quality Safety Law and Food Safety Law**

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**Abstract:** Agriculture is the foundation of our economy. Agricultural products as a result of agricultural activities are closely related to people's lives, the vast majority of the food consumed, the use of the original form of agricultural products. In recent years, agricultural product quality safety problem become more and more, this paper focuses on the relationship of the quality and safety of agricultural products and food safety ,We should pay attention to the role of the regulatory authorities, and actively seek solutions, the single focus not only on the quality and safety of agricultural products supervision law, but a lot of attention in the cross correlation method. And clarify the division of functions between departments. To open up a new path for agricultural product quality and safety supervision.

**Keywords:** agricultural product quality, food safety, supervision, convergence

### **1 The relationship of agricultural product quality safety law and food safety law**

Agricultural product quality safety law and food safety law act as the two most critical food safety law, they are highly effective in protecting food safety. [1]

They mainly acts as prevention, punishing the illegal behavior is secondary, safeguard human health and safety. "Food safety law" reflects the current food safety management in the world's most advanced management principle and general practice, and on the basis of fully combined with China's national conditions, formulate the corresponding legal norms. [2] " agricultural product quality safety law" and "food safety law" of agricultural products and food supervision must be consistent and based on national conditions, to control the risk.

#### **1.1 The different of regulatory scope**

The adjusting object of "food safety" except for medical purposes, also including the entrance to the goods. The law also adjusts the production and processing of food; food accessories, such as packaging materials, production equipment, food additives. Food from production to table, need to store, to transport; food safety can not rely solely on government regulation, the establishment of safety standards for producers and operators, these are the food safety law objectives. The previous definition of agricultural products has been fully explained, no longer repeat. Agricultural product quality and safety law not only to regulate the quality and safety of agricultural products, but also to establish a system that will include all types of standards.

Food and agricultural products can be divided into two categories: edible and non edible. Edible agricultural products and agricultural products are food, in China in 2015 of the "food safety law" was amended, the edible agricultural products will be in

addition to develop edible agricultural products quality and safety standards, marketing and regulatory matters outside of the food safety information released all responsible for "agricultural product quality safety law". This clause has cleared the two laws. We first regardless of whether the provisions are reasonable, but at least there is a legal basis.

Complete system of our country "food safety" are worth to reference when making or modify any law and thinking. And more pay attention to the "law of produce quality safety" is agricultural products before entering the processing flow regulation, such as the origin of agricultural products and inputs, etc., can be available late in regulation, for agricultural products, you can connect with "food safety", continues to manage.

### **1.2 The differences in the way of regulation**

Agricultural product quality safety law and food safety law are different in the object of supervision and the scope of supervision, which results in the differences in the means of supervision. [3]

China is a traditional agricultural country, did not form a large-scale production, no more advanced private farms, but by the family or individual units of agricultural production, eventually entering the market, also may not enter the standardized farmers market, products have been digested. In the face of many people in China, the vast land area, a large number of farmers, the agricultural product quality and safety law on the implementation of agricultural production supervision, the practice is very difficult. In addition, the quality of many agricultural producers in China is not high, it is impossible for them to produce agricultural products according to the regulations of the quality and safety standards. It is impossible to include all production modes in the regulation. It can be seen that the quality and safety of agricultural products in the regulatory law of many defects.

In "food safety law", when the food into the processing procedures, means that have entered the standardization of production steps, then each link were into the regulatory category, production, distribution, sales, management needs to be a standard specification. Generally, on food safety in our country has implemented a strict and reasonable regulation not missing any important link.

## **2 Two laws in the regulatory system is not tight**

### **2.1 Two laws have defects in the administration of agricultural and veterinary drugs and additives**

Agriculture in the process of production, is bound to the use of pesticides, fertilizers, also in the process of storage transport anti-corrosion, preservation, for this piece of supervision must be caused take seriously. If inadequate supervision, for the final use of damage will be enormous. But "food safety" just put forward in the process of agricultural production must be to strengthen the regulation of inputs, did not make detailed provisions. And agricultural inputs into is to agricultural production, so they should be more closely involved with the "law of produce quality safety", if can't find in the "food safety", then "law of produce quality safety" should make answer to this question. But the actual situation is not so, regulation of agricultural

inputs into the above two laws are no detailed rules.

## **2.2 A contradiction between the quality standards**

"Food safety law" provides for the use of pesticides, pesticide residues, heavy metals. However, the quality and safety of agricultural products law is a special legislation related to agricultural products, the provisions of the provisions of the residue is essential. Even if there are still deficiencies, but in the continuous development will be added. Therefore, these two laws are bound to have a conflict.

## **2.3 Quality and safety of agricultural products did not achieve full supervision**

In recent years, food safety incidents emerge one after another, so the status of the legal system of food safety risk assessment has been improved. Not all agricultural products can be moved to the table, some of which are inedible. China will be responsible for the risk assessment of agricultural products to food related assessment to be responsible for this practice is not reasonable, to distinguish between the two, it is necessary to make each plan. In the evaluation system, we should pay special attention to the evaluation of the safety level of agricultural products. [4]

## **3 Strengthen the cooperation of two laws**

### **3.1 "Agricultural product quality safety law" to supervise and control the pesticides, veterinary drugs, production additives**

First of all, the use of pesticides, veterinary drugs and additives production mainly by the provisions of the "food safety law", but part of the contents shall be delivered to the "agricultural product quality safety law", the purpose is to realize the two laws of tacit agreement. In this method, should reflect the inputs regulatory attention to agricultural production, so that the two inputs in mutual supervision system.

Pesticides, veterinary drugs and other agricultural inputs directly affect the quality and safety of agricultural products, and is closely related to people's health and the development of rural economy. so the domestic production and imports of foreign management registration system should be implemented in our country; "agricultural product quality safety law" in the requirements of qualified goods directory, have produced unsafe products must be prohibited to the market; on the use of inputs and circulation were confirmed; agricultural department under the State Council, although there are many institutions, but with the Ministry of agriculture, grasp the whole process from the general consumer market. Update the input directory must be the first time released, so agricultural activities of the operators, wholesalers, national regulatory authorities at all levels to know, as long as the production of agricultural products, so in the use of inputs can be qualified. While regulators in law enforcement, according to the latest list of inputs, to combat the production and management of agricultural operations do not meet the standards, from the level of public power to improve the quality and safety of agricultural products, the last pass.

### **3.2 The linkage of the agricultural product quality safety standards**

"Agricultural product quality safety law" can not directly establish the quality safety standards, the introduction of a relatively late time, there has been a lot of agricultural products are legal provisions, it should be combined with other relevant

laws, especially the "food safety law", which will have to set the standard selected, such as pesticide and veterinary drug residue standards on the one hand, detailed provisions have been made in food safety, so the "product quality law" can refer directly or indirectly as a basis for here. To complete this step, the agricultural product quality and safety standards in the establishment of their own when there is a clear direction for environmental inspection and testing, access to the packaging, labeling, does not need to consider the provisions of other laws. For the overlap part, the two laws must complement each other to form a complete standard system.

### **3.3 Introduce the approach of "food safety law" to the quality and safety of agricultural products**

On March 7, 2016, the ministry of agriculture minister Han Changbin in the center of the 12 National People's Congress four conference news press conference said that at present China's "agricultural product quality safety law" to modify, to strengthen the food safety law and it is a main task of cohesion, the reduced on regulatory clearance point is different, the food safety law pay more attention to the whole regulation, from production to the used by consumer, in full swing on the regulation; [5]"agricultural product quality safety law" is more focused on agricultural products, in the management of claims from source, this is different from food safety law, the more important part of agricultural products into the market before, whether to enter the market is a big nodes, agriculture is the general department is responsible for before this step, after that the drug safety department is responsible for the management. Two legal operation method is different, but in the end is to realize the food, the safety of agricultural products. We should introduce the management mode of "food safety" to come in to protect the quality of agricultural products, set up a major product agencies to grasp the overall situation.

China is in a period of rapid development, the two laws in order to ensure the quality and safety of agricultural products, safeguard the interests of consumers.

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