HOUSE OF LORDS

Select Committee on the European Union

Energy and Environment Sub-Committee

Corrected oral evidence: Food safety risk management post Brexit

Wednesday 4 July 2018

10.30 am

Watch the meeting

Members present: Lord Krebs (Chairman); Lord Cameron of Dillington; Viscount Hanworth; Duke of Montrose; Lord Rooker; Lord Selkirk of Douglas; Baroness Sheehan; Viscount Ullswater; Baroness Wilcox; Lord Young of Norwood Green.

Evidence Session No. 1 Heard in Public Questions 1 - 10

Witnesses

I: Sue Davies, Strategic Policy Partner, Which?; Mrs Heather Hancock, DL LVO, Chair, Food Standards Agency; Professor Erik Millstone, Emeritus Professor, University of Sussex; Helen Munday, Chief Scientific Officer, Food and Drink Federation; Tim Smith, Independent Adviser.

Examination of witnesses

Sue Davies, Mrs Heather Hancock, Professor Erik Millstone, Helen Munday and Tim Smith.

Q1 **The Chairman:** Good morning. Welcome to this public round-table session. A transcript of the session will be taken and will be made public. The witnesses will have a chance to review it before it is published. The session is being webcast live and will subsequently be made available to view on the parliamentary website.

I remind Members of the Committee to declare any relevant interests before they speak. My relevant interests are that I act as an adviser to three food companies: Marks & Spencer, Tesco and Ajinomoto, a Japanese company. Although it is historical, I was the first chairman of the Food Standards Agency a number of years ago.

In order that the witnesses know who we are, I will ask the Members of the Select Committee to introduce themselves, in a sentence. After that, I will invite Heather Hancock, as chairman of the Food Standards Agency, to set the scene with a short introduction about the current arrangements and how they might be affected by Brexit. Then I will invite the other witnesses to introduce themselves and make a short statement. We will then go into an informal discussion, which will, I hope, help to illuminate for the Select Committee how the current arrangements work in relation to food risk management and what might happen in the future, both during the transition period and post Brexit.

Lord Cameron of Dillington: My name is Lord Cameron of Dillington. I am a farmer and landowner. I am a trustee at Rothamsted Research Station and I chair the Centre for Ecology and Hydrology. I apologise to the meeting, because I have to go at 10.50 am. I will slip away without saying anything.

Viscount Hanworth: I am Stephen Pollock. I am an academic mathematician. I sit on the Labour Benches.

Baroness Sheehan: I am Shas Sheehan, a Liberal Democrat Peer. I, too, apologise for the fact that I will have to leave early, at 11.30 am.

Viscount Ullswater: I am Lord Ullswater. At one time, I was Minister of State in the Department of the Environment. I am a trustee of a landed estate in Cumbria.

Baroness Wilcox: I am Judith Wilcox. I am a Conservative. My background is in the fishing industry. At the moment, I am the president of the National Consumer Federation.

The Chairman: I am John Krebs. I am acting as Chairman of this Committee. Normally, Robin Teverson chairs it, but he sends his apologies. I am a Crossbencher. Much of my career has been as an academic in different universities, mainly at Oxford.

Duke of Montrose: I am the Duke of Montrose. I am a livestock farmer

from Scotland.

Lord Rooker: I am Jeff Rooker. From 1997 to 1999, I was Minister of State at MAFF, responsible for the original legislation for the Food Standards Agency. From 2009 to 2013, I was its chair.

Lord Young of Norwood Green: I am Tony Young. I am a Labour backbench Peer, with a special interest in skills and apprenticeships.

Lord Selkirk of Douglas: My name is James Selkirk. I was an MP for 23 years and Minister for the Environment in the Scotland Office for five. I have a small interest: I am a director of a small family company that owns pockets of land in Lanarkshire. Some of them have had farming interests in the past.

The Chairman: I invite Heather Hancock to set the scene for us.

Mrs Heather Hancock: Thank you, Lord Krebs. I will not begin with a history lesson, because more people around the table were in at the birth of the FSA than perhaps is usual in a hearing such as this, but it is worth remembering where we came from.

The James report into the BSE crisis recommended the creation of the Food Standards Agency as a fully transparent government department that would regulate food safety in the interests of consumers. The critical need after BSE was to rebuild public trust in the system by removing Ministers from food safety risk management decisions. That was seen as dealing with the perception that food safety was politicised or that Ministers faced an inevitable conflict between the economic interests of a sector and the health interests of the public.

The department was set up in 2000 as an independent non-ministerial department, operating with openness and transparency, and with risk assessment and risk management capabilities. Originally, we served the whole of the UK, but, as your Lordships know, in 2014 Food Standards Scotland became a separate department serving Scotland. That is because food and feed safety and standards are devolved matters. Where there is parliamentary business that covers our remit and is on the Floor of either House, it will be handled by the relevant Health Minister in the three nations in which we operate.

As a result of the arrangements that have grown up on the basis of the Act, the way we regulate food safety and standards in the UK is globally regarded. The system protects public health. It gives the public very high levels of confidence that food is safe and is what it says it is. We believe that trust in food is essential to our national well-being and to our international trade opportunities. The independent research we do shows that people are confident that the FSA protects them, and they trust us to tell the truth.

Before I describe how decisions about food safety risk management are made at the moment, I want to clarify the important distinction between risk assessment and risk management, which goes to the heart of what

we are talking about. Risk assessment is the science that identifies and assesses the nature of a food safety risk. It is the science bit. Risk management takes that scientific assessment, factors in other relevant issues, such as consumer interests, and identifies the potential prevention and control measures that could be used to manage the risk. Then there is a food safety risk management decision, which sets the regulatory or other controls that are needed for a food or feed product to be safely made available.

How are those decisions made today? Food and feed regulation flows almost entirely into the UK from the EU. The process starts with the European Food Safety Authority, EFSA, undertaking and publishing a scientific risk assessment. Officials in the European Commission take that risk assessment and propose draft legislation to implement an appropriate risk management decision. That proposal is then discussed at the Standing Committee on Plants, Animals, Food and Feed, where the FSA represents the UK Government at official level on food safety issues.

Risk management decisions are almost all procedural. They are taken as implementing acts or decisions, in the terminology of the Commission. The Standing Committee has delegated powers to make the decision on those proposals. It is the decision-making forum. Decisions are then noted on the agenda of the Council of Ministers meeting. Some of the decisions are what are called delegated acts. In those instances, the Council and the Parliament can be consulted, but they can challenge the decisions only by exception. In practice, that has happened only on the most sensitive issues.

When we represent the UK on the Standing Committee, we make our contribution largely without reference to Ministers. We have to ask for ministerial approval if we propose to vote against the Commission's proposals, and we consult Ministers about our negotiating position if it is contentious. In practice, it's a very, very small number of cases a year where we might refer to Ministers.

Turning to our approach to food safety when the UK has exited the EU, the entire focus of the FSA is very simple: we will make sure that food is just as safe as it is now. We have set four tests for that. The absolute priority must be that in any arrangements public health must come first. We believe that safety and standards must be decided on the basis of science and evidence. We believe that it is critical to maintain public trust by continuing the commitment to openness and transparency. Although we fully respect devolution and we operate in a devolved way, we think it is in the interests of consumers across the whole of the UK that the regulatory system is as unified as possible.

The recommendation we have made is that, following exit, the approach in the EU, which I have already described, should be replicated here. That would mean as little change as possible, because we already have risk assessment capability and risk management capability. We have proposed that the FSA should have the power to make risk management decisions, which are almost entirely technical, from day one. We are

encouraging Ministers to give us that power, because we do not have it, and then to delegate to us the ability to use the power as quickly as possible. Unless that happens, all risk management decisions will have to go to a Health Minister for approval.

We propose creating a new advisory committee, which will involve representatives of relevant departments—largely, health and agriculture departments—in all three countries and, we hope, in Scotland. It will advise us, and give us input, on our risk management proposals, and will operate to our usual standards of openness and transparency. We think that that forum offers a really constructive way of respecting devolution.

On sensitive or high-profile issues, where there are bigger political and public policy considerations, we recognise that Ministers will absolutely want to make final decisions. In those cases, we propose that we submit our formal risk management recommendations to Health Ministers. The advisory committee I have talked about will help to identify when that needs to happen.

Finally, certainty about the role and function of the FSA when we have exited is pressing, so that we can make the appropriate structural and governance arrangements and, ideally, start to operate the system in shadow form before we get to day one.

The Chairman: That is extremely clear and very helpful. We will ask questions of you shortly. Before that, I invite the other witnesses to introduce yourselves very briefly and say a few words to set the scene from your perspective, particularly in relation to what Heather has already told us.

Tim Smith: I was a food manufacturer for 30 years, culminating in my being the chief executive of Arla Foods UK plc. I was then the chief executive of the Food Standards Agency for five years. For five years, I was a director of Tesco plc, and now I am an adviser, on a part-time basis, to that company and others.

When the Food Standards Agency was established in 2000, there was a unique opportunity to create an organisation whose role was to give citizens confidence in the food that was being sold to them. Its independence, openness and reliance on science and evidence are the legacy of the architects of that Bill. We now have another opportunity to enhance, and not degrade, what citizens want: safe, wholesome food from trusted sources.

If we had a blank sheet of paper, much of what we designed now would be as it is now. For those of us who are part of the system, there are some frustrations in delivery on the front line, with local authorities being stripped of many of their resources. There is increased risk of food fraud, which is always difficult to predict and to manage, and we have the organisation of lab testing, which I know is a frustration for many. Ideally, I would have liked us to have closer links to Europe, with EFSA and the FVO, but that is pretty much an eight out of 10 score for all of us.

My strong sense, having been in the industry in the ways I described, is that the further one can keep politicians and politics away from risk assessment, risk management and risk communication, the better. I say that in the interests of consumers and citizens. There are a number of examples in my time at the FSA, subsequent to that and previous to my tenure there, where Ministers felt compelled to take an interest, against the advice of officials. In my opinion, that did not prove to be the right course of action.

I am also alarmed by some advisers I meet who argue that it would be sensible to vary or remove in some way some of the standards or controls, and who further suggest that availability in supermarkets would trump any regulatory change. I can say with absolute certainty that what matters more than availability is having the right quality and welfare standards. Obviously, you must have the right price, but availability does not trump the use of the right standards and specifications. No retailer I know would sacrifice those standards in exchange for full shelves. Ultimately, the best outcome is that consumers and citizens can and do trust in the food they buy.

The Chairman: We come to Sue Davies. Will you keep it as short as you can?

Sue Davies: Thank you for the opportunity to contribute to the discussion. I work at Which?, the consumer organisation, on food policy, as well as on our broader Brexit and trade policy work. For eight years, I was also on the management board of the European Food Safety Authority. Between 2012 and 2016, I was the chair of the board.

I want to add a few points to those that have already been made. As we leave the EU, there are some really important implications, as we have heard, for the institutional framework and systems that we put in place, given how interconnected we have been with the EU in the way we deal with food safety risk management. We have had a lot of influence over how the EU has approached that, but it raises some fundamental questions.

Even if we are transposing the regulatory framework through the Withdrawal Act, which we think is right—the framework is broadly appropriate—it raises some real capacity issues in how we do the scientific risk assessment, and, as Heather outlined, decision-making for risk management, particularly as some of the issues that consumers would see as related just to food may split between different responsibilities across different government departments. There is the important issue of enforcement and border controls as well.

Obviously, there is a lot of uncertainty, but, depending on both the relationship we have with the EU and our future trading relationships, there may be a need to look more closely at what the risks might be if, for example, we are importing foods from countries that have different food safety risk management systems. Whereas some of the controls for those might have been done in, say, Rotterdam before, we will be taking

on a lot more responsibility for them in the UK. There are lots of capacity issues that need to be addressed.

This is a really big job. In doing it, as Tim and Heather have emphasised, we need to make sure that we do not lose sight of the fundamental principles that have guided not just the UK's approach to food safety, but the EU's approach to it. Which? was very involved in campaigning for the Food Standards Agency and having an independent, arm's-length body. That remains critical now. If anything, we need a stronger and more independent Food Standards Agency. It will be doing some of the work that it is doing now, but, potentially, it could also take on much of the work for regulated products, which are a lot more controversial. From my time at EFSA, I know that they raise a lot of issues about independence and consumer confidence.

Those are my main points at this stage. I want to stress that, from the consumer research that we have been doing and continue to do to track consumer opinion, it is absolutely clear that people have high expectations of food standards. They think that, as we leave the EU, we will maintain those standards. If anything, they see it as an opportunity to go further. They do not see it as an issue of lower prices or cheaper quality. They expect to be able to have both at the same time.

The Chairman: We move around to Erik Millstone. It is worth re-emphasising that our focus is on the European system as it is at the moment and the implications of Brexit for risk management, rather than a broader discussion of UK policy. With that reminder, over to you, Erik. Can you be brief, please?

Professor Erik Millstone: Good morning. I am emeritus professor of science policy at the University of Sussex. Since the mid-1970s, I have been studying the role of scientific evidence and expertise, and their interaction with policy considerations in food safety policy-making. In the early 1990s, I conducted a review of food safety policy-making institutions in 10 countries. On the basis of that, I wrote, with several other authors, the first proposal for the establishment of the Food Standards Agency. I then worked with Philip James when he wrote his report for the incoming Prime Minister in 1997.

I have been studying very carefully the way in which food safety policy-making has subsequently been done, both at the European Food Safety Authority and in the UK, at the Food Standards Agency. My perspective does not entirely coincide with that articulated by Heather Hancock. I do not take the view that risk management decisions on food safety are predominantly technical. They invariably involve evaluative judgments, with trade-offs between risk and uncertainty, on the one hand, and anticipated benefits, on the other. They are not judgments that can be settled solely by reference to scientific and technical considerations.

I take the view that the Food Standards Agency was established to deliver two separations that had not been present during the mad cow disease crisis, for example: to separate responsibility for regulation from

responsibility for sponsoring the food and farming industries, on the one hand, and to separate science from policy and to make clear the relationship between them, on the other. Those two criteria remain very important.

The Chairman: Finally, we go to Helen, from the Food and Drink Federation.

Helen Munday: I am the chief scientific officer at the Food and Drink Federation, which is the trade association representing many of the food and drink manufacturers in the UK. Clearly, this topic is of very high importance to us and our members. The view of citizens on the safety of food has a very profound impact on our sector. There has been a fantastic amount of work over the last few years, much of it through the EU, to ensure that safety standards are always forwarded and that that is done with the consideration of citizens at its core. Doing risk management and risk assessment, and clearly differentiating those two things, is very much part of that.

Whether through our own national arrangements or through our links to the EU, we have been highly active both in generating data for the risk assessment and, as a country, in the risk management role. Of course, we will want to make sure that we provide complete continuity from one to the other, and reassurance that what we set up will be as effective as what we left. Where possible, if we still have access to what we had before, and it serves us well, we should look to do that.

There are many experts—academics from varying backgrounds—who at the moment are part of expert panels advising EFSA on the risk assessment role. We will want to make sure that whether they can still do that through EFSA or through our own arrangements, we still get that high class of expertise. When it comes to management, it is clear that evidence must be at the crux of both of those issues. While management will bring in some other elements for consideration—more social science, for example, rather than food science, health science or whatever it may be—it is all evidence. All of it needs to be considered, and decisions need to be made on it.

We have been following very carefully what the FSA is preparing, and supporting the dialogue that is needed to get us to a good place and to ensure that continuity is absolutely guaranteed.

The Chairman: Thank you very much. I invite Members of the Committee to start the discussion, but I will take the Chairman's privilege to kick off. Heather, can I come back to you on your proposal? I think I understood that your suggestion is that the FSA should be responsible for food risk management, but that there would be an advisory forum. I want to check that I understood about accountability. If, under your proposal, a decision were made and then Parliament or the public asked who was responsible and accountable for that decision, would it be the advisory forum or the Food Standards Agency?

Mrs Heather Hancock: It would be the Food Standards Agency. It is a really good point, Lord Krebs. We are not trying to water down our accountability or responsibility. The FSA would be the decision-making body, or a Minister would be the decision-maker. It would not be a committee.

Q2 **Viscount Hanworth:** Can I ask somebody to recount a bit more of the institutional history, which might enable us better to understand the relationship between the EFSA and the FSA? My supposition is that the EFSA, which was established two years after the FSA, was somewhat an imitation of the latter, and even subservient to its authority, but I also imagine that the authority of the FSA has been ceded somewhat to the EFSA. Am I correct in those suppositions? In particular, how might the relationship between the two evolve in future?

Mrs Heather Hancock: When the FSA was created, that European framework already existed. That is why there is incompleteness in the powers that exist at the moment, from a UK perspective. As Sue and Helen both referenced, the UK has had a very significant influence on the way EFSA goes about risk assessment. The risk management happens in a different place, but, on the science component—the risk assessment—UK scientists have played a disproportionately large role. The UK has been a strong influence in reinforcing the importance of science and evidence being the basis, rather than wider political considerations, at that level.

The future relationship with European institutions when we have left the EU is a matter that the Government are considering and negotiating, but there is no doubt that science respects no borders. We expect to have access to a global talent pool of scientists. That is what we will seek. Much of that global talent exists in the UK, so we do not always have to go beyond our borders. We will do whatever we can, within the agreement reached by Government, to make sure that we have a strong, good working relationship both bilaterally with partners in Europe and, where possible, with EFSA.

The Chairman: Would the ideal outcome be to remain in the present system? If that would be the ideal outcome, is it achievable?

Mrs Heather Hancock: The FSA operates in three countries and serves three Governments with different views on where we might be going with EU exit, so we have absolutely not taken a view on whether we wish it was not happening. To answer your first question would be to take a view on whether we wish it was or was not happening. There is no precedent, if one is outside the EU, for having full participation in and access to all those institutions. That is why our focus has been on how we recreate, replicate and rebuild the necessary framework to operate effectively for the UK.

Sue Davies: Your question about the context of the FSA and EFSA is interesting, because they were both established at a time when there was concern about conflicts of interest as regards both too much commercial

interest and too much political interference in food policy. They were set up slightly differently, because of the cultural dimension. The Food Standards Agency had responsibility for risk assessment and risk management, in the context of how European decision-making worked, whereas the European Food Safety Authority has responsibility for risk assessment and communication.

It is key that they both work through systems of scientific committees that have members appointed to be independent experts. That is quite different from the approaches that you sometimes get in other countries. The idea is that there is collective responsibility. Scientific issues are often a matter of judgment; if there are 21 people with different backgrounds on an EFSA panel, you are more likely to get a better, more robust and independent decision. Key to that has been the independence and transparency that underpins it.

We think that there are benefits in staying linked to EFSA, but that depends very much on the context and the relationship with the EU going forward. There is no involvement of third countries in EFSA. There are one or two experts when EFSA has not been able to get experts who are from the EU or the EEA; for example, there are one or two American experts. EFSA has just reappointed several of its panel people. The percentage of UK experts on the panels has dropped from about 17% to about 9%. That is for the next three years, but it will depend on what happens when we leave.

As Heather mentioned, we are dealing with global risks that cross borders. EFSA is seen as one of the international reference points, so it would make sense for us still to try to influence it and to be linked to it as much as possible. Regardless of that, we will need to have much more capacity at national level to scrutinise and to feed in effectively, to make sure that we are doing what is appropriate for the UK in the new context.

Helen Munday: Not all of this is absolutely clear, but my understanding is that we would continue to have access to data from EFSA, even if we were not a full member of it, because a lot of what it does is publicly accessible, but it may not be possible to understand the data at the next level down—in effect, how the data has been analysed and assessed. As has been mentioned, there is the question of whether we would have the opportunity to input data. For example, Europe is a vast geography and people have different eating habits. Some ingredients that are assessed might be much more highly consumed in some countries than in others. I am sure you can imagine foods that are quite heavily consumed in the UK, or some that are quite heavily consumed in other parts of Europe. If we were not able to input our consumption data, for example, it would not be possible to make an accurate assessment based on the UK situation. We could potentially do that later, but if we were not able to build on the data that had already been analysed, we would have to start from scratch, maybe without some of the raw data to help us do the assessment. We would definitely like more understanding on how that will

work, but it feels as though we would need to fill in quite a few gaps in an arm's-length arrangement with EFSA.

Q3 **Viscount Ullswater:** Heather, how do you see the alignment of the decisions of the FSA expert panels and EFSA expert panels, so that manufacturing industry can be sure that it will be able to produce food that is acceptable both in this country and in Europe?

Mrs Heather Hancock: Part of the answer depends on the view the Government reach in their negotiations with the European Union about what the overall regulatory alignment framework will be. Another part of the answer is that it is not the FSA's role to make sure that our regulations for UK consumers enable international trade. We do not wish to do something that would get in the way of international trade. It is very hard to imagine why the science would be so different for us in the UK from the broader global perspective that something would happen unwittingly to get in the way of international trade. Risk management decisions and the factors that come into them could be a component. If it is possible to manage and control risk, international trade and wider trade opportunities are part of the consumer interest in having choice and being able to access the kind of varied, affordable diet they want, but we would not be under an obligation to make regulations that had the primary purpose of enabling trade. That is not the way we are set up. We do not have that economic remit.

Lord Young of Norwood Green: Surely, at the moment EFSA has input from global sources as well. As part of that, we would still have an opportunity, I assume, to input. That is not to minimise the fact that there will be an impact, but there will not be a complete cut-off. Somebody mentioned the importance of inputting data as well as what is available publicly, so how do you assess that?

Mrs Heather Hancock: People from all over the world can be part of EFSA's structure, committees and panels, and we have international scientists on our own domestic advisory science committees. You are absolutely right. That source of expertise and influence will still be there. It is the formality and closeness of the relationship that we would not be sure about.

To be absolutely clear, we are planning for a significant increase in our own scientific capability, both our science assessment and our risk management capability—the other kinds of evidence we take into account. We have just reappointed a much-strengthened social science committee in the space of the consumer interest, business behaviour and some of the factors we need to take into account when we look at risk management. We have a very high-profile science council giving us strategic leadership on science. We are already building that additional capability, not because we think that somehow there will be barriers on the shores for the science we might take into account, because this is a global network, but to make sure that we continue to have the right access and quality of input to our own decision-making.

Q4 **Lord Rooker:** I have a couple points to put to Heather and Tim. As a preamble, although we have not mentioned it, the first chief executive of the reformed European Food Safety Authority was the first chief executive of the FSA, Geoffrey Podger, so there was a big UK influence on the way the structure was set up, based on science and openness. A few weeks ago, we had evidence about the diminution in UK scientists on the EFSA committees Sue mentioned.

Heather, would you confirm that the advisory committees you propose would operate in exactly the same way as the FSA does now? In other words, there would be decision-making in public, which is the normal way the FSA works, not behind closed doors.

Mrs Heather Hancock: Absolutely.

Lord Rooker: Trade issues are thought to be behind some of this. EFSA has taken decisions relating to hormone-treated beef, for example, which is not available in the EU. Where would such decisions be taken if your plan worked, or if it was thought that Ministers should take them? Where would the decisions be made?

Mrs Heather Hancock: Let me give a bit of context in numbers. It might also pick up Erik's earlier point about technical decisions. We have looked at roughly the last six months of decisions that have gone to the EU-level Standing Committee that I talked about; 434 food and feed safety matters have been looked at through working groups, and 79 decisions have been taken at the Standing Committee. That is the sort of volume of activity we are talking about.

The Chairman: Over what period was that?

Mrs Heather Hancock: That was over the six months to the end of April this year. It is just a snapshot. We call them technical decisions because they were determined at that committee. In what we are describing for the future, we are positioning the FSA as the Standing Committee. That is the role we play in Europe and that is why we think this is the least change.

To come to Lord Rooker's point, the vast majority of decisions are about things such as whether we should slightly change the wavelength of light refraction to enhance levels of vitamin D2 in mushrooms, or the reauthorisation of feed additives for controlling urinary infections and ammonia release in pigs. Huge numbers of such things are going through the whole time.

Turning to the hormone-treated beef example, clearly there are wider implications. As regards public policy, it is not just a food safety risk management decision. We would propose that in the committee we set up, all the science and evidence is discussed, all the factors that need to be considered are discussed, and most technical decisions are referred back to the FSA and the FSA says, "That is the right decision. We have taken the input; it has been open and transparent. This is the right decision in terms of the regulatory controls". When growth hormone-

treated beef comes up in that committee, it will immediately say, "This is an issue of wider public interest and public policy significance". It might have ethical dimensions; there might be considerations of sustainability, environmental impact or animal welfare. Those are things that fall outside our responsibility. We would then, with the committee, do our usual process and get its input. What is the risk assessment? What is the risk management response? How do we frame recommendations? Those would go to Health Ministers for them to take the issue forward across Government. That is how we see it happening. There would still be transparency about the food safety risk component, but recognition that there are some wider issues.

Let us take something different that is not quite so emotive. At the moment, the issue might be the use of insects in animal feed. There is a safety question about whether insects should be part of animal feed, but there might be wider considerations about ethics; there might be issues around the overall impact on farming, availability and supply. It could be all kinds of things like that. Therefore, there needs to be a bigger discussion about it, which we think would be at ministerial level, but spotting the issue that required ministerial elevation would happen in that forum, operating with the openness and transparency that we apply to everything we do.

Lord Rooker: If your system was not accepted, what would happen? You have made a proposal. If your proposal is not accepted by Brexit, the Government and the legislative bits you need, what would happen in that circumstance?

Mrs Heather Hancock: In those circumstances, we would do the risk assessment and the risk management as fully as we felt was right and proper, and everything would go to Ministers in the three countries for a decision. We think we are competent and it is appropriate to allow the technical stuff to be finally decided at FSA level, as effectively happens today by being part of the Standing Committee, but, if that does not happen, all the 79 decisions in those six months would go into ministerial boxes.

Lord Rooker: I want to ask Tim to expand on the points he made. He thought there was an advantage in not having Ministers dealing with these issues too much. I am sure he has personal experience of it. What is your view on this exchange, Tim?

Tim Smith: There is not very much, as you will have gathered, between the position the FSA is taking and my own personal view, except that this forum sounds to me like a recipe for interference from those who have not had the benefit of many years of broad and deep exposure to the science and the evidence, evidence being every bit as important as science in making those risk management decisions.

I can think of occasions when Ministers, particularly in the Department of Health, have taken a particular view and have had to be persuaded in the background that the evidence and the science is contrary to what their

political leanings are taking them towards. Every example I can think of has been the right thing for the consumer and the citizen. My sense and experience has been that one should take most, if not all, of these decisions using the expertise, independence and consumer-facing part of the Food Standards Agency, and not risk diluting that by bringing it into a ministerial forum.

Q5 **Baroness Wilcox:** I have a question for Tim Smith. This is taking us slightly out to where the ordinary consumer is, to the people on the street. You spoke about how strapped local authorities were, and I would like you to talk a little more about that. It has been wonderful to hear about all the rest of it; I am feeling safer by the moment. Down on the ground it may not be quite so easy, if we are not funding things properly, so perhaps you could give me a little more help on local authorities.

Tim Smith: The local authority and the Food Standards Agency have an interface between the work that's done on the ground, the 'boots on the ground' - the officials who work in every single local authority - who are risk-assessing food premises. I do not know how many there are, but it is about half a million. Each one is assessed against a set of criteria under the food hygiene rating scheme.

For that to work effectively, particularly in the big middle ground of food—not very small processors, not very large retailers and not very large manufacturers—a tension is required between the manufacturer, the retailer and their local authority enforcement. In my experience, the numbers of boots on the ground in local authorities has deteriorated since the early 2000s to the point that they are not making sufficient day-to-day inspections of the premises under their control. I wish it were not that way.

When the European Commission looks at the arrangements in the UK, it is pretty much satisfied with everything it ever sees. In my time, and I am sure in Heather's, the FVO reports have been exemplary, except for the specific point about the Food Standards Agency's responsibilities, which it carries out very effectively, and local authorities' responsibilities, which start to break down at local level. It is the classic postcode lottery; some local authorities take it very seriously and some take it less seriously, maybe for good financial reasons. That is what I mean by not allowing political interference in making food safety, food risk management and assessment decisions.

Duke of Montrose: You say that EFSA is basically happy with the way things are in this country. Does it send people over? Do you get periodic inspections from EFSA?

Tim Smith: It is not EFSA that looks at the Food Standards Agency. Heather might want to give you a proper answer. The FVO comes over and inspects the FSA as the competent authority. Through the FSA, it looks at how things are carried out on the ground in abattoirs and meat plants in—

Duke of Montrose: Will that have to be replicated after Brexit?

Mrs Heather Hancock: At the moment, it is part of the set-up called Sante F; that is what does the inspection and the audit. They are coming in the autumn to do a top-up. It is a very thorough audit of our overall system. When we are outside the EU, we will still be inspected, but as a third country; we will be outside the club, not inside.

Sue Davies: On the enforcement point, a report in the most recent issue of *Which?* analyses the Food Standards Agency data. It confirms what Tim was saying; there is a lot of regional variation depending on where you live. Obviously, that reflects local priorities.

As I mentioned at the start, enforcement will be potentially challenging. As well as the Sante F visits here, at the moment we benefit from its visits to third countries. It checks plants in China before they export to the EU. There is an issue about how we stay linked to some of the networks and the tripartite initiatives between, for example, EFSA, the US FDA and the Chinese food authority, which are important.

To go back to the point about EFSA's scientific opinion, it is important to distinguish some of the work that EFSA does and the implications of it. The generic scientific opinions might be about campylobacter or salmonella, but a big body of work is assessment of applications and dossiers submitted by food companies for a particular additive, a particular food contact material, a novel food or a health claim. EFSA assesses that dossier. The implications of how we deal with that, as well as the opportunities for us to have input to it after we have left, might be slightly different.

At the same time as we are having this discussion, the EU is reviewing the General Food Law Regulation that underpins how EFSA works. It is interesting that it is looking at more transparency of data, where it will set up a kind of register. When companies submit dossiers, they will have to register any studies they are undertaking as part of that. It would also enable EFSA to undertake more studies itself rather than relying on company data. It is important that we feed into that review while we are still a member, but it might have implications for access to some of the data afterwards. There are also moves away from the way EFSA was set up, with slightly more politicisation and closer links between Member States and some of the work EFSA is doing.

The point about hormones reinforces the role of other legitimate factors in risk management, which is one of the key aspects in the EU regulatory framework that does not really apply in other countries, and is why we sometimes have disputes at Codex and WTO level. The EU makes it explicit that you can take into account risk assessment, but recognises that for some things you need to take into account social and ethical issues. For example, on cloning there is no real health issue from the assessments that have been done. There are some welfare issues, but generally it is the "yuck" factor, as we saw with horsemeat, for example, and those kinds of issues. How that is embedded in our future system is

crucial. Some of the things EFSA deals with are FSA issues, but some are Defra issues. Things like pesticides and veterinary medicines, that EFSA deal with, Defra deals with at the moment. So responsibilities need to be clarified.

Mrs Heather Hancock: I remind us all that, whenever we have this discussion, it always reverts to EFSA, but EFSA is only part of the process that needs to be replaced. That is where the science comes from, but what you do with the science is the component that is of most concern to us for planning and certainty about our role outside the EU.

Prof Erik Millstone: I would like to pick up quite a few of the questions raised and points made. There was a question about the relationship between the way EFSA and the Food Standards Agency were established. The designs are clearly different. They both evoked the rhetoric of distinguishing risk assessment as science from risk management as policy-making, but in the European context they are institutionally separated. Risk assessment is supposed to take place at the European Food Safety Authority in Palma and risk management is decided in Brussels by the Directorate General for Health, whereas in the UK the Food Standards Agency board does both risk assessment and risk management. In effect, the Food Standards Agency is advising itself and does not effectively separate risk assessment from risk management.

There are, however, several great virtues in the way the Food Standards Agency operates, one being that the board meets in public and risk management decisions are taken in public. That was copied by the European Food Safety Authority, and the same procedure happens there. A major innovation introduced in Lord Krebs's time at the Food Standards Agency was that scientific expert advisory committees also meet in public. That was a really important development, but it has not been matched at EFSA. Some do but most do not. At the FSA they all do, except in very exceptional circumstances. That is an important innovation.

The advantage of the Food Standards Agency board meeting in public should not be lost. On the other hand, I maintain that risk management decisions are normative value judgments that cannot be determined purely by reference to technical considerations, and they ought to be taken by people who are democratically accountable. I am, therefore, uncomfortable with the idea that, in effect, we revert to the arrangements, which Mrs Thatcher famously favoured, where advisers advise and Ministers decide. Ministers decide behind closed doors in private.

My proposal, which I think would square the circle, is to keep food safety risk management decisions in the UK made in a public accountable forum but with ministerial involvement. I favour the Public Health Minister becoming an ex officio member of the board of the Food Standards Agency and, therefore, being publicly involved in risk management decision-making.

The word "independent" has been used quite frequently, but it is important always to clarify that. Independent is a relational term. It is important to ask, independent of what or whom? The Food Standards Agency was set up to be independent of Ministers, but there are lots of people in this room who know that that is a fiction. Ministers have all kinds of mechanisms for indicating to supposed arm's-length agencies precisely what kinds of decisions they would like those bodies to reach. If we are to have ministerial influence over the Food Standards Agency board, let them do it in public.

Mrs Heather Hancock: To give a little assurance, in all my time as chair of the FSA—I am sure Lord Krebs can comment—I have never once had an approach by a Minister to try to influence a decision we are going to take. I would not like public confidence to be undermined about that.

Prof Erik Millstone: I accept that, Heather, but that is not always true of some of the officials in the Food Standards Agency.

Viscount Ullswater's question was about whether UK manufacturers would be able to have just one consistent production chain that could be offered for sale in both the UK and the EU. That is of great importance to members of the Food and Drink Federation, but there is a problem arising from the proposal recently emerging from the Food Standards Agency in *Regulating Our Future*. It is proposed to increase the extent to which judgments about the frequency and intensity of inspections are dependent on information provided by—

The Chairman: I am sorry to interrupt, but I think we are drifting away from the Brexit issue, which is what this Committee is focused on, to internal structures in the UK. I do not want us to get too involved in that. I would rather draw a line there.

Prof Erik Millstone: I was just trying to answer the question posed.

The Chairman: Thank you for that.

Q6 **Baroness Sheehan:** I have two questions. One follows up what has been going on; the other leads from something Sue Davies said in her introduction.

I understand that we want to take emotion out of decision-making when we talk about historic issues such as BSE. Going forward, when we have to take decisions on issues that may not be so emotive, or maybe very emotive issues, such as hormone-treated beef or chlorinated chicken, with whom will the decision lie once the work of any advisory committee and the FSA is done?

Mrs Heather Hancock: Under our proposal, we would send our recommendations on those sorts of high-profile issues to Ministers, but our advice on how to manage the risk would be public. I do not think anyone wishes to suggest that whoever takes such a decision will wilfully compromise public health. We are talking about control factors rather than safe or unsafe.

Baroness Sheehan: Indeed, but we are part of a decision-making process that stops us consuming hormone-treated beef and chlorinated chicken. I am wondering how that gap will be filled.

Sue, you mentioned trading relationships going forward, when we no longer have Rotterdam doing enforcement and border controls. Can you say a little about the scale of the work that Rotterdam does on our behalf, and how we are going to replicate that post Brexit, if Brexit happens?

Sue Davies: Can I respond to your first question as well? It is interesting and very relevant. The Food Standards Agency was set up to protect public health, but also 'and other consumer interests in relation to food'. That is critical when the FSA is making risk management decisions, which we think it should, on those types of issues.

If we take chlorine-treated chicken, which is currently a really hot topic, there are several dimensions. We have a plough-to-plate approach to food safety in the EU. If you put process treatments at the end and use that as a way of cleaning up chicken, it is not as robust. There are issues about assessing the actual chemicals that are used and their safety. There are lots of actual safety issues, but there is also an issue about whether people want to eat that type of product. How do you take that into account and what is the most appropriate measure to deal with it? That is all within the FSA's remit. It is something that they should be dealing with, and dealing with transparently, and separating out the considerations. The research we have been doing shows that people feel very uncomfortable eating those kinds of products. The same goes for hormone-treated beef, which is not really surprising.

As to Rotterdam, I am not best placed to speak to the capacity issues, but at the moment, wherever products come into the EU, that port is responsible for the border controls, and certain ports are designated for different types of food that come into the EU. Rotterdam is a very big port. Once something comes in, it is able to move freely around the whole of the EU, including the UK. In future, if it is coming into the UK, we will have responsibility. I am sure the FSA has been looking at that.

There are other issues that are very difficult, given the uncertainty about the future relationship and what might be involved. If we have controls at EU borders that we have not had before, particularly for agrifood, there would be additional resource constraints; it would require special types of skills, such as veterinary checks, and we would need to build the capacity for that.

Baroness Sheehan: Could the FSA deal with the workload that that may bring?

Mrs Heather Hancock: When we are outside the EU, clearly the overall arrangements at the border are a bigger Government issue, but in relation to food and food safety we will apply just the same risk-based and proportionate regime as we do today.

If a consignment of food is coming via an EU country, but will not be checked there because it is just passing through, arrangements will be made at the appropriate designated port, on a risk-based assessment, for the level of intervention needed for that consignment of food. If it is a packet of biscuits, it might be none; if it is a product of animal origin, it is already a designated higher-risk product and an intervention will be required. The question is more about how to organise those flows and make sure that there are sufficient port health officials in place. As regards the development and implementation of a risk-based approach to how food gets into the country, we already do that for food from third countries, so we simply need to apply the same risk-based approach to food from the EU.

Q7 **Lord Selkirk of Douglas:** We obviously have a very strong desire to see high standards and enforcement. Is having a sufficiency of inspectors a current issue, or is it more a future issue? How best should it be dealt with?

Secondly, with regard to devolved responsibilities, presumably Scotland and Wales have their own arrangements. Is dialogue being maintained with them so that it is known by the FSA what is happening north of the border, and vice versa?

Mrs Heather Hancock: Inspection is an element of the resource that is impacted by Brexit. It is a component, rather than the broader approach we are taking to how we reform regulation, make sure resources are available on the ground and support local authorities to do their job more effectively. The difference that Brexit will make may be more for companies that want to export food to the EU. They may—we do not know—require additional certification for that, so there could be a call on local authority resources; it could be a call on our official veterinarian capacity as well. The port issue is an area where there are likely to be additional resource requirements. Those are the components affected by Brexit.

So far, the approach we have been taking, the planning we have been doing and the additional resources we have sought have all been supported by the Government. We were fully funded by the Treasury, save for the last £300,000 of our request, for resources to deal with Brexit, and that has been a very supportive relationship.

Coming to the devolution element, we already operate across England, Wales and Northern Ireland. There are nuances; we have slightly different roles, but broadly the function is the same, so we have the ability to engage more closely there. In Scotland, we have been having ongoing discussions with Food Standards Scotland, and we very much hope that it will participate in the arrangements we have described. We cannot oblige it to do so, but we think it would be interested in doing that, and we are hoping to get that confirmed soon.

Prof Erik Millstone: It is very interesting to contrast the way the US and Europe have assessed hormone-produced beef. The US assessed the

risks merely to average healthy adults, whereas the European Food Safety Authority's assessment looked at different subsections of the population and acknowledged that there are risks. It may be safe for average healthy adults to eat hormone-produced beef, but not particular vulnerable groups.

I have a particular concern. I have been hearing from several sources, including individuals working in the Department for Environment, Food and Rural Affairs, that some are aspiring to undermine the relationship that Heather Hancock has helpfully indicated between the Food Standards Agency and the Department of Health by saying that, after Brexit, some controversial tricky issues should not go directly to the Food Standards Agency to assess the risk. I think the expression used in Defra is that it is going to triage them and keep some in Defra, and not trouble the Food Standards Agency or the Department of Health. I find that extremely troubling, and I know I am not alone in that.

It is compounded by signals we are picking up from the same department about what might happen in the event of delays at ports and borders for imported food from continental European Union countries, from which the UK derives a very large amount of food. If there are delays and perishable food is deteriorating, food safety controls at the border would simply be suspended and food waved through. It is really important that these issues remain the remit of the Food Standards Agency and the Department of Health, and that the Department for Environment, Food and Rural Affairs does not seek to put its oar between the FSA and the Department of Health on those matters.

Mrs Heather Hancock: You will appreciate that I cannot speak for Ministers, but I can tell you that in the conversations, meetings and round-table discussions I have had with Ministers from DExEU, the Department of Health and Defra, those Ministers support the proposal I have laid out, which we reported in our open board meeting two weeks ago. They have said that they support, over time, the FSA having delegated authority to take the vast majority of the technical regulatory decisions. The only area now for discussion is that we are not yet clear how we would get the power to do that. The Withdrawal Act is the mechanism to give us the power. There needs to be a trigger, and at some point we need to understand what that trigger will be, for us to be able to use that power. I am sure there are many opinions in many parts of the system about what would be the right or wrong way to do this, but that is the point we have reached with Ministers and that is the basis on which we are moving forward.

Neither system is perfect, but, from the FSA's position, we think it is better for us to make those decisions because they are largely procedural. They have all those other components, but we do those other things—broader risk management, taking the evidence base into account. We think it helps protect public trust, and it is better for international trade, if the system is similar to the system today, and the perception of

the system today is that we do make those decisions, on an independent basis, and it is open and transparent.

It is not that there is a fundamentally right or wrong way. It is absolutely for Ministers to dispose of the power, but we think it is in the public interest. The FDF statement supporting us having the power suggests that business thinks it is in its interest that the power rests largely with the FSA.

Tim Smith: I largely support Heather's answer, with which I completely agree. Imagine that a major supermarket brand is appearing on a product. Consumers look at that product and assume that what is being done on their behalf is providing safe food, and they can trust in that brand because of what is asserted on the pack. That is where we would rest in both standards and specifications. Talk of changes to the way meat is treated assumes that retailers and manufacturers would then behave in the wrong manner. They would not. Even if those things were allowed, on behalf of UK consumers, organisations I have represented would step in and say, "Maybe, but not in this store and not under that label". That is point one.

Point two is that we want frictionless trade. Who does not think that is the right thing to achieve? But it should not be at the cost of relaxing standards and specifications, and not at the cost of relaxing inspections at the right place, risk-based and proportionate, as they are now. As to the suggestion, "There's a big gap on our shelves where chicken portions should be, so we'll just sweep away in some sort of ministerial manner the constraints we normally operate under", nobody who is serious about the food supply chain believes that is a good idea, nor should the FSA be asked even to contemplate it. It matters more that the food on sale is safe and wholesome, and that consumers are being protected from all risks, as Sue well defined it, than that every shelf is full.

The Chairman: We are beginning to run into the last 10 to 15 minutes. I give advance warning that at the very end I shall ask each of our witnesses to make one suggestion for a key point that we should make in any follow-up letter to relevant Ministers. You can be thinking about that as we come towards the end.

Q8 **Lord Rooker:** I am very reassured by what Heather said about contact with Ministers. From my time at the FSA, and I am sure Tim would say the same, I flatly deny the points Erik made earlier.

Heather gave reassurance in relation to the key Ministers in Defra and the Department of Health. It is the Trade Ministers who worry me. I am reliably informed that earlier this week, at the Food and Drink Sector Council, Liam Fox said to the rest of the industry, "You have to buy from abroad. There won't be any food manufacturing industry left after Brexit. Buy the cheapest you can from abroad, because it will decimate our food industry". That is just an aside, but I have been reliably informed that was what was said. The trade issue will not go away.

I want to ask Heather about RASFF. Is there any connection between the

Rapid Alert System, for example, and EFSA which would be disturbed in your arrangement? What does the FSA want in relation to the Rapid Alert System?

Mrs Heather Hancock: There are two or three notification systems that are really important for the way the EU food safety regime operates at the moment. RASFF, which is one of them, is a notification we get. You may recall that last summer there was an issue with something called fipronil in eggs in Holland and Belgium. It was RASFF that notified us of that problem.

The Government are well seized of the importance of those notification systems. We hope we will still be able to have access to them, but we are building additional and different surveillance capability in the event that we do not have full access to those systems in future. We see the quadrupling of the size of the National Food Crime Unit, starting as of now, as an important part of the additional defence and surveillance we would need.

Can I come back on the point about the Department for International Trade? We have had some early engagement with the Department, and from my perspective I felt that the Secretary of State and his advisers saw an independent food safety management regime as a benefit for international trade. I do not know whether that has changed since then. We continue to engage with them, and I am hoping to see Liam Fox's advisers again soon.

The Chairman: Before I invite Sue to come in, I would like to join Jeff in saying that, certainly during my time as chairman of the FSA, no decisions made by it were influenced by Ministers.

Sue Davies: Lord Rooker raised the point about RASFF. I want to make sure that we flag the importance of the networks we are linked to as part of risk management, particularly when dealing with such a complex supply chain. Professor Elliott's report on the horsemeat scare shows that we are talking about incredibly complex networks, sometimes with food shifting around all over Europe or around the world. We should secure some way to be part of those networks. Even if they are not always perfect, they are still an important source of information.

If we develop them for the UK in isolation, it will be very difficult to get countries to commit to provide information in the same way, particularly if it could be confidential and have implications for their particular industries. There is the Rapid Alert System for Food and Feed; there is TRACES, which I understand is an important system for intelligence about what is in particular consignments of imports; and there is the Food Fraud Network, and some of the more informal networks through EFSA, such as the Advisory Forum. They are all important, and we should stay linked to them, if we can.

Q9 **Lord Young of Norwood Green:** Do the arrangements you are talking about start during the transition period?

Mrs Heather Hancock: That is a really good point. We want them to start before so that we are in them in the shadow period. The system needs to be complete from day one, regardless of the transition, because it is very important to protect the regime from challenge from an international trade perspective. We need a complete regime, even if we do not turn it all on.

Lord Young of Norwood Green: That is very helpful. My next question is slightly trickier. Apologies if I do not get the terms right, it is a lay person speaking.

You talked about risk assessment based on scientific evidence. Occasionally, there are conflicts in scientific evidence. How do you manage that? Is there a difference of approach between yourselves and EFSA on that? An interesting comment was made by Professor Millstone. He said he did not absolutely agree and that it was a question of evaluative judgment. How do you manage that? You are trying to deal with possible conflicts of evidence on risk assessment; you have to translate that into risk management; and then there is the question of evaluative judgment. I am sorry if that is put clumsily.

Mrs Heather Hancock: I will use an example that might help to explain it. If it does not, you will say so. At the last FSA board meeting, we talked about the controls on the sale of raw drinking milk. There is a clear public health risk from raw drinking milk.

Lord Young of Norwood Green: That is non-pasteurised milk.

Mrs Heather Hancock: It is non-treated milk, but its sale is allowed.

Since the FSA last took a decision on controls about its sale, the volume has increased and the number of people drinking it has increased. We have seen a small number of incidents of illness as a result. We had a discussion about the effectiveness of the controls. This is a risk management decision; the science has not changed. The pure science about the public health risk is the same, but the other evidence we looked at was consumer behaviour, changes in technology, and market demand issues. You can now have a vending machine. Let us look at the change in the viability of the milk market and, therefore, what is driving farmers to want to sell this product. Let us look at the effectiveness of the control warnings and the wording you can put on a label: "Please don't drink this if you are vulnerable", "Don't give it to an infant", et cetera. Those are some of the things we take into account. Looking at all that, what is the best way of controlling the risk, assuming we still want to make the product available on the market, in the interests of informed consumer choice? That is an example of how we would look at something today.

Lord Young of Norwood Green: Does EFSA take a similar approach?

Mrs Heather Hancock: EFSA is doing just the science. It may do evidence gathering on some of those other issues, but the actual

discussion about what you do with all of that happens in the Standing Committee, part of the European Commission. The decision I talked about was the equivalent of the Standing Committee decision.

The Chairman: Heather, I want to follow up Lord Young's first question about the transition period. To recap, Lord Young asked whether, if the new arrangements you propose are agreed, they would start to operate in the transition period, and your response was that we need to have them operating in shadow form on day one, 30 March 2019. That is what I understood you to say.

Mrs Heather Hancock: We would like them to start operating in shadow form immediately, and we have already started discussions about that.

The Chairman: Before.

Mrs Heather Hancock: Yes. We want the system to run for real from day one, because it will have implications if the UK is starting to agree international trade deals. We will need to know the UK position on risk management, even though during the transition period our understanding is that we will still be taking the science and the risk management decisions from the EU, so there is a bit of running in parallel.

The Chairman: During the last hour and a bit of conversation, you highlighted a number of things that need to be done. You referred to legal powers. There are resource issues, whether they are FSA central or local authority resource issues, say, in port health authorities. There may be issues to do with IT systems. I do not know; we have not talked about that.

Sue Davies referred to responsibility for non-food issues such as pesticide residues, which EFSA deals with at the moment, and whether those will be folded into your remit. Given all those things, and given that you want to press go very quickly, how close are you to being able to put them in place? What are the roadblocks? What are the pinch points?

Mrs Heather Hancock: I would like to give the Committee some assurance. Almost the whole weight of the FSA has been turning its shoulder to this wheel for the last two years. The board reviewed the detailed delivery programme that the accounting officer is leading for all the necessary stages to be in place on day one. We are confident that, unless something untoward and unexpected happens, everything that is in our power to do will be done, so that on day one there is as good a protection for public health and food safety as there is today. There are some things outside our control. We are only a part of the arrangements at the border, so we are a bit dependent on others for those.

Nobody wishes to make the public anxious unnecessarily about something as critical as food safety, but we decided as a board that, if we felt that we had a materially worse ability to provide consumer protection and assurance, we would raise it publicly. If we felt that transparency and independence was going to be undermined in future, and public trust

would be materially affected, we would raise that; and if we felt that unachievable demands were being placed on the FSA to get us to the readiness point—there will be a lot to do afterwards—we would raise that. We do not wish to raise concern on any of those three points at this stage, but we will keep them under review.

Helen Munday: We are very supportive of what the FSA is proposing, as I have already said, but, as the organisations being regulated, we need to think about what that process means for the resources we need to have available. Effectively, we will still be going through a transition period.

The transition period is the biggest area of question. Will we still be inputting information to EFSA and committees in Brussels, for example? The FSA has had to ask for more resources. We cannot ask Government for more resources; we will have to look within our organisations to do that. Of course, we will never fail to prioritise safety, but there will be a level of complexity, and we need a clear view of where primacy is. Which is the primary authority we need to look to in order to get decisions made for us?

You will be very aware that packaging is a big topic at the moment. There are authorities that will need to help us not just with nutrition and health claim dossiers but new packaging materials and all those sorts of things. There is a pretty big package of asks that we will have as an industry to get approvals through and to get us where we need to be on some of those other issues.

Q10 **The Chairman:** We are entering the last few minutes. I warned our witnesses that I would ask each in turn what their top point would be, assuming we were to write a letter to Ministers as a follow-up to this session; we have not yet decided. What is the one point you would want us to raise in any representation to Ministers?

Tim Smith: The core attribute of the present arrangement is that over the years since the Agency has been established it has engendered trust in the food supply system from which our citizens benefit. The transparency, the science evidence base and the attributes others have described need to be kept in place.

Thinking about global risk, the need to be alert and have the radar switched on to risk outside the UK needs to be enhanced. Acting locally, the FSA and the local authorities need resources, and this is an opportunity to build power and strength behind an organisation that has done a great job since it was first formed.

Sue Davies: I would emphasise the importance of consumer confidence and trust. Many of us here had a lot of experience from the BSE crisis, and sometimes the lessons from that are easily forgotten: the public health consequences and the wider economic implications when things go wrong. The regulatory framework is important and the one we have is there for a reason. We should not be undermining standards if we are looking for cheaper food through trade deals, for example.

We need to invest to make sure that we have a robust, independent and consumer-focused regulator in place, which will require a stronger FSA, and we need clarity around its future relationships with some of the EU networks and agencies. There is also Heather's point about the responsibilities of and relationships with other government departments.

Prof Erik Millstone: Before I come to my final point, I accept the assurances from Heather Hancock, Lord Rooker and the Chairman that they have not themselves been subject to ministerial pressure, but to my certain knowledge the same cannot be said of all FSA officials.

I want to emphasise that risk management policy-making decision-makers must be democratically accountable. If the FSA is to take on that responsibility, the mechanism through which accountability should most effectively be accomplished is by having systematic and consistent arrangements for it to be answerable to parliamentary Health Select Committees.

Helen Munday: I know that in practice the FSA is working very closely with other government departments, whether DExEU or Defra. In support of a clear outcome of trust by citizens and, therefore, trust in the sector, I would like the FSA to get all the support it needs, so that it is very clear that what is being proposed is acceptable to all parties.

The Chairman: The last word goes to Heather.

Mrs Heather Hancock: Clearly, we are confident in the arrangements I have described. We set them out to protect public trust and industry confidence. We set them out to deal with the devolutionary arrangements, which should not be dismissed; they are not a happenstance. We think our arrangements are best for our international trade opportunities.

To make them happen, we need the power to take decisions and we need to know how that power will be switched on, triggered, for us. It is a question of having the power, knowing how it is going to be switched on and being clear that in exceptional cases we will be elevating to Health Ministers the decision-making requirement.

The Chairman: I thank all of our witnesses for their very valuable contributions and Members of the Committee for the questions they have put to the witnesses. I draw this public evidence session to a close and invite Members of the Committee to remain behind for a few minutes to discuss our next steps.