Northern Ireland
Assembly

COMMITTEE FOR
AGRICULTURE AND
RURAL DEVELOPMENT

OFFICIAL REPORT
(Hansard)

Dioxins Inquiry

8 October 2009

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:
Mr Ian Paisley Jnr (Chairperson)
Mr Tom Elliott (Deputy Chairperson)
Mr Thomas Burns
Mr Pat Doherty
Mr George Savage

Witnesses:
Mr Raymond Ellard)
Professor Alan Reilly) Food Safety Authority of Ireland
Ms Jane Ryder)

The Chairperson (Mr Paisley Jnr):

I thank members of the Committee and members of the public for attending. Today's meeting forms part of the Committee's inquiry into the sequence of events, and the actions of all the relevant parties, during the dioxin contamination that occurred in Northern Ireland in December 2008. The Committee intends to produce a report that will include recommendations on how to minimise the likelihood of a recurrence of such an incident and its effect on the Northern Ireland agriculture and food processing industry.

The Committee's specific terms of reference are to establish an accurate timeline for the sampling, testing, confirmation, communication and follow-up during the dioxin contamination of live animal meat and other products; to establish and clarify the key roles and responsibilities,

and the inter-relationships between the relevant agencies and authorities; to identify any strengths and weaknesses in those key roles; and to recommend ways forward to ensure that we fulfil our aim of minimising any potential problem in the future.

The Committee decided to come to Dublin to facilitate the attendance of officials from the Department of Agriculture, Fisheries and Food (DAFF) and others who wish to give evidence that we consider essential to the inquiry. At this point, I would have liked to call representatives of DAFF. Unfortunately, however, they will not appear today. As Chairperson of the Committee, I am most disappointed that the Department decided not to appear today. It received ample notice, and the Committee facilitated its appearance by holding the meeting in Dublin. Last week, we heard that there may be a problem, but I understand that there is more than one official who could have appeared. It has been suggested that DAFF officials may want to come to Northern Ireland in the next couple of weeks to give evidence.

However, the Committee has a timeline to work off. The dioxin scare occurred almost a year ago, and rather than our investigation continuing well into December, we want to complete the report quickly. I would have liked officials from DAFF to have attended today, but they decided not to do so.

The Committee must decide whether it wishes to invite DAFF representatives to Stormont to hear further evidence. That would extend our timeline, and we would, therefore, fail to meet our deadline. Alternatively, we could proceed on the basis of the written communication that has been received from DAFF. When the Deputy Chairperson arrives, we can ratify the decision. My view is reasonably clear, and I am prepared to hear members' views.

Mr Doherty:

We should discuss those options, because we do have a timeline to work off. If we could hear that evidence without going way beyond the deadline, we should consider doing so. However, if that would push us way beyond our deadline, we have a decision to make. DAFF must tell us when it is prepared to give evidence.

The Chairperson:

The Committee Clerk has been liaising with the secretary-general's office, which offered to meet on the morning of 13 October in Parliament Buildings. However, the secretary-general cannot

attend on that date.

The Committee Clerk:

That is correct. As the secretary-general is unable to make it on that date, his deputy or senior officials would attend in his place. The Committee's forward work plan signals its intention to report by the middle of October. If the Committee continues to hear evidence, the report will not be debated in a plenary sitting until the middle of November.

The Chairperson:

Furthermore, a deputy or one of the secretary-general's underlings could have given evidence today, because other officials would have been available. He will not be able to attend on 13 October, and the Assembly takes its half-term break from 23 October. Therefore, it could be December by the time a debate is held in the House. Given the legislative programme, it is in the Committee's interest to get the report out of the way.

Mr Burns:

I would have liked as much evidence as possible to be submitted to the inquiry, but I understand that the Committee has a time frame within which to work. The inquiry has been ongoing for a year, and we would like to draw it to a close. Are there any other dates, within the next few weeks, on which we could facilitate the attendance of DAFF officials to give evidence? I appreciate that we need to get this cleared up in the next few weeks, if possible. If it is possible for those witnesses to come and give evidence in a couple of weeks' time, we should allow that to happen. However, we have to have a definite deadline.

Mr Savage:

We have a time limit and a target to meet. If some of the participants do not turn up, the press and everyone else will think that they have something to hide. That puts a bigger question mark over the whole issue, and we do not want that to happen.

The Chairperson:

I have been fascinated today to hear answers to questions about the relationship and how information was passed. Their attendance would have helped to enlighten us and, perhaps, clear up some concerns and allow us to pose other questions. We will not get that opportunity today, nor will we get it until 13 October or after. If members ponder that, we will take a decision at the

end of the meeting. The Deputy Chairman will be here and he can give us his views on the matter.

Mr Doherty:

Are there any other potential dates after 13 October?

The Committee Clerk:

I have not scheduled anything. The idea was to try to get the evidence session scheduled as soon as possible to enable us to stick as closely as possible to our timescale. I have not considered other dates.

Mr Doherty:

Has DAFF offered to attend on any other dates?

The Committee Clerk:

No. I provisionally offered 13 October to see whether we could pin them down on a date. The secretary-general is unable to make it on that date, but will send his deputy secretary and other senior officials, if the Committee so wishes. It will have to be in the morning of Tuesday 13 October, because the Committee has its weekly meeting in the afternoon.

The Chairperson:

I feel particularly bad that I came to Dublin and DAFF has run away. We will take a decision at the end of the meeting.

I welcome the witnesses from the Food Safety Authority of Ireland (FSAI), who are led by Professor Alan Reilly. Please introduce us to your team.

Professor Alan Reilly (Food Safety Authority of Ireland):

Mr Ray Ellard is the authority's director of audit and compliance; Ms Jane Ryder is the authority's public relations officer.

The Chairperson:

You will be aware of the Committee's terms of reference for this inquiry. You kindly provided the Committee with a written submission. Please take a maximum of 20 minutes to speak to your

paper, although you do not have to use all the time. After that, we will ask questions.

Professor Reilly:

I welcome you all to Dublin. I thank you for inviting my colleagues and me to update the Committee's distinguished members on the events and actions surrounding the discovery of animal feed that was contaminated by dioxins, and the subsequent recall of pork products that were manufactured from pigs that were slaughtered in Ireland between 1 September 2008 and 6 December 2008.

With your permission, Chairperson I will cover four areas: first, the role of the Food Safety Authority in our national feed safety control system; secondly, the public-health implications of dioxins; thirdly, the actions that were taken following the detection of the problem; and, fourthly, the lessons that were learned. During my presentation, I will address, when I can, issues that were raised in the Committee's terms of reference. I hope to reassure the Committee that the actions that were taken here were appropriate, measured and proportionate, not only from the point of view of protecting consumers' health but from a legal standpoint.

The Food Safety Authority of Ireland was established in 1999 as the national body with responsibility for enforcing food law in Ireland. The FSAI is a statutory, independent science-based agency that is dedicated to protecting public health and the interests of consumers in the area of food safety. It was set up as an agency independent of the food industry, and it operates under the aegis of the Minister for Health and Children. The principal function of the FSAI is to take all reasonable steps to ensure that food that is consumed, distributed, marketed or produced in Ireland meets the highest standards of food safety and hygiene. It is also charged with bringing about the general acceptance that the primary responsibility for food safety is borne by the food industry across the food chain.

Over the past 10 years, the FSAI has worked in partnership with all interested parties to ensure a consistent standard of enforcement of food legislation, and to underpin food law with science-based risk assessment. Enforcement of food law is carried out on behalf of the FSAI in partnership with other state bodies that are known as official agencies. The system that operates in the Republic of Ireland is somewhat different to that of the UK. The official agencies act as agents of the FSAI under a service-contract system, and the main official agencies are the Department of Agriculture, Fisheries and Food, the local authorities, the Health Service

Executive, the Sea-Fisheries Protection Authority and the Marine Institute. Those agencies are accountable to the FSAI for their work programmes, their standards of work and the actions that they take on food law enforcement.

The job of the FSAI is to co-ordinate the food control activities of those agencies and to audit them for compliance with service-contract commitments — an arrangement is not too dissimilar to the relationship that exists between the Foods Standards Agency and the local authorities in the UK. The national residues monitoring programme, which detected the dioxin contamination incident, forms part of the service contract between the FSAI and the Department of Agriculture, Fisheries and Food.

As well as its food law enforcement role, the FSAI seeks to promote the highest standards of food safety and hygiene. To that end, it aspires to develop a culture of food safety in Ireland by engaging with those who can directly improve food safety practices. Stakeholders include the food industry and their representative groups, as well as consumer groups and state agencies that can positively influence food safety standards.

The remit of the FSAI does not cover the entire food chain, which is important when trying to understand the role that the food-control agencies played in the management of the dioxin crisis. When the FSAI was set up in 1999, it was given responsibility for food safety from the farm gate forwards. Animal-feed controls and animal-health controls on the farm are the responsibility of the Department of Agriculture, Fisheries and Food, not that of the FSAI. Therefore, the responsibility of the FSAI starts at the farm gate, but everything that goes on in the farm is the responsibility of the Department of Agriculture, Fisheries and Food.

The controls governing the approval, licensing and inspection of animal-feed establishments and the marketing of animal feeds are not included in the service contract between the FSAI and the Department of Agriculture, Fisheries and Food. Instead, those are enforced under the feed hygiene regulations which require that feed business operators have safety management systems in place, and those are based on the principles of the hazard analysis and critical control point system. Furthermore, the enforcement of regulations associated with animal welfare and animal health are not part of the service contract, which is different from how the controls are organised in the United Kingdom.

Apart from its role as a food law enforcement agency, the FSAI advises on scientific and technical aspects of legislation, and participates in expert working groups of the European Commission in the preparation of EU food regulations. The FSAI does not have the powers to make food legislation; rather, the enactment of national food regulations is the responsibility of the Minister for Health and Children, the Minister for Agriculture, Fisheries and Food and the Oireachtas.

I will briefly discuss the public health implications of dioxin contamination, because it will help to explain the outcome of sample testing that was carried out during the incident. Dioxins are referred to in European regulations and cover a complex group of 75 polychlorinated dibenzo-p-dioxin congeners and 135 polychlorinated dibenzofuran congeners. A congener is the term used to describe different configurations of similar chemical compounds. Only 17 of those 210 compounds are of toxicological concern.

On the other hand, polychlorinated biphenyls (PCBs) are a group of 209 different congeners that can be divided into two groups according to their toxicological properties. Twelve congeners exhibit toxicological properties that are similar to dioxins; they are referred to as dioxin-like PCBs. The other PCBs, known as marker PCBs, do not exhibit dioxin-like toxicity and have a lower and different toxicological profile. That is an important point. Each congener of dioxins or dioxin-like PCB exhibits a different level of toxicity, and, to be able to sum up the toxicity of those different congeners, the concept of toxic equivalency factors was introduced to facilitate risk assessment and regulatory control. Each congener is given a different weighting that is relative to its toxicity and is analysed independently.

Since the Belgian dioxin crisis in 1999, the European Union has been increasingly aware of the dangers posed by dioxins and dioxin-related PCBs in foods. Those contaminants are very resistant to biological breakdown and, hence, persist and accumulate in the environment and in the food chain, particularly in the fat of animals. It is well established that approximately 90% of human exposure to those compounds results from food consumption. Therefore, the most effective method to protect consumers' health is to control the contamination of food.

The fact that consumers are primarily exposed to dioxins and PCBs through the foods that they eat has caused the FSAI to examine whether those contaminants are present in foods on the Irish market. Since 2001, we have, in collaboration with our official agencies, regularly

monitored the food supply for dioxins and related compounds to ensure compliance with legislation and to follow trends in contaminant occurrence. Regular national surveys are carried out on high-risk foods, and monitoring programmes have been implemented. The results of those surveys are published on the FSAI website and complement the national residues monitoring programme. All those studies demonstrate that the environmental levels of dioxins are low, and, hence, the exposure of the Irish population to dioxins is well below the European average. Before the recent incident, Irish foods were one of the safest in the world for lack of dioxins and dioxin-like compounds.

Under European regulations, Ireland is required to sample and test foods of animal origin on the Irish market for levels of dioxins and related contaminants. Dioxins pose a risk to human health, and foods that contain harmful contaminants must be removed from the market. The focus of European and Irish legislation is to limit human exposure to dioxins. The risk of serious adverse health effects increases the longer that a person is exposed to dioxins. That is a key reason why the FSAI recalled pork products from the market. Human exposure to dioxins can result in a range of health problems, including cancer, the disturbance of the reproductive and immune systems and harmful effects on the skin. Long-term exposure has resulted in several types of cancer.

Given their serious health effects and the presence of dioxins in the environment, it is essential to minimise exposure to such contaminants through foods. Given that dioxins persist in the environment, all people have a background exposure and a certain level of dioxins in the body; that is described as a body burden. Toxicity is related to the build-up of those toxins in the body, and the food safety controls focus on efforts to reduce the body burden. Maximum levels of PCBs in meat, fish, eggs, milk and other foods have been outlined in European legislation. Those levels aim to minimise exposure and ensure that consumers' health is not affected. Separate legislation establishes maximum levels of dioxins and PCBs for animal feeds, because that is another important source of contamination of the food chain.

One of the Committee's terms of reference is to establish accurate timelines of the actions that were taken during the crisis. On the evening of 28 November 2008, the FSAI was informed by the Department of Agriculture, Fisheries and Food that a sample of pork fat from an Irish slaughter plant that was taken as part of the routine national residues monitoring programme was found to be tentatively positive for marker PCBs, and that it was investigating the incident.

Marker PCBs, although considered to be of low toxicity, are used in routine monitoring as indicators of possible contamination with dioxins and dioxin-like PCBs. It is more cost-effective and easier to analyse marker PCBs when compared with the analysis of dioxins. There is no regulatory level or legal limit for marker PCBs in European regulations. The discovery of marker PCBs in feed or food samples does not always mean that dioxins and dioxin-like PCBs will be present.

It is normal practice, upon the detection of non-compliance with contaminants legislation, for the Department of Agriculture, Fisheries and Food contacts the FSAI to have a risk assessment carried out and to seek advice. That is our standard protocol. When the test results became known, we followed the usual systems that are in place under the service contracts.

On Monday 1 December 2008, the Department confirmed that the pork-fat sample had tested positive for marker PCBs and that samples of breadcrumb that were produced by a food recycling plant for use in animal feed were also likely to test positive for PCBs. The FSAI was also informed that the pig farm responsible was under restriction, and that pigs could only move from the farm on a positive-release basis in line with European Commission guidelines on the management of a dioxin incident. A positive-release basis means that representative samples of pigs would be tested after slaughter, and pigs would be released onto the market only if the herds had tested negative.

The FSAI recommended that samples be tested for the presence of dioxins. That was arranged by the Department of Agriculture, Fisheries and Food with the central science laboratory in York. We did not have our own facility in Ireland to test for dioxins at that time, so we were relying on that laboratory in York to do the work for us.

Additional samples of fat from pigs were confirmed for marker PCBs on 2 December 2008, and samples were sent to the UK for dioxin analysis. Also on 2 December, the Department confirmed the presence of marker PCBs in breadcrumb that was produced by the food recycling plant and in additional pig-fat samples. On that date, the FSAI informed the Department of Health and Children that an investigation was under way and of the evolving nature of the incident. The FSAI remained in close contact with the food unit of the Department of Health and Children during the incident, as we report back to the Department through the food unit.

On 4 December, following discussions with the Department of Agriculture, Fisheries and Food, a press statement was issued that stated that an investigation was under way. At that stage, I informed the Food Standards Agency (FSA) in the UK that an investigation was under way. I should clarify that I was due in London at the Food Standards Agency to take part in a review of the nutrition-research programme as part of an expert panel on Friday 5 December 2008. At that stage, I thought that I could not turn up for that meeting. I phoned the person who was running the review to say that I could not make it because we were investigating an incident. That was all that I said at that stage.

The Chairperson:
Was that on 4 December?

Professor Reilly:
Yes. On 5 December, the FSAI informed the European Commission that an investigation was under way and of what the results had been to date. The information that was released was that an investigation was under way and that marker PCBs had been found. The FSAI informed the rapid alert system for food and feed (RASFF) in the European Union about the investigation on 5 December. At that stage, I again contacted the Food Standards Agency in the UK to confirm that I would not be attending the meeting, and sent them a copy of the press statement that the Department of Agriculture, Fisheries and Food had released the previous night.

The FSAI was contacted on 5 December by the Voedsel en Waren Autoriteit (VWA). That contact was triggered by the VWA reading the press statement that was issued by the Department of Agriculture, Fisheries and Food on 4 December. The press statement led the VWA to believe that it was investigating an incident that was connected to the Irish investigation.

The VWA informed the FSAI that, on 24 November, a Dutch pork-processing company had been notified by one of its customers in France of the discovery of dioxins at a level of 433 picograms per gram during routine monitoring of a pork loin that it had supplied. The legal maximum limit for dioxins in pig fat is 1 picogram per gram, so the sample was well above the legal limit. The Dutch company reported those findings to the VWA on 25 November.

The VWA informed us that the production date for that sample of pork loin was 13 October.

Subsequent investigations showed that a total of 1,049 pig carcasses were processed at the Dutch plant on that date. Those carcasses could have originated from six European countries, including Ireland. On 5 December, the FSAI was also informed that the VWA had begun intensive sampling on 27 November to identify the source of the contamination, and that it had identified marker PCBs in a pork carcass from Ireland.

In addition, the VWA reported that a pork-processing plant in Belgium, which was owned by the same Dutch company, had identified an increase in dioxin levels in composite rendered fat from around mid-September 2008. That Belgian processing plant used pig fat from several European countries, including Ireland. The congener profile of the dioxins and PCBs indicated a single source of contamination, which was most likely to be transformer oil. Until that point, we had been trying to determine the source of the marker PCBs and were looking at everything under the sun. Therefore, the ability of Dutch authorities to identify the congener profile of the dioxins as transformer oil was very useful.

On Saturday 6 December, the FSAI held a teleconference with the European Commission and the Dutch authorities to discuss the incident. The VWA had been expecting results of its dioxin analysis over that weekend. Risk-management options were discussed with the Commission, and the FSAI explained that it was awaiting the results of dioxin analysis of pork fat and animal feed and that appropriate action would be taken as soon as those results were available.

The Irish results were reported by the central science laboratory in the UK at 3.40 pm on 6 December. The results showed the dioxin level in pig fat to be between 80 and 200 pg/g and in breadcrumbs to be greater than 2,500 pg/g. As I said, the legal limit for dioxins in pig fat is 1 pg/g and 0·75 pg/g in animal feed, so those levels were very high. The FSAI was aware that the Department of Agriculture, Fisheries and Food had identified the source of contamination to a food recycling plant. The Department was able to do that because of the traceability systems in place in the farming and animal-feed sectors.

The evidence available to the FSAI on 6 December indicated that the dioxin contamination started around the middle of September. The indications were that the first known contaminated pork product from Ireland came from a sample that was taken in France in mid-October. The congener profile of that sample suggested that contaminated feed was consumed in the period shortly before slaughter of the animal. In addition, monitoring in the pork-processing plant in

Belgium showed an increase in dioxin levels from mid-September. Therefore, as a practical approach, the FSAI determined the 1 September to be appropriate. Subsequent testing of pork and feed samples proved that decision to be correct.

At the interdepartmental and inter-agency meeting that was convened on 6 December by the Minister for Agriculture, Fisheries and Food, consultations took place with An Taoiseach, the Minister for Health and Children, the Minister for Agriculture, Fisheries and Food, Ministers of State, and senior Government officials to assess the emerging crisis. The outcome of those discussions was that the FSAI required that all pork products from pigs slaughtered in Ireland since 1 September be removed from sale. That decision was made to stop ongoing consumer exposure, thereby removing the risk to public health. The FSAI activated its crisis management plan at that stage.

On 6 December, I spoke with Mr Gerry McCurdy, director of the Food Standards Agency in Northern Ireland, at around 9.45 pm and with Dr Andrew Wadge, chief scientist at the Food Standards Agency in the UK, at 8.45 pm, and I briefed them on the situation.

On 7 December, the interdepartmental and inter-agency group met throughout the day. In addition, an ad hoc expert group on human health was convened by the Food Safety Authority of Ireland, at the request of the Chief Medical Officer of the Department of Health and Children, to consider and advise on the health implications of dioxins in pork in the context of this incident. That was a channel for advice from Ireland's top public-health experts and scientists to feed into the risk assessment process.

The FSAI co-ordinated the recall of pork products and managed communications with the industry and consumers. The FSAI rapid alert team was in contact with counterparts in the Commission and the Food Standards Agency in the UK. Throughout the day, I was in fairly regular contact with Dr Andrew Wadge in London. The FSAI advice line received over 2,600 calls from consumers and industry seeking information on the recall. Information was constantly updated on the FSAI website, which had in excess of 20,000 visitors, throughout the day.

A teleconference took place on 8 December between the Irish authorities, the European Commission, other member states, and the European Food Safety Authority (EFSA). The outcome of that teleconference was a request by the Commission to EFSA for advice on the risks

to public health. A number of Europe-wide alerts were issued through the rapid alert system. We had issued our first alert through that system on the evening of 6 December.

The European Food Safety Authority issued an opinion on 10 December stating that, following its risk assessment, there was no obvious risk to health for anyone who had consumed potentially contaminated pork products in the three months prior to the recall of all Irish pork products. That reaffirmed the action taken by the Food Safety Authority of Ireland, which limited further exposure to pork products contaminated with dioxins. The European Commission and member states agreed conditions that must be met for product to be placed on the market. Those included rules for composite products, such as pizza and ready-to-eat meals that have pork ingredients.

Results for marker PCBs for samples taken from the remaining cattle herds became available over the weekend. On Thursday, 18 December, the FSAI concluded its risk assessment and published a statement indicating that exposure from beef was 300 times lower than that posed by pork. Additionally, it was confirmed that only 21 of the 120,000 cattle farms in Ireland had been identified as having received the implicated animal feed. In other words, 99.98% of the national herd did not receive any contaminated feed. As a precautionary measure, on the recommendation of the Food Safety Authority of Ireland, a decision was taken to slaughter and remove from the food chain all animals in those 21 herds.

Over the past 10 years, the Food Safety Authority has encouraged and part-funded the development of a comprehensive database on food consumption, which it has used to monitor dioxin intakes by consumers in Ireland. The data allowed the FSAI to rapidly carry out an exposure assessment to determine the level of risk posed by this dioxin incident. Mathematical modelling was used to calculate the potential exposure of the population to dioxins from the consumption of contaminated pork. Those calculations were based on the known range of daily intakes of fat from pork and pork products, combined with information on the levels of pork fat in foods. The regulatory limits for dioxins and related contaminants are set on a lifetime exposure, and considerable safety margins are built into those limits. The FSAI's conclusion was that the safety margins had been considerably eroded and that ongoing exposure would put consumers' health at risk.

A crucial factor in determining risk to public health in a dioxin incident such as this is to

calculate the increase in body burden resulting from the consumption of contaminated foods. The European Food Safety Authority calculated that, during the limited timescale of the incident, the body burden was increased by 10%, and it considered that that increase would not be of concern for human health. However, the EFSA was only able to reach that conclusion because exposure to those high levels was short-lived due to the effective measures taken by the Irish authorities to remove the source of contamination and prevent exposure.

I will review some of the key issues arising from the incident, starting with traceability. In line with European food regulations, Irish food business operators are required to keep records of their suppliers and customers. That is the minimum legal requirement for traceability. All food businesses involved in the incident had those basic requirements in place. That allowed the Department of Agriculture, Fisheries and Food to trace the contaminated feed from the manufacturer to farms and to trace pigs from farms to abattoirs and cutting plants.

Pigs from implicated farms that used contaminated feed were supplied to 10 main abattoirs in the country that accounted for 98% of national pork production. For traceability purposes, one day's production was considered by abattoirs and pork processors to be a batch size. Products could be traced only to the date of production. Essentially, the main abattoirs had taken animals from many farms each day and were unable to distinguish between products or cuts of pork from the contaminated farms and those that were unaffected.

The farms that used contaminated feed accounted for only 8% of the national kill, or approximately 50,000 pigs, slaughtered between 1 September and 6 December 2008. Due to commingling in the abattoirs of meat from pigs from farms that used contaminated feed with that from farms that did not use contaminated feed, it was not possible to distinguish between contaminated and non-contaminated products in about 98% of the national throughput of pork. That was the basis for the total recall.

In respect of the proportionality of the response, there are three main reasons why it was necessary to recall all pork products manufactured from pigs that were slaughtered in Ireland between 1 September and 6 December. First, it was essential to limit exposure to contaminated products to the shortest possible period. To protect consumer's health and to limit exposure to dioxins, the Food Safety Authority of Ireland required that all pork products manufactured from pigs slaughtered between those dates be recalled from sale. That had the immediate effect of

removing contaminated food from the market. It also allowed time for the possibility of identifying uncontaminated products and returning those to the market.

Secondly, the levels of dioxins found in pork and in the animal feeds were well in excess of legal limits. Under European regulations, they could not have remained on the market because they were illegal. Thirdly and critically, it was, as I said, impossible to distinguish between the contaminated and the non-contaminated pork.

With respect to the recall of products other than pork, the Department of Agriculture, Fisheries and Food restricted on a precautionary basis 12 beef farms that it had identified as having received contaminated feed. The FSAI decided that a recall of that beef was not required on public health grounds, and I will share with you the reasons why it made that decision.

First, the traceability requirements for beef are more stringent when compared with those for pork, and there is greater process traceability in the beef industry. For the marketing of beef, labelling requirements are required under European beef-labelling regulations that came into effect in July 2000 and were enacted in Ireland in 2002. That legislation requires beef to be labeled with the reference number or code of the animal or group of animals from which the beef was derived; the country of the slaughterhouse and the approval number; the country of the de-boning hall and the approval number; the country of birth; and all countries in which fattening took place . Essentially, it was possible for the Department of Agriculture, Fisheries and Food to trace and isolate beef products from farms that had received contaminated feed. That was not the case with pork.

Secondly, the number of animals involved represented only a tiny fraction of national beef production. Traceability records demonstrated that 99.98% of Irish beef was free of contamination. Carcasses and prime cuts from the 0.02% of national beef production affected were traced and withdrawn from trade.

Thirdly, the FSAI carried out a risk assessment, which showed that consumption of beef would contribute to only a 0·035% increase in the body burden. That was about 300 times less than the additional body burden than would have been contributed by the contaminated pork. In other words, the beef was 300 times safer than the pork. The FSAI considered that that increase in body burden would not cause appreciable adverse health effects and was of no concern in such

a short-term exposure event.

The dioxin incident is under national review, and the FSAI is pleased to co-operate and support reviews to ensure that all links in the food chain are safeguarded and that our national control system continues to evolve and improve. The Oireachtas Joint Committee on Agriculture, Fisheries and Food published its report in May 2009. The Minister for Agriculture, Fisheries and Food has established an inter-agency group under the chairmanship of Dr Patrick Wall to consider which adjustments of controls are necessary in light of the experience gained in dealing with the contamination incident. That group is expected to report soon to the Minister for Health and Children and the Minister for Agriculture, Fisheries and Food.

The incident has reinforced the value of good co-operation across all national agencies. The FSAI worked closely with officials from the Health Service Executive, the Local Authority Veterinary Service and the Department of Agriculture, Fisheries and Food to ensure openness and transparency in the system for getting safe pork products back on the market. The incident also reinforced the value of networking between food safety agencies and organisations across the EU.

I will take this opportunity to note the large degree of collaboration that took place and continues to take place between the FSAI and the UK Food Standards Agency. Such co-operation is vital, as both Ireland and the UK draw their food supplies from similar sources, our populations share the same influences, and we are subject to common media. Inter-agency collaboration occurs at many levels and in many different forums, such as direct meetings of the chief executives and regular interaction of staff at scientific and operational levels from both organisations during food incidents, enforcement action and communications on food safety.

Such an incident illustrates plainly the need to be able to communicate clear messages to the food sector, consumers, regulatory staff and the media. Over the first two days of the incident, the FSAI received approximately 3,000 phone calls in addition to numerous press queries and requests for radio and TV interviews.

The incident demonstrated that the Irish food safety control system works well. The considerable investment made over the years in the national food-safety-control infrastructure in Ireland paid dividends in the management of the crisis. A very hard and critical decision was taken to instigate a total recall of pork from the market, but it was the correct decision.

The dioxin incident was identified through the routine national residue monitoring programme. The source of the dioxins was identified, and all products were traced and recalled from the market, thus reducing the potential for exposure to dioxins. The fact that the staff in so many organisations worked closely together for a common cause and that a strong national science base exists to carry out risk assessments in order to determine risks to public health all adds up to an effective management of a national food crisis.

Thank you for your attention. I am happy to answer any questions that you might have.

The Chairperson:

Thank you very much, Professor. Your presentation was very useful. I appreciate you taking us through it and giving us a blow-by-blow account as much as possible. I wish to clarify a couple of points. You mentioned that the tests were carried out in the central science lab in York, and you seemed to indicate that that is no longer case. Is the Food Safety Authority now able to carry out such tests?

Professor Reilly:

Since February, the state laboratory in Backweston, just south of Dublin, has been set up as the national reference laboratory for dioxin testing. However, the testing is being carried out in parallel: the laboratory runs tests, but it checks the results with other laboratories.

The Chairperson:

Does that speed things up?

Professor Reilly:

I do not think that it would have sped things up in this instance. We have a good relationship with the central science lab and have worked with it for a number of years. It was excellent and worked over the weekend to get us the results. However, even if our laboratory could have carried out the testing then, I do not think that it would have sped the process up.

The Chairperson:

You mentioned the phrase “long-term exposure to dioxins” and the concerns about human safety. What does that phrase mean with regard to consumption? Are we talking about consuming a

product with those levels of toxins three times a day for a year, or for a shorter or longer time? When does real danger start?

Professor Reilly:

I do not think that it is possible to say when real danger starts. The regulatory limits are based on a lifetime exposure of something like 40 years for an average individual who weighs 70kg. The rationale of the legislation and the regulation is to limit that exposure. There are low levels of dioxins in the environment, and the regulations are there to ensure that people's consumption does not increase and to limit exposure as much as possible.

The Chairperson:

For clarity, is there absolutely no chance that anyone will contract a serious illness as a result of consuming the pork that was available at that time?

Professor Reilly:

In hindsight, I can say that that is the case. An increase of 10% in body burden for three months will not contribute significantly to a person's health. That is the view of the European Food Safety Authority.

The Chairperson:

It is very honest of you to say that. I know that you can say that now with hindsight; we are all clever with hindsight. It is important to establish that point largely to reinforce the positive message that food production here is safe.

Professor Reilly:

Indeed. However, the issue is that the levels of dioxins in those pork products were illegal. Those products could not remain on the market, so they had to be taken off the shelves. You would not want to feed your children sausages that had those levels of dioxins in them because children have a full lifetime ahead of them. Therefore, children should not be fed a product that will contribute to their body burden, given that they might be exposed to another incident in later life, because the net result of high levels of exposure is serious illness.

The Chairperson:

I appreciate the rationale behind it. It is important, for the sake of proportionality, that we know

exactly what we are talking about and that we set that out in a helpful way, so that the public understand what is going on.

According to your submission, 28 November 2008 was quite an important date, because you were notified of a tentative positive marker of PCBs at that point. Was it never considered appropriate at that point to network with or to inform the Food Standards Agency Northern Ireland (FSA NI), which is in the closest jurisdiction?

Professor Reilly:

No, that was a Friday evening from what I remember, and I had received two phone calls from two different officials in the Department of Agriculture, Fisheries and Food. The answer is simply no; I did not really think of informing anyone, as it was fairly routine. The message was that it was a tentative positive marker. One would not act on that. We handle lots of food incidents; some of them come to nothing, and some of them develop. However, at that stage, we had no indication of what was waiting for us down the track.

The Chairperson:

You say that a tentative positive marker is fairly routine. What does "routine" mean? How often do you receive such a call?

Professor Reilly:

On marker PCBs, never; that was the first time, but on other —

The Chairperson:

That is hardly routine.

Professor Reilly:

It is routine to receive calls on other breaches of regulations. If there was a technical breach of the legislation involving some chemical contaminant or pesticide, or a range of different contaminants, the Department would call FSAI, and we would say whether it posed a risk. However, there is no legal limit for marker PCBs; they are not covered by legislation. Had the results shown dioxins at that type of level, it would have been a completely different story.

The Chairperson:

Yes, but it was not an average call to receive on a Friday night. It was not routine. There was something slightly different about it. With hindsight, if you were to receive a call like that again, would you pick up the phone to speak to somebody at FSA NI to let them know that there was something going on, or would that not happen?

Professor Reilly:

At that stage of an investigation, apart from dealing with it internally and trying to assess the magnitude of it, we would not start ringing people. We would end up doing that two or three times a week. With that type of a food incident, a judgment call needs to be made about the level of risk.

The Chairperson:

In December 2008, how was the FSAI's relationship with FSA NI? You have indicated that you have a good relationship with FSA UK. Indeed, there is a chief executive's forum, which appears to get together quite regularly. At that time, had you a direct and good network with FSA NI?

Professor Reilly:

Yes, we had a very good network. I have the mobile phone number of Morris McAllister, the previous director, and of Gerry McCurdy. We do tick-tack. Over the years, we have been involved in joint investigations and so on. We meet fairly regularly throughout the year and have very good relations.

The Chairperson:

The next date that jumps out at me is 4 December 2008. You indicated that you were going to London that day for a meeting and, because of what had come to light on the Wednesday evening and Thursday morning, you decided that you would not go, so you made a telephone call to FSA UK to cancel that meeting. You did not contact anyone in FSA NI. Am I right to assume that you believed that FSA UK would inform FSA NI?

Professor Reilly:

At that stage we were investigating what appeared to be a problem with animal feed. We are not responsible for the controls on animal feed; that is the responsibility of the Department of Agriculture, Fisheries and Food. For all intents and purposes, at that stage, it was an investigation

into animal feed, and the Department of Agriculture Fisheries and Food was leading on it. That is why I did not inform FSA NI. We did not know what was going to happen. On the Thursday and Friday, we had no idea what awaited us on the Saturday.

The Chairperson:

I accept that. It is easy to make certain comments with the benefit of hindsight, and I am not asking you to condemn the FSAI. However, we need to learn from the event and ensure that the impact of such events is minimised. Is there now a mindset that, in future, you should first inform FSA NI, as well as FSA UK?

Professor Reilly:

Yes; we will develop a memorandum of understanding with the Food Standards Agency in the North of Ireland and ensure that we include all this type of —

The Chairperson:

Have you done that?

Professor Reilly:

We had a memorandum of understanding in place, but we are drafting an updated version. We will ensure that there will be a different level of communication if a similar incident were to occur in future.

The Chairperson:

Even by 5 and 6 December, no one had picked up the phone and spoken to the authorities in Northern Ireland about the situation. Obviously, that was the jurisdiction that was most likely to be affected. As you know, the Joint Committee on Agriculture, Fisheries and Food reported on the issue and published its 'Report on the contamination of Irish pork products' in May, which stated:

"the myriad of agencies responsible for food safety operating under service level agreements by the FSAI is not satisfactory."

You stated in your written submission, and repeated today, that the Irish food-safety control system works well. Your statement and that of the joint Committee do not correlate very well when juxtaposed. You say that the control system works well, but the joint Committee says it is not satisfactory. Who is right?

Professor Reilly:

The Oireachtas joint Committee's statement refers to on-farm controls and animal feeds. Our system of 39 different agencies operating under service contracts works very well. We have streamlined that system over the last 10 years. We do not have farm-to-fork controls, and, as I explained at the beginning of my presentation, the FSAI's remit begins at the farm gate.

The Chairperson:

Can you give us any assurance that the controls that are now in place or that the memorandum of understanding that you are drawing up will ensure the collaboration, networking, good relations and common cause that you have spoken about? Having listened to the views of our authorities, my impression is that we were out of the loop for a few days too long and that that caused the severity of the problem in Northern Ireland. Had we been in the loop from the Thursday night, the impact on Northern Ireland could have been lessened considerably.

Professor Reilly:

We have collaborated with the Food Standards Agency Northern Ireland on incidents that occurred after the dioxin incident. We had a problem, for example, with listeria in sandwiches that were produced here and sent to the North. Within hours of finding out about that, we were in contact with our colleagues in the Food Standards Agency in the North of Ireland. We have made contact when we have had concrete evidence that something is happening. On the Thursday and Friday, we did not know the scale of what was going to happen. With the benefit of hindsight, and had we known the scale of the effect that the situation would have on everyone, we would have made contact.

The Chairperson:

Professor, you were concerned enough to cancel a meeting in London and to ring FSA UK to let it know about the situation, but you were not concerned enough to phone your friend on his mobile to alert him about it.

Professor Reilly:

The rapid alert system for food and feed that operates throughout the European Union exists to communicate risks that are associated with food that is traded between member states. The system's UK contact point — the UK Food Standards Agency — is in London, so we are

regularly in contact with that rapid alert office, which is the normal channel when an issue arises.

When I alerted the Food Standards Agency in London to the fact that I was not going to turn up to the meeting, its rapid alert office called the corresponding office in the Food Safety Authority of Ireland to ask whether something was happening that it should know about. At that stage, we said that there was not, and we repeated the message that we had given the night before about an ongoing investigation. However, we did not expect to find the levels of dioxins and dioxin-like PCBs in the feed or the animals.

The Chairperson:

Who did you speak to on 4 December?

Professor Reilly:

Do you mean in the UK?

The Chairperson:

I spoke to Dr Alison Tedstone in the nutrition division.

The Chairperson:

Could she confirm that this issue was the reason for cancelling the meeting?

Professor Reilly:

I would have told her that an investigation was under way, although I did not know the level of what was going on. On Friday 5 December, after I had copied the press release to her, she passed it on. I emphasise that on 4 December, I did not know the scale of what was going to happen, and if I had known, it would have been a wholly different story.

The Chairperson:

I asked that question — and forgive my impertinence — because FSAI is using that casual call to cover itself, in the sense that it called FSA UK on 4 December. Should it have done more?

Professor Reilly:

I am not suggesting that it is cover at all. Member states communicate using the rapid alert system, and, on that Friday, we issued a rapid alert that would have gone to FSA UK.

The Chairperson:

So, that was the real pushing of the button.

Professor Reilly:

We routinely issue rapid alerts.

The Chairperson:

How many would you issue, on average, in a month?

Professor Reilly:

I cannot tell you. We get lots in, but I would have to check the numbers.

The Chairperson:

Are you talking about double figures?

Professor Reilly:

Yes. We probably issue 20 a year, but approximately 6,000 a year are interchanged between member states through the rapid alert system. If a member state becomes aware of a problem about food that has gone to other member states, it alerts the Commission in Brussels, which sends details of the alert to all other member states. That is how the system works.

Mr Elliott:

Thank you, Chairman, and I apologise to all for being late. The traffic in Dublin was much heavier than I expected.

Professor Reilly, on Sunday 7 December, you moved swiftly and recommended that pork products be removed from sale —

Professor Reilly:

We decided to recall all pork products on Saturday 6 December.

Mr Elliott:

Your notes state that the FSAI co-ordinated the recall of the pork products on Sunday 7

December.

Professor Reilly:

That is quite true. We did co-ordinate the recall, but the decision was made on the evening of Saturday 6 December.

Mr Elliott:

I do not see it noted that the decision was taken on the Saturday. The notes state that the FSAI co-ordinated the recall of the pork products on Sunday 7 December 2008, so I assumed that the decision was taken then.

Professor Reilly:

The decision was taken on Saturday 6 December after we received the results from the central science lab at 3.40 pm. There was a delay of a few hours, and, that evening, it was announced at a Government press conference that the FSAI required a recall of all pork and pork products.

The Chairperson:

You should be aware that that statement, which was broadcast on RTÉ, was the first time that our Minister of Agriculture heard about the incident. That is not the best way to be alerted about a situation.

Professor Reilly:

In fairness, it was also the first notice that many of our officials and food inspectors received. As soon as we learned that pork and pork products were on the market with a level of dioxins that created a risk to consumer health, we took the decision to protect consumer health, which was our paramount consideration.

Mr Elliott:

You got the results and made the decision on Saturday 6 December. I assume that quite a bit of internal discussion took place prior to that and that there was some suspicion that the results would be positive. You can tell me if I am wrong, but I assume that contingency plans were made for the recall, probably on the previous Thursday or Friday. Is that a reasonable assumption?

Professor Reilly:

What type of contingency plans do you have in mind?

Mr Elliott:

A contingency plan to take the decision to recall the pork.

Professor Reilly:

Taking that decision was one of the options if the pork was going to come back positive, and if we could not find which products were positive and had been co-mingled. However, that did not materialise until 3.40 pm on Saturday 6 December.

Mr Elliott:

Did you have no discussions or thoughts about that prior to 3.40 pm on the Saturday?

Professor Reilly:

That is when it was confirmed.

Mr Elliott:

We are aware of that, but, internally, did you, prior to 3.40 pm on 6 December, have any plans on how to handle or deal with the situation if the results were positive or negative?

Professor Reilly:

During the day, from 10.00 am, when the interdepartmental and inter-agency meeting took place, various options will have been discussed on how to deal with the crisis. The priority focus was on customer protection. If the results were to come back positive on the Saturday, we would have been alerted to the enormity of what would possibly happen.

Mr Elliott:

So, no thought was given to that when the original PCB test was carried out in late November or early December.

Professor Reilly:

No, I stress to the Committee that we had absolutely no idea of the enormity of the scale of the problem. Had I had an idea, of course I would have been on the phone to others. We also knew

that, when we did learn, we would have to take a decision. The decision was taken to protect the health of consumers. I know that your people were inconvenienced and that there was a financial knock-on effect. Many countries were affected. The recall of pork affected probably 54 countries. Ireland had exported pork to 22 countries. Therefore, all those countries were in the same position.

The Chairperson:

There is a difference in the proportionate response. Almost a year later, we are, unfortunately, still feeling the inconvenience of processing plants being affected, with the potential knock-on effect for jobs and the impact on consumer confidence. "Inconvenienced" is too mild a word. Yet, as you said, ultimately, if that product had all been consumed, no one would have been harmed. The Committee is trying to get a perspective for itself and the public on why we were put through the wringer. I must say, Professor Reilly, that we were a hell of a lot more than merely inconvenienced.

Professor Reilly:

Indeed. We were all affected. The industry and certainly its food control systems went through six days of hell. It was certainly more than an inconvenience. However, subsequent tests on other products led to only one coming back with 13,600 picograms per gram. The national reference laboratory for dioxins in Europe tested a sow's liver that returned with that type of high level of dioxins.

I have no doubt that we took proportionate action to protect consumers' health. Illegal products could not be left on the market. Who would want to buy pork that is known to contain dioxins? Would one feed those products to their children? There really is not a chance of that. Therefore, we had no option but to take the action that we did.

In 1999, Belgium had a very similar incident, but its authorities did not do anything for some time. Other countries then started to examine products in which low levels of dioxin were found — similar or even lower levels than we found. That had an enormous impact on Belgium, its trade and its political system. We did not want to have the same consequences of that experience.

The Chairperson:

There is a saying that there is more than one way to skin a cat. The way that this was skinned

sent a tremor just short of panic through the public life, which proved to be completely unnecessary. That panic could have been avoided by the adoption of a gradual and more reserved approach to the scare, accompanied by a slow recall, if that had been deemed necessary. However, it turned into a cross-jurisdictional national panic that, a year later, turns out to have been totally unnecessary. That is why I again make the point that, although the authority believes its control system worked well, other people say that it was unsatisfactory because of the reasons that I outlined and because it caused panic.

Professor Reilly:

I maintain that our system worked well. First, through the national residues monitoring programme, we identified the problem and were able to trace the sample back to its source. From that farm, we traced it to the recycling plant, and so on. Therefore, we were able to test the product, conduct a risk assessment and carry out all the exposure calculations. Our conclusion was that that pork had to come off the market because it would put consumer health at risk.

As it turned out, an increase of 10% in the body burden was not going to have catastrophic public-health implications, but it was certainly not desirable. The products' presence on the market was illegal, so it had to be removed. I maintain that our response was proportionate and correct.

The Chairperson:

You must see it from our perspective. By saying that people were simply inconvenienced makes a mockery of any notion of good relationships.

Professor Reilly:

In fairness, as I stated, we did not know the scale of the problem at the time. With hindsight, we now do. On the evening in question, I phoned Gerry McCurdy and Andrew Wadge to explain what was going on. The Food Safety Authority of Ireland's first and foremost consideration is consumer protection. Our priority was to get contaminated pork off the market.

Mr Elliott:

To some degree, for an internal situation in ROI, you probably handled it speedily and resolved it much quicker than we did. Our concern is how that was transferred to our people in Northern Ireland. That is why I wanted to tease out the issue of contingency plans and what they had been

prior to that decision being taken. When you recalled pork products, was Northern Ireland on your radar? Were you concerned that any products may have been exported to Northern Ireland and entered the food chain there? Did you think solely of ROI, or did you have broader concerns?

Professor Reilly:

I believe that 40% of our pork goes to the UK. The seriousness of the affair was why I decided on the Saturday evening to call Gerry McCurdy and Andrew Wadge. Every country that received Irish pork was in the same position. Trying to co-ordinate every call that was made on the Sunday was extremely difficult as we did not have all the information, classification of products, and so on. That was all done as we moved through the crisis. We were trying to classify which types of product had to come off the market. The European Commission then decided that composite products that contained 20% pork could stay on the market, but we had already taken some of those products off the market.

Mr Elliott:

Prior to that, had no indication been given to either the UK-wide or Northern Ireland authorities that there may be a problem?

Professor Reilly:

No. Again, I am at pains to point out that we really did not have an inkling of the scale of the problem. Certainly, I did not have an inkling of the impact that it would have. Of course, had we known, we would have reacted differently. Hindsight is a wonderful thing.

Since the crisis, we have worked closely with the Food Standards Agency in Northern Ireland on a number of different food-related incidents, although none of them was on that scale. When an incident such as that happens, it has to be investigated proportionately. Since the dioxins incident, there was one other incident that involved both the North and the South of Ireland, and its effect could have been devastating. However, we worked through it together and it became a non-issue. It could have been on the same scale as the dioxins incident though. As luck would have it, it did not turn out that way. We did not go for a nuclear option, we did not ring people and we did not make a huge issue of it. We reviewed all the information and made a judgement call. That is how such an incident is managed.

Mr Elliott:

Chairman, I have one final point that goes back to a question that you asked about PCBs when the FSAI was notified in late November or early December. Professor Reilly, you said that that was fairly routine, but you accepted that it was not really normal for that type of incident to come forward with high PCB readings. I am trying to get a handle on that. Perhaps you could clarify that point, because I am somewhat confused.

Professor Reilly:

The standard operating procedure is that when the Department of Agriculture finds an excess of a contaminant during its monitoring programme, it notifies us. We then perform a risk assessment, after which we, together with the Department, make a judgment call on the extent of the problem. That routinely happens, and that is how we were notified of the marker PCBs.

Mr Elliott:

Is it routine to have that level of PCBs?

Professor Reilly:

That was not routine, but the mechanism of informing us of the excess was routine.

Mr Elliott:

So the mechanism of informing you was routine, but the particular incident was not routine?

Professor Reilly:

It was the first time that we had marker PCBs.

Mr Elliott:

Did that give you any serious rise for concern that we may have been approaching an incident of that scale?

Professor Reilly:

No; not at all. We have been monitoring the Irish food supply for the past number of years, and we have never found any PCBs or dioxins in the food.

Mr Elliott:

Were you not surprised to hear of a high PCB reading? That is what I cannot get over. If you have been doing that for a long time and you have not found any PCBs, but then, all of a sudden, DAFF came to you and said that it had very high readings of PCBs and was carrying out further tests, why did it not cause alarm?

Professor Reilly:

On the evening of Friday 5 December, we were informed that there was a tentative positive result for marker PCBs. For a long time, we could not figure out where the contamination came from.

The Chairperson:

Your evidence indicates that, on Monday 8 December, it was confirmed that it was more than tentative; it was a positive.

Professor Reilly:

Yes. The result was positive for marker PCBs.

The Chairperson:

To be fair, and we will be reflecting it in our evidence, you accepted that that was not routine.

Professor Reilly:

The mechanism of reporting was routine, but it was the first time that marker PCBs had been reported.

The Chairperson:

That is an important distinction.

Professor Reilly:

The issue of having marker PCBs does not indicate that there are dioxin-like PCBs in food. There is no legal limit or level in European legislation for marker PCBs. If there were regulations that we could enforce, that would have been a whole different story, but there are not. It is important —

The Chairperson:

But, it was confirmed on Monday 8 December.

Professor Reilly:

Yes. From Monday 8 December, it was confirmed that we had marker PCBs.

Mr Elliott:

Is it normal that to have high readings of PCBs but not of dioxins? Is that possible?

Professor Reilly:

It could be possible.

Mr Elliott:

But, not normal?

Professor Reilly:

No, not normal.

Mr Elliott:

So, in actual fact, are you saying that it would be normal for a high PCB reading to follow on from a high dioxin reading?

Professor Reilly:

There is no correlation between the non-dioxin-like PCBs and PCBs and dioxins. In each incident that we have had over the years, there were different ratios of marker PCBs and the dioxin and dioxin-like PCBs.

Mr Doherty:

Thank you for your evidence and for being here with your team. When an incident of this nature breaks, is the lead agency DAFF or the FSAI?

Professor Reilly:

As the Department of Agriculture, Fisheries and Food is responsible for animal feed, and this was an animal-feed issue, it was the lead agency. In the initial stages of the incident, probably up

until the evening of Saturday 6 December, DAFF would have been the lead agency. When it became a food issue, the Food Safety Authority of Ireland was the lead agency.

Mr Doherty:

So, DAFF was the lead agency until 6 December?

Professor Reilly:

Once it became a food issue, the FSAI became responsible.

Mr Doherty:

I read your submission and listened to your evidence. Lots of dialogue between your agency and its counterparts in the UK took place, and you referred to protocols and procedures with member states. However, on this island, the Good Friday Agreement and the St Andrews Agreement indicate that agriculture and food safety are areas in which there should be co-operation. That seems to have fallen through the cracks.

According to our information, on Thursday 4 December, DAFF drew up a list of customers in the North and in the South who received feed from the recycling plant over the previous six months. The Department drew up that list, but did no one ever think of their counterparts in the North?

Professor Reilly:

You should put that question to DAFF, which is the contact point for the rapid alert system for food and feed. We have nothing to do with it. Anything to do with the controls for feed and informing people about feed contamination is the responsibility of the Department of Agriculture, Fisheries and Food. The Food Safety Authority of Ireland does not see that data, and it is not part of our routine work. The responsibility of our agency starts at the farm gate. As soon as it became a food issue on the Saturday night and the recall was issued, the FSAI became the lead agency.

Mr Doherty:

In the days leading up to that Saturday, DAFF knew what was happening. Did it not inform the FSAI that it was drawing up a list of potentially affected farms that included farms in the North?

Professor Reilly:

Did DAFF not inform the Department of Agriculture in the North on the Friday about what was happening?

Mr Doherty:

No. Our information is that Michelle Gildernew, the Northern Minister, heard the news by way of a press release. She then informed her Department.

The Chairperson:

That was on the Saturday.

Professor Reilly:

I cannot speak on behalf of the Department of Agriculture, Fisheries and Food or comment about when it informed the Department of Agriculture and Rural Development. It might be useful to put that question to DAFF officials when you eventually discuss the issue with them. I do not have the data at hand. However, as I recall, on the Friday, there was e-mail correspondence about the incident between the Department of Agriculture, Fisheries and Food and the Department of Agriculture and Rural Development in Northern Ireland. I do not know what was said in that correspondence.

Mr Doherty:

My point is not about how the agencies in the South responded; rather, it is about how their slowness in informing the Northern authorities created a negative dynamic. It is inconcievable that, on the one hand, we have good working relationship on a practical day-to-day basis and an agreement to co-operate but, on the other, it was not routine to give officials in the North a heads-up that something was happening and that co-ordination may have been required. Will you explain that?

Professor Reilly:

The only explanation is that we did not realise the scale of the problem. If feed had gone to the North, my agency had no idea about it. The Food Safety Authority of Ireland has no information at all about feed, feed controls and feed moving between North and South. That is not our responsibility. The questions you are asking me about feed and contaminated feed are matters for the Department of Agriculture, Fisheries and Food.

Mr Doherty:

Are you saying that that DAFF did not inform your agency on the Thursday that it had drawn up a list that included Northern farms?

Professor Reilly:

I would have to look through my notes to determine when that information was exchanged, because we are eight months down the track. The focus of all the FSAI's work is on food; we do not focus on animal feed. I know that the Food Standards Agency in the North of Ireland has responsibility for feed.

Mr Doherty:

There was a lot of initial activity on Friday 5, Saturday 6 and Sunday 7 December. After that, according to our timescales, your agency seems to have taken a step back. What happened in the period after 7 December?

Professor Reilly:

The product recall was instigated, but we had nothing to do with the financial and industry support issues that followed. We stood back from that, and DAFF handled all those controls. Our focus is on protecting the health and interests of consumers. We stood back from issues relating to feed, including feed that goes to farms in the North, and let the Food Standards Agency contact DAFF directly.

Mr Doherty:

Do you think that there are lessons to be learned from a North/South point of view?

Professor Reilly:

In hindsight, phone calls to colleagues in the North of Ireland could have been made. We have liaised fairly well with people in the North of Ireland when incidents have happened since then. We have been tick-tacking. It must be recognised that, until 3.40 pm on Saturday 6 December, we had no inclination of the scale of the problem. In hindsight, had we known that, of course we would have informed colleagues, but we did not. We routinely investigate many incidents, which could have devastating consequences but which do not go anywhere.

Mr Doherty:

You said that you had no inclination of the scale of the problem until 3.40 pm on Saturday 6 December, but it was 9.30 pm before the Northern Minister heard about a press release, and she informed her staff.

Professor Reilly:

The Food Safety Authority would not contact Ministers. That would be a question for DAFF.

The Chairperson:

I want to pick up on one of Mr Doherty's questions. As a senior practitioner in this field, are you surprised by the apparent lack of dialogue on such an issue between DAFF here and DARD in Northern Ireland?

Professor Reilly:

The simple answer is that I do not know. Hindsight is a wonderful thing; knowing what I know now, I would have picked up the phone to Gerry McCurdy earlier, for sure. But there was no indication that the incident would develop in the way that it did. It is a question that should be put to our colleagues in both Departments.

The Chairperson:

We would have loved to have done that this morning. We do not mean to beat up on you for our inability to beat up on them. We are getting to the crux of the matter, and Mr Doherty has highlighted the issue of relationships. Looking at the evidence, the episode was a shambles. We have not come to a conclusion yet, but, somehow, Northern Ireland was left completely out of the loop for too long. The evidence that we have seen suggests that some sort of notification happened between DAFF and DARD sometime on the morning of Friday 5 December. However, it was at such a low level — making them aware of certain products and foodstuffs — and there was not a serious enough indication of an incident that had caused you that to cancel meetings 24 hours earlier.

I understand what you have said and all the caveats. Surely, however, as a practitioner in the field who meets such people, you are surprised by that lack of contact?

Professor Reilly:

I do not know what the relationship is between both Departments. It is as simple as that. You can put that question to our colleagues in DAFF when you meet them.

The Chairperson:

The worst fear is that there is an agenda: namely, that because Northern Ireland pork products have quite a good foothold in the rest of the UK, bad-mouthing our food products and production opens up a market opportunity for food producers here. If anyone is party to that, willingly, unwillingly or unwittingly, you can understand the anger and frustration that is being felt 90 miles north of here.

Professor Reilly:

The Food Safety Authority of Ireland was set up to be independent of the food sector, with the remit to protect consumers' health and interests, and that is what the authority did during the dioxin incident: it protected consumers' health and interests. The FSAI is not party to trade issues. We set up the controls in such a way that that agency which supports and promotes the food industry is separate. From our perspective, we did the right thing.

I know nothing about any agenda, and this is the first time that I have heard such a suggestion. Our focus is on protecting consumers' health, in the North of Ireland as well as in the South, and protecting consumers who eat Irish foods all over the world. The FSAI was set up to protect those people, and to be independent of the food sector in order to relieve us of the responsibilities of trade issues.

Mr Doherty:

You said that the FSAI was set up to be independent. Is it answerable to any Department?

Professor Reilly:

I said that we were set up to be independent of the food sector. We work under the aegis of the Minister for Health and Children, and we report to the Minister through our board. However, the FSAI was set up in such a way as to put distance between us and the food sector.

The Chairperson:

Our Food Standards Agency has a similar relationship.

Mr Savage:

The joint Committee report states that the FSAI, although it has primary responsibility for food safety:

> "does not currently have the required legal authority to police all aspects of the food/feed chain."

How did that hinder you in investigating the dioxin incident? Can you assure the Committee that all the contaminated meat has been disposed of and is not in cold storage, North or South of the border?

Professor Reilly:

Again, could the Committee put that question to the Department of Agriculture, Fisheries and Food, because it was in charge of taking in that contaminated material? A lot of it has gone to be rendered, but I am not aware where the remainder is, if there is a remainder. The Department is co-ordinating that aspect of the recall, so perhaps you could put that question to them.

Mr Savage:

I am glad to hear your response, but I will certainly follow up the matter with the Department.

The Chairperson:

The joint Committee recommended that the FSAI should have the legal power to deal with contaminated material, and you are telling us to ask someone else. Surely we are getting to the point when a crunch decision has to taken as to whether the FSAI should have that power. Should you have that power?

Professor Reilly:

With respect, 197 rapid alerts were issued in relation to the recall. All over Europe, member states recalled and disposed of products. The Government have to take the decision about the powers of the Food Safety Authority, and we must await such a decision. We cannot take those decisions. The Government's decision about the powers of the Food Safety Authority has not yet been made.

The Chairperson:

I understand that you want that authority.

Professor Reilly:

We could do a very good job of overseeing the controls on animal feed; it would be similar to the role that we play in other parts of the food chain.

The Chairperson:

Would you be concerned if any product that was removed from retailers' shelves and from circulation was still in cold storage?

Professor Reilly:

I would be concerned if those products could potentially go back on the market. However, to my knowledge — and I am being straight up — any product has gone into rendering. It has cost the state quite a few million pounds to ensure that that has all been rendered.

Mr Savage:

One of my constituents — I will not name his location — is a major distributor of pork feeds and pork products across the island of Ireland, North and South. The incident has practically put him out of business. That worries me. Products have been taken from his shelves, disposed of and placed in cold storage. I am concerned that the product is lying somewhere and will be used when there is a scarcity. Today's discussion has been interesting, and I know that you are in a difficult situation. You said that hindsight is a wonderful thing. That is true. Many businesses have nearly gone to the wall over this crisis. We must assure our people that it will not happen again. There is a big onus on you and us to find the solution to the problem.

Professor Reilly:

I would be concerned if there was even a slightest chance that any product would return to the market. That would be illegal.

The Chairperson:

George has raised an interesting point. Members should be aware that some dairy farmers were affected by the incident, because they brought in some of the animal feed for their cattle. Those farmers were not included in the compensation scheme. They comprise a small number; one could count them on the fingers of one hand. However, the financial impact on their business has been severe. Our report should draw attention to that matter.

Mr Burns:

You said that hindsight is a wonderful thing. Indeed it is; we would all act differently with hindsight. However, the Committee is seriously concerned about how the scare affected Northern Ireland. In the European Union, Ireland is, in many ways, treated as an island. One of our great aims is to eradicate diseases and create a clean bill of health for all animals throughout Ireland. We want to get to the bottom of the incident and uncover how communications broke down so badly between yourselves and the Department in Northern Ireland. What lessons have you learnt from the episode? What systems will you put in place to ensure that it will never happen again and that you will share information with us at an early stage?

Professor Reilly:

I sit on the review group that is examining those issues and will report in a month's time. I believe that the FSAI and the Food Standards Agency in the North of Ireland can improve communications. We will formally improve them in a couple of months' time. Since the pork dioxins crisis, we have been in touch when incidents have happened, and we have done so in a timely fashion.

The question of how the dioxins crisis happened and where the contamination came from is something that we will have to look at. We have to put systems in place so that it will never happen again. As for ensuring the oversight of controls, it is the primary responsibility of the feed and food industries to ensure that safe food is placed on the market. The feed and food-safety management systems that are in place should be robust enough to identify hazards and the associated risks and ensure that they do not happen. It is about working with the industry to ensure that it complies with the legislation. The systems are there to ensure that such an incident should not happen.

Mr Burns:

Food safety is important. The consumer must be 100% sure that the food that they buy is safe. There is no room for "maybe" or "might be" — food safety must be 100% guaranteed.

Professor Reilly:

I totally agree with you.

Mr Burns:

We had never come across this problem before, but we understand that, for example, where incinerators are used, there is a great fear that toxins could be consumed by animals and would, in turn, get into the food chain. It is about putting procedures in place that guarantee that food that is bought by the consumer is 100% safe.

Professor Reilly:

I agree. That is why we required a recall of all the pork. The pork was not 100% safe to eat. We acted on the basis of consumer protection.

Mr Burns:

We feel that the traceability system in Northern Ireland would have guaranteed that all the pork that was on our supermarket shelves was 100% toxin-free. We got caught up in an incident that had a devastating effect on our markets.

Professor Reilly:

As I explained, approximately 8% of the total production was contaminated. All of that was commingled with the remainder, and, in all, about 98% of the pork had to come off the market. Many companies were in the same situation.

I am at pains to point out that it was not until 3.40 pm on that Saturday, when we got the results, that things went as they did. I cannot say much more than that.

Mr Elliott:

I have one more question, if that is OK.

The Chairperson:

Go ahead, but be very quick, because the Professor has been very generous by speaking to us for two hours.

Mr Elliott:

Do you have any concerns that pork that was contaminated before you became aware of the incident was actually consumed by the public?

Professor Reilly:

Yes, we do have concerns. The risk assessment that was carried out by FSA indicated that, if all the pork one had eaten had come from Ireland, it would have increased one's body burden by 10%. I do have concerns about that. However, the action that we took meant that, within six days, pork was back on the market down here. The actions that we took were proportionate. You have a lot of questions that you could put to colleagues in DAFF. As regards your questions about talking to Ministers and so on, we are not in that space.

The Chairperson:

On that point, Professor, I thank you, Jane and Raymond for your generosity in allowing us almost two hours in which to speak with you. We appreciate it; it has been very helpful and informative. I think that you are absolutely right; we have questions which can only be answered by DAFF. We will consider your comments when we deliberate on how to take the matter forward.

Thank you for giving us your time so generously, and for providing the opportunity to go through those issues. As I am sure you can understand, from what you have heard from this side of the table, those issues are very significant and had a consequence for us, which we believe could have been handled very differently. Of course, 20/20 hindsight is always perfect, but we have to learn from such things. The important question, which will be asked in our report, is whether the lessons have been learned. Let us identify how those lessons can be improved. Thank you very much.

Professor Reilly:

Thank you for the opportunity to speak to the Committee. I hope that you can appreciate that the actions that we took protected consumers in the North of Ireland as well as in the South. Getting that pork off the market immediately reduced the opportunity for consumers to add to their body burden. We were very lucky that the dioxin levels in the pork were such that no major public health problems arose from the consumption of pork in that three-month period. I firmly believe that the actions that we took were taken to protect consumers; that is, all consumers of Irish food anywhere in the world.

The Chairperson:

I will now turn to the minutes of the Committee's meeting on 24 September 2009. Are those

minutes a fair reflection of our business?

Members indicated assent.

The Chairperson:

We had a discussion before you arrived, Mr Deputy Chairman, about how we might handle the situation regarding DAFF. I must say that all members probably share my frustration that the DAFF officials are not here today.

There are one or two courses of action that we could take. We could conclude our own business and rely on the written evidence. However, from what I have heard today, DAFF could answer some of our questions. We have some pointed questions, which the FSAI would like to hear answered as much as we would. We have the opportunity to meet a representative from DAFF. It will not be the Secretary General, but one of his deputies will, potentially, meet us on Tuesday 13 October at Stormont, if members are content.

Mr Doherty:

Is he a co-equal deputy?

The Chairperson:

I have no idea. I doubt it. Are members content to have that meeting?

Mr Burns:

Having heard the evidence today, I want to nail DAFF and have someone answer our questions. We need someone to answer the questions to keep the inquiry going.

Mr Doherty:

I reflect Thomas' view; based on the evidence that we heard today, we cannot let DAFF off the hook. It might extend timelines and put us under pressure, but we have to have some answers.

The Chairperson:

If members are content, we shall invite DAFF to come to our meeting next Tuesday at Stormont.

Members indicated assent.

The Chairperson:

Thank you. The meeting is now closed.