Northern Ireland
Assembly

COMMITTEE FOR HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

OFFICIAL REPORT
(Hansard)

Briefing from the Food Standards Agency Northern Ireland

22 October 2009

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:
Mrs Michelle O'Neill (Deputy Chairperson)
Dr Kieran Deeny
Mr Alex Easton
Mrs Carmel Hanna
Mr John McCallister
Mrs Claire McGill

Witnesses:

Professor Maureen Edmondson	)	FSA Board Member for Northern Ireland
Mr Michael Jackson	)	
Mrs Maria Jennings	)	Food Standards Agency Northern Ireland
Mr Gerry McCurdy	)	

The Deputy Chairperson (Mrs O'Neill):

The next item on the agenda is the evidence session with the Food Standards Agency (FSA). A copy of the FSA's presentation is included in the Committee papers.

I welcome Gerry McCurdy, the director of the Food Standards Agency, Maureen Edmondson, the board member of the Food Standards Agency; Maria Jennings and Michael Jackson. Thank you for your hospitality and for hosting the meeting; we are grateful. Perhaps you would begin your presentation, after which members will ask questions.

Mr Gerry McCurdy (Food Standards Agency Northern Ireland):

Thank you for coming this afternoon. I am Gerry McCurdy, the director of the Food Standards Agency's operations in Northern Ireland. I acknowledge the difficult times that we are going through because of the pressures and challenges that swine flu poses to the Committee, the Minister and all those who are involved in public health services. Although swine flu is not within our competency, if there is any way in which we can accommodate you today, through the use of rooms and so on, please feel free to ask, and we will try our best to facilitate you. Do not be shy.

By way of expanding on your introduction, Deputy Chairperson, Professor Maureen Edmondson is the FSA board member for Northern Ireland and the chairperson of the Northern Ireland Food Advisory Committee. Maria Jennings takes the lead on our dietary health agenda, and Michael Jackson has responsibility for food safety and the enforcement of food law.

Our purpose today is to give the Committee a fuller picture of the work of the Food Standards Agency in Northern Ireland. We are responsible for more than legislation, with which you will be familiar, as my staff appear before the Committee fairly regularly. Maria and her team appeared before the Committee to give evidence during the obesity inquiry. The agency believes that an opportunity exists to develop a partnership with the Committee. Therefore, I hope that, following today's meeting, the Committee and individual members will have the confidence to approach us for information or advice on any food safety and dietary health issues that are of concern. I am conscious of the time, and, without further ado, I will ask Maureen to give a presentation from a board member's perspective, after which I will speak from an executive perspective.

Professor Maureen Edmondson (Food Standards Agency Board Member for Northern Ireland):

On behalf of the board, I thank the Committee for attending today; we are delighted that you are here. I will quickly outline the structure and governance of the FSA and how it deals with devolution. I will also give the Committee some detail about the Northern Ireland Food Advisory Committee. Thereafter, Gerry will outline the details of the agency's new strategic plan.

Most members will know that the Food Standards Agency was established in 2000. It

emerged from the horrific BSE situation and the total collapse of public trust and confidence in food and food safety, which severely damaged the industry. The Food Standards Act 1999 is the official statue on which the agency is based. The agency is a non-ministerial Government department. In many senses, the agency is the board of the agency. I will return to that topic later. We report through, but not to, the Health Ministers, and we report to the elected Assemblies and elected bodies in the four UK countries.

The 1999 Act outlines our remit clearly. It states that the agency's main objective is to:

"protect public health from risks which may arise in connection with the consumption of food".

In practice, we deal with food safety and dietary health, and our vision is safe food and healthy eating for all. Our core values are usually displayed throughout the building. Those values are clear and instil great discipline in all of us. The agency must put the consumer first, which is its statutory requirement, and it must be open, independent and evidence-based. If one is to be open and independent, it is essential to have strong evidence. The entire organisation shows great determination in ensuring that it has a strong evidence base. We hold our meetings in open session, as does the Northern Ireland Food Advisory Committee.

Recently, Lord Jeffrey Rooker was appointed as chairperson of the FSA. In fact, he visited Northern Ireland earlier this week to speak to the Minister of Agriculture and Rural Development. He plans to speak to the Minister of Health, Social Services and Public Safety soon; that has not been possible so far because of swine flu. I am one of 12 non-executive board members, and there are one Welsh and two Scottish board members. We are all members of the UK board, but we four have a special responsibility to ensure that the voices of Northern Ireland, Wales and Scotland are heard at the FSA's board table.

The board is responsible for the strategic direction of the agency and holds the executive to account to ensure that it delivers on the strategic plan and the business plan. We are all publicly appointed, and, as the Northern Ireland board member, although I was appointed by all four Health Ministers, the Minister of Health, Social Services and Public Safety in Northern Ireland had the primary role in my appointment.

How do we determine policy? The FSA's background and the fact that it must be evidence-based mean that we must ensure that we have all the available evidence to enable us to conduct risk assessments. The agency is supported by 11 expert committees that bring us independent

scientific evidence from peer-reviewed research on toxicology, carcinogenicity, mutagenicity, nutrition, etc. Some of those committees are shared with the Health Departments and others are shared with the Agriculture Departments, depending on the subject. If, for example, the subject matter is pesticides or veterinary medicines, the committee is shared with the Agriculture Departments, from which we also obtain evidence. The risk assessment is always carried out by the experts.

The Board makes the risk management choices based on evidence and recommendations from the executive and the advisory committees in the devolved territories. Essentially, that is how we make policy, and we are hugely grateful to the many scientific experts who give much of their time, energy and considerable skill to the agency through those committees.

How does the FSA handle devolution? I mentioned the board members in Northern Ireland, Scotland and Wales, and a statutory requirement exists to have advisory committees in Scotland, Wales and Northern Ireland. We also have offices in Scotland, Wales and Northern Ireland, as well as in London. Gerry will talk about what happens in the Northern Ireland office.

It is laid down in statute that the advisory committees must exist and that the agency must take account of the advice that is given. The nature of advice is that it can, ultimately, be ignored. However, to ignore the advice from the advisory committees is not permitted. The advice that we give can be rejected, but good reasons must be given as to why it is not appropriate. It may be that we did not have all the evidence, something may have changed, or a different direction may be needed for strategic reasons. However, I am encouraged that, when the evidence that was given by the Northern Ireland Food Advisory Committee was traced back, approximately 70% of it was reflected in the ultimate decisions that were made by the agency, as I reported to the board when it was in Belfast in September.

We work hard to ensure that the board is aware of any advice that we have given. We ensure that it is seen by the executive at the core of the agency, by those who lead policy and by Gerry and his team. Thus that advice filters through to the decision-making process. The process is not cosmetic; is it important that the advisory committees exist and that they carry out their work.

For the reasons that I outlined, we hold our meetings in open session. It is important that people know that they can come to the meetings and hold us to account on whether we are being

independent, putting the consumer first and being transparent and evidence-based. NIFAC is fortunate to have eight highly competent members who have backgrounds in medical microbiology, agriculture, food manufacturing, education and research, etc. The advisory committee has a good range of expertise.

Gerry will talk more about what the FSA does. As we move to the end of our existing strategic plan, a major consultation has taken place on the 2010-15 strategic plan. Many issues will affect the strategic direction. The current financial climate has placed many pressures on consumers, industry and food producers.

The opportunity for new technologies exists, but the associated risks must also be taken into account. Environmental, social, and economic sustainability issues are linked to food. The food chain is international: ingredients come from all round the world into the UK and Northern Ireland where they are incorporated into the food. Animal feeds come all over the place, and the entire chain is global, whether we import, process and export, or keep it here.

We are conscious of a growing asymmetry between the nations. Although the consumer outcome of safe food and better dietary health must remain the same, the FSA board is conscious that devolution means that there will be different delivery mechanisms. Our new chairman is clear that the agency belongs to the four countries of the UK. Although the FSA is a UK-wide agency, it is critical that people in the devolved territories and nations feel that they have the opportunity to have an input into the agency's strategic direction. It is equally important that the agency meets the needs of the four elected bodies that are part of the UK.

Mr McCurdy:

I shall recap on and emphasise some of Maureen's points. In my travels around Northern Ireland, I noted that people are confused about whether the Food Standards Agency is a UK-wide agency. Although it has offices in Scotland, Wales and Northern Ireland and its headquarters are London, it is important to recognise that the Food Standards Agency is one agency, not four. It is based in four geographical locations, but it is a single agency.

We operate in an area of devolved law, which brings problems and difficulties. However, most of the legislation, particularly on food safety, is generated by the European Union and the European Commission. Therefore, the scope for local legislation on food safety is restricted.

Much of the legislation that we bring before the Committee is driven by the European Commission.

We are the central competent authority in the United Kingdom, which means that we are the regulator and that we are responsible, on behalf of the United Kingdom, for the implementation of EU law and for ensuring that the United Kingdom fulfils all of its obligations under EU law. That is an important point; when things go wrong or are not done properly in the area of food safety, the Food Standards Agency must answer questions on that and convince the Commission that we are acting in compliance with the legislation that it has set down.

We have a wide range of responsibilities in the areas of food safety and dietary health. As Maureen said, we advise Ministers and legislatures on food safety and dietary health. Food standards, not only food safety, are part of our remit. By standards, we mean the composition and the labelling of food, so that consumers who purchase food at retail level and at catering establishments have a full and proper understanding of what is in the food and can, therefore, make informed choices.

Maureen talked about the way in which the board develops policy. We also propose legislation, as that is a devolved matter. Although we bring to the Committee an EU obligation that must be fulfilled, we must also build in Northern Ireland-specific requirements: for example, who will enforce the legislation? We must consider whether the district councils enforce the legislation through their environmental health officer or the Department of Agriculture and Rural Development does so on our behalf, through its veterinary, meat, milk and egg inspectors. We must also build into the legislation the offences and penalties for non-compliance. Despite the fact that much of the policy is EU-driven, it is an important aspect of our work. We must build in to our national legislation in Northern Ireland all the other safeguards connected with the policy.

We provide advice on dietary health and nutrition. Many of you will be familiar with our work on providing advice on reducing salt and saturated fat and giving information to consumers on making healthy choices, such as eating five portions of fruit and vegetables daily. We provide advice on improving people's diet and health, and, ultimately, we aim to improve the health of the nation. We rely on partnerships when carrying out all of that work. I will return to the subject of partnerships in a moment.

A further critical function is the monitoring and auditing of the enforcement activities of other organisations to which we have delegated responsibility: we monitor, for example, the work of district councils on environmental health and food safety. It is my team's responsibility to obtain statistical information from the district councils and to examine the processes and inspection regimes that they have in place to ensure that they meet not only the agency's requirements for protecting consumers but fulfil our obligations to the European Union.

We do exactly the same with our colleagues in the Department of Agriculture and Rural Development (DARD) in respect of their meat, milk and egg inspection services. We also have a responsibility for ordinary animal feed, but not medicated feed for which DARD has responsibility.

An issue that we deal with locally is the response to food alerts, which, unfortunately, bring the agency to the media's attention. Over the past few years, there have been several food alerts, such as melamine contamination in milk and Sudan 1 dyes in food. The discovery of dioxins in pork provoked a major incident in Northern Ireland around Christmas 2008 and the beginning of 2009.

Partnership in the delivery of all our responsibilities is extremely important to us, and I will come back to that in due course.

I will say a bit about the resources that are available to me in this office. We have 40 staff in the office with a mixture of skills: environmental health officers, veterinarians, scientists, corporate finance and administrative staff, and so forth. We have an appropriate mix of skills to help us to deliver our services. The budget of the Food Standards Agency Northern Ireland is £13 million. However, I have no discretion over the vast majority of that budget, which pays for front-line services, such as meat inspection. We also support the district councils in Northern Ireland to the tune of £1 million to help them to fulfil their obligations. Therefore, not much of the budget remains for any discretionary spend. We have to be extremely careful about where we make any discretionary spend, and we must assess its impact and benefits.

The Food Standards Agency's overall budget across the UK is approximately £150 million. It employs between 700 and 800 staff in London, 40 in Northern Ireland, approximately 80 in Scotland and about 35 in Wales. That budget pales into insignificance against the UK

Department of Health's budget of approximately £109 billion and the National Health Service's budget of approximately £94 billion.

I contend that, even with a small budget and the amount of staff in Northern Ireland and across the UK, we can have an impact on reducing gastrointestinal infectious disease in the community and thus reduce the resulting burden on the Health Service. We can also make an impact with our work on dietary health and trying to slow down the rate of obesity, if not turn round the statistics. If we do not get to grips with obesity, the impact on the public health of the nation and the National Health Service will be colossal. From a preventative point of view, we hope that the money that we have available to us will bring major benefits to public health.

We face certain challenges: we work in an area of devolved law, and we have to try to ensure that our work is complementary to, not in conflict with, policies that the local Administrations want to bring forward.

Northern Ireland is unique in the United Kingdom in that it is the only part that has a land border with another member state, the Republic of Ireland. That border is extremely porous; people and food move daily in both directions. It is important that we work with our colleagues in the Republic of Ireland. The Food Safety Authority of Ireland has a similar role to us. We have to work with the Food Safety Promotion Board, or Safefood, of which the Committee is probably aware, on joined-up messaging and on the non-duplication of effort, so that we make the best use of our resources in that area.

We live in an era of constrained resources. Last month, public borrowing hit approximately £15 billion. The Department of Finance and Personnel has indicated that we face a first cut in resources of approximately 5%, which is probably only the beginning. We have to make maximum use of what we have and what we can retain.

How does the Food Standards Agency intend to meet the challenges that it faces? As Maureen said, we have a strategic plan under development that will, I hope, come to fruition fairly soon. The key themes of that plan centre on our two core business areas of food safety and dietary health. We want a small number of outcomes that focus on the public health impacts that we can make; we want, if you will excuse the term, big bangs for the bucks that we invest in the system. We must make a big impact with limited resources. Therefore, our focus is on food

safety and dietary health.

We have taken a rigorous approach in the development of our plan: we have, in effect, risk-assessed the entire food chain, from imported food through to animal feed, animals on farms, processing, catering, the retail trade and into the home. It is a farm-to-fork approach. We have tried to identify where the key interventions should be to reduce the microbiological burden on food that comes through the system; campylobacter in chicken is a classic example of where we need to make an impact. Campylobacter is the main cause of food poisoning, followed by salmonella.

Having developed our strategic plan, we must align our resources and structures to deliver against it. Our PowerPoint presentation shows the architecture of the plan in the form of a pyramid, which sets out our key purpose: safe food and healthy eating for all. We have identified two key safe food and healthy eating objectives, five outcomes that help to deliver those objectives and some of the priorities that we have identified to ensure that those outcomes are delivered.

The first of the five key outcomes relates to imported food. Let me be clear: that is food that comes from third countries that are outside the EU. The European Union operates on a single market: whatever is produced in France or Germany is entitled to be placed on the market here. The reciprocation is that whatever is produced in Northern Ireland, the rest of the United Kingdom or the Republic of Ireland is placed on the market in those countries. We focus on third-country imports because food imported from those countries can carry risks — for example, melamine in milk. We must get a better handle on food that is imported from those countries.

The second outcome concerns food that is produced in the United Kingdom and in the European Union.

The third outcome concerns food products, catering and healthier meals. That is to do with product reformulation — for example, the reduction of salt and saturated fat in food. We try to achieve healthier meals in the catering sector. Those steps should help to improve the dietary health of the nation.

The fourth outcome is about getting information to consumers so that they can produce food

safely in the home and make informed choices outside the home to help them to achieve a healthy balance in their diet. Underpinning all that is our role as a regulator. Ninety per cent of food law comes from the European Union, and we must comply with it.

The fifth outcome straddles the other four. We focus on a risk-based approach to the inspection of food businesses. Where are the risks? Is there an absence of food safety management systems? Since the resources available to environmental health officers and district councils are limited, we should target the risk areas. Responsible businesses — most businesses are responsible — that have good food safety management systems do not need the same attention and interventions from enforcers.

We want to drive up food businesses' compliance with their obligations to food safety legislation. Through the Scores on the Doors mechanism, we try, for example, to provide an incentive to businesses to drive up compliance. Businesses will compete with other businesses to ensure that they are at the top end of compliance. The rating system means that consumers can have confidence that they are eating in premises that produce food safely and that the risk of gastrointestinal infection from food poisoning will be minimised.

We also recognise the difficulties that the industry faces. We want to reduce burdens on industry and we want, where possible, to simplify the legislation. However, our fundamental position is that we will not compromise public health in any of our actions. Partnership is vital: we cannot deliver the strategic plan on our own. We need others, so we will work in partnership with them.

We have reusable shopping bags for members, which will give you some information about our salt campaign. We have produced a survival guide for school leavers that gives them information to help them to adjust to a life away from home where they have to look after themselves. It is not just about pints in the pub; there are other aspects to their lives that they have to take care of.

David Byrne, a former European Commissioner for Health and Consumer Protection, has stated:

"In the minds of the European public, safety is the most important ingredient of their food."

I am sorry for rushing members through my presentation. I appreciate that there are time constraints.

The Deputy Chairperson:

You have opened our eyes to the work of the Food Standards Agency. Representatives from the agency are regular visitors to the Committee. We recognised its role during our inquiry into obesity. Mixed messages and different labelling systems leave people wondering what is good for them from one week to the next. We welcome the contribution that the Food Standards Agency makes in assisting the Committee.

The Food Safety Promotion Board is one element of North/South co-operation. How does that work in practice? Does it hold regular meetings?

Mr McCurdy:

The Food Safety Promotion Board is an all-island body, which has responsibility primarily for giving information and reassurance to consumers about food safety and dietary and nutritional matters. We have an excellent working relationship with the board; I meet the chief executive, Martin Higgins, regularly, and our senior management teams do likewise. We have fixed agendas, and we try, because of limited resources, to ensure that we do not duplicate our efforts. We work in a joined-up way on promotions and surveillance activities in which we try to identify evidence bases that apply not only to Northern Ireland but to the Republic of Ireland, the rest of the United Kingdom and the islands in their entirety. We have had a strong working relationship for some time, and we are conscious about not overlapping or duplicating our efforts.

The Deputy Chairperson:

There are joint advertising campaigns on television.

Professor Edmondson:

We are also fortunate that one of our Northern Ireland Food Advisory Committee members works for Safefood. The members of that committee are there in a personal capacity, but it is helpful because it improves communication and ensures joined-up working.

Mr McCallister:

I declare an interest as —

The Deputy Chairperson:

Do you like food? *[Laughter.]*

Mr McCallister:

I love it.

Mr McCurdy:

We have not found anyone yet who can exist without it.

Mr McCallister:

I am a farmer and a shareholder in a well-known Northern Ireland food-processing company. A big advantage of the Food Standards Agency Northern Ireland has been its independence in giving advice on food safety, especially in the wake of the BSE incident, which was one of the main reasons for setting it up.

From a farming perspective, food labelling has been a contentious issue, particularly a fair and accurate country-of-origin labelling. Consumers want to know that products that are described as Northern Irish or British are accurately labelled, and, from a health point of view, they want food labelling to be as simple as possible. We must focus on that issue constantly. Do you have any comments on that?

When specific issues such as low salt content or saturated fats are targeted, the food-processing industry will be concerned about how those are measured. For example, someone may have to eat a lot of cheese before reaching an unsafe limit. The industry thinks that a message about a balanced diet should be sent out. A little bit of everything will not do much harm. How would you respond to the industry's concerns about such issues?

Mr McCurdy:

You are correct in saying that the FSA is an evidence-based independent agency; I thank you for your comments. As has been mentioned, a main plank in setting up the FSA was the establishment of an evidence- and science-based agency, and the FSA gives advice and information from that perspective. We depoliticise food safety, and we allow other bodies to deal with trade.

Country-of-origin labelling is a contentious issue. We call it "occupied territory", in that the European Union provides information — *[Laughter.]*

Mr McCallister:
You are scaring the Deputy Chair.

[Laughter.]

Mr McCurdy:
That is food law jargon. It is occupied territory in that the regulations are in the competency of the European Union.

There is ongoing work on food information for consumers. Meat is uppermost in consumers' minds for country-of-origin labelling. Consumers want to know whether Brazilian meat is being brought in, processed and labelled as being the product of another country. The UK position is that meat is the issue of most concern to consumers. However, the Department of Environment, Food and Rural Affairs has reopened the debate and is seeking further views.

The FSA's perspective on labelling is to give information to consumers in as simple a form as possible to allow them to make informed choices. For example, our front-of-pack labelling uses colour coding — red, amber or green — to indicate high fat content, high salt content, and so on. The FSA does not demonise foods and does not declare that a particular food is bad. Our stance is that people should take a clear and careful approach to a balanced diet. Food is an experience, and we recognise that. We do not say that people should not eat too much meat or cheese but that they need to increase their intake of fruit and vegetables.

Professor Edmondson:
Much confusion surrounds front-of-pack labelling. The agency took the view that it needed some independent research, using all the different labelling formats. The agency needs to learn as much as everyone else. Labelling should not be a battle; it should be about finding out what the consumer wants. That independent research is now concluded, and it has reported. We hope that it will now be possible to move forward with a single unified scheme that will allow retailers, the trade and other interested parties to get on board and help consumers to make those choices.

I will give you an example of how the FSA does not demonise food. Yesterday, I spoke to a group of manufacturers from the Biscuit, Cake, Chocolate and Confectionary Alliance in London. That group of foods could easily be described as unessential for a diet, and, therefore, we should get rid of it. Instead, the agency explored whether it is possible to reformulate some of those foods to decrease the fat content, the sugar content, energy levels and portion size.

Therefore, where there are contributory factors, the agency consults with the different sectors. As Gerry said, rather than demonising a particular food and asking for its removal, manufacturers must ask how they can help the consumer to make a better choice by moving all aspects of the problem in the right direction. The consumer will find it easier to adapt to incremental changes rather than a radical change in diet and lifestyle.

Mrs Hanna:

Do you have a relationship with our new Public Health Agency? That agency faces big challenges in poor diet choices and lifestyles.

When you previously gave evidence to the Committee, we discussed concerns over the levels of salt and sugar. As Maureen said, the solution is not the shock removal of such ingredients overnight. However, a gradual reduction in the levels of fat, sugar and salt in people's diets could be the answer. Given that many of the rules on food contents are made by the EU, what input can you have in effecting change?

Mr McCurdy:

I will answer the question about our relationship with the Public Health Agency and ask Maria to comment on our relationship with the EU.

The Public Health Agency is a critical partner for us. I have met Eddie Rooney, who, I hope, will soon return to work soon after illness. We agreed a concordat or memorandum of understanding so that we are clear about roles and responsibilities and the areas in which we can have synergies.

The agency's outbreak control teams are vital to us during outbreaks of food poisoning. The agency's surveillance data on the number of cases of illness in the community caused by a

particular food-poisoning organism is also vital. All that underpins the evidence base that we use in our food-borne disease strategy. Those relationships have been established, and they will be strengthened and reinforced through a memorandum or a concordat.

Mrs Maria Jennings (Food Standards Agency Northern Ireland):

We work closely with the Department of Health, Social Services and Public Safety and the Public Health Agency to implement an obesity prevention framework. The Committee's inquiry report will feed into that, but the Public Health Agency is a key player at that table.

Our colleagues in London do all the direct negotiations at European level. They travel back and forth and make a big contribution to all European-level discussions on the composition of foods. We have taken much of our research to Europe to help other countries to make that transition. Some countries are behind us on health issues and others, such as the Scandinavian countries, are more advanced. Therefore, the aim is to bring all the countries together to move forward. We hope that we punch above our weight on those issues at European level.

Mr McCurdy:

At European level, there is an agreed line between Northern Ireland, Scotland, Wales and England on the direction that we want to take.

Professor Edmondson:

There are aspects of European legislation that might need to be changed. For example, at one stage, milk with 1% fat was not allowed to be called "milk", so the legislation was changed to help the health of consumers. Another example is the chocolate directive, which insists on a limit on the amount of cocoa butter — a saturated fat — used in the production of chocolate and is non-negotiable at present. Perhaps changes might be made for the composition of cheese and other foods. Food producers are trying to do the right thing for consumers, but they are inhibited by what health claims they are allowed to make to promote their products. Therefore, there will be changes, and the board and the executive will make their decision on the priorities and a programme of work to justify them at European level.

The Deputy Chairperson:

Thank you for your presentation and for hosting us. I am sure that we will meet again many more times.

Professor Edmondson:

Thank you for your attention and time.

Mr McCurdy:

I hope that you now have a better picture of the FSA and know that we do not simply produce regulations.

Mr McCallister:

At least we now know your location. *[Laughter.]*