



Northern Ireland
Assembly

**COMMITTEE FOR
AGRICULTURE AND
RURAL DEVELOPMENT**

OFFICIAL REPORT
(Hansard)

Dioxins Inquiry

24 September 2009

NORTHERN IRELAND ASSEMBLY

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RURAL DEVELOPMENT

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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 Willie Clarke
Mr Pat Doherty
Mr George Savage
Mr Jim Shannon

Witnesses:

Mr Bert Houston)	
Mr Roy McClenaghan)	Department of Agriculture and Rural Development
Mr Liam McKibben)	
Dr Malcolm McKibbin)	
Mr Wesley Aston)	
Mr Clarke Black)	Ulster Farmers' Union
Mr Graham Furey)	
Mr Norman Robson)	

The Chairperson (Mr Paisley Jnr):

The Committee will now conduct an evidence session in respect of its inquiry into the dioxin contamination of livestock in December 2008. We shall take evidence from four organisations today: the Department of Agriculture and Rural Development (DARD); the Ulster Farmers' Union (UFU); the Food Standards Agency Northern Ireland (FSANI); and the Northern Ireland Meat Exporters' Association (NIMEA). I am advised that a representative from the Food

Standards Agency in London is also present. When appropriate, I will formally welcome that witness to Parliament Buildings. Are members content that we call the first set of witnesses?

Members indicated assent.

The Chairperson:

Permanent secretary, you are very welcome to contribute to the Committee's inquiry. I would like you to introduce your colleagues. You have provided us with a written submission, on which you will have around 20 minutes to speak. Afterwards, I will invite members to ask questions.

Dr Malcolm McKibbin (Department of Agriculture and Rural Development):

Thank you very much. I am accompanied by Liam McKibben, who is the director of fisheries division. That might seem a bit odd in the context of this inquiry, but Liam was acting deputy secretary in the Department for most of the duration of the dioxin incident. Also present is Bert Houston, who is the Chief Veterinary Officer, and Roy McClenaghan, who is the deputy secretary with responsibility for the Department's service-delivery group.

The Chairperson:

You are all very welcome.

Dr M McKibbin:

Thank you. I welcome the opportunity to give evidence to the Committee on the Department's role and actions in responding to the contaminated feed incident that took place in early December 2008. As the incident developed, the Minister and officials appeared before the Committee on several occasions to provide updates and to respond to particular points. There was frequent contact with the Committee Chairperson, individual members of the Committee and key industry stakeholders.

I start by emphasising that the incident was one of contamination of animal feed, and that it was not an animal disease incident. That is something on which all the public bodies and agencies involved agree. As stated in our submission, the Food Standards Agency was, and is, the lead competent authority in the UK on animal feed matters, except for medicated feeds and processed animal protein. Therefore, it had the related responsibility for policy.

DARD is responsible for the enforcement and implementation of animal feed legislation. That means that in this incident, the FSA immediately took the lead, and was responsible for taking decisions on the safety of pork and beef entering the food chain. That included the need to prevent from entering the food chain animals in which the levels of dioxins were thought to be above those laid out in European legislation.

DARD had a lead role in dealing with the consequences of the FSA's decisions and the impact of those decisions on producers. The Department of Enterprise, Trade and Investment (DETI), and Invest Northern Ireland (INI), had a corresponding role in relation to the processing industry for pork and beef. Clearly, we all had a fairly major role in communication.

We have provided the Committee with a summarised timeline that details how we were informed of the incident by the Department of Agriculture, Fisheries and Forestry (DAFF), and the actions that we subsequently took in informing the FSA, putting herds under restriction, and helping to facilitate a solution to the issue. I am happy to respond to any queries that the Committee may have on that timeline.

There are some incidents and events that impact on the agrifood industry in which we have reasonable warning regarding the timing of the impact, its likely severity, and which elements of the supply chain are likely to be affected. In the case of this incident, there was minimal warning, and little opportunity to prepare for the scale and complexity of its impact.

It should be noted that in the early hours and days, the focus was primarily on the pig sector. The recall in the Republic of Ireland of all Irish pork products had a damaging effect on our pork processors who import live pigs and pork from the South for processing here. Following the receipt of all the necessary information from the South, we were quickly able to confirm that no contaminated feed had been fed to Northern Ireland pigs. However, our investigations pointed to a number of cattle herds having been exposed to contaminated feed. The main focus of the investigation quickly shifted to the cattle sector.

It must be appreciated that, in the early stages in particular, this was a fast-moving situation, with new developments and information that was not comprehensive. For those of you who have been involved in such incidents, you will know that, inevitably, that is characteristic of any emergency situation. However, the Committee is now going to consider those actions with the

benefit of hindsight. Nevertheless, I ask you to assess the actions of those involved against the information that they had when they were making decisions, some of which were quite difficult. I strongly believe that the actions taken by DARD were an appropriate and proportionate response based on the information available at the time, and were designed to support the FSA in its lead competent authority role.

I emphasise that it was a cross-cutting issue affecting a number of Departments: the Department of Health, Social Services and Public Safety (DHSSPS), given its link with the FSA; DETI, which took the lead in dealing with implications of the incident for meat processors; the Department of the Environment (DOE) and the Northern Ireland Environmental Agency (NIEA), in respect of the environmental consequences; and DARD, with a view to the impact on producers. By extension, it involved the need to communicate and liaise with elected representatives, including the Agriculture Committee, and other bodies such as the Northern Ireland Grain Trade Association (NIGTA), the Ulster Farmer's Union, the Northern Ireland Meat Exporters Association, the FSA UK, the Department for Environment, Food and Rural Affairs (DEFRA), the United Kingdom Permanent Representation to the European Union (UKREP), the European Commission (EC), and local councils. A lot of people were involved.

It affected the whole food chain, from feed operators and suppliers, to ploughers, farmers, processors, retailers and, of course, consumers. The impact spread into several sectors of the agrifood industry and into the natural environment. The ramifications of the incident were wide and complex.

The Executive were fully engaged throughout, both in being updated on the developing situation and in making decisions on the appropriate responses by relevant Departments. Ultimately, the Executive determined the nature and level of hardship payments and the introduction of a voluntary cull and disposal scheme.

When looking back at any incidents, there are always lessons to be learned. Five reviews of the incident are being undertaken, so few issues will not be identified. I will highlight what we consider to be some positive and negative aspects of our handling of the incident. On the positive side, a very important factor in the handling of the incident was the joined-up and co-ordinated action by Departments, which was facilitated by the interdepartmental group that DARD set up and co-ordinated. That group complemented our internal incident management structures and

protocols.

Irrespective of which Department, staff gave willingly of their time to try to resolve the issue. They worked very long hours on a daily basis and throughout the holiday period. DARD acted promptly and proportionately on the Friday — when we were first contacted by the South — by putting in place restrictions to prevent animals from moving off premises and thereby potentially entering the food chain. We successfully deployed the animal disease contingency plan arrangements to manage our internal response to the incident, which worked well.

Through APHIS — animal and public health information system — Online and our on-farm inspections, we were able to identify quickly and accurately trace the number of premises that were potentially exposed to contaminated feed. There was frequent communication with affected farmers and the Ulster Farmers' Union as the process of restricting and testing animals developed. We welcomed their support throughout the incident. We worked effectively with the FSA and the Agri-Food and Biosciences Institute (AFBI) to reduce the number of animals that could legitimately be removed from any cull and disposal scheme, thereby, hopefully, reducing farmers' costs.

Effective arrangements to cull and dispose of the animals were rapidly implemented once permission to cull had been obtained. We acted promptly to try to minimise trading difficulties with other countries. The arrangements for testing, which were co-ordinated by AFBI, worked well. AFBI played an important role by providing scientific advice to the interdepartmental group on testing procedures, the science around polychlorinated biphenyls (PCBs) and dioxins, and the potential environmental impacts. Furthermore, once agreement was obtained to seek assistance from Europe, it was actioned quickly.

On the negative side, the incident pointed to some areas in which legislative provisions would benefit from being strengthened. Unlike animal disease incidents, there is no provision in EU legislation to prevent the movement or slaughter of animals that have been exposed to contaminated feed. That is something that needs to be addressed at European level. The legislation that relates to the detention of contaminated feed also needs to be amended.

In addition, the science that is associated with the inter-relationship between PCBs and dioxins broke new ground and needs to be better understood in future. I also highlight communication

because, although some of it was very good, some of it in Government, the industry and among the various parties could have been better.

In conclusion, I remind the Committee that the primary responsibility for ensuring that only safe and wholesome feed is used in animal production lies with producers and feed suppliers. DARD is working closely with the industry to identify what action can be taken to more effectively monitor the ingredients that are used in animal feed and to provide the necessary quality assurance to trading partners. DARD is also looking at how we can deploy our resources more effectively in that area to reduce future risk of a similar incident.

The Chairperson:

Thank you very much for that submission. As you said, other inquiries are ongoing, but the aim of this one is to establish the sequence of events and actions with regards to the dioxin contamination incident, and to ensure that we learn from the effects of the incident so that anything similar in future can be minimised.

With that in mind, we want to establish the accurate timeline of events: who knew what, where and when; clarify the key roles of players in those events; identify, as you started to do in your submission, the strengths and weaknesses of the various roles; and make recommendations arising from the incident. I certainly have a number of questions in that regard, as do other members.

As regards the strategic approach, you said that FSA was the lead authority. Do you believe that it led appropriately?

Dr M McKibbin:

From the day that it was known that the incident was due to food contamination, with potential ramifications for the food chain, FSA took the lead immediately. There was no ambiguity about that. It was decisive in saying that it was the lead authority in that particular incident.

During the course of the first weekend, we were in frequent contact with FSA. It called a meeting of industry representatives on the Monday. Therefore, yes, FSA did take the lead throughout the incident. It made difficult decisions with regard to which foods could or could not enter the food chain.

The Chairperson:

I note that in the Republic, DAFF and the Food Safety Authority of Ireland (FSAI) notified DARD first, which, in turn, notified the FSA. That seems to indicate that everyone assumed that DARD was the lead authority on the matter. That is an understandable assumption.

Dr M McKibbin:

Later, you will take evidence from FSA. I understand that FSAI contacted the Food Standards Agency UK (FSAUK) prior to DARD being informed, for instance. Certainly, DAFF notified DARD, initially by phone at 11.00 am on Friday, with a heads-up on the issue. Subsequently, we received an email from DAFF at 1.01 pm.

The Chairperson:

I will come to that timeline. Why did FSAI contact FSAUK before it contacted FSA in Northern Ireland?

Dr M McKibbin:

That is a question for them, Chairman.

The Chairperson:

Yes; obviously. Have you been given any indication?

Dr M McKibbin:

No; nor have I sought any. The FSA structure is such that that was a reasonable means of communication. That is a question for FSA and FSAI.

The Chairperson:

The issue that I want to get at is whether there is a more appropriate lead authority. Is DARD not better placed to lead on such issues?

Dr M McKibbin:

In our submission, we outlined roles and responsibilities. It clearly states which competent authority should take the lead in each of those roles. I believe that, in this case, FSA was correct

to decide that it was the lead authority and to assume that responsibility.

The Chairperson:

OK. We understand that on Tuesday 19 November 2008, a DAFF official took routine samples. From that date, therefore, there was awareness and alert in the Republic of Ireland about a dioxin issue. It was not until Friday 5 December that DARD first became aware of it. Have you asked why neither you nor FSAUK received any notification between 19 November and 5 December? If so, what response have you received?

Dr M McKibbin:

We have had discussions with DAFF, for instance, throughout the course of the event. We have had between 60 and 70 different communiqués with that Department. The Minister engaged with her counterpart in the Republic half a dozen times. There was also contact between the deputy First Minister and the Taoiseach. Therefore, there was much North/South communication.

As regards the specific question about why DAFF did not advise DARD until Friday 5 December that there was an incident that could involve it; it was not until Thursday 4 December that DAFF became aware that any Northern Ireland farms or premises had been affected. On Thursday 4 December, Millstream Recycling Ltd provided DAFF with a list of premises that had received animal feed since 1 September 2009. Premises in Northern Ireland were on that list. The next morning, DAFF advised DARD of that.

The Chairperson:

I know that hindsight is a wonderful gift, which some of our colleagues have from time to time.

When you sit down and analyse all the information, I wonder whether one of the lessons to be learned from the scare is that you could have been notified of the issue a lot earlier. Even if it had not have become relevant to Northern Ireland, would there have been any sense in you knowing about it? For future reference, for example, if traces were found this week in the Republic of Ireland, would it be useful for you to be made aware of that now, even if it never comes to fruition that there is anything to affect Northern Ireland, or is that unnecessary knowledge?

Dr M McKibbin:

I am aware that the Committee will take evidence from DAFF and the Food Safety Authority of

Ireland on 8 October. As I understand it, the South primarily regarded the matter as a feed-contamination issue until quite late in the day. Indeed, as regards the communications that it gave to us, we have to think about the information that it had at the time. It was not aware of any Northern Ireland farmers who were involved, or Northern Ireland premises. It was dealing with something that potentially could have had significant commercial and trade implications. From its point of view, perhaps it did not perceive the absolute need to inform DARD.

We have an escalation protocol that is associated with animal disease. Since the time of the scare, we have replicated that protocol into the animal-feed area, should a similar incident occur in the interim period as the reviews are going on. Every review that is done will conclude that communication could have been better. It could have been improved, but I understand the rationale of why we were not told until 5 December 2008.

The Chairperson:

That is a very diplomatic answer. Are you really saying that you would have liked to have known a bit earlier?

Dr M McKibbin:

The more forewarning one has about any incident, the better prepared one will be. As we said in our submission, we did not hear about the recall effectively until the media announced it on the Saturday night. I would have liked to have been made aware of it slightly before that because the more time we have to prepare, the better response we can give and the better information we can give to the public.

The Chairperson:

Generally, it would have been better if we had have known a bit earlier. Is that a fair characterisation of your answer?

Dr M McKibbin:

Yes, but I did not expect to know on 19 November, for instance. There was a timing issue.

The Chairperson:

I understand that. I am not deliberately trying to put words in your mouth.

Let us turn to the timeline issues. According to your submission, the first official notification

of a contamination problem from a DAFF official to a DARD official — I know that you started to answer this and I stopped you, which is why I want to go back to it — happened during the afternoon of Friday 5 December. Will you indicate to the Committee the grades of those officials and offer your opinion as to the seniority of those grades in Civil Service terms? In other words, were they junior-, middle- or senior-ranking officials?

Dr M McKibbin:

The initial contact was from a DAFF official to our quality assurance branch, which came in at what we call grade 3, which is probably about staff officer, middle-management level. DAFF advised that it contacted us at that level because the senior quality assurance officer was on leave. The person concerned was the other contact name that was provided for feed quality assurance issues. The initial contact was by phone at 11.00 am. The officer was then told that he would receive further communication by e-mail. He had not received that by lunchtime, so he put a call through to DAFF and said that anything that was being sent through should be copied to the Veterinary Service. That was copied through to a veterinary officer, who then escalated the issue to the appropriate level in our Veterinary Service.

The Chairperson:

What precise time did the Minister become aware of the matter?

Dr M McKibbin:

The Minister was made aware when she heard the media reports on the Saturday. I see a slightly surprised look on your face. We get a number of scares regarding animal disease or feed throughout the year.

The Chairperson:

Usually on a Friday.

Dr M McKibbin:

You are quite right. There are perhaps up to 20 each year. We have to react proportionately to the information that we are given.

If we overreacted to the many notifications of potential problems that we get, believe me, we would seriously undermine the public's confidence in the agrifood industry. Most scares, or issues that arise, turn out to be non-significant or completely harmless.

The Chairperson:

That was the case with last week's fairly harmless incident.

Dr M McKibbin:

Exactly; and there have been other notifications that were not escalated to my level or to that of the Chief Veterinary Officer. There are judgement calls to be made.

Why did DARD not escalate the issue on immediate receipt of the information from the Republic of Ireland? Primarily, there were three reasons for that. First, there was a lack of any indication of the potential severity and consequences of the issue in the notification that we received from the Republic of Ireland authorities on the Friday afternoon. That notification referred only to the fact that a source of a feed contaminant was being investigated in the Republic of Ireland. It mentioned the discovery of marker PCBs at routine sampling and stated that, as a precaution, a small number of farms in the South had been restricted to prevent animals going for human consumption. No indication was given of the very high level of PCBs that had been found.

Secondly, and this is important, the message stated that the position was yet to be confirmed. It went on to state that the investigation was continuing and that further information would be available at the beginning of the following week. At that point, we had no indication that it was a particularly serious food contamination incident. We were aware that the investigation was ongoing, and we were awaiting those further results at the beginning of the following week before any conclusions would be reached. Thirdly, as you say, the message came in at a relatively middle-management level within the organisation.

Those combined factors led us to conclude that it was a routine notification of a feed contamination investigation that was under way and had yet to be completed. We took the same actions that the South had in restricting farms. The action that we took on the Friday was precautionary and proportionate. In response to a warning sign, we restricted all animals on those farms, advised the herd keepers so that those animals did not go into the food chain, and flagged it up with APHIS.

I believe that that was a proper and proportionate response. If I received the same information again, dioxin contamination of food might ring more bells. However, I was content, and I am

content, with the action that was taken by DARD in response to the notification that we received.

The Chairperson:

Let us be clear: you would not repeat those actions, you would react differently.

Dr M McKibbin:

The biggest dioxin scare in Europe was in Belgium in 1999. We had not had any indication of dioxin problems in the North. The fact that we were being advised that there were PCB markers in pork fat was not ringing alarm bells regarding a serious dioxin problem that would result in the recall of all Irish pork.

However, we have become more sensitive to that now. We adopt a risk management approach to the decisions that we make. Quite clearly, if something occurs once, it moves higher up the risk register than it would otherwise have been prior to that if there had been a decade without any significant incidents.

The Chairperson:

The effect on the industry can be measured in millions of pounds of lost trade. Is that correct?

Dr M McKibbin:

The industry can tell you how much it specifically lost in trade.

The Chairperson:

In general, you are aware that that amounts to millions of pounds.

Dr M McKibbin:

We are aware that there were significant amounts of money lost, and we are aware that the Executive had to put millions of pounds into hardship payments.

The Chairperson:

For a period of time, there was huge damage to the credibility of the food industry.

Dr M McKibbin:

Following the 1999 Belgian dioxin crisis, there was long-term and very serious damage to its food industry. Fortunately, that was not the case here. At the beginning, the pork industry did

suffer a blip, and there is no doubt that there were consequential trade problems in Holland, Germany and America. However, we, and INI, did all that we could to try to minimise those trade problems by dealing, through the European Commission, with countries that were refusing to take food; by our Chief Veterinary Officer contacting the Chief Veterinary Officer in DEFRA and having him send out letters to the various member states; by INI agreeing to hold trade missions to help to rebuild those relationships where there were problems. Therefore, although there was, understandably, an impact on trade, a lot of effort was put in by the Government and the industry to try to mitigate those problems.

The Chairperson:

Thank you for letting us know how the Minister became aware of the issue. In future, I hope that she will not become aware of such issues through the media. It would send out all the wrong signals if it were to appear that the Minister can only become aware of an issue like this through listening to the news on a Saturday.

Dr M McKibbin:

I return to the fact that we get reports of at least 20 such incidents a year. Do I believe that at that time the matter should have been elevated to the Minister's attention? Based on ongoing investigations, the fact that test results were due the following week, advice that we should take whatever action that we deemed to be appropriate at the time, such a matter would not normally be elevated to the Minister's attention. In fact, it would not always be elevated to mine. As it transpired, it was a big incident, so I would have preferred the Minister and me to have had a heads-up before the story hit the press.

The Chairperson:

The Minister found out from the media. She only then became the official contact when she was properly and officially notified by the Department. When did that happen, and what was the nature of the advice that the Minister was given?

Dr M McKibbin:

The Minister, and any of us who happened to be watching the 9.30 pm news when the story came on —

The Chairperson:

Was that on the RTÉ news?

Dr M McKibbin:

I saw the story on Sky News, but, obviously, it was also on RTÉ. However, within five minutes, we were in discussions with the Minister. It was immediate. I spoke to the Chief Veterinary Officer, who spoke to the FSA, etc. A number of communications took place. On the Saturday night, we were in discussions with the FSA, which called a meeting, to which DARD was invited, for 10.00 am the following morning.

The meeting was deferred until 12.00 noon, so that the FSA could consider what issues it would face with respect to our pork products and pigs, and, I imagine, so that it could talk to FSA UK. The meeting was held at 12.00 noon, when the FSA had to make the difficult decision of what to do with Northern Ireland pork products. In the middle of the afternoon, based on the information that was available to it, FSA made that call.

At 10.30 am on the Sunday, the Minister spoke to Brendan Smyth. She also tried to contact Michael McGimpsey, who was at church, although she managed to speak to him at 1.00 pm. The matter then escalated throughout the Executive, etc.

Mr Doherty:

Thank you for your submission. The FSA planned a meeting for early morning on Sunday 7 December 2008, which was then postponed. What reason did it give to you for postponing the meeting?

Dr M McKibbin:

The FSA called the meeting for 10.00 am, but postponed in until 12.00 noon because it was collating information and trying to get a better picture of that information, its robustness and accuracy, before discussing with others what difficult decisions had to be made. It also had to plan what, for instance, it wished DARD to investigate, for example where the animal feed had been distributed to, including tracing farms. On the Sunday afternoon, it advised us to commence preparations for those investigations and for visits to farms to commence on the Monday morning.

Mr Doherty:

Later on, when the FSA issued a press release stating that pork products, North and South, would be removed from sale, did it involve you in the decision-making process? How did the communications work out?

Dr M McKibbin:

You may ask the Chief Veterinary Officer, who was at the meeting and would recall what happened better than me.

Mr Bert Houston (Department of Agriculture and Rural Development):

I was invited to the meeting with the FSA to provide whatever information I could about the incident. We discussed the importation of live pigs to meat plants in the North and the implications that that would have on Northern Ireland products. So, we were involved in providing information to assist in the decision-making process.

Mr Doherty:

Let us go back to some of the stuff that the Chairperson mentioned on the timeline from 19 November to 5 December 2008.

I note from the information that DAFF in the South was compiling a list of customers, North and South. It did not complete that list until the evening of 4 December 2008, and it did not notify the authorities in the North until 5 December. Given that it was compiling a list for the whole of Ireland, North and South, would it have been wise of it to let you know of that to give you some type of heads-up of where it thought the issue was headed?

Dr M McKibbin:

The authorities in the South were investigating where the sales of the feed had gone to. DAFF advised us that, on the Wednesday evening, 3 December, Millstream Recycling Ltd had provided it with a sample list of eight customers who had received the dry bread, and none of those farms was in Northern Ireland. DAFF was saying quite clearly that, until 4 December when Millstream Recycling Ltd provided a comprehensive list, it had no knowledge that any Northern Ireland farms or premises were involved.

The Chairperson:

The member is asking whether it would have been better at that point for officials in DAFF to have contacted officials in DARD to warn them that Northern Ireland was coming up on its tracers.

Dr M McKibbin:

You would have to put that to DAFF.

The Chairperson:

Would you have preferred to have received an earlier warning?

Dr M McKibbin:

I touched on that before. The earlier the warning one receives, the better prepared one can be. DAFF advised us that it had no reason to believe that any Northern Ireland farm was implicated at that stage. With respect, you need to ask DAFF about that issue.

The Chairperson:

We intend to ask DAFF about it.

Mr Doherty:

Thank you, Chairman; you just highlighted a point. The fact that DAFF was compiling a list, North and South, gives some indication that it had concerns. DAFF completed its list on the Thursday evening, but it did not notify the Northern authorities until the Friday.

Dr M McKibbin:

That is correct, and perhaps a notification on the Thursday evening would have been helpful. When dealing with incidents that turn out to be of such impact and scale, there is no doubt that the earlier one is advised of issues, the more preparation time one has. Preparation time is key when important messages are being given to the public. The Food Standards Agency (FSA) is in the same position: the earlier it receives information, the more considered a view it can take.

The Chairperson:

We intend to take the Committee to have a hearing in the Republic of Ireland on 8 October 2009. We shall put those issues to DAFF, so it is essential to know your Department's response and

your account of what happened and how you received the information.

Mr Savage:

Samples were taken from Northern Ireland herds on Monday 8 December. Can you briefly explain the process for the collection of samples and the timeline for carrying out such tests?

Dr M McKibbin:

I shall give a typical example. DARD normally takes a fat sample from a slaughtered animal, and we have the ability to take a fat sample from a live animal by using a private veterinary surgeon. When the sample is taken, it is transported and logged to the Agri-Food and Biosciences Institute, which receives and logs it under its accreditation process. When we started, we carried out PCB marker tests, and AFBI quickly went from having a capacity of 10 to 15 samples a week to 50 a day. That was a massive increase in its ability, and it reduced its timeline for carrying out the tests. It normally took three days to carry out a PCB marker test, and AFBI reduced its testing time to between one and a half and two days by bringing people in to work through the night.

On receipt of the test result, AFBI advises on its significance to the group of Departments that are involved. It draws certain conclusions based on its knowledge of the ratio of PCBs to dioxins. During the investigations, some new science emerged. Traditionally, the ratio of PCB to dioxins is around 50,000:1. During the course of these tests, the ratio was closer to 200:1. That means that the detection of low levels of PCB in tissue resulted in much higher levels of dioxins in this case.

On 12 December, the Standing Committee on the Food Chain and Animal Health (SCOFCAH) said that it was not prepared to make a call on what food was fit for human consumption on the basis of PCB markers alone, and told us to carry out dioxin testing. That is why we moved from PCB testing to dioxin testing.

The only place in the British Isles that can carry out dioxin testing is the National Reference Laboratory in York. There is one other facility in Holland, the European National Reference Laboratory, but we sent our samples to the Central Science Laboratory (CSL) in York. The normal turnaround time for testing dioxin samples is 30 days, although CSL try to aim for something in the region of 10 to 14 days. The CSL did not always achieve that, so there was a considerable time period associated with getting the test results.

There was also a problem during the course of the event when CSL had a cross-contamination incident on 19 December. That deferred some of the test results even further. When the test results were received, AFBI advised our cross-departmental group on the significance of the results vis-à-vis the European regulations, in which the European Food Standards Agency (EFSA) set limits on dioxins. That is the process, by and large.

Typically, a dioxin test costs around £1,000, and as the Member is aware, that is not far off the value of an animal, while a PCB test costs between £100 and £200.

Mr Savage:

Yet, on 7 December, the Food Standards Agency issued a statement saying that Northern Ireland pork was to be removed from sale. Did the Department have any input into the decision? When and how they were made aware of the decision?

Mr Houston:

That decision was taken on that Sunday at a meeting that started at around 12.00 noon, where the information that we provided concerned the addition of live pigs from the Republic of Ireland into processing plants in the North of Ireland in order to manufacture Northern Irish produce. It was clear from the FSA's decision that Northern Ireland pork did not exclusively include Northern Irish pork; it had the potential to include some Southern Irish meat, also.

Dr M McKibbin:

Let me give the member a flavour of the dynamic nature of the event. People were making difficult decisions on the basis of the information that was available. The FSA came to a conclusion on the basis of the information that it had available at the time. The FSA is quite able to speak for itself.

The position that we were in on that Sunday was that we did not have the slap marks from pigs coming into Northern Ireland for direct slaughter from the affected farms in the South. We did not have the slap marks from all Southern pigs exported from the South since 1 September, because some of those pigs could have gone directly to Northern Irish farms for breeding and production, and ended up going into the plants with Northern Ireland slap marks.

We were also trying to trace the haulier in order to find out where he had distributed feed to. That individual was unavailable on the Monday. His wife advised us that the feed had gone to one farm in the North. We managed to locate the haulier, who had been out of the jurisdiction on the Monday, on the Tuesday afternoon at 1.20 pm. He advised us of another two farms that feed had gone to. He then had a further reflection, and at 6.00 pm that night, he remembered that he had delivered feed to another farm. That same evening, we also heard from DAFF that a whistleblower had reported that another farm had received potentially contaminated feed. We had to restrict that farm.

Therefore, the information was changing day by day in the initial stages. The Department had to make calls, from a risk-management perspective, on the information that was available, which is what was done. I would not like to believe that the Committee thinks that the FSA and DARD were sitting on Sunday afternoon with perfect, comprehensive and robust information that allowed them to make absolutely correct calls. That is not how the real world works.

Mr Savage:

To follow on from that; is Dr McKibbin saying that the lorry used to distribute the meal had a full load and visited four or five farms?

Dr M McKibbin:

Yes, it visited a number of farms over that period. The initial contamination window was from 1 September to 6 December, so any feed that he distributed over that time was contaminated. Even that window changed at a later date. However, yes, he delivered a load to a number of farms.

Mr Savage:

Did he do that with the one load?

Dr M McKibbin:

No, sorry; I severely doubt that it was with a single load. The feed merchant would have given out a considerable amount of meal over that time, probably equivalent to an annual feed distribution of between 2,500 tons and 3,000 tons.

Mr Roy McClenaghan (Department of Agriculture and Rural Development):

That is across all his customers.

Dr M McKibbin:

Yes, across everybody.

The Chairperson:

The haulier provided some information at 1.00 pm, then the whistle-blower told DAFF other information; has the Department drawn any conclusions about the haulier as a result of how that information was given?

Mr McClenaghan:

The two are different. In respect of the whistle-blower, another farmer was informed that he had taken feedstuff from Millstream. It took us a few days, but we checked that with DAFF to find out that the person had not received the biscuit meal; he had been taking bread. That farmer was then taken off the list. I am led to believe that that incident is the subject of an ongoing police investigation.

The Chairperson:

I am trying to establish whether the haulier would have known that what he had was contaminated. To ask the same question another way; does the Department believe that there was a deliberate attempt to deceive DAFF or, more importantly, DARD about that part of what happened?

Dr M McKibbin:

I do not believe that anybody was knowingly giving out contaminated feed. We were certainly disappointed that information regarding the distribution of meal to Northern Ireland farms was drip fed. However, I cannot make a judgement on the intent behind that.

Mr W Clarke:

The 1999 Belgian crisis over contaminated feed has been mentioned, but BSE and foot-and-mouth disease also involved contaminated feed. Should animal feed not have been given a higher priority since 1999? Should it not have been on the radar, rather than be considered a low-risk factor? That is my first point.

Dr M McKibbin:

I will pass to my colleague in a second, but we are aware that the industry must do more to ensure that the product that is manufactured and supplied is of first-class quality and fit for purpose. The Department must better target its resources to facilitate and to help with the quality-control assurances that are built in and around that industry. This is another example of an area in which we will probably have to dedicate a slightly higher level of resources than heretofore.

Mr McClenaghan:

Yes, the Department is aware of that and it has discussed it with the FSA. We have been examining material coming in from third parties, because that is where the risk was. In the past year, 13 dioxin tests were carried out, including three involved in this incident, and we did not find any dioxins.

The answer to your question is, therefore, yes. That process is ongoing throughout the year. If we become aware that another such product is circulating in the world markets, we change the risk analysis.

Mr W Clarke:

There seemed to be a slight breakdown between the Department and the FSA when feeding information to the general public. We were in Parliament Buildings at the time, and the mixed messages that were sent out caused confusion. Have lessons been learned for the future?

Dr M McKibbin:

Yes. I return to how the information can change. Someone may issue a statement at lunchtime, after which further information becomes available. By teatime, therefore, the information will have been tweaked. The FSA was responsible for sending the message to the public about the safety of the food chain, which it did.

The FSA is aware that we were slightly concerned about the extended length of the communication chain between FSANI and FSAUK when it came to clarifying issues, and that caused us some delay. Although that is a function of the FSA's structure and the way in which it was established, the communication chain is longer than is desirable. The shorter the communication chain, the better. We will, therefore, examine that issue. I know, having read some of its reports, that the FSA is considering whether FSAUK personnel should be seconded

here when an incident occurs, or whether it should determine how to improve communication on its side of the fence.

The Chairperson:

Has the problem been fixed?

Dr M McKibbin:

Such issues may appear to be fixed on paper, but the proof of the pudding comes when a real-world scenario arises. The FSA is waiting, as are we, to form an external perspective on what else must be changed. We have examined the issues and had discussions, particularly with the Ulster Farmers' Union, with which we liaised throughout the course of the event, and we are aware of some of its desired outcomes.

By and large, the industry and the Government want to be in a position whereby the communication will be better and roles and responsibilities will be clear to everyone when a future incident occurs. Although they are clear to us, they are not necessarily clear to everyone else. We also want all communication to be timely.

However, I must sound a note of caution. I imagine that the industry as a whole — not only the UFU, but processors and producers — will have a level of expectation about the frequency and quality of our communication that we will be unlikely to be able to deliver. The information changes rapidly, and we do not have time to clear the press lines with the industry before going on the radio.

As a politician, you will know that when such incidents suddenly erupt, there is not much time available before you have to appear in the media. Not appearing in the media can create a bigger problem than doing so and giving a best estimate of the position. I have no doubt that we will have interesting and robust discussions with the industry about how to manage the level of expectation.

Mr W Clarke:

Malcolm, you touched on some of the lessons that have been learned. Have any other lessons been learned about how the Department and the FSA work together during such investigations or inquiries? Is it possible to arrange a small batch recall to find out how the system works, or has

that been done? I accept that it may incur a cost but that would be nothing compared with the cost that would be incurred should an incident occur. Is it possible to consider carrying out an all-island batch recall, for a short trial period, to determine how well your systems work and stand up to that kind of scrutiny?

You are correct in saying that, when the Belgian crisis happened, there was a cover-up rather than a recall. The failure to send out information wrecked the entire industry, to the extent that Belgian chocolate was withdrawn from the market and banned by the US. You can appreciate how crippling a similar failure could be.

It is not just pork; it is everything else in the processing sector, including salami and pizzas. The whole economy is crippled. Therefore, is it worth looking at dedicating some resources — and fair enough, the proposal would have to be taken to the Executive — to do a trial or batch recall to see how things are operating?

Dr M McKibbin:

I will pick up on two points. Communication was mentioned. When the Committee talks to others during the course of its investigation, I imagine that they will say that communication was most difficult in the first 72 hours. Communication improved after that because there tended to be less intensity around the decisions that had to be made. There was greater certainty about the information that was in the domain of the industry and Government, and there was time to hold meetings to get people aligned. That does not happen in the first 72 hours, so one of the lessons is that we really have to focus on the first 72 hours and what we can do to improve the process when a big incident hits.

The rest of the process worked fairly well, although people may well have some frustration about the length of time that it took to agree hardship packages because there were many external factors that affected the affordability of those packages. As time went on, I believe that the working of the industry, the Departments and the FSA became ever more effective.

We run a number of contingency-planning exercises. We have not run one in relation to a similar issue to this, but we have dealt with avian flu and foot-and-mouth disease, which required multi-agency responses that involved people in the private sector, the public sector and throughout Northern Ireland. I had not specifically thought about running one on a recall issue,

as the member suggested. The feasibility and viability of such an exercise would have to be considered, but perhaps it is something that will come out in the course of the investigations and we would be happy to consider.

The Chairperson:

With reflection, would it have been appropriate for the FSA to have called together the representatives of the producers, processors, retailers and yourselves on the Monday afternoon to have that discussion on agreed lines?

Dr M McKibbin:

There was huge pressure on Ministers and officials to get lines to the media. From DARD's perspective, we dealt with Number 10. It required briefings about what was happening from 11.00 am on the Monday morning. I twice briefed the Chairperson of the Committee for Agriculture and Rural Development on the Monday morning; the Committee was briefed at Monday lunchtime; the First Minister and the deputy First Minister were briefed in the middle of the afternoon and the Executive were briefed at teatime. The demands on people's time to facilitate such meetings were difficult. The FSA convened a meeting with the industry on the Monday afternoon at 2.30 pm.

The Chairperson:

You mentioned that one of the positives that came out of the scare was the joined-up approach. From my reading of the notes, there was not a coming together until about 9 or 10 December, which was almost a week after the incident.

Dr M McKibbin:

As far as we were concerned, the incident broke on the Saturday night. Sunday 7 December was really our first day of response. There was communication with the UFU on the Saturday night, and with NIMEA and the UFU on the Sunday. There was a meeting with industry representatives, including NIMEA, the UFU and others, on the Monday afternoon, and there was another meeting with the industry on the Wednesday.

At the same time as those meetings took place, my Chief Veterinary Officer sent his staff to all those farms to carry out inspections regarding the potential impact on the animals and to trace down the animals. Roy sampled feed, tried to trace down and interview a haulier, and tried to

establish which animals were involved by looking at feeding patterns. Throughout the course of the incident, a huge amount of energy was involved in trying to help farmers, to minimise the cost and to help the industry.

Allow me to give members a flavour of what we tried to do for farmers. We worked closely with them and the FSA to identify groups of animals that were exposed to contaminated feed and those for which restrictions could be lifted. In the second week of January 2009, 7,100 animals were restricted. When we finished, only 4,600 had to be culled. That is a huge decrease. During the course of that, we tried to provide assistance on animal-welfare issues. Ninety animals died mainly due to welfare reasons.

Government bore virtually all the cost of tests that had to be carried out, apart from a few that were passed to private individuals. We arranged for the removal of feed by Millstream Recycling Ltd at no cost to farmers. We helped with the storage of contaminated slurry and provided advice on the disposal of milk and slurry. We went to the Executive repeatedly to try to get them to consider assistance packages for farmers. We secured private storage aid from Europe for farmers. We put in place an emergency support measure scheme. The operation of the cull and disposal team was brought in extremely quickly when the decision had been made and the farmers had signed up to the voluntary cull. Therefore, a huge amount of effort was ongoing at all times to try to resolve issues.

The Chairperson:

Are you saying that what I suggested would not have been practical or possible and was, probably, unnecessary?

Dr M McKibbin:

If you ask me whether we got it absolutely right, I am quite sure that we did not. I am also quite sure that, if it happened again, the experience that we have gained would mean that we would deal with certain issues differently. The communication issue is key. Perhaps, the Department or FSA would think about setting up a dedicated team to liaise with the industry. Certainly, we want to discuss with industry representatives how we might do that. Much of that would have to be done in a Chatham House rules environment. I believe that the industry would be up for that.

The Chairperson:

Certainly, more recent responses from management — for example, to what happened last week — are a good indication that when information is made available immediately, and there is reflection in the industry as to how it should be managed, a message comes out that seems to be accurate in the public mind and, therefore, does not appear to have a scare associated with it.

Dr M McKibbin:

You are absolutely right. The difference between that and the dioxins incident was that we knew that the results were going off to be tested —

The Chairperson:

You were in charge. Did that not make a difference?

Dr M McKibbin:

Well, yes. Thank you very much.

The Chairperson:

The problem, which you have actually described, is the long chain of command. Surely, that was the problem during the dioxins incident? Too many cooks spoil the broth.

Dr M McKibbin:

Certainly, many people were involved. I suggest that the primary reason why the swine flu incident was handled better from a joint industry/Government perspective was that as soon as we had suspicion — we were in receipt of information early — we knew it had to be tested; we had a couple of days before the test result would arrive, and we liaised with industry to try to agree on how we would handle the matter if the result were positive. That certainly was an improvement. We learned that lesson from the dioxins incident.

However, it was not the same huge, accelerated impact that there was when the South announced its recall. The world's press, let alone the European and local press, were involved straightaway. It was different.

Mr Burns:

I must apologise for being late; I was at another meeting. It appears that when officials contacted

the Chief Veterinary Officer, who, I appreciate, was on leave on 5 December 2008, a member of his administrative staff was tasked to telephone affected divisions and to ask divisional veterinary officers to contact affected herd keepers. Did that administrative officer speak to any senior management colleagues at that time?

Mr Houston:

The request to contact all divisional veterinary officers and to ask them to get in touch with affected farmers was relayed from the Veterinary Service's senior management to the administrative officer. I understand that most of the farmers were contacted. However, one or two were unable to be contacted.

The Chairperson:

Thank you.

Turning to the EU scheme that was subsequently put in place, I understand that the Department, through the Minister, first contacted counterparts in the Republic of Ireland seeking Northern Ireland's inclusion in that scheme on 17 December. Is that correct?

Dr M McKibbin:

The date of 17 December was in response to the closure of the scheme. I will take a step back: the Minister of Agriculture and Rural Development, the Minister of Enterprise, Trade and Investment, and the deputy First Minister telephoned and met with their Southern counterparts on a number of occasions. The Agriculture Minister spoke to Brendan Smith as early as the Sunday.

Throughout the course of the exchanges, our Minister met and discussed the issue with Brendan Smith on six occasions. The deputy First Minister spoke to the Taoiseach between Christmas and the new year on how we should handle the incident, and what compensation issues would arise. You are quite right in that the initial focus for the individuals concerned, and the Northern Ireland Executive, was that the problem had originated in the Republic, and that is where redress should be sought, whether from private individuals against suppliers, or between Governments.

There was ministerial and Executive support to approach the Southern Government to provide access to their compensation scheme. On the back of that, there were repeated discussions. The South responded verbally at the North/South Ministerial Council meeting on 23 January 2009. At

that stage, it said that due to financial and legal constraints, Northern Ireland producers could not apply to its scheme. That was confirmed in writing in a letter from Brendan Smith to our Minister, which was sent on 28 January, and received on 29 January.

The Chairperson:

What was the Department's response when DAFF told you that?

Dr M McKibbin:

The South was quite clear. It advised us that the application for state aid approval was made in respect of the product covered by the FSAI recall; in other words, that the produce derived from pigs slaughtered in Ireland — being the member state — and prior to 6 December.

The exceptional support measure scheme, which we are really talking about, that provided for co-funding was specifically related to the disposal scheme in Ireland prior to 6 December. DAFF stated that that limited its EU co-funding contribution to pig meat produced from pigs as well as the slaughtering of cattle and pigs in Ireland.

Peter Robinson, Martin McGuinness, Arlene Foster and Michelle Gildernew met with Mariann Fischer Boel, the European Commissioner for Agriculture and Rural Development, in Brussels on 10 February. Ms Fischer Boel reiterated the fact that the South did not believe, under the terms of that application, that it could compensate the North.

The Chairperson:

Mariann Fischer Boel did not believe so?

Dr M McKibbin:

She believed that the South's interpretation was correct.

The Chairperson:

I am mindful that we will be putting this to the DAFF officials, but there is a view that they were culpable in some way. Do you still harbour that view?

Dr M McKibbin:

I am not sure exactly what you are asking me.

The Chairperson:

I am asking whether DAFF was culpable in not including us in the scheme for support and compensation.

Dr M McKibbin:

The intent behind how it framed its scheme is something that you will have to ask DAFF. We are not the only country that they export pigs to. The difference in Northern Ireland was that we were getting live pigs. The Republic of Ireland exports to Greece, but we get the vast majority of the pigs exported. I think that we get in the region of 450,000 pigs a year.

The Chairperson:

Sausage manufacturers in my constituency have told me that they have been stung for millions of pounds, and that they have been left high and dry.

Dr M McKibbin:

As you said, you will have the opportunity to ask why the scheme was framed in that way when you discuss it with those officials. DAFF would say that it based its scheme on what was recalled.

The Chairperson:

Was DAFF being cute?

Dr M McKibbin:

I am not going to go into that territory. I imagine that DAFF will have come to a conclusion about what it should be applying for under political guidance from its own Ministers, and so on.

Mr Doherty:

I am aware that the Foods Standards Agency will give evidence to the Committee this afternoon; unfortunately, I have to be at another Committee meeting. Is it an issue that there is no dioxin testing capacity available on the whole island of Ireland?

Dr M McKibbin:

It is an issue if there is a major outbreak. We were using the Central Science Laboratory at York.

It had limited capacity, and it had a cross-contamination problem that delayed the results. Clearly, when faced with an incident such as this, you want to get the test results through as quickly as possible. The South is considering whether it should provide a dioxin testing facility at Backweston, one of its laboratories. The Agri-Food and Biosciences Institute is preparing a business case to assess the pros and cons of having such a facility here.

Such laboratories are not cheap, and they will have to be involved in a significant amount of other commercial work to cover the costs, because dioxin scares such as this do not occur frequently, thank goodness. There will be a huge issue around costing, and we will need to look at the cost benefit of such a proposal. Furthermore, as anyone who has been reading the papers for the past few days will appreciate, there is an affordability issue around major capital projects in the North.

Mr Doherty:

There were huge costs involved in the way in which the whole incident spun out. If we are planning for the future, can that not be evaluated?

Dr M McKibbin:

The point that you raise is very valid. There is an issue around how we deal with such an incident. We have pointed out that we were unable to go in and cull the animals. Compensation is another issue; but Europe was unhappy with the fact that we had dioxin-contaminated animals standing live on Northern Ireland farms when they were being disposed of in the South under a voluntary arrangement. We could not get people signed up to a voluntary agreement because the farmers believed that they were being inadequately compensated for the hardship and costs that they had incurred. The Executive were facing a situation in which they had particularly constrained resources, having relieved economic hardship through other initiatives and packages last year, and were struggling with the affordability of providing hardship payments. It meant that other Departments — Health, Education, or Enterprise, Trade and Investment — would have to take cuts to fund those payments, and that proved to be a difficult issue.

We would like, and we believe that Europe should seek, an amendment to the legislation that would allow Governments to take the decision to cull should that be necessary for the protection of the industry. We have written to the Department for Environment, Food and Rural Affairs to have the issue brought up by the member state at European level. The FSA has also approached

FSA UK in relation to legislation around feed detention issues that we found difficult as well.

Mr Doherty:

The FSA is described as a non-ministerial Government Department. Does that mean that it is accountable to no one and does that cause you difficulty?

Dr M McKibbin:

It is accountable to FSA UK and to our Assembly through the Minister for the Department of Health, Social Services and Public Safety. It does not report to the Minister as such but is accountable through him, and there is a fine distinction between the two. The FSA was set up — I imagine that the chief executive of the FSA will go into this in more detail — in response to the way in which issues were dealt with during the BSE crisis. There is no doubt that, as a result of the dioxin incident, people are looking at the communication channels, the length of the command chain, and how people reported to the Northern Ireland Executive. That will come out of this inquiry, but it is a conversation that you should have with the FSA.

Certainly, the length of the communication chain caused us frustration at times. FSA UK was providing expertise to FSA NI, which did not have all the relevant expertise; that coming and going tended to take some time, and there was a feeling on occasion that the people based in London did not have a full understanding of the pressures that people here were under.

That is my personal reflection on how that happened. I believe that the FSA tried, within the limits of its structure, to provide a good level of service.

Mr Savage:

Dr McKibbin, you told us about what you did. Are you content that the tests were carried out as quickly as possible? Three or four days of waiting for results to come back is a long time. There is much scope for improvement on that. If the problem had been serious, three or four days would have been long enough to kill half the country. Could the tests have been carried out more quickly? When it emerged that there was a doubt, could the samples have been taken earlier?

Dr M McKibbin:

The samples were taken on the Monday morning. The FSA met the Chief Veterinary Officer and asked him to undertake tests commencing on the Monday. We undertook PCB testing on the

Monday. From start to finish, if one is working normal hours, a PCB test takes three days. As I said, at that stage, AFBI's testing capacity was 10 to 15 samples a week. AFBI ratcheted up its testing capacity to 50 samples a day, and, by working through the night, it reduced the time taken for the PCB test from three days to between one and a half and two days. Therefore, significant efforts were made to reduce time.

In its prospectus, the Central Science Laboratory in York talks about a 30-day turnaround for dioxin testing. We tried to reduce that to being in the region of a range of between 7 to 14 days. The testing process and associated procedures take a certain amount of time. I do not believe that we could have made huge improvements in the time taken to produce the test results, except for the fact that we were disadvantaged by having only one laboratory that we were able to use. The authorities in the South were sending samples to the same laboratory, which had a cross-contamination problem on 19 December.

Mr Savage:

Is there room for improvement?

Mr Houston:

It must be remembered that, in the first instance, when we got the samples, we anticipated that we would carry out PCB testing on them as being a good indication of dioxin presence. In that example, we did what we needed to do quickly. When we were expecting to get the results, the scenario changed and those results were no longer valid. As a result of the way that dioxins were identified in that case, the time was extended, leading to a delay that would not normally have occurred.

The Chairperson:

Dr McKibbin, I thank you and your colleagues for your information.

Mr McClenaghan:

I wish to clarify a previous answer on the quantity of feed. On 1 May, we were advised that the amount of feed coming in to Northern Ireland was 1,700 tons. The transport haulier got 65 tons.

Dr M McKibbin:

I shall make a closing statement; I wish to emphasise certain points. It is important that people

realise that, in many ways, this is a fairly exceptional and, thankfully, unique event. We never before had to deal with a contaminated feed incident of this nature, where there was a huge potential for permanent long-term damage to the interests of the agri-food sector.

I mentioned the Belgian dioxin incident of 1999 to Mr Clarke. That incident led to the virtual closure of the Belgian export markets for several months. It is generally accepted that long-term reputational damage was done to the Belgian industries. Thankfully, that incident was not replicated in Northern Ireland. The incident affected all parts of the supply chain, including feed operators, suppliers, producers of beef and pork, food processors, retailers and customers.

Our actions avoided a crisis in consumer confidence in Northern Ireland production. Although there were some short-term problems in export markets, the actions taken by the industry, DARD and Invest NI have been reasonably successful in minimising them.

As the Chairperson said, a large number of public bodies were involved, which makes resolving the issues and communication between people much more complex and difficult. That contributed to a complex set of working relationships in a situation where the flow of information was, at times, incomplete. That situation required careful management and analysis throughout the course of the incident.

In the early stages of the investigation, the information was not as accurate as we would have liked. For example, it took us some time to accurately establish the distribution of the feed that had come into Northern Ireland. As we said in our evidence, we were also dealing with a situation in which legislative provision at EU level is not adequate. We believe that, in an animal-disease emergencies, there should be powers that prevent the movement of farm animals that have been exposed to contaminated feed and should be slaughtered.

We also mentioned finance. In an emergency situation like the one we are discussing, no body or agency takes financial provision in advance. For example, Michael McGimpsey faces huge costs at present due to swine flu. The case for hardship payments had to be considered by the Executive at a time when they were facing significant economic and financial constraints. As I said, they had just taken the decision to reallocate most of their scarce available resources to deal with other issues caused by the economic downturn.

We have considered communication in some detail and, from our contact with the industry, we are aware of its concerns, particularly about the communication that there was in the first weekend after the contamination. I reiterate that I doubt that we could ever have met the level of expectation in the industry, because information was often incomplete. However, we can do better in the future. We spoke to senior figures in the industry over that weekend, including UFU and NIMEA. As I said, the FSA called a meeting on the Monday morning to bring the whole thing together.

We were also providing staff to advise processing factories about the numbers of cattle from affected farms. I noticed that some of the submissions stated that some of the information provided by those staff was not always right, but that was because the situation was always changing; more farms became restricted, which meant that more animals became restricted. Also, some animals were de-restricted and associated farms may have been restricted and then de-restricted. All of that impacted on the number of animals and carcasses that were deemed unfit to enter the food chain. We made every effort to try to keep people as informed as we could.

We acknowledge that there is a need for consistent and clear communication, within Government, within the industry and between the different stakeholders. We will work with stakeholders to ensure that we have better arrangements in place if there is similar incident, although, hopefully, there will not be.

We talked about the lessons learned, and no doubt we will get a series of recommendations from inquiries by the Committee, the Executive, the FSA, the industry and the Oireachtas Joint Committee. We will review and give serious consideration to the findings of those inquiries when we see them.

Pending the outcome of those inquiries, we have already taken some action. We have raised with the FSA and DEFRA the need for changes to legislation. We have changed the emphasis of our feed-inspection programme so that there is more concentration on the inspection of risk-control systems at feed businesses. We have identified and inspected a number of businesses that supply minor ingredients to feed manufacturers and could potentially present a risk. We are reviewing the resources that we apply to carrying out official controls of the feed-supply chain, and we have agreed an interim early notification system with DAFF. That reflects the point that the Chairperson made about early notification at an appropriate level in the organisation if the

economic or animal-health significance of any incident is likely to be large.

We have already met with industry representatives and we are working with them specifically to raise awareness of the risks involved and the controls that need to be applied to reduce the possibility of such instances in future.

In turn, we intend to put greater emphasis on risk-control systems. We support the initiatives that the industry is undertaking to review best practice in the livestock and feed industries and to reduce potential risks.

In conclusion, I stress that DARD was not the only player in the incident. Certainly, we had a major role in managing the response to decisions that were taken by FSA. However, as I mentioned to the Chairman initially, I urge the Committee, when you make your judgements about people's actions during the course of the incident, to bear in mind the information that they had at the time and the quality, robustness and integrity of that information.

I also ask you to think carefully about where individual responsibility lay. There was involvement from DARD, FSANI, DHSSPS, DOE, NIEA, DETI, Invest NI, feed suppliers, feed producers, processors, DEFRA, FSAUK, UKRep, the European Commission —

The Chairperson:

We get the point.

Dr M McKibbin:

You do? Good.

There are issues with how all the organisations that were involved managed their responses. The Department knew where its responsibilities lay. However, that was not necessarily always clear to everyone else. It is not surprising when you look at the complexities of the relationships between those organisations.

Chairman, thank you for the opportunity to make a presentation to the Committee. Obviously, we will read the Hansard report of the evidence that is given by the organisations that follow us in today's proceedings. It will helpful to see whether there are points on which we should, perhaps,

provide further clarification. I will write to the Committee Clerk on the back of having read the reports of those evidence sessions.

The Chairperson:

That would be very useful. I appreciate you and your officials being present today. Thank you.

I call the next witnesses, the president and chief executive of the Ulster Farmers' Union.

Mr Graham Furey (Ulster Farmers' Union):

I thank the Committee for the opportunity to provide evidence to the inquiry. With me is the chief executive of the Ulster Farmers' Union, Clarke Black, the chairman of the pigs committee, Norman Robson, and the director of commodities, Wesley Aston. I am president of the Ulster Farmers' Union.

The Chairperson:

You are very welcome. We appreciate you coming to give evidence to the Committee.

You provided the Committee with a written summary of your evidence and documentation. We have allocated up to 20 minutes for your presentation, although you do not have to use all of that. We would like you to give an overview of what happened, highlighting any issues that you want us to consider, after which we will put some questions to you.

Mr Furey:

We sent a letter to the Committee in August 2009. We have a further statement that I will read now.

The dioxin contamination was an extremely difficult situation that could, without proper handling, have devastated the industry. Whether it was properly handled is, perhaps, up for debate. It is easier with hindsight to be clear about what should, could or should not have been done. We acknowledge that the full facts of the incident emerged and developed over time. We know how hard it is to recover a situation, which makes it all the more important that we learn lessons from that incident, so that we can do better should we be unfortunate enough to face similar future problems.

In providing evidence to the Committee, we want to focus on three key areas: the initial few days; the period during which cattle were the main focus; and our views on what could be done better or differently to ensure that a similar situation does not arise again.

The initial period covered Friday 5 December to Tuesday 9 December 2008. As we understand, on Friday 5 December, when DARD was informed of the possibility that pigs in Northern Ireland could have been given contaminated feed, it placed restriction orders on nine farms that same afternoon. We became aware of a potential problem on Saturday evening, when news broke relating to the Republic of Ireland but linking the problem to herds in Northern Ireland.

Our understanding is that on-farm investigations to determine whether any pigs here had consumed the contaminated feed did not begin until Monday 8 December. Had more immediate action been taken to check that there were no pigs on the identified farms, the crisis in the Northern Ireland pig sector could have been prevented.

Following confirmation of the Republic of Ireland pig meat test results on Saturday 6 December, the UFU considers that DARD officials should have also visited the processors of pig meat earlier to segregate and isolate the Republic of Ireland product. Traceability systems enable processors to differentiate British quality assured pigs (BQAP) and their pig meat product from non-BQAP. More immediate action would have allowed pig meat products from Northern Ireland to remain on the shelves or, at worst, be returned to retailers' shelves as soon as the all clear was given. That would have prevented large and small retailers not knowing on Sunday or Monday morning whether they should have pork and bacon products on their shelves and the subsequent restrictions being placed on all such products until Tuesday 9 December. It is interesting to note that, on that Tuesday, Tesco was able to relaunch BQAP pork and bacon products. At that stage, when it became clear that the pigs had not been given contaminated feed, Tesco was able to guarantee that the products were from Northern Ireland quality assured pigs.

The statement by the Northern Ireland Agriculture Minister on Sunday 7 December 2008 reported that nine farms had used contaminated pig feed. The Northern Ireland Health Minister's statement on Monday 8 December, outlining that he had requested the FSA to issue urgent advice that retailers should temporarily remove any pork or pork products that had been processed in Northern Ireland, added to the confusion in the minds of consumers.

At an industry meeting on the afternoon of Monday 8 December, we received advice from FSANI. The meeting lasted for between two and three hours. As has been said, the situation changed from hour to hour, rather than daily, at that time. Perhaps that is why the industry considers that it should have been more regularly updated during the initial two or three days. That Monday afternoon, FSANI's information about the herds and whether pigs were on the restricted farms changed as the meeting went on.

In late afternoon of Monday 8 December 2008, we were advised at that meeting that it could not be stated categorically at that stage that no pigs in Northern Ireland had been fed contaminated feed. During the evening of 8 December and the morning of 9 December, confusing messages were given by both the Minister of Agriculture and the Minister of Health which only added to the sense that there was little co-ordinated leadership and control of the crisis.

During the initial few days, the situation was characterised by being driven by the news media, with both the industry and Government always appearing to be on the back foot, and with unclear messages adding to the general level of concern and confusion in consumers' minds. We must all accept that the man in the street will not understand the nuances in comments and press statements, which now, with hindsight, we seek to review. That understanding has been a key lesson from the review of the first few days of the incident.

I want to focus now on the days and weeks that followed the initial period, which commenced on Tuesday 9 December and ended with the removal of beef cattle from farms on and from Monday 16 March 2009. After the initial period, communication between relevant Departments, agencies and the industry improved. However, compared with DAFF, Northern Ireland's Departments were reactive as opposed to proactive in providing assistance to the industry. The initial focus on pig meat products, with delayed emphasis on live pigs that had been imported by Northern Ireland processors from the Republic of Ireland, led to those processors being left out of the Republic of Ireland pig meat disposal scheme and, thereby, put jobs and the very existence of the Northern Ireland pig industry at serious risk.

The process of reaching agreement with Northern Ireland's pig meat processors on the product to be destroyed was also protracted. The Republic of Ireland's Agriculture Minister was quick to

contact international markets in order to restore market confidence in pig meat and to establish an approved label on Irish produce. UFU believes that our Minister should have moved more quickly with similar initiatives.

UFU called for review of pig meat product-of-origin labelling as it became clear that strong Northern Ireland pork brands were not exclusively sourced from Northern Ireland. It also became clear that there was good product traceability from farm to factory; a traceability that was not able to be replicated by a processing sector once the product was slaughtered and subject to further processing.

On the positive side, a promotional breakfast was held by the Agriculture Minister and the Health Minister at Stormont on 15 December 2008 to let the public know that pork and beef were safe to eat. On 18 December, a private storage aid scheme was agreed with the EU for Northern Ireland's pig meat.

Beef cattle came into the equation when it became apparent that contaminated feed had been fed to cattle on a number of beef farms. However, the traceability system worked much better for the affected cattle because herds were restricted. Beef from those herds could not enter the food chain. Products that had potential to have been exposed to the feed could be identified and held out of the food chain.

Cattle in the affected herds, which were identified and restricted at an early stage, became the subject of a long and convoluted negotiation as to how they would be removed from farms and whether the farmers who owned them would be compensated. Again, that contrasted starkly with the actions of the Republic of Ireland Government, which removed cattle from affected herds in the Republic of Ireland and fully compensated the farmers involved at an early stage.

We accept that DARD did not have the legal power to compulsorily slaughter those animals. However, the delay of almost two months before a funding package was agreed by the Northern Ireland Executive not only resulted in more hardship and cost for those producers and processors who were directly affected, but created uncertainty and doubt among customers of the entire beef industry.

We believe that the way forward requires several actions be taken to eliminate the worst

aspects of any future food-related incidents. First, Government must review their crisis-management policy. That should rectify the problems that we had with the dioxins crisis, which we have already noted. In particular, an agreed blueprint must be put in place that outlines the procedure to be followed in the event of a food-safety incident.

We acknowledge that there will probably always be an element of judgement when dealing with potential food incidents. That is why the policy needs to be reviewed: it must be ensured that there is responsibility and accountability at a high enough level and that the system has a mechanism for analysing and assessing the commercial impact on the industry.

The UFU recommends that in the event of an incident, a cross-departmental agency body be established at an appropriately senior level, and that stakeholders be involved at an early stage, to agree an outline, the timeline, and the roles and responsibilities of each participant, including those in other jurisdictions. That is essential to avoid the confusion and mixed messages that can all too easily distort the perspective of any particular incident. Departments and agencies should be aware of their specific roles during an incident and, more importantly, should act in a joined-up manner and provide clear and consistent communication.

It is not good enough for one part of government to claim that something is not within its remit but is the responsibility of another part of government. The agri-food sector operates in a fairly complex, significantly integrated, and highly interdependent chain; yet in the eyes of its customers, the food consumers, there is an expectation that the food chain should be straightforward, safe, and one in which they can place their trust. The message has much more importance for both the industry and consumers than which part of government is supposed to be in the lead.

The UFU recognises that such incidents cannot be prevented through government action alone. As part of accepting their responsibilities, industry stakeholders are conducting their own review of the dioxin incident. The objective is to review the dioxin incident, propose recommendations to enhance and benchmark the position of best practice for Northern Ireland livestock and animal feed stuff industries, and assist them in reducing risks associated with potential contamination — whether through accidental, negligent, and/or unscrupulous activities — of inputs to the sector, while allowing continued innovation in the feeding of animals and in the production of animal inputs on farms. The review details how the industry intends to

minimise the risk of future incidents, and it is vital that government does this in tandem with the industry but from its perspective.

Thank you for the opportunity to present evidence to the Committee. We are happy to clarify any issues that may have arisen or to take any of your questions. I will probably ask my colleagues to help me with some of the timelines, and so on.

The Chairperson:

Thank you very much, Mr president. I thank you for your submission and statement.

You have said that, in your opinion, the incident could have been prevented entirely; by that I assume that, had it been handled differently in the immediate aftermath of the knowledge coming forward, it could have been turned into a positive news story for Northern Ireland. Northern Ireland was first made aware of the matter on Friday 5 December, and I gather that, in your view, had more action been taken on the Friday, Saturday, Sunday and Monday, the outcome would have been prevented. Can you indicate what you think should have been done over that period? Bearing in mind that it was a weekend, what do you think that the industry, the Department or FSA could have done that would have changed the situation dramatically by the Monday or Tuesday?

Mr Furey:

First, I should make it clear that we said that we felt that it could potentially have been entirely preventable in the Northern Ireland pig sector. The contaminated feed was initially classified as pig feed. The man in the street would say that if it was pig feed, it must have been fed to pigs, so the link was established with the pig industry initially; if contaminated feed was fed, there was going to be an incident of some sort. I want to clarify the point that it is in relation to the pig industry that the incident could have been preventable had more been done over that weekend.

To answer your question about what could have been done, we feel that, once the Department was notified, it should have been on the farms, even if only from the Saturday when the results came through from the South and there was further information. Initially, it was said that nine premises were involved. The Department could easily have identified whether there was livestock — cattle or pigs — on those farms by checking the cattle records with APHIS; visiting the farms on the Sunday to determine whether there were pigs there; or contacting the processors

to see whether any of the so-called restricted farms supplied them with pigs. The Department could have tried to eliminate the presence of pigs on those farms, but that information did not come through until late on the Monday afternoon at the FSA meeting. Our recollection of the system is that, late on the Monday afternoon, we got confirmation that there were not — and had not been for a long time — pigs on the restricted farms.

One or two cases had been associated with pigs, but that was years ago. Therefore, the statement came out the next day that no pigs had been fed with contaminated pig feed. I was trying to communicate that on the Monday evening while the Minister of Health, Social Services and Public Safety and the Minister of Agriculture and Rural Development were still talking about contaminated pig feed.

The Chairperson:

Mindful of the fact that the Committee will travel to ask questions of DAFF on 8 October, do you think that DAFF could have said more and said more sooner than when the information emerged about Northern Ireland on 5 December 2008?

Mr Furey:

As representatives from the Department of Agriculture and Rural Development may have already said, it is always easy to say what should have been done in hindsight. A number of potential scares happen from time to time, and Agriculture Departments must try to weed out those that might come to nothing from those that might be of a more serious nature.

We have some concerns about the contact with DAFF in the South, and I do not know how much information the Irish Farmers' Association (IFA) had, but it did not give us a heads-up. A scare should not be created if a problem is not there, but a proportionate response is required. We are trying to work out whether the response was proportionate and timely.

You said that such bad news tends to emerge on a Friday. I have noticed that, and when that happens, it is either lost over the weekend or becomes a big story by the Monday morning. You will have to ask DAFF and the Department here how serious they thought the problem was. If DAFF had information that potentially contaminated feed had been sent to Northern Ireland, we should have been informed. If DAFF felt that the problem was only in its jurisdiction, perhaps the level of contact that it made was appropriate.

The Chairperson:

Based on your knowledge of the industry, what has been the cost of the contamination scare?

Mr Furey:

We know what it cost the beef industry because of the compensation package that was worked out and because of the extra feeding costs and all the potential problems to do with the disposal of slurry, and so on. I will let Norman Robson try to explain what the scare might have cost the pig industry.

The Chairperson:

If you are able to quantify that, it will be useful for our evidence.

Mr Norman Robson (Ulster Farmers' Union):

The major player in the pig meat processing industry had purchased many of the live pigs coming into the North, which, as you already heard, were not covered by the Southern compensation scheme for pigs that were slaughtered in the South. We felt that they should have been covered by that scheme.

At that stage, 8,000 or 9,000 pigs a week were coming into Northern Ireland. That was 18% of the total number of pigs that were slaughtered in Southern Ireland. That is a fairly large proportion, and they should have been included in the scheme. The processor gave an initial figure of it costing around £9 million to pull back the product from the pigs, from which they would receive nothing from the Southern scheme.

Some processors were compensated because they had bought product from the South. I am not sure what the total figure of that compensation was, but I am led to believe that it did not cover the entirety of the whole operation. It covered the cost of the product, but it did not cover the time, lost markets and lost production that that included.

It is very hard to put a figure on the cost, but I know that the initial figure from the main pig factory was that the recall of the product cost £9 million.

The Chairperson:

Are you able to say that the industry has recovered, or is the perception that it is still on the back foot?

Mr Robson:

I am led to believe that the processing industry is still suffering, and there has been an ongoing cash flow problem since that incident. The Executive eventually supplied a support package, although I am led to believe that money has been slow in coming from that. There is still a fairly high cash flow problem in the Veon factory.

The Chairperson:

Can you gauge what the consumers' view is?

Mr Furey:

I think that the consumers got over that incident very quickly, once it was established that no pigs in Northern Ireland had been fed any of this contaminated feed. Retailers were able to guarantee that there was British quality assured Northern Ireland pigs on the shelves, and I think that the consumption of pork products went up.

The Chairperson:

Do you think that if that had been the single message that had got out earlier on, there would not have been a crisis?

Mr Furey:

Not within the pig sector, no.

Mr Robson:

I agree. It became clear that Northern Ireland pig meat was safe to eat. However, the other important factor was that there was so much product that the consumer did not know whether it was Northern Ireland pig meat or not. They presumed that the brand was Northern Irish. Hopefully, a lesson that will come out of this is that labelling will move on so that people know where the food they are eating is coming from.

The Chairperson:

Was the FSA the appropriate body to lead the crisis?

Mr Furey:

It was the lead organisation.

The Chairperson:

Yes, but now that you have been through it with the FSA, was it the appropriate body to lead the crisis?

Mr Furey:

Potentially, yes it was. We have concerns that everything has to go back through London, so there is a slowing down of information. FSANI's hands are tied in waiting for communications from there, which can slow down the speed of communication and updates. FSA can speak for itself on that point.

The Chairperson:

Apart from that breakdown in communication, do you think that it did a good job?

Mr Furey:

We were not involved in the meeting that took place on the Sunday with the FSA and the Department; we just had phone calls at that stage. The UFU was receiving calls from major retailers and supermarkets as to what to do with the product, because they could not get any information from other Departments or FSA.

The Chairperson;

You had to field those calls?

Mr Furey:

Yes. We fielded those calls on Sunday, because a lot of retailers open on a Sunday afternoon. A number of the major supermarkets rang us prior to opening on the Sunday to ask whether they should remove product from the shelf.

The Chairperson:

That was a pretty unenviable situation for you to be in.

Mr Furey:

We were seen to be the lead organisation by the retailers.

Mr Elliott:

Thank you for your presentation. A range of issues has been touched on, and I want to cover a couple of them.

Graham, you said that the messages coming from two of our Ministers on 8 and 9 December were confusing. What were the messages that led to the confusion?

Mr Furey:

One of the main messages was about contaminated pig feed. The man on the street would immediately think that that had been fed to pigs. That message kept coming out until Tuesday morning, even though we had been given a fairly good degree of clarification on Monday afternoon.

On Monday afternoon, some of the FSA's people were in and out of that meeting, and I think that the chief executive of the FSA had to be with the Health Minister when he was making a statement. Information may well have changed between his leaving that meeting, the Minister making a statement, and further information coming from industry representatives; at which point, it was made fairly clear to us that none of the restricted farms had pigs on them.

We felt that none of the contaminated feed had been fed to pigs, and that that could have been mentioned. There could have been a question over what the feed was fed to if it had not been fed to pigs. That would have been a fair comment at that stage. The pig feed connection could have been taken out at that stage.

Mr Elliott:

Was the problem that one Minister was saying it was pig feed, and one Minister was not? Do you think that there was confusion between the two Ministers, or that the two Ministers were saying the same confusing thing? I am trying to ascertain whether, in your opinion, two of our Ministers

were giving conflicting views, or were they giving the same views, but their views were confusing.

Mr Clarke Black (Ulster Farmers' Union):

The Agriculture Minister was focusing on contaminated pig feed, and, as Graham has said, in the minds of consumers, and anybody else, that was relating the problem directly to pigs. However, it became clear on the Friday that the nine farms that were involved actually had no pigs on them. It would have been easier to have made a clearer statement on that. On 8 December, the Health Minister made a statement requesting the FSA to issue urgent advice to retailers to temporarily remove any pork or pork products processed in Northern Ireland from their shelves.

The point that I am making is that there are little nuances about Northern Ireland pork or pork products that are processed in Northern Ireland. Those little nuances were not picked up by the people who were ringing in to radio programmes on Monday morning asking if they should fry their bacon. The public do not take those nuances into account, and we have to learn those big lessons if we are ever dealing with such a situation again.

Mr Elliott:

We can further develop that with the FSA later, because it was obviously its advice to do that, but you are saying that the language needs to be more carefully crafted.

Mr Furey:

We also have to realise that the situation was changing. We understand that sometimes when a Minister is in a press conference something can happen to adjust the position. Unfortunately there were still some holding a certain line on the Tuesday morning that should have been better clarified to them on the Monday evening.

Mr Elliott:

My second question relates to the feed. I am led to believe that the feed in question was acceptable under the farm quality assurance scheme. Can you clarify whether that is accurate, and, if so, have you any comment to make?

Mr Furey:

I cannot clarify that.

Mr Wesley Aston (Ulster Farmers' Union):

Our understanding is that that feed was acceptable under the farm quality assurance scheme. That is one of the things being considered as part of the review that the industry has started.

Mr Furey:

Our information is that the feed came from a licensed supplier in the South; it did not come from a fly-by-night operator.

Mr Elliott:

That would have been acceptable under the farm quality assurance scheme. Bear in mind that that scheme asks for details of the actual material that is in the product, not the type of material. Is that right?

Mr Furey:

Unfortunately, when a farmer buys feed of any sort, he can get a label or a guarantee of product, but he has no way of testing the feed, unless he does it himself, so he takes the manufacturer's word.

Mr Elliott:

I appreciate and accept that, but the point is, are there any lessons to be learned about how feed is registered and accepted as being of farm quality assurance standard?

Mr Furey:

There are. The feed industry is considering that, and, as has already been said, the Department is considering feed regulations. We would not want a burden of extra bureaucracy to be placed on farmers. At the end of the day, they are just the people who purchase the feed. The guidelines must be tightened up before that.

Mr Elliott:

I quite agree, but surely we need to ensure that the product that the farmers are buying in good faith is actually a quality product that will not cause that type of contamination. Is that not reasonable?

Mr Furey:

Yes, that is reasonable, but it is not up to the farmers. We can encourage that to happen, but we cannot be held accountable if the feed is not right when we buy it in good faith. The men involved were caught up inadvertently in the situation. They bought feed that they thought was accredited, and from an assured producer.

Mr Elliott:

Have you any suggestions as to how better to ensure that contaminated feed does not get into the system from the manufactures and processors?

Mr Furey:

Some suggestions could be developed, and will be developed, through a review of the whole situation.

Mr Elliott:

Finally, you have indicated a blueprint outline process. If all this were to happen again or in similar circumstances, what one thing would you suggest should be done differently and better?

Mr Furey:

Departments and agencies should come together with the industry and one of them must take the lead to develop a train of thought and to deliver clear and concise, rather than mixed, messages. Initially, mixed messages emerged over the critical period of the first two or three days.

That is why it is not good enough for somebody to say that the events happened at a weekend. I do not know whether anybody has necessarily said that the alarm was raised at the weekend, and that they did not work at the weekend. However, we feel that a lot more could have been done over the weekend, including Sunday, to prevent the pig industry being caught up in this incident.

The Chairperson:

It was said in the submission that stakeholders are also undertaking an inquiry. Is there an update on that?

Mr Black:

The inquiry will be headed by Professor Pat Wall from Dublin, a member of the European Food

Safety Authority (EFSA). He is highly respected in the area of food safety. The scope of that review will be to consider what the industry can do and to identify gaps — some of the issues that Mr Elliott has raised — so that the industry can ensure that it is doing everything possible to make sure that this type of incident does not happen again.

It is important to have that twin approach; all the emphasis to deal with such cases cannot be placed on the Government: the industry must take a degree of responsibility.

The Chairperson:

I remind people in the public gallery that their mobile phones must be switched off because they interfere with the sound-recording system.

Mr Burns:

The witnesses said that Departments and agencies had to be aware of their respective roles in case such an event reoccurs. What weaknesses have been identified in the roles that they play?

Mr Furey:

Communication between the Departments and agencies is the main weakness. We said that just because the case in point is not in their remit does not mean that they should not be interested in it. If one agency is interested in food standards and another in something to do with the producer's role, they should not isolate their functions; there must be a combined approach. They must come together to treat the incident as a whole. In other words, if there were five or six agencies, one must lead but the other Departments must question what they would do if they were in the lead position and feed that information to the lead agency. That is the sort of mindset needed.

Mr Black:

It is important to understand that the agrifood sector is a reasonably long chain that starts with producers, involves processors and links into retailers. Agrifood cuts across Departments and agencies, and we must make sure that that is joined up. We must ensure that when one part of that process decides on an approach, due recognition is given to, and cognisance taken of, the likely impact of that decision on other parts of the chain.

We believe that the only way that that can happen is through a grouping that can be called

together quickly in the event of another such incident in order to deal with it and to establish cross-departmental relations.

Mr Aston:

That grouping should include the industry at the earliest possible stage.

The Chairperson:

Is something like the COBRA group envisaged? I know that that is high level, but it is something that is immediate and instantly steps in to take the lead, and is recognised as taking the lead, as opposed to a huge, long process. The Department told the Committee this morning that the joined-up approach was one positive to emerge from the dioxin alert. One of the problems with that joined-up approach was that it took too long to do anything. Does the Ulster Farmers' Union want a group that is much more focused, identified as the lead, and which alone speaks on the issues?

Mr Black:

It must also be at a significantly high level to make decisions and to take cognisance of the impact on other parts of the sector and on the industry.

The Chairperson:

It must react instantly.

Mr Black:

Yes.

Mr Burns:

Obviously, no one wants to see the likes of this issue happening again. Terrible confusion was caused, especially, as was said, on the Sunday morning, when nobody was quite sure what was happening. The big supermarkets took all the bacon off their shelves. That did not send out the right message. When it was later discovered that no pigs from here were involved and that the meat was safe, there was something wrong, because the message did not get out there quickly enough.

Mr Furey:

That is when it could have been looked at. I am only throwing this out as an example, but if the scare was classified as contaminated feed and was not associated with a particular sector, would it have meant that all the sectors would have been included in some sort of product recall — which, potentially, could have been worse — or was it specified for that particular reason to try to home in on one specific sector and keep the incident isolated; or should the contaminated feed problem have been mentioned at all until it was fully confirmed that the feed had been distributed in Northern Ireland?

Mr Doherty:

I thank the Ulster Farmers' Union for its submission. You do not believe that communication was very successful between the Department, the various bodies and agencies, and the industry. The Department told us this morning that the Food Standards Agency had the lead on the issue of animal feed. We were also told that that is a non-governmental department. Does that create a whole confusion as to who is in charge, who takes the lead, who sets the pace and who communicates?

Mr Furey:

It can. Any of those things can potentially create confusion. That is why it is important to have somebody in the lead, whether it is a non-departmental public body (NDPB), a Government agency or one of the Departments. There are different types of issues, so if it is related solely to something that is directly on a farm rather than something that has been imported, it could be the responsibility of the Department of Agriculture and Rural Development. The Department would have the lead on issues relating to feed or animal diseases, whereas food and feed become an FSA matter once they relate back to the consumer and the consumption of food. FSA's real role is to protect the consumer, so it should probably take the lead in that situation. We are not saying that it is definitive that FSA should take the lead — that may not be the case. However, in our opinion, it is fair enough to say that it should potentially take the lead, but all the other Departments should feed into the process to keep it joined up and to keep the thinking, as best as possible, all together and to communicate out, as a body.

The Chairman referred to the COBRA issue across the water. In our headquarters, we discussed that type of idea that can be pulled together at short notice any day of the week, any hour of the day —

The Chairperson:

Even at weekends.

Mr Furey:

Yes. Unfortunately, farms do not shut down at weekends.

Mr Savage:

Thank you for your submission, Graham. Do you think that the Department and the Government responded decisively to restore consumer confidence, bearing in mind that the Food Standards Agency only became aware of the severity of the incident through media coverage?

Mr Furey:

We will let the Food Standards Agency answer the question of when it became aware of the incident because I do not have that information to hand. I cannot remember exactly when it became aware. I think that the Committee could find that out from the agency.

We keep coming back to the initial two or three days, which was the crucial part of the issue. Everything else is relative as regards when it gets sorted out. People said that it took two months to sort out the cattle issue and they complained about costs. However, it is what happens in the first few hours and days that is crucial. That is where the Committee should look to find the information about the timelines of when people were informed, how they communicated that further up or down their lines, and how they communicated that across to the relevant parts of the industry and to stakeholders. We have our own opinions about whether that was done well enough and about how good, bad or indifferent it was.

On the question of having another incident and would we handle it better, having a dummy run might be the way to see whether the situation has improved, without having to do it again in the real world and in real time.

As always, communication can be improved, but some things hit you very quickly; as the Department said, this incident hit it, as it did us. We first heard about it on the news on the Saturday evening. After the story got out to the media, it came to the Department and to us. Who knew before that, and how far up the line had it gone? At that stage, did it need to go any further,

or was it only once it had hit the news that it became an incident? If an incident must hit the news headlines before stakeholders are informed, it is not the right way to handle things.

Mr W Clarke:

Thank you for your presentation. In general, is feedstuff traceability given a high enough priority? I asked the Department the same question about the Belgian crisis in 1999, BSE and foot and mouth, all of which involved contaminated feedstuff.

Secondly, are sufficient traceability mechanisms in place? There is talk of the Danish pork traceability model, which, similar to using the bar code on a television to determine its origins, can be used to trace a rasher right back to the farm at which, and the day on which, it was processed. Should such a system be put in place for pork here?

Finally, should the FSA be responsible for testing feedstuffs, because, at some point, indirectly, it will be consumed by humans? Should testing not form part of the FSA's remit?

Mr Furey:

Again, maybe you should ask the FSA what testing and checking of feed ingredients it does. Interestingly, at on-farm level, we have a very good traceability system, the Northern Ireland farm quality assurance scheme. We pointed out that, sometimes, when animals go into processing factories, they lose their traceability.

In addition, what can a farmer do about traceability prior to buying a particular feed? He can trace where his cattle or pigs came from, yet, can he be confident about where his feed and other products have come from? Obviously, every farmer is very concerned about what he feeds to his animals, and he wants to make the best use of the feed that he gives them. Therefore, he will not feed his animals with anything that he feels might have a detrimental effect on them.

With respect to whether feedstuff traceability should be given a higher priority, you could regulate so tightly that nothing could be fed to animals. That could produce a worrying situation, especially in Northern Ireland, where many by-products from sources that are available in other countries are not available, including vegetable waste, which, on mainland GB, can be fed as a cheaper ration. Therefore, farmers have tended to look towards so-called food ingredients, such as bread, meal and biscuits, which are brought over to, or manufactured in, Northern Ireland and

Ireland.

The system could be regulated so tightly that nobody would be prepared to bring in, distribute or manufacture feed from any sort of waste stream — by-product may be a better word — such as brewer's grains or citrus pulp. However, somewhere along the line, there are potential problems with all those sorts of things.

At the end of the day, the incident was not a food-safety issue; it was a non-compliance issue. The dioxin levels were not high enough to trigger a food-health scare; rather, it was a non-compliance issue. If you test long enough for anything, eventually, you will find probably it. So, does that mean that you keep it out of the system?

You can dig deep. There has to be tolerance. We talk about tolerance levels, for example, but whether they should be looked at, rather than the complete ban on the use of by-products, has been talked about in some sources.

Mr Aston:

You asked one question about the FSA taking the lead role. The FSA originated at the time of the BSE crisis, because, at that time, the Ministry of Agriculture, Fisheries and Food (MAFF) was seen as being too close to the industry. It is important that there is an independent person there — but we would say that, wouldn't we? Furthermore, it is important that we work together in a joined-up manner.

The Chairperson:

I am conscious that we may lose two members, and I want to get members' agreement that we submit the Steelhenge crisis-management and business consultancy report as evidence, so as we can have that approved as evidence before our inquiry. Are members content?

Members indicated assent.

Mr Elliott:

There was a delay in getting the stock and getting agreement to have the stock removed off farm. It took over three months to get that livestock off farm. What impact did that have on the industry? The Republic of Ireland was quick to bring in a scheme, have its livestock removed,

have pork products removed, bring in fresh product and say that it was clean. At that time, Northern Ireland was still struggling with stock on farm. Stock was building up on farms, and the farmers involved faced a huge dilemma. Myself and others were very much involved in that. What has been done to ensure that the same thing does not happen again, if there is another similar incident? I do not think that anything has been done. Have you any suggestions as to how we could change to ensure that our product is back on the shelves much quicker?

Mr Furey:

At that time, the argument was around the compensation package. The Executive were involved heavily in that. We feel that the Executive delayed to agree some sort of compensation. The reason for the initial delay was the hope that any compensation package from the Southern Government would cover Northern Ireland, but, subsequently, it was established that that, probably, was never the intention. However, I am sure that the Committee will try to find out whether that was the case.

It was harsh to ask farmers to cull and dispose of their cattle simply because they were inadvertently caught up in the incident and to not offer them compensation. The compensation package, as you rightly say, was sorted out quickly in the South. That meant that they could cull and dispose of the cattle quickly, once they got agreement. According to the legislation, the Department had no right to take the cattle off the farmers. Therefore, negotiations commenced as to what figure those men would accept before letting their cattle off farm. Unfortunately, it became like horse-trading; it could have been handled a lot better. That was the subsequent issue. It should have been sorted out in three weeks rather than in three months.

I am not sure what we should do differently in the future. Should there be a compensation or hardship fund or a contingency plan? The problem with that, however, is that everybody who is involved in an incident — no matter how slight — will be looking for it.

Mr Black:

The industry was working hard reassuring customers during that period. The other part of the processing sector and the beef industry were working hard to reassure customers. In fairness to our industry, we have a traceability system. We knew that the cattle were restricted on farms and that they never would get into the food chain; that was a good position to be coming at it from. Ideally, the right thing to do would have been to agree to get them off the farms, and none of that

would have been needed. We managed to get through that reasonably well. Our strong traceability system and the fact that there was never any chance of the cattle that had been fed contaminated feed getting into the food chain was reassurance enough to the food industry and the retailers.

The Chairperson:

Thank you for your evidence, which will be used in our report.