



Northern Ireland
Assembly

**COMMITTEE FOR
AGRICULTURE AND
RURAL DEVELOPMENT**

OFFICIAL REPORT
(Hansard)

Dioxins Inquiry

Tuesday 13 October

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 Pat Doherty
Mr William Irwin
Mr Francie Molloy
Mr Jim Shannon

Witnesses:

Mr Martin Heraghty) Department of Agriculture, Fisheries and Food
Mr Dermot Ryan)

The Chairperson (Mr Paisley Jnr):

We now turn to the Committee's inquiry into the dioxin incident of December 2008. I remind everyone that the session is being recorded by Hansard, and it is imperative that mobile phones be switched off as they interfere with recording. Please take a moment to do that. I ask members to declare interests. Members have no interests other than those recorded on the Register of Members' Interests.

We held a Committee meeting in Dublin on 8 October at which we heard from the Food Safety Authority for Ireland (FSAI). We were also due to take evidence from the Department of Agriculture, Fisheries and Food (DAFF), but, unfortunately, the representatives of the

Department were unable to join us then. However, I am delighted to say that they have been able to attend today.

You are all very welcome. Assistant secretary, I would be grateful if you would introduce yourself and your colleague.

Mr Martin Heraghty (Department of Agriculture, Fisheries and Food):

We are very pleased to attend. I am Martin Heraghty, assistant secretary of the Department of Agriculture, Fisheries and Food, and this is my colleague, deputy chief inspector Dermot Ryan.

The Chairperson:

Assistant secretary and Mr Ryan, you are both very welcome, and I thank you for taking the time to attend.

The Committee established an inquiry into the dioxin incident to establish the sequence of events and actions of all the relevant parties in relation to the contamination incident in December, with a view to producing a report of recommendations in order to minimize the likelihood of a recurrence of any such incident and its effects on the Northern Ireland agriculture and food processing industries. We want to establish four things: an accurate timeline, detailing who knew what, where, when and how; the communications along that timeline and the chain of events; the key roles and responsibilities of the various interrelationships and relevant authorities; and the strengths and weaknesses of those key roles and responsibilities. We will then make recommendations as a result of the investigation. That is why we want to talk to you.

Throughout our inquiry, reference has been made to DAFF by our Department of Agriculture and Rural Development (DARD) and by the Food Safety Authority of Ireland. We have considered your written evidence, but we felt it imperative to talk with you directly. We have about 20 minutes in which you can outline your position for us and speak to the brief, and then we will put some questions to you.

Mr Heraghty:

Thank you, Mr Chairman and Committee members. We are pleased to attend this meeting to elaborate on our written submission, which was forwarded in July. I will provide the Committee with a copy of my speaking notes. We wish to explain our perspective on the dioxin

contamination incident in December 2008.

Unfortunately, we were unable to attend the Committee meeting on 8 October. We had indicated in advance of the meeting that there may be difficulties in that respect. Following receipt of the Committee's letter on 23 September, we agreed to attend at a mutually convenient date either in Belfast or Dublin. We are pleased to provide whatever information we can to help the Committee in its inquiry.

The written submission provided to you in July outlined the organisational and legislative arrangements in relation to food safety in Ireland. It detailed the chronology of the incident and covered the pig meat recall financial assistance scheme. Also in that submission, we referred to reviews of the incident and touched on some of the adjustments made since it occurred.

This morning, I will focus on points which I hope will be helpful to your inquiry. After my presentation, we will endeavour to provide any information that the Committee requires.

For the purpose of clarity, I will begin by referring to organisational structures. The Food Safety Authority of Ireland is primarily responsible, by statute, for the enforcement of food law in Ireland. The Food Safety Authority of Ireland Act, 1998, enables the authority to carry out its remit by service contracts with various official agencies. The Department of Agriculture, Fisheries and Food operates under such a service contract with the Food Safety Authority. The control of animal feed is not included in the service contract arrangement.

The dioxin incident is noteworthy in that it developed rapidly into a crisis of unprecedented proportions, but it is also true that the speed and decisiveness of the action taken, in which consumer protection was the overriding priority, resulted in an equally rapid restoration of the market for pig meat, although some market issues are still being addressed. At its meeting in December, the European Council expressed its support for Ireland's efforts to deal with the situation relating to pig meat and its prompt precautionary action.

The first indication of a problem was the disclosure on 28 November of non-dioxin-like marker polychlorinated biphenols (PCBs) in pork fat that was routinely sampled under our national residue monitoring programme. That result was confirmed on 1 December 2008. The FSAI advised the Department that there were no legal or regulatory limits for non-dioxin-like

PCBs, and that that result, and the subsequent results on the feed sample, did not necessarily pose a risk to public health. I understand that that advice was given by the FSAI after consultation with the European Commission. The FSAI was satisfied with the actions taken by the Department in the week commencing 1 December.

I should at this point provide more precise information than is outlined in our written submission on the receipt of information in relation to tracing the use of the feed ingredients, which should be helpful to you in your inquiry in focusing on the precise timeline of events. On receipt of the initial indicative marker PCB results on 28 November, samples were taken of all the types of animal feed used in the farm of origin. On 2 December, one of the feed ingredient library samples presented as positive for non-dioxin-like PCBs. The source of that feed ingredient was traced to a registered surplus food plant, Millstream Power Recycling Limited, in County Carlow. On Wednesday 3 December, samples of current feed from that plant taken on 2 December were negative for non-dioxin-like PCBs, and that appeared to indicate that the contamination had occurred in the past.

That required further in-depth investigation, including the testing of library samples that were held at the plant. On Wednesday evening, the plant in question provided the Department with a list of eight customers, covering 10 pig farms that had received the dried bread. None of those was located in Northern Ireland. On 4 December, the Department received from the plant several lists of sales transactions that had taken place in the previous six months. A definitive list of customers who had received feed from the plant in the previous six months, as well as the quantities involved, was established by the Department. It transpired that some of the customers were located in Northern Ireland.

That was the first indication that Northern Ireland might have received contaminated feed. On Friday 5 December, the Department informed its normal contact point in the Department of Agriculture and Rural Development in Northern Ireland by phone of that information, with a commitment to confirm the information by e-mail later that day. I emphasise that there is a very close working relationship between the Department's feed control staff and their counterparts in Northern Ireland and Great Britain. For some years now, the relevant Department officials have been meeting their colleagues from DARD and the Food Standards Agency twice a year to exchange views on matters of mutual interest.

In the first week, the incident was treated primarily as an animal-feed problem, as is evidenced by the press release that was issued by the Department on the evening of 4 December. Samples of the pork fat and the feed had, however, been sent on Tuesday 2 December to the central science laboratory in York because of a possible link between PCBs and dioxins. The results of those samples became available to the Food Safety Authority of Ireland — earlier than expected, I might add — on Saturday 6 December at 3.40 pm; they indicated the presence of dioxins in the pork fat and the feed samples.

Consultations were held immediately with the Taoiseach, the Minister for Agriculture, Fisheries and Food, the Minister for Health and Children, the Chief Medical Officer, the Food Safety Authority, and Department officials. Following on from the meeting, the Food Safety Authority of Ireland decided that it was necessary for the food industry to recall all Irish pork and bacon products from pigs slaughtered in Ireland since 1 September 2008. It was also decided that that information should be put into the public domain immediately, and a press conference was arranged for circa 7.00 pm.

The FSAI arranged to issue an alert notification on the rapid alert system for food and feed (RASFF) to advise the European Commission and all EU member states. Trader notifications were also issued by the Department later that evening. As the Committee heard from the chief executive of the Food Safety Authority of Ireland, there was also telephone contact between the FSAI and the Food Standards Agency that evening.

The Department's crisis management group was convened on Sunday 7 December. The point to note is that the incident escalated rapidly on the evening of Saturday 6 December. The gravity of that unprecedented situation was not anticipated until the results were received that afternoon and information on the extent of the production potentially affected was assembled and assessed. The assessment, which was carried out that day and evening by the FSAI, required consultations with the European Commission and other regulatory authorities.

Pig meat processing in Ireland ceased in the immediate aftermath of the announcement of the pig meat recall. The processors made it clear that the extent of the recall was such that it undermined their financial viability and that they would no longer be in a position to trade. There were intensive discussions over the following days, I think, until Wednesday or Thursday of the following week, with the pig-processing industry to facilitate the resumption of slaughter.

Notwithstanding the difficult budgetary position, the Government agreed to make a limited financial facility available to assist the industry, having regard to the impact of the recall on the industry, the necessity to ensure that the recall could be effected and the need to avoid potential animal welfare problems. The financial assistance was provided so that the industry might effect a comprehensive product recall as required by the Food Safety Authority of Ireland. The industry itself was not in a position to fund a recall, and failure to ensure an international recall would have had serious consequences for the pig meat sector and, indeed, for the reputation of all Irish food exports.

I should make it clear that the financial assistance provided was not a compensation scheme. Food and feed business operators are legally responsible, under the food and feed hygiene legislation, for putting safe food on the market. The pig meat recall scheme was a financial assistance scheme related to the cost of recall of the product and introduced for the reasons that I stated. Claims for recompense from customers affected in the more than 30 markets that were supplied worldwide with Irish pig meat are clearly a matter to be pursued at industry level. Payments in respect of pig and cattle herds depopulated as a result of the dioxin incident were treated in the same manner as in cases of herd depopulation, for example, under the TB or brucellosis schemes. State aid approval and a certain level of EU co-funding were granted in respect of those schemes.

Although the dioxin incident may be viewed as being identified or originating as a feed-contamination issue in Ireland, to go back a stage further, all the indications are that it may well be the direct or indirect use of an oil that contained dioxin and PCB contaminates, and that may ultimately constitute a criminal offence involving one or more jurisdictions. That remains to be seen. Investigations by the Irish national Bureau of Fraud Investigation and the Northern Ireland authorities — the Northern Ireland Environmental Agency and, possibly, the Police Service of Northern Ireland — are ongoing, and I am constrained from making any further comment on that matter at this time.

Like any incident of this nature and scale, there are lessons to be learned — in this case, by operators in the food and feed chain, the control authorities and, indeed, the European Commission. In this regard, adjustments have already been made to the national feed inspection programme, notably a change in the risk categorisation of feed and grain-drying operators. Under the national feed inspection programme, feed business operators have also been reminded of the

fuels that can be used in burners for direct drying.

In the context of discussions on the all-island animal health strategy, improvements to the communication system between the Department of Agriculture, Fisheries and Food and colleagues in DARD have also been implemented and were evident in dealing with the recent swine flu incident. Both Departments have worked closely over the years in dealing with a variety of animal diseases, in particular, in recent years, in dealing with the outbreak of foot-and-mouth disease. The dioxin contamination incident introduced an extra dimension in which communications by food safety agencies were also activated.

The Minister for Agriculture, Fisheries and Food has established an inter-agency group, under the chairmanship of Professor Patrick Wall of University College Dublin, to review the incident. That review process is consistent with the approach adopted after the food-and-mouth disease outbreak in 2001, when the Department of Agriculture, Fisheries and Food updated its contingency arrangements in the light of the experience gained. The review group, chaired by Dr Wall, is expected to present its report soon to the Minister for Agriculture, Fisheries and Food and the Minister for Health and Children.

That concludes my opening statement. I thank you for your attention. My colleague and I are happy to answer any questions that remain.

The Chairperson:

That is excellent. Thank you very much, assistant secretary. Having heard your statement, we realise that we were absolutely right to wait to receive that information. What you have told us is very valuable, and we appreciate the candour of some of the points that you made.

In your presentation, you stated that the first indication of a problem with non-dioxin-like PCBs appeared on 28 November. You went on to state that the result was confirmed on 1 December. The Department was advised by the FSAI that there were no legal limits of non-dioxin-like PCBs. That result, and the subsequent results on the feed samples, did not necessarily pose a risk to public health. I understand that that advice was given by the FSAI after consultation with the EU Commission, and that the FSAI was satisfied with the actions taken by the Department that week.

Do you confirm that there was no significant risk to the public?

Mr Heraghty:

That was the assessment made by the FSAI on receipt of those results, which were confirmed on 1 December, and on receipt of further results that came through on the feed samples later that week. That was the FSAI's assessment; it is the body charged with risk assessment in those circumstances, and it advised us accordingly. It influenced the manner in which we treated the incident in that week.

The Chairperson:

I do not know whether you have had an opportunity to see the evidence that FSAI gave us last week. It seems to suggest something very different about the levels of contamination and the threat to the public. It indicates that those dioxins posed a risk, and there is clearly a difference of opinion, to put it mildly.

Mr Heraghty:

I have not seen a full transcript of the evidence that was given last week, but Professor Alan Reilly, in his written submission to the Committee last week, informed the Committee that the discovery of marker PCBs in food and feed samples does not always mean that dioxin and dioxin-like PCBs will be present.

The Department worked in close consultation with the FSAI throughout that week, even up to and including the time when the press release was issued on the Thursday. It is notable that, in the press release, there is no reference to a risk to public health. That bears out my point: the FSAI had advised the Department that there were no maximum levels for non-dioxin-like PCBs laid down in legislation. It was happy with our course of action in dealing with the disclosure of non-dioxin-like PCBs. A lot was learned about the ratio between the levels of PCBs and the levels of dioxin as a result of the incident. However, when the PCB results were received, the FSAI gave us no reason to believe that we would have to take the type of recall action that was ultimately required on Saturday 6 December.

The Chairperson:

Is it fair to characterise the difference of opinion that has emerged and the actual view on PCBs as confusing? Can one say that that confusion has potentially created issues in the public mind over

the safety of these foods?

Mr Heraghty:

I do not agree that there was a difference of opinion between DAFF and the FSAI during that week. We worked in close co-operation and consultation with the FSAI, and we took its advice on risk assessment. That was the advice given to us, and it was the reason why we took that course of action that week and made the public statement in the press release on Thursday. A lot was learned, after the event, about the correlation between the levels of PCBs and dioxins as a result of the incident. However, I do not agree that there was a difference of views between the FSAI and the Department in the way in which we were treating it. We were working on the advice of the FSAI during that week.

The Chairperson:

Who has responsibility for animal food controls? Is it the Department of Agriculture, Fisheries and Food or the FSAI?

Mr Heraghty:

As I said in my presentation, animal-feed controls are not included in the service contract arrangement with the FSAI. However, there is a requirement in the service contract arrangement that, if we find a result — as we did in the pork-fat sample — we notify the FSAI of the result. We notified the FSAI immediately after we got that result, and we worked with it thereafter.

The Chairperson:

Does that mean that you have responsibility?

Mr Heraghty:

We have responsibility for animal-feed control, as of now.

The Chairperson:

As of now? What about as of —

Mr Heraghty:

At that time, we had responsibility for animal-feed controls, but the FSAI had responsibility for food safety. You will note, and I tried to bring the fact out in my opening statement, that when

the incident became a food-safety incident on the Saturday, the FSAI was the lead agency, and we worked in close consultation with it throughout the week when the incident was being dealt with primarily as an animal-feed problem.

The Chairperson:

According to your statement, it appears that the key date for Northern Ireland being informed was around 5 and 6 December. However, you said that, on 4 December, your Department knew that some customers who received those feedstuffs were located in Ulster. That being the case, why was there a delay between the 4 December and 5 December? Why did you not pick up the phone at that point and have someone deliver the message through the normal contact point to Northern Ireland officials to give them a heads up, so that they could get on with looking at the issue at the earliest possible opportunity?

By the evening of 5 December, you were having meetings with the Taoiseach and the various Ministers and having a detailed examination of the problem. In the meantime, we were left in the dark until some time on 5 December. As you know, or maybe you do not, our Minister of Agriculture and Rural Development found out only after hearing the bulletin on the RTÉ news.

Mr Heraghty:

The Taoiseach and other Ministers became involved on 6 December when we got the information that we had a dioxin positive. As for the sequence of events that week, we got some information on the Wednesday from the plant, and we got more information on the Thursday from the plant. A lot of information was being requested from the plant. However, the first information that we got from the plant on Thursday gave only the name — not the address — of the recipients of the feed. There was some interaction with the plant and with our people who were visiting the plant on the Thursday to get that information. It was later on the Thursday that we got the full details, including the addresses to which the feed went. That information was passed on on Friday morning by telephone.

The Chairperson:

At what time on the Thursday did you know about it?

Mr Heraghty:

I do not know the exact time, but it would have been late on Thursday afternoon. Some

exchanges went on with the plant to get the first information that came in the morning or mid-morning.

The Chairperson:

However, you knew enough, early enough, to restrict herds in the Republic on the Thursday.

Mr Heraghty:

We restricted some herds on the Thursday, yes: that is true. They were pig herds. The information that was passed on to our colleagues in DARD indicated that feed went to cattle herds, and we did not take any action on cattle herds until the Friday. The action taken on restricting cattle herds took place concurrently, in the sense that it was done around the same time in the South as it was in the North. As it transpired, none of the feed had gone to pig herds in the North.

The Chairperson:

You said that the normal contact point in DARD was informed by telephone. Who is the normal contact point? Talk us through that situation.

Mr Heraghty:

The agreed contact arrangement is that the deputy head of the feed control division of the Department of Agriculture, Fisheries and Food makes that contact. I am not sure whether the Committee wants me to go into the details of who that person contacts in DARD, but I can do that if it is desirable.

The Chairperson:

That information would be helpful.

Mr Heraghty:

The normal contact in DARD, Stephen Nixon, was not present, but his colleague Ciaran Cunningham took the initial call.

The Chairperson:

Who in the Department of Agriculture, Fisheries and Food made the call?

Mr Heraghty:

The call was made by the assistant principal officer in the feed control division of the Department, Mr Downey.

The Chairperson:

IS Mr Downey senior or middle management in the Department?

Mr Heraghty:

The Department is divided into divisions and Mr Downey is the assistant principal of the feed control division, which is headed by a principal officer. He was the agreed communications contact point.

The Chairperson:

When was that contact made?

Mr Heraghty:

It was made on the morning of Friday 5 December 2008, which was followed by a detailed e-mail later that day.

The Chairperson:

Do you accept that, had that information been passed to DARD on Thursday 4 December 2008, giving it a heads-up, it would have been able to be more fleet of foot in getting something done before the weekend?

Mr Heraghty:

From the Department's view —

The Chairperson:

In asking that question, I am aware that I am asking you to have hindsight. However, part of the Committee's report will be made up of reflections on those matters.

Mr Heraghty:

A great deal was going on in the feed division on Thursday 4 December 2008 about getting as much information as possible from the plant in question, and a great deal of information had been

pooled in an attempt to assess the extent of the problem.

In hindsight, it could be said that the information could have been made available on Thursday 4 December. However, the reality was that a great deal of information was being assembled and assessed, and the people who were involved were under a great deal of pressure to complete that exercise. The Department contacted DARD as soon as possible, and that contact was made by phone the following morning.

The Chairperson:

Is it fair to say that Northern Ireland was an afterthought in that process?

Mr Heraghty:

No. There is an agreed communication system on the feed side which has operated previously. It was a matter of pooling the information, dealing with that information and passing that information on as quickly as possible.

The restriction of the cattle herds were carried out concurrently, in the North and the South, on Friday 5 December.

The Chairperson:

The big problem for Northern Ireland was that the Republic of Ireland had considerably more information, which placed us at a distinct disadvantage. Again, that comes down to timing, because had DARD received an earlier warning, it would have been able to be more fleet of foot and been able to deal with the problem. By Monday or Tuesday of the following week, Northern Ireland was in the midst of a stampede of crisis, and we could have been able to get a handle on that crisis sooner.

There is a view that by holding back that information, and not telling DARD until Friday 5 December, Northern Ireland was left in the dark, had a weekend of panic and had a real crisis by the following Monday, while the Republic of Ireland was able to manage the situation, thereby enabling the Taoiseach to be well briefed and in a good position by Monday 8 December.

This Committee was told that it is very difficult to get back into a market in the modern retail world having lost it on a negative. Northern Ireland was on a double negative, because it was

also blind to a lot of the information that should have been made available.

Mr Heraghty:

As I said in my opening statement, the Department was treating the situation primarily as an animal-feed issue that week. The information was being obtained from the plant in question. We got some information on Wednesday 3 December and more on Thursday 4 December, and it took some effort to collate that information. That information was passed on to our colleagues in Northern Ireland at the earliest time possible, which was Friday morning. Actions on herd restrictions were taken concurrently on the Friday. Therefore, on Friday, we were at the same point.

The Chairperson:

I want to be clear: from what we can gather from your written evidence, no specifics were given. A general phone call was made to the quality assurance branch in which a problem was reported. No specifics were given, but an e-mail was promised for later that day. The information that was received was limited.

Mr Heraghty:

It is not in the statement, but the information that was given on the phone provided the names and addresses of the herds, and that was followed by the e-mail at midday.

The Chairperson:

Our Department does not say that. It has not told us that names and addresses, and such specifics, were made available by a phone call.

Mr Heraghty:

The recollection of the officer concerned is that he passed on that information.

The Chairperson:

I am sorry to press you on this, but was the phone call recorded?

Mr Heraghty:

I have not seen evidence that it was recorded, but I have seen the evidence of the e-mail that was sent with the details.

The Chairperson:

Do you have a copy of the e-mail?

Mr Heraghty:

We can get a copy of it; I do not have it to hand.

The Chairperson:

Our Department advised us that the e-mail was not as specific as you are indicating that your officials recall it to be.

Mr Heraghty:

My colleague might be able to give some detail about the e-mail. My understanding is that it provided the full details, because it allowed action to be taken on the herds in Northern Ireland.

Mr Dermot Ryan (Department of Agriculture, Fisheries and Food)

The details of the nine herds that were located in Northern Ireland were provided in the e-mail.

The Chairperson:

What time on the Friday was the e-mail sent?

Mr Ryan:

It was sent on Friday at 1.00 pm.

The Chairperson:

There is a slight disparity between what our Department told us about the telephone call and the time until lunchtime before that detailed information was received.

Mr Ryan:

Our understanding is that a DARD official had left the office and gone to visit farms by the time that we sent the e-mail at 1.00 pm.

The Chairperson:

Had the official gone to visit the farms in question?

Mr Ryan:

Yes. That is the understanding of our colleague who made the phone call and who spoke with Mr Price, another colleague in DARD. Our colleague understands that the official concerned had commenced visiting the farms prior to the arrival of the e-mail.

The Chairperson:

You are giving us a robust defence that the communication was strong and that it worked. To date, the evidence that we received shows that there was a breakdown some time between the Thursday and Saturday, and that it was Friday and Saturday before we started to get an idea of what was going on. By the Monday, we had a crisis management situation to deal with. Your evidence is different in that the key date for you is the evening of 6 December, when things were well in hand.

Mr Heraghty:

The information on the movement of the feed was provided on Friday morning and confirmed via e-mail. At that point, we were dealing with it as primarily as an animal-feed issue. Also at that point, restrictions had been placed on herds in Northern Ireland and in the South. The situation changed dramatically on Saturday, when we got the dioxin result earlier than expected. We had indicated in the press release that went out on the Thursday evening that we did not anticipate having results until the Monday. In any event, the result came through on the Saturday, and that changed the whole scenario. It became a food-safety issue at that stage. Communication about the movement of the animal feed was going on here, and communication was going on between the FSAI and the Food Standards Agency. The situation changed quite dramatically on the Saturday, when it became a dioxin and a food-safety issue.

Lessons about communications in general can always be learned and improvements made. In our more recent discussions, we have put in place an enhanced communications system. However, as I said, communications were going on at several levels.

The difference between the dioxin contamination and the outbreak of foot-and-mouth disease, for example, is that communications were happening between food-safety agencies that had the lead role, namely the Food Safety Authority of Ireland and the Food Standards Agency. Therefore, when the situation became an issue of food safety, there was separate layer of

communication between lead agencies.

The Chairperson:

There seems to have been an issue about whether the main issue was food safety for the consumer or protecting the product and assisting the production of good food. There was confusion — and I acknowledge that you do not call it confusion — about who had the lead role and what the key issue was. That confusion may have resulted in our industry not being made fully aware, as early as possible, of what was going on.

Mr Heraghty:

Until the Saturday, we were dealing with the matter as an animal-feed issue. We certainly did not anticipate that the entire product would be recalled by Saturday evening. The situation escalated dramatically on the Saturday, and our industry had not anticipated the nature of the final outcome.

The Chairperson:

Your written submission makes it clear that the pig meat recall scheme was not a compensation scheme, so let us call it a financial assistance scheme. Did DAFF attempt to include Northern Ireland producers and processors in that original scheme? Did it respond to the Northern Ireland Executive's requests for our producers and processors to be included?

Mr Heraghty:

Pig meat processing in Ireland ceased once the recall was announced on the Saturday. Some 5,000 or 6,000 employees in the pig meat processing sector were laid off temporarily. There were potential animal welfare problems, and there was an issue about who would effect the recall. On request from the industry, and after negotiations, the Government provided limited financial assistance in those circumstances. It was not a compensation scheme, and it was not intended to be a compensation scheme.

The scheme's primary purpose was to ensure that the recall was effected. Had that not been the case, damage could have been done to Ireland's reputation. It is normal practice for member states to deal with financial assistance schemes for the industry or producers within their jurisdiction, and we dealt with the situation in that manner. The FSAI had decided to recall pig meat from pigs that were slaughtered in Ireland from the market, and the industry had requested financial assistance.

The Chairperson:

Can you give a ballpark figure for the percentage of your pig product that comes to Northern Ireland?

Mr Heraghty:

Our overall kill is something in the region of 2.5 million pigs per annum. Some 400,000 or 500,000 pigs go to Northern Ireland annually.

The Chairperson:

Does the lion's share of your kill go to GB?

Mr Heraghty:

Yes; GB takes a lot of our product.

The Chairperson:

On that basis, was there no attempt by DAFF to include Northern Ireland in the scheme?

Mr Heraghty:

No; it is not normal practice for a member state to provide financial assistance for an industry outside its jurisdiction. The scheme was a response to a specific request from, and specific circumstances in, our own industry.

The Chairperson:

Did the Northern Ireland Executive contact DAFF to ask to be included in the scheme?

Mr Heraghty:

There was a lot of contact between Ministers, and the matter was raised at a plenary meeting of the North/South Ministerial Council. Meetings took place between Northern Ireland Ministers and our own Ministers.

The Chairperson:

Who mentioned the scheme at the North/South plenary meeting?

Mr Heraghty:

Minister Gildernew and Minister Foster had separately been in touch with Minister Smith about the issue, and it was subsequently discussed at a plenary session of the North/South Ministerial Council, but I cannot recall which meeting. The points that were made in those discussions were the same as those that I am making about the financial assistance scheme, which is that it is normal practice for a member state to deal with the industry in its own jurisdiction. Given the existing budgetary difficulties, the Government provided only limited financial assistance.

The Chairperson:

So, you resisted calls to have us included.

Mr Heraghty:

Yes, that is true.

The Chairperson:

Was a business case put to you?

Mr Heraghty:

There was a business case about the impact of the recall and the impact that the decision would have on Northern Ireland.

The Chairperson:

The dioxins scare had the potential to blight our pig market. Given that we have the same customer base for our pigs — namely GB — it was pretty disadvantageous for Northern Ireland to be left out of the financial scheme.

Mr Heraghty:

There are two issues: the financial assistance scheme and the question of liability. As I said about the scheme, it is normal for a member state to deal with its own industries. However, the question of liability is quite a different issue and rests at industry level. Under the food and feed hygiene legislation, the primary responsibility for putting safe food on the market lies with the food and feed business operators. The question of liability is a different matter.

The Chairperson:

Who do you think was liable in this case?

Mr Heraghty:

I would not go down that road. In my submission, I said that investigations are ongoing that involve the Gardaí and the Northern Irish authorities. The sooner they are concluded, the better as the issue about culpability is important.

Mr Elliott:

Gentlemen, thank you for your presentation. It was very helpful, and I apologise for missing the start of it.

Was the disclosure about the discovery of PCBs in late November routine or out of the norm?

Mr Heraghty:

If my recollection is right, that was the first occasion in which PCBs had been disclosed under the national residues monitoring programme. Under that programme, we take around 30,000 samples every year, and that was the first occasion in which PCBs were disclosed.

Mr Elliott:

So, it was out of the norm.

Mr Heraghty:

Yes; it was unusual.

Mr Elliott:

Did you treat the disclosure as significant, or did you think that it was an abnormal occurrence that would be resolved in the near future? I am trying to find out whether it raised any huge concerns.

Mr Heraghty:

We immediately contacted the Food Safety Authority of Ireland and informed it of the result. We then had the benefit of that body's risk assessment. We discussed earlier how the FSAI said that the discovery of marker PCBs in food and feed samples does not always mean that dioxin or

dioxin-like PCBs will also be present. The FSAI also advised that there were no specific levels laid down, regulatory or legal, for non-dioxin PCBs, and said that it was happy with the course of action that we had taken. We rapidly tried to find out the cause and extent of the problem and immediately traced it back from the pork factory to the animal feed. We then traced the animal feed and found out where it has been sent.

In the presentation, I tried to point out that there were differences in the results. Some library samples showed a positive result but, equally, some samples from production showed up as negative. In that week, the assessment was done as rapidly as possible to allow the FSAI and ourselves to assess the situation.

Mr Elliott:

The report from the joint Committee of the Dáil found that your traceability systems did not work. Will you elaborate on that? What did those systems lack, and what has been done to rectify that problem?

Mr Heraghty:

The traceability system worked in the sense that we were immediately able to trace the pork to the feed and trace the feed to its various recipients. The joint Oireachtas Committee raised several issues, which Professor Wall is considering in his review, one of which is the question of traceability. There is an EU requirement on traceability that adopts a one-step-forward-and-one-step-back approach; that is, people should know where they got the product and to whom they sold it on. Professor Wall's group will undoubtedly consider the matter of traceability, and come to a conclusion or make a recommendation. The EU requirement does exist, but it is difficult to draw a conclusion that that requirement is not being followed by the industry. However, Professor Wall's group will study the matter in some detail.

Mr Elliott:

I raised this matter at a previous inquiry session. Northern Ireland uses the farm quality assurance scheme, which would have approved the animal feed. Although I cannot recall the name of the quality assurance scheme in the Republic, I know that one exists. Would that system have approved the feed?

Mr Ryan:

Surplus bread would be acceptable in a quality assured scheme.

Mr Elliott:

How is the feed assessed and monitored? I assume that samples are taken at regular intervals? Why was the feed in the system for a period before it was discovered? There was talk that the feed was supplied from September 2008. Was the feed not inspected between September and November?

Mr Ryan:

Like every other member state, we have a national feed inspection and sampling programme that involves about 1,800 inspections throughout the feed chain. It begins with imports, continues in mills and moves down the line to wholesalers and farmers. The sampling system and the testing of samples extend through the feed chain, and approximately 2,200 to 2,300 samples are tested. Approximately 7,500 individual tests are carried out on those 2,200 samples to discover, for example, prohibited substances or to determine ingredients or percentage of protein. When establishing that programme every year, each member state must take cognisance of the requirements of EU regulations. There is a risk assessment process, the objective of which is to try to pick up all feed materials along the chain.

Mr Elliott:

Is it likely that that feed was not tested in the period between September and the end of November?

Mr Ryan:

I cannot say that categorically, but I know that dried bread was tested in recent years, and something would have been picked up somewhere along the chain. In fact, some of the bread that would have been picked up would have been imported from Northern Ireland — not necessarily that year, but in previous years. Dried bread would have been picked up and tested.

Mr Elliott:

I have been in a couple of feed mills in Northern Ireland, and I know that a small sample is taken and tested from each batch of feed that is made. I would think that that would apply to most feed that was going to the animal industry. Is that the case in feed mills in the Republic of Ireland?

Are individual samples taken from each batch of feed?

Mr Ryan:

Yes, that is correct. In the particular plant that we are talking about — the surplus food recycling plant — there were library samples going back three or six months. The fact that those samples were available to us and that we got them tested quickly for PCBs helped us greatly. When we visited the food recycling plant, the initial samples of the then current production were negative. On Wednesday 3 December, the situation was that the then current production in that plant was negative; we did not have any problem with the then current production.

On Wednesday 3 December, however, we obtained more library samples of production going back a number of weeks or months, and by testing those samples, we had a result on the morning of Thursday 4 December that indicated that, for the first time, this was a historical problem going back some time. The availability of the library samples was crucial in trying to identify the problem in that case. When the farm from which the original pig came was visited, the sample that was picked up was a library sample. That library sample tested positive, but the then current feed on the farm tested negative. All those results created a picture that took a lot of investigating, because it was not a current problem; it was a problem that arose from the testing of library samples.

Mr Elliott:

I appreciate that.

Mr Ryan:

The issue then was to identify the window during which the contamination occurred, which led us to the oil that was supplied from Northern Ireland. The next issue was to test oil on the premises, that is, oil samples that had been retained by the feed business operator. Those samples were found to be heavily contaminated, and the pattern of contamination in the oil was similar to the pattern in the feed, which in turn was similar to the pattern in the pork fat, thereby linking the oil, the feed and the pork fat.

We had to wait for a number of days for the results to come so that we could get a picture of how the situation came about. Early on, there had been speculation that the contamination could have come from another source. It was suggested that some plastic materials may have been

subjected to excessive heat during the drying operation and may have given off PCBs. However, that theory was taken off the table fairly quickly, and the oil situation took over. It was clarified after a number of days, and we could begin to determine the cause of the problem.

Mr Elliott:

You said that it was useful to have those historical samples. Have you any idea how long that contaminated feed was there after being supplied to that plant?

Mr Ryan:

It is very difficult to pin it down —

Mr Elliott:

It should not have been that difficult if you had the samples for each day.

Mr Ryan:

Some of the samples showed very mild traces, and some of them showed significant contamination. That led to our trying to link the deliveries of oil with the results from the samples. It is difficult to elaborate on that, because, as my colleague said, that is the subject of an ongoing police investigation.

The Chairperson:

You are giving the impression that you are hiding behind the investigation. It is easy to say that there is an ongoing investigation and that the guards and other agencies are looking at it, therefore you can say nowt, and by saying nowt you create a distance between the scare and the conclusion. The conclusion may be that your Department was liable.

Mr Ryan:

The results of the feed samples, particularly the library ones, indicated that the appropriate time to withdraw pork meat from sale was from 1 September 2008.

Mr Doherty:

Thank you for your written and verbal evidence. You said that your Department has a service contract with FSAI, and your submission states that the control of animal feed is not included in that contract. Who controls animal feed?

Mr Heraghty:

The Department controls animal feed in accordance with EU feed and food-hygiene legislation. The principles of that legislation require primary responsibility to be on the feed-business operator, and they must have hazard-analysis critical-control-point plans. The control of animal feed is not included in the service contract arrangement with the FSAI, but the FSAI has other arrangements with the Department in food-safety areas where it has an oversight function. The Food Safety Authority has an oversight and auditing function in the control work that we carry out, with the exception of animal feed. That issue was not covered in the service contract arrangement when the Food Safety Authority was established in 1999.

Mr Doherty:

I want to focus on the relationship between DAFF and the FSAI. At the beginning, DAFF was the lead agency, but once it became an issue to do with food and food safety, the FSAI became the lead agency. Is there rivalry or tension there?

Mr Heraghty:

No; in fact, we regard the Food Safety Authority as a very important agency, as it has an oversight function in our controls on food safety. The FSAI is independent; it reports to the Minister for Health and Children; and it can speak with credibility with relation to food safety, because it checks our controls.

The FSAI brings an added authority to food-safety control. It is not only the Department that carries out food-safety controls. The FSAI makes a judgement on how the Department is carrying out those controls in any particular area. It operates at an oversight level and audits our work, where it specifies the type of controls required under the service contract arrangements.

That system has worked for 10 years. It has worked very satisfactorily, from our point of view. The FSAI has gained credibility as an independent, science-based organisation, and it is removed from production matters in which the Department might be more involved.

Mr Doherty:

I would like to focus on co-operation and on the timescales of the information that came from the South to the North on Thursday 4 December.

When we were in Dublin last week, the representatives of the FSAI told us that it related to the UK as another EU member-state; it had all types of procedures; and it informed the Food Standards Agency UK on the Thursday. I reminded the officials that there were also agreements on this island, called the Good Friday and St Andrews Agreements. I asked why the same courtesy was not extended to, or the same relationship not developed with, the Food Standards Agency in the North. That is for the FSAI to answer. However, the same question may be asked of the relationship between DAFF and DARD. Why was there not a more serious level of contact between them on the Thursday, particularly as, according to our information, your Department was drawing up a list of customers that included customers in the North? Although you had not completed the list, you might have given DARD a heads-up to let them know that the list extended throughout the whole island. Why was there not that speed of communication on the Thursday?

Mr Heraghty:

As I have tried to explain, the Department was attempting to obtain a lot of information from the food recycling plant on that Thursday. A certain amount of information was made available mid-morning or at mid-day that had names without addresses. Subsequent inquiries were made to obtain the addresses. That information was pulled together from sales transactions that had taken place over the previous six months. The Department's feed section was working on all that information, trying to get it together and put it in a way in which it could communicate, and it did that on Friday morning.

Mr Doherty:

I understand that the feed section did that on the Friday morning. However, it was starting the process, and it must have known that there was some type of crisis involving Northern Ireland. It should have given a heads-up to DARD that there was a potential problem coming down the line and that DARD had better be on the alert.

Mr Heraghty:

My understanding is that it was trying to complete the information to pass on to DARD, so that DARD could take the necessary action on restrictions. It was working to complete that information on the Thursday. The first opportunity to transmit that information was on Friday morning.

There is a good relationship on the feed side between my Department and its colleagues in DARD. It was a question of trying to obtain a complete set of information that could be acted upon by DARD.

Mr Ryan:

There is also the fact that, as I have already mentioned, we had received a negative result from feed from the plant on Wednesday. It was not until Thursday that we got a positive result from the library samples. Naturally, having received positive results from historical samples from the plant on Thursday morning, there was greater clarity, and we had to dig deeper at the plant to get further details of customers over a longer period. That took some hours to get from the plant and some further hours to assimilate. That process went on until late in the evening.

Mr Doherty:

It was completed on the Thursday?

Mr Ryan:

It went into Friday morning, as well; but work on getting the information together went on until 8.00 pm on Thursday night.

Mr Doherty:

I accept that. However, you were gathering the information on Thursday but, still, it was Friday before you informed DARD. Time was of the essence, and that takes us back to the Chairperson's point that there is a suspicion that you were more concerned about protecting the Southern market, as opposed to the market on the whole island.

Mr Ryan:

What happened on the Friday in both jurisdictions, as Martin has pointed out, is that cattle herds that had received that feed were locked up.

Mr Heraghty:

I seek to reassure you that there was no question of trying to delay the transmission of information. We were trying to complete the set of information and pass it on to DARD to allow appropriate action to be taken. Having made the assessment, and compiled the results in relation

to PCBs, we then passed that on so that action could be taken by our colleagues in DARD.

Mr Doherty:

Even if it was not as bad as I am suggesting, given that agriculture is an area of co-operation, it must be a weakness that the foremost thought was not to keep in touch with the Northern authorities at all times.

Mr Ryan:

It would have been the foremost thought, because we have lots of experience, going back years, of feed contamination incidents in both directions. Once we or our colleagues in DARD establish that contaminated feed has crossed the border, we contact each other. There have been several instances of particular types of contamination, most of which turned out to be rather minor. For example, there have been instances when bone spicules were found in feed that was imported into Ireland and finished up in Northern Ireland, and vice versa. We have an agreement to contact each other as soon as the information about the recipients of the feed becomes available. That agreement has been built up during a series of bilateral meetings that have taken place twice a year in past years.

The Chairperson:

At what point did the secretary general of your Department know what was going on? Was he fully informed on the Thursday evening?

Mr Heraghty:

I cannot say precisely, but he would certainly have known when the press release was issued. He would have been aware of the press release stating that we had restricted herds. He may well have known earlier, but he would certainly have known at that point.

The Chairperson:

Would the Minister have known?

Mr Heraghty:

The Minister would have known by the time the press release was issued.

The Chairperson:

Do you not see the point that my colleague and others have made to you, that it makes a nonsense of good relationships if the Minister knew, the assistant secretary knew, and there was a flurry of activity at a very senior level in your Department — rightly so — to deal with an issue that was affecting your jurisdiction, but no one decided to pick up the phone to have a quick word with Malcolm McKibbin or the Minister to let them know that something was going on that should have been on their radar? Instead, someone at level 3 in DARD received a call on a Friday morning and later, at 1.01 pm, a more detailed email including some names and addresses. That really sends out a poor signal about the state of the relationship, which should have been much more co-operative.

Mr Heraghty:

No, I think the relationship —

The Chairperson:

Martin, you cannot seriously tell us that that was a good relationship.

Mr Heraghty:

No, but I will say that we put out a press release when we restricted some herds. At that stage we were still receiving information about herds. The press release went out in relation to some of the information that was received on the Wednesday. At that point we had no indication that any feed had gone to Northern Ireland. We did not realise that there was any issue in relation to Northern Ireland. That is what caused the press release to be issued on the Thursday.

The Chairperson:

Are you telling us that, on the Thursday night, it did not register with Brendan Smith that he should pick up the phone and tell Michelle Gildernew what was going on? Are you telling us that no one in your Department thought about doing that, and you were quite content to leave it until Michelle Gildernew found out by way of a press release and statement that appeared the following evening on RTÉ television and radio news?

Mr Heraghty:

I think it was the Saturday, actually. On the Thursday, an effort was being made to compile the information so that it could be provided to our colleagues in DARD.

The Chairperson:

You had recalled product on the Friday?

Mr Ryan:

No.

The Chairperson:

Sorry, you had restricted a herd on the Thursday?

Mr Ryan:

We restricted pigs.

The Chairperson:

You had issued a press release, yet no one thought, by the Saturday, that they should telephone Michelle Gildernew or Malcolm McKibbin. That is a shambles of a relationship.

Mr Heraghty:

No. I would not accept that.

The Chairperson:

We are over the hedge, and you could not turn round and say, "By the way, boys, this is going on, and you need to be aware of it".

Mr Heraghty:

There was an animal-feed issue going on that week. We issued a press release on the Thursday on the foot of the information that we had received from the plant in question on the Wednesday. There was no suggestion that any of the feed from the plant had, at that point, gone to Northern Ireland. We got the information on the Thursday; we compiled it and simply provided it to our colleagues in DARD on the Friday. It was an animal-feed issue, which was being dealt with as an animal-feed issue for the reasons that I have stated. At that point, it was not a question of a recall.

The Chairperson:

The product was recalled on the Saturday?

Mr Heraghty:

The product was recalled on the Saturday, but the situation, as I tried to explain in my opening statement, changed completely on the Saturday —

The Chairperson:

Yes, but our Minister still did not know about it until that evening.

Mr Heraghty:

From our point of view, on the Thursday or the Friday, we had not anticipated a total product recall. We were dealing with an animal-feed issue at that point. The situation escalated and changed dramatically on the Saturday at 3.40 pm, when the result came back from York earlier than anticipated. At that point, the situation changed to become much more fast moving, and an intense couple of hours followed before a decision was made to recall the product. In accordance with agreed procedures, we compiled information on the Thursday so that complete information could be sent to our colleagues in DARD, and that was done at the first practical moment, which was Friday morning.

The Chairperson:

When was the first point of contact between Brendan Smith and Michelle Gildernew on the issue?

Mr Heraghty:

I cannot say for certain. However, I know that they spoke on the Sunday. As I said, the result came in at about 3.40 pm on the Saturday, when there was an intense and difficult period in which difficult decisions had to be taken.

The Chairperson:

Are you telling me that, despite all the political apparatus that we have on this island, there was no official contact, Minister to Minister, until after it became a news story — indeed, almost 12 hours after the story broke?

Mr Heraghty:

No. It is important to make the point that, when it became a food-safety issue on the Saturday,

the Food Safety Authority of Ireland was the lead agency as far as we were concerned, and it made contact, as I understand it, on Saturday evening with the Food Standards Agency in London and the Food Standards Agency in Belfast. That was lead agency speaking to lead agency on the Saturday on a food-safety issue; that was the appropriate channel of communication in those circumstances.

The Chairperson:

You are saying that there was contact made by FSAI to FSA UK and FSA NI?

Mr Heraghty:

That is my understanding.

The Chairperson:

That did not happen. We have categorical evidence that shows that there was contact between FSAI and FSA UK, but that it was two days before information came to the Northern Ireland branch of the FSA.

Mr Heraghty:

To be clear, the first point of contact, as I understand it, between the FSAI and the Food Standards Agency UK was on the Thursday. On the Saturday evening, the FSAI, now the lead agency in relation to food-safety issues, was in contact with the director of the FSA in Northern Ireland and with the FSA UK. That was within a couple of hours of the recall decision.

The Chairperson:

The first contact was when the FSA NI received a copy of the DAFF e-mail to a DARD veterinary surgeon, which included details of eight premises in Northern Ireland that were reported to have received suspected contaminated feed from premises in the Republic of Ireland, accompanied by the press statement from DAFF that indicated that it was awaiting further test results that would not be available until the next week. That was late on the Friday.

Mr Heraghty:

Yes. The point that I am trying to make is that, when it became a food-safety issue — as it did on the Saturday when we got the result back earlier than anticipated from York, when dioxins were disclosed — the information had to be assessed and the extent of recall had to be decided. Once

that decision was made, a couple of actions were taken. The matter was put into the public domain pretty much immediately. Simultaneously, the various alert notifications were triggered, including the EU rapid alert system for feed and food. The FSAI then contacted the FSA in Northern Ireland and the chief scientist of the FSA UK on Saturday evening. Those bodies were alerted when it became a food safety issue and to make them aware of the recall decision. Prior to that, however, we were still dealing with an animal-feed issue, and that was where we passed on the information.

The Chairperson:

Do you not see the irony of this Committee and its Chairperson questioning the level of the relationship? You are justifying a relationship that we feel was woefully inadequate. Do you not see the irony in that?

Mr Heraghty:

No. As I said, there is a very good relationship between DAFF and DARD, and it has functioned quite well with regard to other issues. In this case, it became a food safety issue, and the food safety communication mechanisms were activated on the Saturday. It is important to make that point, and there was direct contact with the Food Standards Agency Northern Ireland and with the Food Standards Agency in the UK on the Saturday on the food safety issue. That was the appropriate course of action: lead agencies on both sides were speaking to each other.

Mr Irwin:

You said, in response to a question from Mr Elliott, that there were 2,200 samples. Were those samples of feed taken from different farms and feed suppliers?

Mr Ryan:

I am sorry; could you repeat the question?

Mr Irwin:

Yes; how often are samples of feedstuffs taken from individual mills that supply feedstuffs? Was a feed sample taken from the supplier which had the problem prior to the incident?

Mr Ryan:

As I said, approximately 1,800 samples per annum are taken from right across the feed chain,

from imports, from production and through to the farmer receiving the feed. A sampling plan, based on risk assessment, is set out at the start of the year. Samples would have been taken periodically at that plant according to that plan. I cannot tell you when exactly samples were taken at that plant within the previous year, because I do not know that. However, its production would have been picked up at the plant or along the line at the mill stage, or, perhaps, at the on-farm stage.

Mr Irwin:

Am I right in thinking that the joint Committee's report said that those premises had not been inspected at all in 2008?

Mr Ryan:

It was due for inspection in 2008, according to our risk assessment.

Mr Irwin:

But it did not happen, and that was at almost the end of the year.

Mr Ryan:

The inspection had not taken place by 29 November. The plant was due to be inspected in December.

The Chairperson:

Who is liable for that?

Mr Ryan:

Pardon?

The Chairperson:

Who is liable if something is found to be wrong and an inspection did not take place?

Mr Ryan:

Department of Agriculture, Fisheries and Food inspectors carry out inspections. If there are problems, there is a procedure for dealing with problems.

The Chairperson:

You obviously play rugby, because that is a very neat side-step. *[Laughter.]* Who is liable if an inspection is scheduled but does not take place, and something is found to have been wrong? Is it the inspector for failing?

Mr Ryan:

No. It is not a question of the inspector failing. The inspection was due to take place in 2008. It had not taken place by the end of November, so it would have taken place in December.

The Chairperson:

Would it?

Mr Ryan:

Yes.

The Chairperson:

You had a date scheduled for it?

Mr Ryan:

Not necessarily, but it would have taken place. The plant was due for inspection.

The Chairperson:

You're good. Honestly, I am incredulous. My colleague put his finger on potential liability.

Mr Heraghty:

We need to be very clear about liability. We must go back to first principles: under the legislation, the responsibility is on the feed-business operator to put safe feed onto the market. That is clear.

The Department carries out controls. It carried out an inspection in 2006 and in 2007, and it was due to do so in 2008. The fact that the inspection had not taken place by the time of the incident does not mean that the control authority should assume liability. Responsibility still rests with the operator. Even if the Department had carried out the inspection, there was a danger that, given that there was a possibility of criminal activity in the background, a controlled inspection

might not necessarily have discovered it. It is like saying that the police are to blame if a crime is committed.

The Chairperson:

A control mechanism was in place, whereby you were obliged to carry out an inspection. Failure to do so results in a liability issue. I know that you are saying, “don’t worry, Guv” and that the inspection would have been carried out in the remaining five weeks of the year. However, that requires the Committee to adopt a degree of flexibility in its belief about what would happen.

Mr Ryan:

There is no question of a failure to carry out an inspection. The plant was, as my colleague said, inspected once per annum in 2006 and 2007 and was due for inspection in 2008. There is no question of a failure to carry out an inspection.

The Chairperson:

You had three or four weeks left in which to inspect the plant. If you consider the Christmas holiday, you probably had about two and a half weeks.

Mr Ryan:

I will repeat: there was no question of a failure to carry out the inspection at that plant. It was in the plan.

Mr Irwin:

In light of what happened, have you reassessed or changed your examination and testing procedures? You said that you test 2,200 samples; I would have thought that suppliers’ samples pose a greater risk than those of individual farmers. Given that the procedures did not discover the contamination, they do not seem to be effective.

Mr Ryan:

The annual feed-inspection plan, which each member state is obliged to put in place, must be drawn up in accordance with EU legislation. The amount of samples taken under our inspection programme exceeds the requirements of the EU legislation. We are the only member state that concentrates significantly on imports. We have a higher rate of sampling of feed imports than the legislation requires and a higher rate of inspection and sampling of imports than most other

member states.

Mr Irwin:

You did not answer the question. In light of what happened, have you changed your system for sampling or testing feed suppliers?

Mr Ryan:

In our presentation, we outlined that we reviewed the risk assessment in light of the experience, or, in other words, in light of the findings in operation. That involved drying feed by using oil in a direct drying situation. We changed our risk assessment and now take more samples in, for instance, grain-drying places to prevent any contamination of oil that might lead to a similar PCB/dioxin incident.

The Chairperson:

For the record, will you indicate how many other plants had not been investigated before that date in December? That will provide an idea of what your officials had to do in the remainder of the year.

Mr Ryan:

I do not have that information to hand.

The Chairperson:

Was it more than 10, or fewer?

Mr Ryan:

I honestly do not know.

The Chairperson:

If there were quite a number, the likelihood of you being able to complete those inspections in a three-week period — if you exclude the Christmas week — is low. It stretches our belief that it would happen. I am pushing the issue of liability because, if it is proven that your Department had some liability, the financial assistance that you provided to the trade in the Republic of Ireland ought to have been extended to traders in Northern Ireland.

Mr Ryan:

I have no reason to believe that the plant would not have been inspected.

The Chairperson:

Yes, but you would say that anyway, particularly given what your senior colleague said in his evidence to the Committee this morning. You must say that because of the investigation that is ongoing and because it is your defence.

Mr Ryan:

I have to say that on the basis that it is my belief, and not on any other basis. It was in the plan, and it would have been carried out by the officer whose responsibility it was to carry out the inspections in the particular area in which he or she was assigned.

Mr Molloy:

I thank the witnesses for their presentations to the Committee.

It is late in the day and that most questions have been covered. However, during the early stages of the crisis, your Department dealt with the issue solely as a problem with pigs, despite the fact that there was no evidence that the contaminated feed was confined only to pigs. Furthermore, it took a week before any advice was given about the impact on cattle and the possibility that restrictions would need to be placed on the movement of cattle herds.

You have suggested that tests were ongoing and that the Department wanted to wait for the results of those tests. However, would such an approach be acceptable if there was an outbreak of foot-and-mouth disease in the North? Would the authorities in the South be content to wait for those results to come back from York before DARD alerted them?

Mr Heraghty:

As I said, the situation was being dealt with as an animal-feed issue in that week. Tests were being carried out on library and current production samples of animal feed to ascertain where it had been used, where it had been dispatched to and when the contamination had occurred. Therefore, it was an animal-feed issue, and it was dealt with as such during the four or five days after the confirmed result on the Monday. The situation changed only when the Department

received the positive dioxin result on the Saturday.

Mr Molloy:

The issue of animal feed applies not only to the Department but to the entire agricultural industry. However, the reality is that you, as civil servants, acted as partitionists and took a view to act within your own state. On several occasions today, you referred to the fact that it was your issue and that it was an issue within your state. In taking that approach, you were looking after your interests first, rather than the interests of the entire agricultural industry on the island of Ireland.

Mr Heraghty:

I do not accept that. The Department went to the plant in question, which appeared to be where the problem originated. It sought information on where that plant had sent its feed and it compiled that information as quickly as possible. Once the Department had that information, it was provided to DARD.

Mr Molloy:

In reality, you provided that information to your own agencies first. North/South Ministerial Council meetings are not in place simply for the meetings. A structure is built into those meetings, yet the Agriculture Minister in the South failed to call the Agriculture Minister in the North to advise her of the situation. Indeed, Michelle Gildernew had to ring the Minister in the South to find out what had actually happened. Even in the later stages, when the press statement had been issued, the Agriculture Minister in the South still did not ring DARD to advise it of the situation; therefore, you adopted a partitionist attitude.

Mr Heraghty:

I do not accept that. The situation was being dealt with as an animal-feed issue, and the normal arrangements were followed in contacting the animal-feed division in DARD. The information was compiled and transmitted as quickly as possible to DARD on Friday 5 December, and that was done as a feed issue.

When it became a food-safety issue on the Saturday, the lead agencies — the FSAI in the South and the Food Standards Agency in London and Belfast — were notified. A specific phone call was made to those agencies, which was in addition to the rapid alert system for food and feed messages that were sent to all affected European member states and the European Commission on

the Saturday evening.

Mr Molloy:

Let us not get confused about which Saturday that took place on. A week had passed between the results and then.

Mr Heraghty:

During the first week, it was being dealt with as a feed issue.

Mr Molly:

It does not matter whether it was a feed issue or a food issue. The fact is that the feed was being exported out of your jurisdiction. That raises a question about the quality of the feed that was being exported from your jurisdiction. It appears that no testing was done on that feed. It was mentioned that dried bread was kept in plastic wrappings. What was the quality of that feed?

Mr Heraghty:

My colleague will talk about the quality of the feed. On Thursday 4 December, we received information that the feed had gone into Northern Ireland. Once that information was complete, it was passed on to our colleagues in the Department of Agriculture and Rural Development in Northern Ireland.

Mr Molloy:

That raises another question. Testing had been undertaken; as an exporter, were you not aware that such feed was going out of your jurisdiction?

Mr Heraghty:

We got a positive result on the pork —

Mr Molloy:

Let me bring you back to the point. If you had never got the list from the factory, you would not have known that feed was going out of your jurisdiction to feed animals in the North.

Mr Ryan:

We may have been aware of that. A lot of trade of feed takes place in both directions. For

example, maize gluten distillers grain is imported to the North of Ireland, and it comes South to mills and vice versa. That happens all the time.

Secondly, there are compound feed manufacturers in the North of Ireland who, everyday, supply compound feed to the South and vice versa. Today, bread comes from Scotland to Northern Ireland and goes to Southern Ireland. That has been happening for years. Similarly, feed ingredients travel to the North of Ireland, depending on the market requirements.

Mr Molloy:

That is my point. You knew that bread that had been dried was going into animal feed that was likely to go out of your jurisdiction, and you waited to get list from the factory, rather than immediately notifying the Minister or the Department here that there was a possibility of contamination. That brings into question —

Mr Ryan:

On the Thursday, we got —

Mr Molloy:

Your investigation started the previous month, on 28 November.

Mr Heraghty:

It was the previous Friday.

Mr Molloy:

Yes, in the previous month. Your investigation started earlier —

Mr Ryan:

The investigation began on 29 November.

Mr Molloy:

That was in the previous month. It was December before you notified the Department here.

Mr Ryan:

The investigation began on 29 November.

Mr Molloy:

Yes, and it was December before you notified the Department here.

Mr Heraghty:

We were dealing with positive results, and non-dioxin-like marker PCBs were confirmed on Monday 1 December. On Thursday, we got an indication that the feed, which may have been the cause of the positive non-dioxin-like marker PCBs, had gone from the plant in question to Northern Ireland. On Friday morning, when we got the complete list of the destination of the feed, which we established on Thursday, we provided it to our colleagues in DARD.

Mr Molloy:

Do you not have confidence that the Department here can deal with the issues in the same way that your Department did? Did you have no confidence that the Department here could have held the information without making it public until the results were confirmed?

Mr Heraghty:

We have absolute confidence in, and we have a great deal of co-operation with, our colleagues in DARD. We did not have any information, and we were trying to assess the situation. Much work was going on to carry out tests on library samples of feed and current samples to see what we were dealing with. Once we knew that Northern Ireland was implicated, we passed on that information.

Mr Molloy:

If you had confidence in DARD officials, the first thing that you would have done would have been to lift the telephone speak to them. You would have told them that there was an issue that you were dealing with and that feed products that may be contaminated were going into the North. However, you did not have that confidence in them. Although there is North/South ministerial linkage, your Minister did not think that it would be worthwhile to make a phone call to alert our Minister. If there was an outbreak of foot-and-mouth disease in the North, would you be happy for your industry to be jeopardised while we waited for test results to come back from York before giving you confirmation?

Mr Heraghty:

Co-operation on the outbreak of foot-and-mouth disease a few years ago was very good.

Mr Molloy:

Yes; and the call was made from the North to the South.

Mr Heraghty:

Co-operation was very good on both sides. In the dioxin case, we were active in trying to establish what we were dealing with. Once we had established that, and once we knew that Northern Ireland could be affected, we provided that information to our colleagues in the Department of Agriculture and Rural Development. We have good co-operation with DARD, and we meet regularly to discuss feed issues; that has gone on for some time. There is absolutely no reason for us not to co-operate with our colleagues in Northern Ireland.

Mr Molloy:

You did not co-operate.

Mr Heraghty:

We did; we provided the full information.

Mr Molloy:

You did not. What do you do at those meetings? What do you talk about if you do not talk about the relevant issues? Are they just meetings for the sake of meetings? You did not correspond with your DARD colleagues; you did not alert them; you did not consult with them; and you did not exchange information with them. You are hiding behind the issue of food safety, feed and the idea that there may be an inquiry. You are not dealing with the broad farming issue.

Mr Heraghty:

I am not hiding behind any issue. I am trying to explain what happened, and, in doing so, it is important to explain that there are organisational issues about who leads in a particular area. We led on animal-feed issues, and, as soon as we had compiled proper and complete information, we provided it to our DARD colleagues. When the dioxin incident became a food-safety issue, the Food Safety Authority decided to effect a full recall, and it communicated separately with the Food Standards Agency. It is important to be clear about those communications. We are always

open to learning lessons in order to improve. Even since the dioxin incident, there has been enhanced communication in discussions on the all-island animal health and welfare strategy.

Mr Molloy:

Do you feel, with the benefit of hindsight, that there could have been a better structure of communication?

Mr Heraghty:

Hindsight is a great thing, and anything can be improved upon. We do not have a perfect system, but I do not think that anyone has a perfect system.

Mr Molloy:

You still will not admit that you made a mistake.

Mr Heraghty:

What we did was reasonable, given the demands that were being placed on people in difficult circumstances. Over a period of three or four days —

Mr Molloy:

We have heard all that several times.

Mr Heraghty:

It does not change the facts.

The Chairperson:

I will tell you what does not change. By Saturday 6 December, FSAI knew; the Food Standards Authority UK knew; the Food Standards Authority NI knew something; the Taoiseach was being informed; two Ministers in your jurisdiction were being informed; and the European Commission knew that something was going on. However, by that date, no one had bothered to pick up the phone to inform Michelle Gildernew or Malcolm McKibbin, and instead, they had to wait for RTÉ news to tell them what was going on. No matter what way we cut it, with or without hindsight, that was not good.

Mr Heraghty:

The decision to effect a total recall was not made until around 6.00 pm on the Saturday. Given the impact of the recall, it was decided that the relevant information should go into the public domain immediately; therefore a press conference was held.

The Chairperson:

But the phones still work after 6.00 pm.

Mr Heraghty:

There was contact between the lead organisations, that is, the FSAI and the Food Standards Agency.

The Chairperson:

Let me just tell you something: for my sins, I was a Minister for a short time in this Administration, and I had a reasonably good working relationship with Dermot Ahern. He could pick up the phone and tell me, Minister to Minister, about things that were happening that would have been of assistance to me. Had I been the Minister of Agriculture and Rural Development at the time of the incident, I would have been furious with you lot. I would have been absolutely furious that no one, throughout that sequence of events, picked up the phone and told us that we needed to be aware of the situation.

The line of questioning that you have been subjected to from Mr Molloy indicates to you the level of frustration that exists. If that communication had been just a wee bit better, we might have avoided a crisis situation by the Monday or the Tuesday of that week in December and had a managed situation in which a negative market, from a consumer point of view, could have been turned into a positive situation a lot quicker. We still have a considerable financial burden as a result of what happened. Thankfully for your trading folk, you have given them some financial assistance that has helped them no end. Our traders still feel pretty much let down and disadvantaged, in some instances, to the tune of £10 million to £20 million.

Mr Heraghty:

Our traders are also feeling the financial burden. Far be it from me to answer for the Minister, but the facts are that the FSAI and the Food Standards Agency, the lead organisations, communicated with each other. The information was conveyed through that channel.

The Chairperson:

We have a phrase for what you have just said — “passing the buck”.

Mr Heraghty:

No. The information was conveyed through the appropriate channels.

Mr Molloy:

A week later.

Mr Heraghty:

No. It was on the Saturday evening.

Mr Molloy:

Not on the first Saturday evening.

Mr Ryan:

We knew nothing on the first Saturday evening.

Mr Molloy:

But you were investigating the matter, so you knew something.

Mr Ryan:

We got a PCB positive result on Monday 1 December.

Mr Molloy:

You did not communicate it at that stage.

Mr Ryan:

That was a PCB positive result —

Mr Molloy:

You did not communicate that information on that Monday.

Mr Ryan:

That was because we were still investigating the matter.

Mr Molloy:

The point that I have been making all along is that you did not communicate the fact that you were investigating an issue, regardless of the outcome.

Mr Ryan:

We did not have —

Mr Molloy:

That is what I keep coming back to. It looks as though you do not have confidence in the Department here that it would have held that information. You were taking advantage of the time that you had so that your industry would be protected, and when the recall happened, the industry here was in second place.

Mr Ryan:

That is incorrect.

Mr Molloy:

Your industry traded that week without any problems.

Mr Ryan:

That is completely incorrect, because we had no knowledge that week that we were facing a massive pork recall.

Mr Molloy:

You were investigating the matter, but the Department here did not know that you were investigating it.

Mr Ryan:

We were investigating samples. On the Wednesday, as I said, we had negative samples from the plant. On Thursday, we had positive samples.

The Chairperson:

You had the positive samples on the Tuesday.

Mr Ryan:

We had a positive feed sample on the Tuesday from the farm. We traced that back to the food recycling plant, took samples there on the Tuesday and had the results by the Wednesday. All the results, which were taken from the then current production, were negative.

The Chairperson:

That was from the plant that had not been inspected since 2006.

Mr Ryan:

On the Wednesday, we took library samples, which tested positive on the Thursday. At that stage it became evident that the food recycling plant was the source of the problem, and that the problem was not current, but was a historical problem. Hence, the drive on the Thursday to concentrate on the full details of all the suppliers and the people who had received product from that plant.

Mr Molloy:

The samples were in store for some time. If those library samples had been inspected earlier, as part of the inspection of the plant, the contamination would have been detected much earlier.

Mr Ryan:

As I said, samples are required to be retained in a plant for three months or six months.

Mr Molloy:

Yes, but they are not retained just to look at or for decoration on the wall. Samples are required to be retained so that you can inspect them, so that your industry can be protected in a situation such as this, and so that our industry can be protected. You did not do that. You failed to carry out the proper inspection.

Mr Ryan:

There are more than one hundred plants and mills, and every sample is not analysed. Some samples are analysed, as is required. As I said, the Department of Agriculture, Fisheries and

Food analyses samples according to its annual feed programme and on a risk basis.

Mr Burns:

I support my colleagues and where they are coming from. We feel let down and disappointed that we were not informed much earlier about what was going on, and because there has been a complete breakdown in communications. It is quite obvious that, as early as the previous week, you knew that there was a problem. Our pig farmers are under the impression that everyone was sleeping, everyone was off at the weekend, and nobody was on alert. That is correct. Our people were not put on alert about the possibility of a problem coming down the line.

I feel that you knew that you were in the right area to find the toxins when you were at the recycling plant in Carlow. The initial samples that you took were negative; however, you did not leave it there and move on. You decided to go back and look at the historical samples, which were found to be positive.

In your presentation, you said that in trying to track down where the feed from the contaminated plant had gone, you were given the names of the farms but not the addresses. I find that a bit difficult to take in. That is similar to giving someone your Christian name but not your surname. In a business such as that, the name and address of where the feed is going should be readily available. Nobody would be as vague as to say that the feed was sent out to the “Jones’s”. The name and address of where that feed went would have indicated, at an earlier stage in the week, that feed from the contaminated mill had gone to Northern Ireland farmers.

It transpired that the contaminated feed did not go to any of our pig farmers. However, it did go to cattle farmers. A fortune has been spent here around the issue of traceability. We could have identified, right away, that the pig meat on our shelves was safe to eat. Traceability quite clearly showed that the problem lay with the cattle that had been given feed from the contaminated mill.

The Committee has questioned the Minister of Agriculture and Rural Development and departmental officials. We want to get to the bottom of how the situation became one of panic here. As the Chairman said, we became aware of it by watching the RTÉ news. Prior to that, none of us on the Committee knew anything about it, and DARD officials did not know enough about it. We feel that there has been a complete breakdown in communication and that our

people should have been put on alert much sooner. It is all right to talk in hindsight about what could have been done if you had known that the situation would blow up. However, the Committee believes that we should have known about such information much sooner.

Mr Heraghty:

We have gone over the facts about what happened that week. Effectively, we are talking about what happened between Monday 1 December and Thursday 4 December because, as I said, the result was confirmed on the Monday. We have explained the difficulties and the reasons only the first names were supplied by the plant on the Thursday, but further enquiries were made and the addresses were obtained that same day.

There were issues about the proprietor not being available on the day because they were out of the country, which caused difficulties in getting the information. The reality was that the names were supplied on the Thursday, and some further enquiries with the plant were required to get the addresses. There was no advantage at all to us in any of that. We wanted to get the information and we wanted to collate it as quickly as possible. We were still dealing only with an animal-feed issue, but, nonetheless, we wanted to have it so that we could deal with it. That is what happened, and we passed it on.

Mr Burns:

On Thursday 4 December, you knew that feed had left that mill and had gone to cattle farms in Northern Ireland.

Mr Heraghty:

We established that some time on the Thursday afternoon or evening. We passed it on as soon as was practicable and when it was complete on the Friday morning.

Mr Burns:

Our information did not come until the e-mail that was sent on Friday 5 December at 1.00 pm, which contained the names of the people who were contacted and their addresses. That meant that a day had passed. It does not appear that anyone worked during the night; it seems to have been a nine-to-five situation. There was no urgency to get the information up here that provided names and addresses of our cattle men, and which stated that our pig meat was not affected.

Mr Ryan:

The information that the plant concerned manufactured two types of product — one for cattle and one for pigs — was passed on. Our information was that none of the feed for pigs went to the North of Ireland, and that was conveyed. On Thursday 4 December, we became aware that the other product, which was material for cattle, did go North. My recollection is that my two colleagues worked hard all day Thursday and into Thursday evening. They did not finalise their work until around 7.00 pm or 8.00 pm. The phone call was then made to colleagues in DARD on Friday morning. As I recollect —

The Chairperson:

It was Friday lunchtime.

Mr Ryan:

My colleague recollects that the names and addresses were passed on over the phone. We think that that is the case, because when there was a further telephone call at 12.00 pm, the official concerned told us that his colleague had gone out to visit farms.

The Chairperson:

I will read to you what Malcolm McKibbin told us in evidence about that point:

“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.”

That is what Malcolm McKibbin said. Was he lying to us?

Mr Ryan:

I am not suggesting that anybody lied. I am telling you that the recollection of my colleague in the Department of Agriculture, Fisheries and Food who made the phone call on the Friday morning is that he passed on the names and addresses, because there were not that many. A further phone call came from DARD at approximately 12.00 noon. My colleague’s recollection is that he was told, in the course of that conversation, that another colleague had gone out to the farms.

As we have said a number of times, the actions that were taken on cattle farms in both jurisdictions happened simultaneously on Friday 28 November — herds were locked up in both jurisdictions. Things were progressing concurrently on that Friday. All we were doing on Friday was locking up herds in case something was wrong.

The Chairperson:

We will have to draw our own conclusions on the evidence that is put to us, but I should tell you that it is my understanding that those telephone calls are recorded — at our end, anyway. I am not suggesting that we will listen to those recordings; I am not sure that we have the time or the resources to do that. If there is a disparity, it can be looked into, and you should be aware of that.

Mr Shannon:

I apologise for not being here when you made your presentation, gentlemen. You are probably punch-drunk at this stage, because these boys have been hitting you left, right and centre. I have to endorse what they have said, however. I declare an interest as a pork retailer; I have been selling bacon, sausages and cooked hams for years.

The Chairperson:

He sells very good ones, I might add.

Mr Shannon:

I buy them from producers in the Chairperson's constituency and from Mr Irwin's constituency too.

I want to look at the situation from a slightly different angle, if I may. I realise, first, that confidence in food products is paramount. The customer must be sure that there is nothing wrong and that the product on the shelves is A1. I apologise for repeating what other members have said, but I cannot sit here and not express, on behalf of people who have contacted me, the concern that exists about the non-co-operation or non-co-ordination between DAFF, in the South, and DARD.

Having looked at your written submission, the incident began on Friday 28 November, when you had the first indications of a problem. Samples that tested positive for PCBs were confirmed on Monday 1 December and Tuesday 2 December, and more results came through on the evening

of Wednesday 3 December, which suggested that none of the affected customers were in Northern Ireland. It went on until the early hours of Thursday 4 December, when it transpired that there were some customers from Northern Ireland.

My frustration, which is shared by all members, is about the lack of contact between DAFF and our Department here in Northern Ireland. You failed miserably to deliver on that occasion. As you said in your answers to questions from Tommy Burns and other members, DAFF confirmed some of the issues on Friday 5 December. I was contacted by representatives of the pork industry in the Chairperson's constituency, and I called the Department that Friday, because rumours were circulating. The Department could not confirm, in the early hours of Friday morning, that there was a problem. I contacted the pork producer in the Chairperson's constituency, who told me that there was no truth in the rumours. They did not buy any products from the Republic of Ireland, so it was not an issue for them, but the industry was approaching turmoil. It was like a hurricane over Bermuda or Florida; the storm gathered on the Saturday and the Sunday.

I received phone calls from three different pork producers. On Sunday, as I came out of church, I was thinking about the message that I had received from the Minister, but it evaporated when I heard the 1.00 pm news and discovered that something else was coming. I prayed hard, by the way —

Mr Ryan:

So did we.

Mr Shannon:

I expect that you did; lots of other people were doing the same thing. The fact is that many people were unaware of what was going on. I was, perhaps unfairly, critical of our Minister at that time. I spoke to the press about the matter, but I think that her Department was not aware of what was going on either.

Another problem was that you were aware of what was going on 28 November, but it was the following Sunday, 7 November, before the whole thing unfolded. Retailers were in the build-up to Christmas, and a customer of mine from Belfast, who had in his stores goods worth £100,000, which were ready to go out in the following weeks, telephoned me and said that he was worried

sick. He said that, if the situation multiplied and he had to throw out his stock, he would be finished. Another customer from my colleague's part of the country told me the same thing.

First, what financial assistance do you have? The problem originated in the Republic of Ireland and that customer had bought some products from the Republic of Ireland — not the pigs but the finished products — that were contaminated. What financial assistance have you been able to give to firms that lost products and have yet to be paid for them?

Secondly, co-ordination and co-operation has been mentioned by every member, particularly the Chairperson. How has the situation improved? As the Chairperson said, could you not have lifted the telephone on 28 November and made the Department aware of the issue, even though it might have come to nothing?

Thirdly, was a mountain made out of a molehill? It would have been a problem only if people had been eating dioxin-contaminated products for 365 days a year. From a food-safety aspect, was it right to have the situation blown up out of all proportion, given that the fears were not realised?

What lessons have been learnt about direct contact between the two Departments? Do you think that there should have been direct contact between DAFF and DARD and that the Department for Environment, Food and Rural Affairs (DEFRA) should have been notified in between? I know that you sent samples to York to be tested, and I understand that system. However, there should have been contact early on. The Republic of Ireland was a fortress, and Northern Ireland was out of the frame, and I have real concerns about that. It was not only the pig producers that were affected; the factories in Northern Ireland that kill pigs all sourced their pigs from Northern Ireland — with one exception that I am aware of — and there was no issue with feedstuffs. However, some producers bought contaminated products from other pork firms in the South, and those products were lost.

I have asked Mr Heraghty a number of questions, but I could not allow him to come all the way up here without being asked those questions. I am anxious to hit home the same issues.

Mr Heraghty:

You have raised a number of questions. We have already discussed the communication problems

in some detail, and I have explained what communications were going on. There were communications in relation to the animal feed when we had the full information available, and that information was made available to our colleagues, as I have explained already. There were communications between the Food Safety Authority of Ireland and the Food Standards Agency on the food-safety issue.

I said in my opening statement that there has been an enhancement of communications systems under the all-Ireland animal health strategy since the incident. However, with regard to this particular incident there was, in our view, no reason whatsoever for us to withhold any information, and we did not do that. We provided the information as soon as it became available and, equally, we understand that the Food Safety Authority of Ireland made the contact with the Food Standards Agency on the Thursday and again on the Saturday morning once the decision on the recall had been made. We have gone over that matter at some length.

You asked whether the reaction was out of proportion. The Food Safety Authority of Ireland made a big decision to require total recall because the protection of consumer health was the overriding priority. I understand that the levels of dioxins that were disclosed in the results were well in excess of the legal limits. Therefore, many products on the market in a lot of countries contained levels of dioxins in excess of the legal limits. We had no option. The joint Oireachtas Committee's inquiry concurred with the view that there was no option other than to initiate a total product recall. To do otherwise would have risked damaging the reputation of Ireland generally and Irish food products.

The financial assistance scheme is ongoing. Our processors have experienced many difficulties as a result of the incident. I explained the basis for the financial assistance scheme. It was not a question of liability or anything of that nature; it was more a question of providing limited financial assistance to allow the industry to effect the recall. It operates effectively through the primary and secondary processors in Ireland. If customers of the primary or secondary processors in other jurisdictions or member states feel that they have a right to claim for recompense, they should approach their suppliers, who are the primary or secondary processor in Ireland. The scheme provides for that, and the full details of it are available.

Mr Shannon:

Are you saying that companies that have lost substantial amounts of product can claim from their

supplier, who can then claim from your Department?

Mr Heraghty:

Yes; provided that the claim complies with the terms and conditions of the scheme. In essence, pig meat that was produced from pigs that were slaughtered in Ireland between 1 September 2008 and 6 December 2008 is covered under the scheme. It is a matter of pursuing those claims with the suppliers in Ireland.

Mr Shannon:

Processors would be greatly encouraged to learn about a claiming method. However, the proof of any pudding is in the eating, or the proof of this bacon is in the eating. The Committee is keen to pursue that matter. Will you make the Chairman and the Committee aware of how that system works?

A supplier from William Irwin's territory has yet to receive financial recompense for his loss, and the paper trail for the product shows clearly where it came from. Another supplier from North Down, who is a major producer, emptied his freezers of all product because of its origin. The paper trail is there. You have not delivered financially. I want to see, in black and white, how that system works.

Mr Heraghty:

The system has been published. The details of the pig meat recall scheme are available and in the public domain. There is no difficulty with that. The process has been slow because all sorts of verifications and issues around state aid have arisen. The pig meat industry in Ireland has told us that. It has been difficult, but a substantial amount of funding has been provided. As I said earlier, the financial assistance scheme is limited; it was never intended to cover the full costs.

The Chairperson:

If you received applications, would you go out of your way to assist and facilitate them?

Mr Heraghty:

The scheme is published and has been in the public domain for some time. There are closing dates, which I cannot recall now, for claims under that scheme. Therefore, anybody who feels that they are eligible —

The Chairperson:

There is a strong view that Northern Ireland has been excluded from benefiting from the scheme. Will you provide a public message that DAFF will go out of its way to facilitate those claims and to realise some of them?

Mr Heraghty:

Yes; provided that applications satisfy the terms and conditions of the scheme.

The Chairperson:

I am not asking you to bend the rules.

Mr Heraghty:

The scheme is in the public domain. Customers in any market may make a claim if they feel that they may be entitled. However, the claim goes back to the suppliers; that is the normal course of action. Whether the supplier can draw on financial assistance is another matter, and the supplier would have to do that under the scheme.

The Chairperson:

Would you be surprised if anyone qualified for assistance under the mechanism that you outline?

Mr Heraghty:

Some 30,000 tons of product have qualified under the scheme; 5,000 tons of which have been rendered and destroyed in other member states; 25,000 tons has been brought back to Ireland and been rendered and destroyed. All of that has been processed through the scheme.

Mr Shannon:

In order to establish confidence in the product that we are all trying to sell, would you notify the Department in Northern Ireland as early as possible, were an issue to occur? In this case, that would have been on 28 November. I understand the need for confidentiality; however, the Department of Agriculture and Rural Development is unlikely to go on TV to disclose what you tell it. The system needs to be aware of what is going on.

The Minister of Health spoke to the Committee about the Food Standards Agency. Had one

product line that we discussed come to light even a week later, that would have been a disaster. We want early notification.

Mr Heraghty:

I said in my opening statement that communication had already been enhanced. We have tried to explain on several occasions what happened. We did everything possible to provide full information on the issue at the earliest possible date. There was an extra dimension to the issue in the sense that the communication mechanisms between food safety authorities were activated in this case, and that was different from incidences in the past.

A point that should not be overlooked is that the national feed inspection programme is one of two elements in the national control plan for Ireland. My colleague described the feed inspection element: the inspection of premises and the taking of samples. The second element is the national residues programme, under which some 30,000 food samples are taken every year for analysis. It was under that programme that this incident was detected. Therefore the problem was detected as part of the control system.

The feed inspections programme is one element of an overall national control plan; the second element is the national residues programme, which detected the problem.

Mr Shannon:

The Committee is trying to point out the critical importance to the industry here of your close relationship with Northern Ireland in relation to borders and exports. We faced a meltdown of what was left of the pig industry. That relationship has to be kept tight and sweet; we must tip each other off and let each other know what is going on. If improvements have come out of this debacle, that is a step in the right direction. However, we need reassurance that there have been improvements.

Mr Heraghty:

I touched on the improvements. The industry in Ireland faced a total recall with virtually no notice. We issued a press release on Thursday, but at that stage it was being dealt with as an animal-feed issue. The total recall was not anticipated until the results came back on Saturday. There was a major issue for the industry on both sides of the border in dealing with a recall. I am sure that you are aware of what happened to our own industry. We touched on that point at

length when discussing communications, what we were trying to do and our efforts to assemble information over the three or four days of that week.

Mr Ryan:

Actually, our colleagues from London and DARD were actually in Dublin on Wednesday 10 December 2008 for a routine bilateral meeting.

The Chairperson:

You said earlier that no system is perfect. However, will you assure us that there will be better contact and alertness from Department to Department and from Minister to Minister about such issues as a result of this experience?

Mr Heraghty:

In my opening statement, I mentioned that improvements to the communication system between the Department of Agriculture, Fisheries and Food and DARD have been implemented in the meantime. I wish to point that there was also communication on the dioxins incident between the food safety agencies, which were the lead agencies.

The Chairperson:

I am aware of that.

Mr Heraghty:

There are issues about communications then in respect of —

The Chairperson:

Believe me; we have put the FSAI, the FSA UK, and the FSA NI through the ringer on this issue, too. However, will you give an assurance that there will be better communication between your Department and our Department in future?

Mr Heraghty:

As I said, I indicated in my opening statement what has been done in that respect. It is important that communications between the food safety authorities be looked at also. The Department keeps in close contact with the Food Safety Authority of Ireland, in the sense that if the FSAI receives incoming communications, the Department will liaise closely with DARD on that.

There are issues around communication between the food safety authorities and the Departments

The Chairperson:

I hear what you are saying loud and clear. As I said, we have made those points to the agencies. However, will you give us an assurance that there will be improved communications specifically between the two Departments?

Mr Heraghty:

I mentioned in my opening statement that improvements have been implemented.

The Chairperson:

That concludes our evidence session. I thank Mr Heraghty and Mr Ryan for being so amenable and for giving us more than two hours of their time. We appreciate that. I know that you have come a long way today, and we appreciate the efforts that you have made. I believe that today's evidence will be very valuable to us in reaching our conclusions. The draft report will be available on 27 October. We will, of course, send you a copy of that report, which I hope will be of interest to you.

Mr Heraghty:

Thank you very much, Chairman. We were glad to help and to give as much information as possible to the inquiry.

To summarise, we contend that the dioxins problem was detected by our control system. The extent of the problem was not clear in the first five or six days after the confirmation of the marker PCBs. We believe that investigations were carried out rapidly and that there was no delay in treating the incident as an animal-feed problem. At that stage, it was not considered to be a risk to public health. Professor Wall's review of the incident is under way, and we will obviously take into account the outcome of that. We will welcome receipt of a copy of your report, when it is published.

The Chairperson:

Thank you, and I hope that you have a safe journey home.