

MINUTES OF THE BOARD MEETING, 12 MAY 2009, AVIATION HOUSE, LONDON

OPEN SESSION, 14:35 – 18:45

Present:

Dame Deirdre Hutton, Chair
Dr Ian Reynolds, Deputy Chair and Chair of the MHS Board
Professor Sue Atkinson
Tim Bennett
Dr David Cameron, Deputy Chair of Scottish Food Advisory Committee
Professor Maureen Edmondson, Chair of the Northern Ireland Food Advisory Committee
Margaret Gilmore
Clive Grundy
Professor Graeme Millar, Chair of the FSA Audit Committee & Chair of the Scottish Food Advisory Committee
Michael Parker
Chris Pomfret, Chair of the FSA Risk Committee
John Spence, Chair of the Welsh Food Advisory Committee

Officials attending:

Tim Smith, Chief Executive
Andrew Wadge, Chief Scientist and Director of Food Safety
Clair Baynton, Head of Novel Food, Additives and Supplements Division
Liz Redmond, Head of Hygiene and Microbiology Division, and Veterinary Director
Paul Holley, Hygiene and Microbiology Division
David Carruthers, Hygiene and Microbiology Division
Alastair Cannon, Board Secretary
Chrissie Tsampazi, Board Secretariat Minutes

Others attending

Prof. John Beddington, Chief Scientific Adviser to HM Government and Head of the Government Office of Science

Chair's Introduction

1. The Chair welcomed the Board members and the audience to the meeting, and reminded Board members of their obligation to declare interests before discussion of relevant items.
2. Apologies for absence had been received by Nancy Robson.

3. The Board expressed their gratitude for the hard work that George Paterson, Director of FSA Scotland had done for the Agency. George is retiring in June. He has been with FSA Scotland since the formation of the Agency and has received a CBE in recognition of his contribution to the Agency.
4. The Board also thanked Alastair Cannon, Board Secretary, for his good work and support provided to them over the last two years. Alastair will be taking up a post at the Care Quality Commission in June.

Item 1 - Minutes and Actions Arising

1.1 - Minutes of Meeting on 12 May 2009, Aviation House, London

(FSA 09/05/01)

5. The Board accepted the Chief Executive's corrigendum, tabled with the Board papers, to para 30 and 31; and revised the wording of para 23 as follows:
 - *para 23 'provision of safe food is legally the responsibility of food business operators...'*
6. With these amendments, the minutes of the meeting held on 21 April, 2009 were accepted as an accurate record.

1.2 - Actions Arising

(FSA 09/05/02)

7. The Chair asked that action at *Index 212Apr/O/412* Pennington Report be reworded to reflect that the Agency accepted and will deal with the three recommendations specifically directed at the Agency in the Pennington Report.

Action: Board Secretariat

8. In relation to *Index 212Apr/O/417* MHS – Long Term Financial Planning, the Board preferred the more definitive wording of the action as it appears on the actions arising register rather than that in the minutes, namely that the Agency will achieve a £10m subsidy to the MHS, not merely having this as a target.

Item 2 - Oral Reports

2.1 - Chair's Report

9. The Chair and Chief Executive met Ross Warbuton, new President, and Melanie Leech, Director General of the Food and Drink Federation (FDF). It was a helpful and constructive meeting that reinforced the relationship between the two organisations.

10. The Chair reported speaking with the Chief Executive, at a FSA Strategic Plan consultation event for stakeholders, in London. It was useful meeting and similar events are due to be held in Scotland and Northern Ireland.

11. The Chair and Chief Executive had met Westminster and Welsh Ministers to discuss the Board's recommendation to increase meat charges to industry, in April 2009. They would be meeting Scottish and Northern Irish Ministers in the near future.

2.2 - Chief Executive's Report

(FSA 09/05/03)

Food Matters: Update

12. The Chief Executive expressed gratitude not only to FSA staff but also to staff in other government departments that are working with the Agency in a joined-up way to ensure that the targets in the Food Matters report for which the Agency has responsibility are progressing as intended.

Update on Nutrient Profiles

13. The Chief Executive confirmed that the European Commission vote on the EU Nutrient Profile will almost certainly be delayed until after the summer.

14. In a response to a question, a link to the UK database to evaluate the products on the UK market, which is publicly available, will be circulated to the Board.

Action: Board Secretariat

Scores on the Doors: update

15. The Chief Executive commended the progress made and good work of both Agency staff and external stakeholders on the implementation of a single six-tiered SotD scheme, and on a single IT platform accommodating a national six-tiered system and the current two tiered system in Scotland.

16. In response to a question, the Chief Executive agreed to prepare for the Board, before the next Open Board meeting, a report on how many local authorities (LAs) in the UK adopted a six-tiered SotD hygiene rating system:

- prior to the Board making its decision in December 2008;
- since the Board made its decision in December 2008; and
- how many LAs the Agency anticipates will adopt a six-tiered system by December 2009.

Action: Andrew Wadge

17. The Board was clear that funding for adoption and operation of the national six-tiered scheme should be provided by LAs. The Agency will however support the development of an IT platform.

Item 3 - Discussion Items

3.1 – BRIEFING ON GM FOOD AND FEED

18. The Chair welcomed Prof. John Beddington, Government Chief Scientist, and thanked him for taking time to brief the Board on this important issue.

19. The Chair reminded Board members that this was a briefing session and not an opportunity for them to make policy decisions.

20. Clair Baynton and Andrew Wadge presented the Board with information on:

- What constitutes genetic modification and the varieties of techniques;
- GM crops authorised for food use in the EU;
- Current commercial situation and stakeholder concerns;
- GM regulatory framework and FSA responsibilities;
- Consumer attitudes on GM;
- Ongoing and forthcoming work.

21. Andrew Wadge reiterated that the Agency does not have either a pro- nor anti-stance on GM. Genetically modified organisms (GMOs) are assessed by EFSA on a case by case basis, for each modification, prior to approval for release into the European market on factors including food safety and environmental impact. Decisions on authorisation are then taken by the EU.

22. Prof. John Beddington's presentation detailed the global challenges faced including:

- population growth from 6 to 9bn by 2050; climate change and reduction in the availability of water; land use constraints resulting from both future global food demand and increasing number of households in the developing world moving out of poverty; and
- how biotechnology can help provide solutions, such as more efficient use of land by using high yield crops.
- These are some of the issues examined by the Royal Society, who are preparing a 'Study on biological approaches to enhance food crop production' which will be published in September 2009. The Study will be

circulated to the Board, to ensure that they have the latest information available.

Action: Board Secretariat

23. The Board, in discussion, asked a variety of questions and received additional information on various aspects of GM including:

- the science and technology of GMOs and screening methods for detection of alterations/additions of genetic material;
- environmental impact of GM crops; and
- global use and research of GM crops in food and feed

3.2 – REPORT FROM THE CHAIR OF THE MHS BOARD

(FSA 09/04/05)

24. Ian Reynolds presented his report as Chair of the MHS Board. He emphasised that the primary concerns of the MHS are public health, animal health and welfare.

25. The Board discussed the paper, and sought clarification on a number of issues.

Review of MHS Board

- The FSA Board will commission an independent review of MHS governance arrangements. In preparation for that, opinions on the MHS Board's current fitness for purpose are being collected by the Agency from the MHS Board members.
- The FSA Board's approval of the terms of reference for the independent review will be sought prior to its commissioning.

Pennington Report

- The FSA has responsibility for the programme of work being developed to take forward the recommendations from the Pennington report. The MHS will help in the implementation of that programme of work, where this is relevant.
- Many changes have taken place at the MHS since 2005, and evidence of their impact on food safety has been requested for the FSA Board at its July Open session.
- The report from the MHS Chair, in the absence of such evidence, reflects the need for continuous improvement, rather than suggesting that there have been no improvements to the MHS since the *E.coli* outbreak in 2005.

One Agency

- The Board felt that the use of the term 'MHS Board' for this sub-committee of the FSA Board was potentially misleading to the public and stakeholders and is not in line with the One Agency message, and future governance arrangements should avoid use of the term.

26. In a response to a question, the 2009 Customer Satisfaction Survey Results, referred to in para 25 of the paper, will be circulated to the Board.

Action: Board Secretariat

27. The Board congratulated Steve McGrath, MHS Chief Executive, and his team on the significant improvements observed in the culture and working of the MHS, as evidenced by significantly lower short- and long- term sickness levels, and improved health and safety statistics.

28. The Board agreed the key performance indicators (KPIs) suggested in Annex 2 of the paper, adding the words "To improve" at the beginning of the third KPI, to ensure consistency of terms.

3.3 – BSE OFFICIAL CONTROLS FOR OTM CATTLE: MOVING TO A RISK-BASED REGIME

(FSA 09/05/05)

Tim Bennett had declared the ownership of a farm, including a small number of animals. The large part of the land had been contracted out.

The Chair thanked Tim for the prior notice but did not consider this would improperly influence Tim's contribution on the discussion of this paper, and thus he was allowed to take part in the discussions.

29. Liz Redmond introduced the paper and set the context for its recommendations which will bring in line the approach on supervision of SRM controls for over thirty month cattle (OTM) with those agreed by the Board in July 2007 for under thirty month cattle. She explained that what is proposed are changes to enforcement supervision levels, not to SRM controls or BSE testing.

30. The Chair clarified the current testing regimes that apply to cattle in the UK:

a. cattle up to thirty months	no removal of vertebral column; risk-based application of SRM removal
b. cattle between thirty and forty-eight months	removal of vertebral column; no brainstem testing for BSE

c. cattle older than forty-eight months and those born after 1996	removal of vertebral column brainstem testing for BSE
d. cattle born before 1996	cattle not allowed into the food chain

31. The Board stated that all proposals, if accepted, should be subject to the following set of overarching conditions for all the recommended items in Table 1:

- (i) the requirement that other risk controls would remain in place, undiluted, and that any changes agreed would be reviewed by the Board if that situation changed;
- (ii) the current surveillance regime remains;
- (iii) the level of BSE prevalence in cattle populations remains low; and
- (iv) the MHS retains the ability to increase resources expediently when required and to increase controls in future should that be necessary.

32. The Board in discussing the recommendations in Step 2, Table 1 emphasised the importance of maintaining confidence in official controls of carcasses.

33. Allowing the health marking derogation was discussed at length. The Board considered the benefits to industry and consumers, the risks of applying a health mark prior to test results, and the degree of confidence in official controls of carcass release. Some Board members expressed concern about the security of official controls of carcasses; others were concerned that any incident would undermine confidence in the health mark.

34. As the Board was not reaching consensus, the Chair declared a vote would be taken, in line with the Board's standing orders. The vote was taken by a show of hands on the following wording of the proposal:

- *Whether to allow the health marking derogation allowed under the EU legislation, with the mark being applied at the point of carcass inspection before the BSE test results are received, so long as carcasses remain under official control until the test results are received*

35. The following result was noted:

- FOR allowing the derogation: John Spence, Tim Bennett, Chris Pomfret, Maureen Edmondson, Sue Atkins, Clive Grundy, Ian Reynolds (7)
- AGAINST allowing the derogation: Margaret Gilmore, Graeme Millar, David Cameron, Michael Parker (4)

- The Chair abstained from voting.
36. The Board agreed items 4 and 6 of Step 2, Table 1 (paper FSA 09/05/05) and item 5, by vote.
37. The Board's recommendations will be implemented subject to no objections being received from the Chief Medical Officers (CMOs) of the 4 countries of the UK. There had been a delay in receiving the views of all the CMOs in time for the meeting as a result of the H1N1 outbreak.

3.4 – FRONT OF PACK NUTRITION LABELLING

(09/05/06)

38. The Chief Executive informed the Board of the publication of the independent evaluation of the three front of pack labelling (FoP) approaches. The research looked at which form of FoP consumers find most helpful in understanding the nutritional content of a food.
39. A briefing session will be organised for the Board to consider the findings and discuss the report, with a presentation from the BMRB who conducted the research and the Project management Panel (PMP) who oversaw the study and assured its integrity and robustness. The briefing session will be recorded and subsequently be made available to the public on the Agency's website.

Action: Board Secretariat

3.4 – ANNUAL REPORT TO THE FSA BOARD FROM THE CHAIR OF THE RISK COMMITTEE

(09/05/07)

40. Chris Pomfret introduced the paper and emphasised the importance of identifying and monitoring risk in an organisation.
41. The Risk Committee had considered a merger with the Audit Committee, and recommended a review in June 2010 to discuss this. Amongst the factors considered for the suggested timescale was the practicality of succession planning regarding the replacement of the Chairs of the two Committees that will need to be considered at that time.
42. The Board took the view that whilst due consideration to the succession of the Chairs of the Committees should be given, that should not be a primary driver. A separate risk committee would allow the Agency to focus on identifying and monitoring risk, prior to a review. A review in 2 years time was agreed.

43. The Board congratulated the Risk Committee on the considerable progress that they are making on the Agency's understanding of risk and the development of a good high level risk register. They also acknowledged the unique composition of this Committee, which consists of equal membership from the Executive and non-Executive arms of the Agency, and the value this added.

Item 4 - Information Items and Any Other Business

44. There were no comments on the information papers.

Date of next meeting

45. The next Open meeting will be on 14 July, 2009 in Aviation House, London.