



## **FUTURE MEAT CONTROLS – PROGRAMME TO DELIVER MORE RISK-BASED PROPORTIONATE CONTROLS**

### **Issue**

1. To inform the Board of the work to establish a managed programme, likely to run for not less than five years, to deliver more risk-based, proportionate official controls on meat. The programme addresses building the evidence base and developing and delivering an engagement strategy for securing change to the EU legislation.

### **Strategic Aims**

2. This has been identified as a specific priority within the draft 2010-2015 Strategic Plan. It will contribute to two proposed strategic outcomes:
  - Food produced or sold in the UK is safe to eat, and
  - A proportionate, risk based regulatory regime relating to food, which is clear about the responsibilities of food business operators and others and which generates public confidence in food.

### **What problem are we trying to solve?**

3. The official controls applied to meat production are laid down in directly applicable EU legislation. The current system of EU official controls, in particular the official post mortem inspection of meat, has been developed over many decades. It pre-dates the more modern approach to the control of food production hazards and was designed to tackle the limited number of diseases which can be transmitted from animals to humans (zoonoses) and which were the major public health risks from meat of earlier centuries (e.g. parasites). It prescribes in some detail the inputs to the process and who is responsible for the actions required. In this way, it differs from the control regime for other foods. The EU comes to agreements with trade partners to operate equivalent controls. This means that EU rules shape global meat production and trade.

4. Our analysis of the current state of meat official controls relative to stakeholder interests is that there are concerns about the current system for all major stakeholder groups, as follows:
- for the consumer, it may not be providing the best protection for them<sup>1</sup> - is the current control system really the best way of ensuring that food borne illness is minimised?
  - for the taxpayer, it may not be providing the best value for money relative to the public health benefits<sup>2</sup>; the one size fits all approach seems inherently costly.
  - for the industry, the burden of the regulation may be excessive to the risk in a significant majority of businesses. However where businesses rely on the presence of the control authority rather than taking full responsibility for managing hazards, the public health risks are higher. Incentives are weak for assuming full control and responsibility for public health protection; and
  - for the enforcer, there is little flexibility to allocate resource according to risk, in particular the continuous official presence absorbs resource regardless of risk and blurs the lines of responsibility for safe meat production.
5. The current approach is starting to be questioned. While the consolidated food hygiene regulations which came in force from January 2006 represented a shift to a less prescriptive, more risk based approach, it was identified by the FSA Board in July 2007<sup>3</sup> that more scope for improvement existed. Many countries and trading blocks are also beginning to question the validity of the current approach, in relation to tackling the most important foodborne pathogens. The European Commission has also highlighted this as an issue.

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<sup>1</sup> The way in which animals are slaughtered and converted to meat is inherently a means of introducing contamination. The Infectious Intestinal Disease (IID) study indicates 41% of food poisoning cases are due to meat.

<sup>2</sup> Current cost of the Meat Hygiene Service is ca £85million in GB (includes animal health and welfare controls in approved meat establishments).

<sup>3</sup> The Tierney Review of the Delivery of Official Controls in Approved Meat Premises.

## **Where do we want to be in the future?**

6. Our long term objective is to ensure that:

**Effective consumer protection is maintained by an official control regime that is:**

- **risk based,**
- **proportionate,**
- **targeted, and**
- **cost effective**

**and in which, for public health protection purposes, meat is treated no differently from other foods.**

7. In practice, the changes that might deliver our long term objective include:

- more responsibility is taken by the food business operator for food safety actions; a more robust enforcement regime that provides incentives for food business operators that comply with the rules and punitive actions on non-compliant food business operators who present the greatest public health risk; and
- official role shifts from inspection to verification.

## **What will be the benefits from making changes?**

8. Changes to the current system could benefit stakeholders in the following ways:

- consumers will have greater confidence in the safety of the meat they buy and will benefit from a greater, or at least neutral, level of public health protection;
- taxpayers will benefit from more effective spending of public funds to reduce the level of foodborne pathogens and therefore the cost to society of foodborne disease;
- compliant businesses who control risks effectively will benefit from a lower cost of regulation; and
- enforcers will be able better to allocate resources according to risk and retain a more objective approach to enforcement actions.

## How will we get there?

9. We will have to achieve changes to European legislation. The European Commission is the only institution able to propose changes to EU legislation, and it will only do this if there is significant support amongst the majority of Member States. Delivering more risk-based, proportionate official controls on meat, therefore, has at its heart the need to build a compelling **evidence base** to support the case for legislative change and effectively using that evidence to convince the European Commission, other Member States and international trading partners of the benefits of changing the legislation.
10. We will need to work closely with the European Commission and Member States to develop the case for change and build the evidence. We have begun this process following discussion at a meeting of European Chief Veterinary Officers (CVOs) in Lyon last year which usefully gained commitment to progressing this in the EU. At that meeting, it was acknowledged that progress in relation to meat official controls could only be made as part of a concerted approach dealing also with animal health and welfare. These are Defra (and devolved Rural Affairs Department) responsibilities. They have indicated their commitment to work with us to ensure their obligations as a central competent authority for animal health and animal welfare are met.
11. In advocating change, the UK will have to demonstrate consistently that it is exercising its obligations as a central competent authority for EU food safety legislation effectively and in good faith if we are not to risk undermining our arguments. We will also need to progress this work in tandem with the improvements we are seeking to food hygiene delivery across the food chain (addressing the recommendations from Professor Pennington's report on the *E. coli* outbreak in South Wales) through the Food Hygiene Delivery Programme.
12. In building this evidence base, we will need to describe and focus on the outcomes that a control system should deliver, in order to show how equivalent or improved outcomes can be delivered through changed inputs. The industry will need to actively engage in evidence gathering, including the design, running and evaluation of pilot projects which will demonstrate that changes can work in practice and provide positive benefits to all stakeholders. Close partnership working will be necessary to build the case for change.
13. It will take some years to acquire the necessary evidence, a process that will include the implementation of pilot projects to test alternative approaches. This will rely on securing the active co-operation of the industry, in partnership, to deliver alternative approaches and their evaluation. Even after the European Commission is convinced of the need to change and of there being sufficient Member State support, it will still

take some time to go through the process of achieving changes to EU legislation in Brussels, a process that will involve co-decision with Council and European Parliament.

14. Our best estimate is, therefore, that achieving change to the official controls will take at least five years. The work necessary to deliver the outcomes described above represents a major commitment of Agency resources over a number of years, where delivery is not fully within our control and for which no definite end date can be set.

### **The programme and resources required**

15. Successful delivery of a changed system of official control will require sustained input and effort from the FSA, the EU Commission and our negotiating partners and from the industry.
16. **Annex A** describes the need for a managed programme, its governance, the work and projects it will contain, and its alignment to other strategic programmes and delivery areas. It also describes what work needs to be undertaken to evaluate the effectiveness of the current system, build an evidence base to support change and to engage actively and constructively to build support for seeking a change to the legislation.
17. For the FSA, the major staff input to this work will be from Food Safety Group, the reorganisation of which accommodates this work and gives it due priority. The programme will involve input from FSA Scotland, Wales and Northern Ireland and the MHS.
18. In relation to financial resources, we have only been able to project programme expenditure requirements for the financial years 2009-10 and 2010-11. We have identified the need for £180 k for each of those years. This will be used to commission risk assessments and conduct pilot projects as described in **Annex A, Appendix A**, and a small proportion will be allocated to running the Meat Controls Scientific Steering Group (MCSSG). This amount should be regarded as a minimum since the requirement for further risk assessment can only be clarified once the MCSSG has given views.
19. As with all Agency work areas, the funds allocated to this programme will have to be weighed against competing priorities in the current financial climate. In particular, the Agency will need to take into account the impact on this work of the decision not to increase charges for meat official controls this year and the impact on Agency revenue streams more generally.

## **Risks to successful programme delivery**

20. Risk management will be undertaken by the Future Meat Controls Programme Board. Risks to successful delivery which have been identified are:

- inability to construct evidence base to support a case for legislative change;
- inability to assign sufficient resources to the work;
- inability to secure industry agreement to support programme work;
- inability to convince the European Commission, Member States and other countries internationally of the merits of changing the system;
- major foodborne disease outbreak attributed to meat leading to lack of consumer confidence in the effectiveness of changing the control system;
- identification (by the Food and Veterinary Office of the Commission or others) of significant shortcomings in complying with the current legal requirements, thereby undermining our capacity to argue for change; and
- Resistance from employee groups to changing work practices consequent from any changes

## **Board Action Required**

21. The Board is asked to:

- **endorse** the programme of work described in the paper, and
- **confirm** that this is proposed as a priority within the context of the Agency's Strategic Plan for 2010 – 2015.

## THE FUTURE MEAT CONTROLS PROGRAMME AND ITS GOVERNANCE

### The scope and content of a managed programme, its governance and alignment to other strategic programmes

22. Programmes are designed to accommodate high levels of complexity, ambiguity and risk. Successful programme management has at its core the need to both manage and tolerate uncertainty, complexity and ambiguity. Risk management and issue resolution are the vehicles for achieving this, under direction from a Programme Board. It is for these reasons that we propose taking forward this work as a managed programme.
23. A Programme Board has been established, reflecting the broad impact of this work and a need for senior management commitment to its successful delivery. The Programme Board's role will involve ownership of the risk management and issue resolution functions for the programme and determining resource allocation and availability. The first meeting of the Programme Board (scheduled for October) will also want to consider some outline timings for the early years of the programme and endorse the priority work areas.
24. The Membership comprises:
- Director of Food Safety (Programme Board Chair and Senior Responsible Officer (SRO));
  - Meat Hygiene Service Chief Executive;
  - Director FSA Northern Ireland;
  - Veterinary Director (Head of FSHMD);
  - Programme Manager; and
  - Project Managers/SROs of any contributing projects (to be determined).
25. The Programme Board will be responsible for reports on programme delivery to the FSA Board. This will feature in two cycles of reports to the Board – the Director of Food Safety's annual report on the work of Food Safety Group and in reports to the Board on delivering Strategic Plan outcomes.
26. Where the design work described in paragraph 8 identified issues relating to official controls which are generic and not unique to meat food businesses, further work on them will be taken forward in the Food Hygiene Delivery Programme which the

Board discussed in July (FSA09/07/07). Close links will need to be maintained between these programmes and other work areas in order to ensure that benefits are realised which contribute to delivering the vision for both programmes.

27. We have begun to consider the links and dependencies to the Foodborne Disease Strategy and the future direction for that work. This consideration will continue as that strategy is reviewed and refreshed in the context of the 2010 – 2015 Strategic Plan. The need to link closely with Defra and devolved Rural Affairs Departments (RADs) in relation to their animal health and welfare responsibilities is discussed in paragraph 19 below. We will also engage with Health Departments and CMOs to keep them informed of developments and ensure that their interests are addressed.

#### **Work already completed to scope the programme**

28. In order to be able to describe and evaluate alternatives to the current system, starting with a “blank piece of paper” a stakeholder workshop was run on 30 September 2008. The purpose of the workshop was to review and capture stakeholders’ attitudes towards the current system of official controls for the production of fresh meat and poultrymeat, and to consider what a new approach might look like. The 39 page report of the workshop has been sent to the participants and can be accessed from the FSA website:  
<http://www.food.gov.uk/multimedia/pdfs/committee/officialconmeat.pdf>.
29. The headline message from the workshop was the desire for a single, aligned, risk-based approach to official controls for all food businesses. This reflected the extent to which those represented questioned why meat should be treated differently from other foods. The report describes the **design themes** that emerged as:

1. Constructing a scientific evidence base concerning disease, hazards and risks along the whole of the food chain;
  2. Establishing a set of risk based standards and control processes (HACCPs) along the whole of the food chain, for which food business operators (FBO)s would be responsible;
  3. Auditing FBOs (rather than inspecting) in a flexible, contingent and positive way based upon the principles of earned autonomy, individual FBO characteristics and continuing FBO development;
  4. Designing a measure of “confidence” in FBOs, which operates as an incentive by affecting audit frequency and intensity (i.e. cost to the FBO)
  5. Risk assessing FBOs in order to determine individual FBO characteristics;
  6. Adopting a more robust attitude to non-compliance based upon the principles of unannounced visits and stiffer penalties;
  7. Using sampling (rather than visual inspection) along the whole of the food chain to evaluate individual FBOs and the effectiveness of the system as a whole; and
  8. Identifying the need for education amongst the stakeholder groups (particularly consumers).
30. Building on the outputs of the workshop, the next step will be to map a model of the current system of meat official controls and a number of alternatives which reflect characteristics identified at the workshop. These can then be used to identify the value of differing approaches and what the need for supporting evidence would be to evaluate the effectiveness of alternate approaches, as requested by the FSA Board.

#### **Programme work focussed on securing legislative change**

31. The programme is given shape by the need to approach the case for EU legislative change and evidence building through a disciplined approach to risk assessment and risk management.
32. **Appendix A** provides details of those areas already identified which need to be undertaken to develop the evidence base, subject to further advice we have sought

on this (see below). These will form the initial portfolio of projects within the programme.

### **The Meat Controls Scientific Steering Group (MCSSG)**

33. A small specialist group has been formed to provide expert advice to the programme on the scientific approach and evidence necessary to develop proposals for an effective, risk-based and proportionate system of official controls for meat. This group will also provide a challenge function to our in-house veterinary expertise, and allow us to access the most up to date expertise in veterinary public health. The Group will effectively be considering items 1, 2 and 7 of the list of design themes described in paragraph 9 above. **Appendix B** gives more detail of the status of the Group, membership and terms of reference. These also clarify the limit of the Group's role relative to the Advisory Committee on the Microbiological Safety of Food.
34. The Group met for the first time on 11 September 2009 at which it discussed the areas of work outlined in Appendix A.

### **Work focussed on securing legislative change**

35. **Appendix A** describes a number of areas of research identified as necessary to make the case to secure legislative change. An initial step will be to undertake preparatory work on an analysis of current post-mortem inspection outcomes and an analysis of MHS inspection data (and equivalent data from DARD) and their potential uses. Thereafter, some specific risk assessments are proposed before the scope for piloting future models can be considered. It is intended that these work areas will be discussed early with MCSSG to evaluate and prioritise their contribution to delivering our vision before being progressed. Any additional requirements identified by MCSSG will be added to the portfolio of projects.

### **Thematic work supporting programme delivery**

36. A number of areas have been identified as crucial to the success of programme delivery. These are broadly focussed and will need to be further developed as the programme progresses. These are: the development and delivery of an EU engagement strategy; a programme of stakeholder engagement; work with Defra and RADs in relation to animal health and welfare; and a programme of economic impact assessment (including sustainability assessment).

### EU engagement strategy

37. Work on the EU engagement strategy is most advanced, but, reflecting the need for long-term engagement in a number of areas, its targets and actions are evolving. A group of like-minded Member States has been engaged with to keep up the momentum of work started at the French Presidency's conference in Lyon last year. The Agency continues to refine and develop the engagement strategy, including reflecting on how we can best use the Agency's funded First Secretary at the Permanent Representation to the European Union (UKREP). The main area of activity over the coming months will be the European Commission's review of the EU food hygiene legislation. This was published on 28 July and this has prompted the revision of the engagement strategy to reflect the opportunities to advancing our objectives this may represent. There will also be opportunities offered by the newly elected European Parliament and the impending change of Commission.

### Stakeholder engagement strategy

38. Our strategy for engagement with stakeholders reflects the need to engage with both external and with internal stakeholders. We have begun work on a strategy to shape and take forward this dialogue constructively. Agreement to the content of that strategy and management of its delivery will be overseen by the Programme Board.

39. In relation to external stakeholder engagement we anticipate, as a starting point, using the Advisory Body for the Delivery of Official Controls (created following the Tierney Review) as the formal route across all UK countries for external stakeholder involvement in the programme. The issue is specifically included in the Advisory Body's Terms of Reference. We will also want to engage stakeholders in the scope, delivery and management of projects contributing to the programme. There will be a need to develop other routes for stakeholder engagement as the work of the programme progresses and in the light of broader consideration being given to stakeholder engagement to deliver our Strategic Plan outcomes.

### Animal health, welfare and sustainability

40. It is recognised that in order to make a compelling case for legislative change it will be necessary to demonstrate improvements in relation to delivery of public health protection and also in relation to animal health and welfare and the broader better regulation agenda in the UK and the EU. Sustainability considerations will be valuable in demonstrating these and other beneficial impacts.

41. A clear outcome of EU CVO discussions about the Lyon recommendations last year was that progress in relation to meat official controls could only be made as part of a concerted approach dealing also with animal health and welfare. In relation to animal health and welfare, we have had an initial meeting with Defra to explore the

scope for joint working in this area. Defra is supportive at a strategic level, though the detail of any future collaborative working is to some extent dependent on the eventual outcome of proposals to create a new independent animal health body. Future collaboration will also need to involve the devolved RADs.

42. Economic evaluation of the work of the programme will be needed in order to build a case for legislative change which links to broader policies UK and EC policies in relation to better regulation and to sustainability. Again, this will be developed once more detail of particular pieces of work is available.

## PROPOSED WORK PROGRAMME

1. The route to building the evidence base for regulatory change is:
  - Carry out risk assessments of current and proposed inspection tasks;
  - Conduct pilot projects to demonstrate the efficacy of new approaches.
  
2. Before beginning risk assessments on individual aspects of the inspection regime, there are two pieces of preparatory work which will be undertaken to support the work programme. These are:
  - a) Analysis of current post-mortem inspection outcomes. This extensive piece of work will consider (across all species) all current inspection tasks as listed in EC Reg. 854/2004, and will assess their value to public health, animal health, animal welfare, and food quality. This work will indicate areas in the current regulatory framework which might benefit from change, and we can plan additional research accordingly. This piece of work is expected to take three months, and a research call will be published in September.
  - b) Analysis of MHS inspection data and its potential uses. The MHS holds electronic data from 1999 which could be used in a variety of risk assessments and pilot projects. However, there is some work to be done in assessing the potential usefulness of the information, and in extracting the data into a format that can be readily interrogated by researchers. A research call will be published in September.

## Risk assessments

3. Funding has been sought for 2009/10 to undertake risk assessments in relation to:
  - i) the value of official veterinarian supervision of Plant Inspection Assistants carrying out post-mortem inspection of poultry;
  - ii) the value of traditional (invasive) post-mortem inspection of outdoor pigs;
  - iii) the value of official post-mortem inspection of green offal of red meat species;
  - iv) the value of official ante mortem inspection of poultry;
  - v) the value of official ante-mortem inspection of young/prime red meat animals.

4. These projects will be progressed in this order of priority. There may be amendments or additions to this list to take into account the results of the analysis of current post-mortem inspection outcomes, and the advice of the MCSSG.

### **Piloting future models**

5. Pilot projects are an appropriate way to test new approaches to official controls following a risk assessment. Conducting pilot projects will allow us to test new approaches to official controls and demonstrate their equivalence or superiority to current approaches.
6. However, conducting pilot projects requires the agreement of the European Commission and Member States to adapt the requirements of Regulation (EC) 854/2004 for a period during which a trial is undertaken. In order to gain this agreement we will need robust hypotheses supported by risk assessment before we embark on setting up pilot projects.
7. It is likely that the Commission would refer any case to EFSA for an opinion before further consideration.

**Meat Controls Scientific Steering Group  
Terms of reference**

The Meat Controls Scientific Steering Group will provide advice on the scientific approach and evidence necessary to develop proposals for an effective, risk-based and proportionate system of official controls for meat.

The focus of the Group's work will be on slaughterhouse controls within the supply chain from farm to point of sale. It will not include private consumption, as this part of the chain is not subject to official controls and is already covered by the Agency in its Foodborne Disease Strategy. The Group will look at the impact on public health, animal health and animal welfare of current and possible future official controls.

The Group will:

- Advise on the science relevant to meat official controls;
- Evaluate existing research;
- Propose areas for additional research, risk assessment or pilot projects.

While the Group will evaluate the results of relevant studies, it will not undertake risk assessments. This remains the responsibility of Advisory Committee on the Microbiological Safety of Food.

**Membership**

The regular membership of the group will be as follows:

Prof. Jim Scudamore, University of Liverpool (Chair)  
Dr. Christine Little, Health Protection Agency  
Mark Noterman, Department of Health  
Prof. Katharina Stärk, Royal Veterinary College  
Billy Steele, University of Glasgow  
Derek Armstrong, British Pig Executive  
Dr. Steve Moore, Faccenda Group Ltd  
Prof. Richard Bennett, University of Reading

A wider group of veterinary public health experts will receive papers and updates on the Group's work, and may be invited to attend on an occasional basis if expertise on their specialisms is required.

**Governance issues**

The Group will operate for a limited period, probably for the first two years of the programme. As specific knowledge and expertise is required, membership will be by invitation. The existence of the Group will be reviewed by September 2011.

Food Safety Hygiene and Microbiology Division will provide the secretariat, and the proceedings of the Group will be published on the FSA's website. We expect the Group to meet every three to four months, though this is flexible.