

MINUTES OF THE OPEN BOARD MEETING, 8 DECEMBER 2005, ROYAL YORK HOTEL, YORK

Executive Summary

1. Draft minutes of the open Board meeting held on 8 December 2005 at the Royal York Hotel, York are attached.
2. The Board is asked to **confirm** that the minutes are a true and accurate record of the meeting.

Board Secretariat

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MINUTES OF THE OPEN BOARD MEETING, 8 DECEMBER, THE ROYAL YORK HOTEL, YORK

OPEN SESSION, 09:00 – 12:05

Present:

Dame Deirdre Hutton, Chair
Julia Unwin, Deputy Chair
Sati Ariyanayagam
Richard Ayre
Chrissie Dunn
Maureen Edmondson
Michael Gibson
Ann Hemingway
Valerie Howarth
Iain MacDonald
Graeme Millar
Christopher Pomfret
Sandra Walbran
Nelisha Wickremasinghe

Officials attending:

Jon Bell, Chief Executive
Chris Lawson, Chief Executive Meat Hygiene Service (Item 5 only)
Karen Talbot, Acting Director of Communications (item 6 only)
Jas Bangar, Head of Consumer Branch (item 6 only)
Andrew Wadge, Director of Food Safety Policy (item 7 only)
Keith Gregory, Board Secretary
Nick Carson, Board Secretariat

Chair's Introduction

1. The Chair welcomed all observers attending the open Board meeting and invited the Deputy Chair to introduce the meeting. The Deputy Chair reminded those attending the meeting and watching the webcast that the FSA Board discussed policy issues at its open meetings to meet its commitment to transparency and accessibility. There would be an opportunity for questions immediately after the

formal session and those watching the webcast could also send questions to the Board.

2. The Chair reminded Board members of their obligation to declare interests before discussion of relevant items.
3. There were no items raised for discussion under Any Other Business.

Item 1 - Minutes of the Meeting on 13 October 2005, Hilton Hotel, Belfast

(FSA 05/12/01)

4. The Board agreed the Minutes of the meeting held on 13 October 2005 at the Hilton Hotel, Belfast, as an accurate record.
5. One Board member asked if the Chief Executive could update Board members on Sunset Yellow following his report to the Board in October¹. The Chief Executive agreed to provide Board members with a short note.

Action: Clair Baynton/Rhodri Evans

Item 2 - Actions Arising

6. In considering matters arising and the table of follow up actions, the following issues were raised:

Index 277, p. 28: This action had now been completed. Diane McCrea, an independent consultant on food and consumer affairs, had been appointed as the consumer representative on the Implementation Review Group.

Index 267, p. 28: A note would be circulated to Board members by the end of the month on the actions taken in other member states to recall and withdraw products from the market. It had not been possible to assemble this information in time to include it in the progress report on the Food Incidents Task Force.²

Index 280, p. 27: One Board member noted that the deadline for developing an action plan for the local authority audit arrangements and framework agreement was February 2006, which was inconsistent with the minutes (paragraph 33).

¹ FSA 05/12/01, paragraphs 16 - 18

² FSA 05/12/04

The Chief Executive explained that the FSA was well advanced with its plans and agreed to provide Board members with an update note in the next few weeks.

Action: David Statham

Item 3 – Chair’s Report

Nutrient Profiling - Advice to Ofcom (Office of Communication)

7. The Chair reminded Board members that they had agreed, at the open Board meeting on 13 October, to recommend the FSA’s nutrient profiling model to Ofcom (the UK broadcast regulator) for use in the development of further controls on the broadcast advertising of foods to children, in particular foods high in fat, salt and sugar.
8. The Chair informed Board members that the work had now been completed and that she had written formally to Ofcom to hand over the nutrient profiling model. Full details of the model (together with her letter to Ofcom) had been published on the FSA’s website on 6 December and letters had been sent to interested parties alerting them to this.
9. In addition, she and the Deputy Chair had met with Caroline Flint MP, Parliamentary Secretary for Public Health at the Department of Health and James Purnell MP, Parliamentary under Secretary of State at the Department for Culture, Media and Sport on 30 November to discuss the FSA’s nutrient profiling model. Caroline Flint and James Purnell had expressed their support for the model and had indicated that they would be writing to Ofcom to inform them that the Government believed that the FSA’s nutrient profiling model formed a proper basis for underpinning any scheme for regulatory intervention in relation to food advertising to children. Both Ministers had also provided supportive quotes for the FSA’s press notice.
10. Ofcom was expected to consult formally in the first part of next year on its proposals to tighten the controls relating to the broadcast advertising of foods to children. The Board would have an opportunity to consider these proposals, and to discuss how the FSA should respond to the consultation exercise.

Meetings and visits

11. The Chair informed Board members that, since the last open Board meeting in October, she and the Deputy Chair had, jointly with Caroline Flint, held a series of useful meetings with major food industry companies to emphasise the importance of the FSA's work on nutrition and to demonstrate that the FSA and the Department of Health were working in partnership on this issue. To date, meetings had been held with Tesco, Nestle, Unilever and Cadburys.
12. The Chair informed Board members that she had visited FSA Scotland on 5 October, FSA Wales on 3 November and the MHS in York on 14 and 15 November as part of her continuing induction programme. She thanked all those involved. The Chair's visit to Northern Ireland had had to be postponed but would take place in the New Year.
13. The Chair informed Board members that she and the Deputy Chair had visited the Human Nutrition Research facility in Cambridge where they had met Dr Ann Prentice and a number of leading scientists. The HNR had a wide-ranging research programme and made a valuable contribution to the scientific underpinning the FSA needed for its work on nutrition.

Roundtable discussion with representatives from Non-Governmental Organisations (NGOs)

14. The Chair informed Board members that she had hosted a roundtable dinner with representatives from a range of NGOs and voluntary organisations to discuss how the FSA might work more effectively with them to support changes in dietary behaviour. There had been general agreement that the conventional model of health promotion was unlikely to be effective in changing long term behaviour. There had been strong support for a social marketing model (national initiatives supported by local support services and messaging) with voluntary sector organisations as an integral part of the marketing mix helping to drive culture and behaviour change. To support this approach, it had been suggested that the FSA had a useful leadership role in facilitating collaboration, leading debate amongst the key players, and helping the voluntary sector to build capacity. To that end the FSA should continue to develop mature relationships with NGOs and invest in strengthening partnerships and connections

Retiring Board members

15. The Chair noted that this would be the last open Board meeting that Ann Hemingway (Board member for Wales, Chair of the Welsh Food Advisory Committee and Chair of the FSA Audit Committee) and Michael Gibson (Board member for Scotland and Chair of the Scottish Food Advisory Committee) would be attending as Board members. Both of them had been founding FSA Board members, Ann having spent six months acting as Deputy Chair of the FSA during 2003, and both had done sterling work. The Chair wanted to place on public record the FSA's gratitude for their contributions as Board members and for the work they had done in their respective countries.

Item 4 - Chief Executive's Report

Euro Freeze (Ireland) Ltd

16. The Chief Executive updated Board members on the recent news concerning the joint FSA/DARD³ investigation surrounding the Euro Freeze (Ireland) Ltd meat and poultry cold store. The Board would appreciate that because there were ongoing investigations he would therefore not be able to go into detail in some areas for legal reasons.

17. In August, DARD had informed FSA(NI) that they had seized a consignment of chicken, under the products of animal origin legislation, at Belfast port that was believed to have originated from China and which was allegedly destined for the Euro Freeze cold store. DARD officials had subsequently destroyed all of this meat on animal health grounds and none of it had entered the food chain.

18. DARD had entered Euro Freeze on 9 November, where they had found evidence indicating the possible use of illicit health marks, in addition to apparently legitimately marked products. A large quantity of meat had been detained. DARD had also removed documents and computers from the premises. FSA(NI) had been informed of the raid on 9 November.

19. The FSA had formed an incident team on 11 November and FSA(NI) had taken over the lead of the investigation, working in conjunction with officials from DARD and the illegal meat taskforce.

³ Department for Agriculture and Rural Development

20. The focus of this complex investigation had been on the re-packaging, re-labelling and distribution of meat and on identifying the source of product. FSA(NI) had been working closely with the Food Safety Authority of Ireland (FSAI) and sharing information in relation to potential cross border issues. The FSA had been informed that FSAI had executed a warrant to search possibly related premises in the Republic of Ireland on 24 November.
21. The FSA had notified the European Commission (EC) on 11 November of the emerging incident and, as the investigations had progressed, had kept them fully informed. The Chief Executive confirmed that he had written to the EC on five occasions and had spoken to DG Sanco⁴ by telephone on several occasions. Detailed information was also being exchanged through the Rapid Alert System. To date, seventeen notifications had been sent to the EC by this means. Documentary checks, back to October 2004, on the destination of meat from the cold store had been completed and all relevant extracted information on the distribution of meat outside the UK had been disseminated. A further documentary check was underway to try to identify the sources of the products handled by this company. This was almost complete and so far no identifiable food safety issues had been found.
22. The FSA had served a suspension of licence notice on Euro Freeze (Ireland) Ltd on 18 November and DARD had removed the temporary animal by-products licence on 24 November.
23. The FSA had issued press releases on 18 and 24 November. The first in a series of four Food Alerts for Action (FAFA) had been issued on 18 November alerting local authorities to the incident. Local authorities had been asked to contact UK companies that had received beef, poultry and pork from Euro Freeze (Ireland) Ltd.
24. The Chief Executive took this opportunity to thank the local authorities for their assistance in checking the authenticity of product that had already been distributed to other companies in the UK. No illicitly health marked meat had so far been discovered in the UK as a result of these checks.
25. Suspected products at the cold store had been seized and transferred to other premises, under official control, where they would be examined in more detail.

⁴ Directorate General for Health and Consumer Affairs

26. Verification of products had been completed and those that had been shown to be authentic, based on extensive checks by the investigation team, were being released. Dispatch from the cold store was being officially supervised and all details were being recorded, including its point of destination. On receipt at the point of destination, there would be further examination of the material by the owners and the supervising official before release onto the market. Authentic product could not and should not be withheld from the market and this was the most rigorous process possible to ensure that only such product was released.
27. Officials from the EC's Food and Veterinary Office (FVO) had visited FSA(NI) on 28 November, where they had been given presentations on the investigation to date. The FVO had completed a more detailed mission involving both FSA(NI) and DARD on 7 December. The mission had also included the Republic of Ireland to cover cross border issues. The outcome of the mission was being discussed at a meeting of the EC and member states in Brussels on 8 December. Investigations were still ongoing and the FSA's priority was to continue with that work.
28. However, some initial conclusions could already be drawn from this incident, and the Chief Executive made clear that the FSA was not waiting for the investigations to be completed before taking any action that might be necessary. It was certainly the case that possible issues had been identified in relation to the operation and supervision of cold stores in Northern Ireland. Supervision was undertaken by DARD veterinary inspectors acting on behalf of the FSA.
29. The Chief Executive had concluded that, under the circumstances, it was important for there to be some external scrutiny of how the system worked in Northern Ireland and he had therefore asked the Chief Executive of the Meat Hygiene Service, whose staff undertook this work in Great Britain, to send staff to Northern Ireland to help FSA(NI) assess the operation and supervision of cold stores there.
30. The Chief Executive stressed that the FSA had acted swiftly once the outcome of the visit to the cold store had been brought to its attention by DARD on 9 November. Although the FSA had not been involved in the planning that had led up to the visit to Euro Freeze (Ireland) Ltd on 9 November, once it had become clear that the nature of the incident was such that the FSA should lead it, every effort had been made to lead a thorough, systematic and effective investigation.

31. In conclusion, the Chief Executive reiterated that this was very much an ongoing investigation as well as being an incident on which the FSA had acted swiftly to learn lessons, identify areas for improvement and take remedial action as necessary.
32. In response to a question from one Board member about whether the MHS was sufficiently independent to undertake this role, and a suggestion from the Deputy Chair that consideration be given to appointing an independent adviser or observer to the process, the Chief Executive explained that the MHS did not operate in Northern Ireland and that the incident currently had no link with meat hygiene enforcement in the rest of the UK. He would however consider whether to involve anyone else in this process, but the main aim was to undertake a thorough and speedy check of cold stores to identify any further problems.
33. One Board member asked what involvement FSA(NI) had had or should have had during the period from August to November 2005 and queried whether there had been a sufficient exchange of information between DARD and the FSA. The Chief Executive explained that the FSA had had no involvement during that period. There had been notification from DARD regarding the seizure at Belfast port but this had been reported under products of animal origin legislation. In September, the FSA had been asked to help determine which companies were associated with the health marks identified from the container. This information had been supplied to DARD and the FSA had not subsequently been involved. It was still being investigated whether FSA(NI) had been aware of the health mark concerns in September but it had not been clear that the seized product was going to Euro Freeze. As the product had been seized under products of animal origin legislation, and therefore had not been destined for the food chain, responsibility for dealing with the issue fell to the relevant agriculture departments.
34. In response to a question about what actions were being taken whilst the investigations were ongoing, the Chief Executive explained that there would be a thorough check of all cold stores in Northern Ireland. FSA(NI) and DARD were working through the documentation and computer records to identify the potential origin of the meat. At a later stage, the FSA would look at the lessons learned in conjunction with DARD and others.

35. One Board member noted that there might be a need to look more closely at the relationship between the FSA and DARD. The Chair agreed that this was an important issue and that the FSA would need to consider whether to put this relationship on a more contractual footing.

36. One Board member asked how products from China banned in the EU had ended up in Belfast and whether there was a need to understand better how other member states dealt with such products. The Chief Executive explained that Belfast seemed to have been the first port of call in the EU for this consignment. The facts of the seizure suggested that the Port Authority had done a good job and that the relevant checks and controls had worked, as they should have done, as indeed they should in other parts of the EU.

Avian Influenza

37. The Chief Executive reminded Board members that the Agency's current advice based on that from the Advisory Committee on the Microbiological Safety of Food (ACMSF) was that avian influenza did not represent a food safety risk to consumers. ACMSF had recently reviewed the scientific evidence in relation to risks of avian influenza through the food chain and had agreed that the information on human infections with the H5N1 virus, and the way the virus behaved in poultry, eggs and the environment, did not significantly change its earlier risk assessment or advice. The ACMSF had however agreed to set up a working group to keep a watching brief on developments. The FSA had provided this advice on its website.

38. Since reports of the H5N1 strain of avian influenza reaching Romania, Turkey and Russia in October, there had been no further spread westward. The conclusion of the investigation of a positive finding in quarantine premises in Essex was that the original infection had come from Taiwan. There was an EU-wide import ban in place in relation to birds, raw poultry meat and shell eggs from all affected countries.

39. In terms of human cases, these had mostly occurred in Asia with the majority in Vietnam. Some limited human to human transmission was thought to have occurred but there had been no signs that the virus would become more transmissible to humans.

40. The Chief Executive reassured Board members that the FSA would continue to keep consumers informed of developments.

E-Coli O157 outbreak in Wales

41. The Chief Executive advised Board members that no primary cases⁵ had been identified since 27 September. The total number of cases compatible with E.coli O157 infection was 172 so far, 133 of which had been confirmed by laboratory tests. Five samples taken from cooked meats supplied to schools had also tested positive for the organism. The other recent minor outbreak that had occurred in Wales had been shown not to be linked to this incident.

42. Police and local authority investigations were ongoing. The National Assembly for Wales (NAW) had announced the intention to hold a full inquiry which would be chaired by Professor Hugh Pennington. A small committee had been set up to consider the terms of reference which were likely to be broad. It was expected that the committee would report to the full Assembly in the near future.

43. In light of the FSA's experience in dealing with this issue, the Executive had further reviewed the resourcing of FSA Wales. As the Board was aware, there had already been concerns about the level of funding provided for FSA Wales by the NAW, and the Agency had submitted a business case for additional funding to the NAW in May 2005. The FSA had therefore reviewed and resubmitted the bid in the light of the outbreak. However, the FSA had recently been informed that, whilst funding for FSA Wales would be increased, this would be by only one third of what had been requested. This meant that overall funding would still only be about half of that available to the FSA in England, Scotland and Northern Ireland when measured on a per capita basis. Discussions with NAW were ongoing to resolve this situation as some FSA activity would be at risk of not being continued unless additional funding was made available.

44. Board members noted that it would be disappointing for consumers in Wales if funding constraints meant they did not get the same level of protection as consumers in other parts of the UK. The Chief Executive reassured Board members that the FSA would do its best to provide as good a service and level of consumer protection as possible. However, as things currently stood the FSA

⁵ A primary case is someone who is thought to have acquired infection direct from the source, such as a contaminated food, whereas a secondary case has acquired infection from one of the other outbreak cases.

would need to prioritise work as it would not be possible to continue to provide a full service.

45. One Board member asked whether the Chief Executive, as Accounting Officer, could provide additional funding from the FSA's UK-wide budgets. The Chief Executive explained that devolution meant that each devolved country was responsible for funding the FSA's operations particular to that country. Funding from Westminster (ie voted by the Westminster Parliament) was intended for UK-wide and England matters only.

46. The Chair commended the Chief Executive and the Director for FSA Wales for their efforts to resolve this issue and assured them that they had the full backing of the Board.

Meetings hosted by the FSA

47. The Chief Executive informed Board members that the FSA, under the banner of the UK Presidency, had hosted a meeting of the Heads of European Food Agencies and their equivalents on 24 November. The UK had initiated these meetings in 2003, to discuss issues of common interest and look for ways to enhance inter-Agency collaboration and communication. They were now held every six months with the Chairmanship moving around the EU. The November meeting had discussed health claims, effective inspection, crisis management, tools to identify emerging risks and headline issues surrounding reducing foodborne disease. The UK had given updates on the campaign on salt reduction and offered to lead an inter-Agency sub-group to look at the issue of salt reduction in more detail. The meeting had also agreed to:

- establish an informal network to exchange views and information on any products appearing on national markets, for which the authorities considered an unreasonable health claim was being made;
- ask the EU Food Law Enforcement Practitioners Group⁶, currently chaired by the UK, to consider issues of effective inspection addressing areas such as risk-based approaches, the use of penalties and the publication of inspection reports; and

⁶ The Food Law Enforcement Practitioners Group consists of representatives from the European Community, the European Free Trade Area and the officially nominated future EU members.

- establish an informal network between officials working in the area of food crisis management to help support the formal systems and enable EU agencies to compare information quickly.

48. The Chair advised Board members that she and the Deputy Chair had attended the formal dinner and it had been clear from the positive atmosphere that the meeting had been a useful and successful occasion.

Item 5 - Chair of the MHS Board's Report to the Board

(FSA 05/12/02)

49. The Chair welcomed the Chief Executive of the MHS to the table for this item and invited the Chair of the MHS Board (Chrissie Dunn) to present her report

50. The Chair of the MHS Board advised Board members that the MHS Board had now been in place for one year and Dr Debby Reynolds (Chief Veterinary Officer) had now joined the Board as an adviser.

51. The purpose of the MHS Board was to give strategic direction and hold the MHS Executive to account.

52. The key challenges facing the MHS were:

- the introduction in January 2006 of the new EU Food Hygiene Regulations;
- the possible changes in veterinary arrangements;
- the implementation of the OTM⁷ rule change; and
- delivering business as normal whilst achieving 100% compliance.

53. The Chair of the MHS Board identified the following key risks for the MHS that needed to be managed:

- ineffective communication leading to a breakdown in relationships, trust or delivery of a quality service;
- the drive for efficiency and value for money should not compromise consumer protection; and
- the ability to divert resources to address new challenges.

⁷ Over Thirty Months

54. In discussion, Board members posed the following questions:

- had the MHS Board considered a framework for performance management?
- was the MHS Board confident that targets would be met? and
- was the MHS Board confident that the OTM scheme, and the new meat hygiene regulations, would be implemented effectively?

55. The Deputy Chair of the MHS Board (Valerie Howarth) explained that the MHS had earlier had a performance target system that was difficult to use constructively. A new target system based on outcomes was now in place that allowed the MHS Board to determine if the MHS was meeting its targets. The FSA Chair asked that the next six monthly report include a report on performance targets and the MHS's performance against them.

Action: Chrissie Dunn

56. The Chair of the MHS Board informed Board members that the MHS Board was confident about the implementation of the OTM scheme. Although the take up of plants and throughput had not been as fast as originally thought, there was sufficient capacity to meet demand.

57. In answer to questions the Chief Executive of the MHS explained that the implementation of the meat hygiene regulations presented a different challenge from the OTM scheme. These involved moving away from a prescriptive approach to a risk based approach. Whilst the change to the legal framework would come into effect on 1 January 2006, the implications of the change would take time to develop and implement here as elsewhere in the EU. The timetable had been complicated by the fact that some key decisions were being taken in Brussels and London right up to the deadline and he expected there would be a two to three year process until the new approach was fully embedded.

58. One Board member agreed that poor communications was a risk and noted that at times the meat industry could be challenging. The Chair of the MHS Board informed Board members that she had been encouraged by her conversations with representatives from the meat industry and she noted that there seemed to be a general willingness to try to build a new relationship.

59. Another Board member agreed that the staff of the MHS were a valuable asset but asked why reducing staff sickness had been selected as an indicator for

improving staff motivation. The Chief Executive of the MHS explained that this was the indicator that had been requested by the FSA Board when they had approved the 2005/06 targets. Managers at all levels now had responsibility for managing attendance and they had been given appropriate training, guidance and advice to help them do this. This had been well received by staff and the MHS had already identified benefits. In terms of the general issue of staff motivation, the lack of a proper pay and grading structure had been of major concern to staff. This had now been remedied following lengthy negotiations with UNISON. However, not all staff were happy with the change. The MHS was working hard to improve morale but he recognised that there was still much work to be done.

60. One Board member noted that the MHS seemed to be subject to a high level of audit and was concerned that this might divert resources away from managing the core business. The Chair noted that she was already discussing with the FSA Chief Executive whether to commission external advice on the current audit arrangements for both the FSA and the MHS.

Item 6 – Consumer Engagement

(FSA 05/12/03)

[Prior to the discussion of this item Graeme Millar declared an interest as Chair of the Scottish Consumer Council and Julia Unwin declared an interest as a member of the National Consumer Council. The Chair, with the agreement of the Board, considered that, as the issue under consideration was a conceptual model, these were not material conflicts of interest and that Graeme Millar and Julia Unwin should participate in the discussion and determination of this issue]

61. The Chair welcomed Karen Talbot (Acting Director of Communications) and Jas Bangar (Head of Consumer Branch) to the table.

62. Jas Bangar advised Board members that the paper was structured in three parts:

- The first section focussed on the **Consumer Committee**. The paper asked the Board to agree that the Consumer Committee be disbanded. This was consistent with the views of the Consumer Committee.

- The second section set out a **proposed conceptual model for consumer engagement** and asked the Board to decide whether this should be developed further.
- The third section set out suggestions for a more structured approach to **quality assurance** and asked the Board to agree that this should be further developed.

63. Board members agreed that the current Consumer Committee should be disbanded. The Chair thanked the Committee for all its hard work and recognised that the Committee had been given a difficult role to fulfil. She noted that the Committee had dealt with the last six months in an immensely dignified and mature way.

64. In discussion, Board members raised the following points:

- there was general support for the conceptual model;
- effective consumer engagement required resources;
- the FSA should be more active in gathering and using information and data generated by other bodies;
- the objectives of engagement should also include taking the 'pulse' of consumer attitudes;
- the needs of consumers should be considered at all stages of decision making within the FSA;
- the FSA should use a multiplicity of ways to engage with consumers and be creative and experimental;
- it would be important to have guiding principles for partnership engagement;
- listening and working with others was an important area of work but it needed to be managed carefully to ensure it added real value;
- there should be a clear link to the strategic plan;
- the FSA should share its work on consumers with the MHS; and
- the FSA should continue to engage with children.

65. In summing up, the Chair noted that the Board had:

- agreed to disband the current Consumer Committee;
- agreed the objectives of consumer engagement in paragraph 13 but subject to expanding these to include taking the 'pulse' of consumers;

- asked the Executive to consider the principles of consumer engagement and delegation;
- agreed that the Agency should be creative and experimental in developing a multiplicity of ways to engage with consumers (recognising that – by their nature – experiments could fail);
- asked for more work to be done to develop and ensure evaluation of the new methods of engagement;
- asked for clear links to the strategic plan; and
- agreed to receive a progress report in six months.

Item 7 - Progress Reports

(FSA 05/12/04, FSA 05/12/05, FSA 05/12/06, FSA 05/12/07)

66. The Chair advised Board members that these four progress reports followed up issues previously raised with the Board. These would have normally gone to Board members intersessionally but the Chair wanted the Board to have an opportunity to comment on them in an open Board meeting, although they were not to be the subject of full discussion.

Food Incidents Task Force

67. One Board member asked for clarification on what action would result following the classification of an incident's "severity" and "complexity" as set out in annex 4 of the paper. The Chief Executive explained that the critical factor determining the action to be taken would first and foremost be the impact on the consumer. The FSA would take into account what a reasonable consumer would expect. Each case would be different but he agreed to try to set out the principles more clearly.

68. Another Board member commented that identifying and removing the barriers that inhibit the sharing of information with the FSA would be a tough task and a lot of confidence building would be required. Another Board member thought that the exercise with industry and others to test incident scenarios would help to build trust. The Chief Executive noted that this was an ongoing process which would be conditioned by the type of issues the FSA needed to deal with. It was agreed that Board members should receive a report of the incident scenarios exercise.

Action: Nick Tomlinson

Chemical Contaminants in Foods

69. In discussion Board members raised the following points:

- it would have been useful to have included the earlier FSA paper as an annex to the paper;
- was the Executive taking action to encourage a better response to a second call for research to investigate whether combined exposure to different chemical contaminants in the diet could lead to harmful effects not predicted by the risk assessment of single substances? Should the FSA be more proactive here in designing a programme of work rather than waiting for others to do so;
- should the FSA seek zero presence for genotoxic carcinogens in products?;
- what progress had been made in addressing the recommendations made by the Committee on Toxicity?; and
- was the FSA aware of other work looking at the effects on children?
- what engagement did the FSA have with the UK Biobank project?

70. The Chair of the Northern Ireland Food Advisory Committee (NIFAC) advised Board members that NIFAC had discussed chemical contaminants in November and had noted that there was an inexhaustible number and range of contaminants. It would be important to consider how the FSA could make better use of existing data from industry, European and academic sources with appropriate safeguards. NIFAC had also noted that Northern Ireland produced a disproportionately large amount of dairy and meat products relative to consumption and that it was important to take this into account in designing sampling plans for testing for possible chemical contaminants in these sectors.

71. The Director of Food Safety Policy explained that the Advisory Committee on Pesticides had recently met and agreed to provide Board members with a short note on their recommendations. He also agreed to circulate a short note on Biobank.

72. On the cocktail effect, the FSA was indeed aiming to be proactive by designing the research call to establish a framework that set out the questions it would like answers to. However, there needed to be more dialogue to elaborate on what the FSA was seeking. The Executive had been engaging more with interested groups and, as a result, had reason to hope that a second call for research would

be more successful. The issue of zero presence linked back to the advice from EFSA. The ideal scenario was for there to be no presence. However, it was not possible to guarantee zero presence in the case of natural contaminants, for example mycotoxins. The difficult position for the FSA was identifying a level that would cause minimal harm to health. The FSA had undertaken work on genomics and had made a small but significant contribution. Finally, he assured the Board that in any toxicological analysis the effects on children and vulnerable groups were taken into account.

Action: Nick Tomlinson

73. The Chief Executive noted that the food chain was now global and there was a need to move towards agreeing Memoranda of Understanding with a number of countries in order to exchange information. This would allow countries to build on each others' experiences.

Prior Approval: Update on the Action Plan

[Prior to the discussion of this item Michael Gibson declared an interest as a primary producer and butcher. The Chair, with the agreement of the Board, considered that this was a material conflict of interest and that Michael Gibson should not participate in the discussion of this issue]

74. One Board member registered some concern that it might take two to three years for the FSA to come to a conclusion on prior approval. The Chief Executive explained that this was an area fraught with anecdotal evidence. It was vital for the FSA to develop a good evidence base. The studies would need to run for some time in order to achieve robust data but if there was an opportunity to draw some earlier conclusions then the FSA would do so.

75. One Board member suggested that the definition of "prior approval" in annex A seemed very restrictive and asked if it could be relaxed. The Chief Executive explained that he would be open to suggestions on how to relax the definition and invited Board members to put forward suggestions for him to consider.

BSE Controls: Changing the Over Thirty Month Rule: Further Progress Report

[Prior to the discussion of this item Michael Gibson declared an interest as a primary producer and butcher. The Chair, with the agreement of the Board, considered that this was a material conflict of interest and that Michael Gibson should not participate in the discussion of this issue]

76. In discussion Board members asked for more information on:

- the latest position including progress on bringing forward legislation to make it an offence for someone to present an animal born before August 1996 for slaughter at an abattoir;
- whether a market existed for OTM meat and whether consumers would be able to identify the meat they were purchasing as OTM meat;
- whether the FSA anticipated a requirement for more MHS supervision following the ending of the OTM scheme;
- the contingency plans that were in place for tests delayed as a result of poor weather conditions;
- Defra's progress on the export scheme; and
- the one reported positive test.

77. The Chief Executive explained that the latest position was that eight pre August 1996 animals had been presented for slaughter in GB and one in Northern Ireland and all had been caught. Action was being taken against those involved. New legislation was now in place making this a specific offence. Over thirty month meat was being treated in the same way as other meat; it would be for manufacturers and retailers to decide whether to highlight it. The take up of plants requesting approval to test had been slow as the parallel scheme for purchasing other thirty month animals was at present slightly more generous. However, there was sufficient capacity in approved plants and the MHS would monitor the situation carefully. Where there were delayed tests, nothing could be released until a result was known. In terms of the export scheme, Defra was currently consulting with the European Commission. There had been one positive test in an animal that had not been intended for the food chain.

Item 8 - Reports from the Chairs of the Advisory Committees

(FSA 05/12/08, FSA 05/12/09, FSA 05/12/10)

78. The reports from the Chairs of the Advisory Committees were noted and the Chair invited the Chairs of the Advisory Committees to comment on their reports
79. The Chair of the Scottish Food Advisory Committee (SFAC) informed Board members that the Committee had recently discussed the new EU Hygiene Regulations (H123) which would come into force in January 2006. He hoped that the Committee would play a fuller part in the development of policy. It would be important for the Committee to receive feedback on the advice it had given to the Agency and an early worked example would be helpful. Interviews had recently taken place to recruit new Committee members and three good candidates had been selected. Their terms of appointment would begin in March 2006. The Chair of SFAC paid tribute to the Committee and thanked the Board and staff of FSA Scotland for their support.
80. The Chair of the Welsh Food Advisory Committee (WFAC) informed Board members that WFAC had held an open meeting in November at which they had seen a number of presentations from Hybi Cig Cymru (the Welsh red meat marketing organisation) and a number of other organisations. The Chair of WFAC thanked the Board and Executive and her colleagues from the Committee who had made significant progress despite limited funding.
81. The Chair of the Northern Ireland Food Advisory Committee (NIFAC) informed Board members that NIFAC had held a closed meeting in November. A representative from DHSSPS⁸ had briefed the Committee on Fit Futures – the Childhood Obesity Task Force due to be published shortly. At the subsequent NIFAC retreat there had been useful discussion and agreement about how the Committee could add further value to the work of the FSA. Recruitment proceedings had been initiated for the five vacancies that would arise in the middle of 2006. The three Chairs and Chief Executives of FSA Ireland, Food Safety Promotion Board and FSA(NI) had met recently to agree principles for co-operation and mutual endorsement.

⁸ Department of Health, Social Services and Public Safety

Any Other Business

82. There were no other business items raised.

Date of next meeting

83. The next scheduled open meeting would be held in London on 9 February 2006.