

CHIEF EXECUTIVE'S REPORT

1. Please find attached my monthly report for the Board meeting. At the meeting I would be happy to summarise issues and answer any supplementary questions from Board members. In particular, I will be updating separately on the testing of milk for cheese curd production.

Euro Freeze Ltd

2. Since my report last month legal proceedings have continued. Phase 1 of the condemnation hearing was successful with the magistrate granting an Order for disposal of the product. The six-week "appeal period" has now elapsed with no appeal being lodged by Euro Freeze. Arrangements are therefore now being made for final disposal of the product.
3. The Phase 2 condemnation hearing is now scheduled for December 2006 with three weeks being set aside to hear evidence. Meanwhile the Judicial Review instigated by Euro Freeze has been "struck out" by the High Court and will not now be pursued. We await advice regarding legal costs.
4. The prosecution file for breaches of hygiene regulations was received by FSANI on 5 October 2006. The file is being assessed by FSANI officials before passing it to the Public Prosecution Service.

Authenticity of Brain Stem Samples

5. The investigation into this matter has been completed by DARD, and a file submitted to the Public Prosecution Service. If they decide to prosecute then it would be on behalf of DARD for regulations for which they are responsible; it would not be a prosecution on behalf of the Agency. The Agency has however requested a copy of the report by DARD into this investigation.
6. The Implementation Review Group in consultation with Defra and DARD has agreed new controls that are now being introduced to strengthen arrangements to ensure the authenticity of any sample taken. These include:
 - notification of the MHS or DARD when slaughterhouse staff are trained using brain stems from cattle aged under 30 months;
 - MHS or DARD supervision of the destruction of these samples;
 - MHS or DARD supervision of sealing of tamper-evident packaging in which samples are sent to the testing laboratory; and

- the introduction of tamper-evident sample pots.
7. The plant in question's approval to slaughter OTM cattle remains suspended by DARD while a decision on whether OTM slaughter should be allowed to resume is taken

GM Rice: Update

8. The Food Standards Agency has reviewed its position with respect to LLRICE601. The Board will recall that this is an unauthorised genetically modified rice whose presence in the food supply chain is illegal.
9. The Agency's preliminary advice on the safety of LLRICE601 had been based on that received from two members of the Advisory Committee on Novel Foods and Processes (ACNFP). Subsequently the European Food Safety Authority (EFSA) had provided its opinion based on more detailed information than that available to the ACNFP. EFSA stated that its assessment was not a full risk assessment as they didn't have the full data which is usually considered for applications for authorising GMO's. However, EFSA concluded that the consumption of imported long grain rice containing trace levels of LLRICE601 is not likely to pose an imminent safety concern to humans or animals. The FSA accepts the conclusion reached by EFSA.
10. The Agency had previously advised retailers that it would not be proportionate to track down and remove all products from sale that contained LLRICE601. This advice was based on the FSA view on the safety of the rice and the extremely low levels present.
11. The law states that no unauthorised GM material should be present in food on sale in the UK. The FSA has therefore written to retailers and food manufacturers reminding them again of their legal responsibilities and to ensure that food they sell complies with the law.
12. This updated information was published on the Agency web site on 5 October.

Sampling and Testing for GMOs

13. At the meeting in September the Board had also requested information regarding the sampling and testing of GM food and whether the systems in place were adequate.
14. For GM food which is authorised for use in the EU the Agency is able to dedicate resource for surveillance work to be carried out in addition to that undertaken by Local Authorities (who are responsible for enforcing legislation in this area). The Agency is currently funding surveillance work for GM food as part of its imported food programme.

15. For GM food which is not authorised in the EU (an example being the recent incident with LLRICE601) routine surveillance cannot be carried out in the absence of reference materials which are needed for the analytical test methods. We have therefore arranged to explore this further with the Commission in the light of the experience of the LLRICE601 contamination.

John Harwood
Chief Executive
9 October 2006