

Memorandum of Understanding: Annex H- working level agreements

This Memorandum of Understanding (MoU) sets out the working relationship between the Food Standards Agency (FSA) and Food Standards Scotland (FSS) and the principles that FSA and FSS will follow in the course of day-to-day working relationships.

Working Level Agreement between The Food Standards Agency and Food Standards Scotland

Under the agreed Memorandum of Understanding (MOU) between the Food Standards Agency (FSA) and Food Standards Scotland (FSS), both organisations are committed to collaborating and supporting each other in the interests of protecting the consumer.

The MOU supports the agreement of Working Level Agreements in areas not covered by the Protocols or where clarity to working arrangements would benefit both organisations.

FSA Radiological Support for FSS

41. Area of Work

The FSA will provide expert advice on radiological issues to FSS for inclusion in their policy decisions on radiological matters.

The FSA Radiological Policy and Radiological Risk Assessors will provide support and advice to FSS for radiological matters relating to:

- Risk assessments for Environmental Authorisations (Scotland) Regulations 2018 (EASR18) applications

The FSA provides a service to FSS and pays for maintenance and updating of the computer models that carry out assessments. This service may be delivered either directly or by contractors appointed by the FSA.

Radiological monitoring programme

The FSS will be responsible for agreeing with SEPA their level of contribution to the production of the annual Radioactivity in Food and the Environment reports.

The FSA will continue to have representation on Environmental Radioactivity Monitoring Task Team (ERMTT), to maintain its involvement in working for a consistent approach in monitoring and surveillance across the UK and ensure practice complies with national and international legal requirements. FSS will be responsible for approaching SEPA regarding access to ERMTT and ensuring food monitoring for radioactivity in Scotland is carried out appropriately. (References to food are considered to include feed for animals intended for human consumption)

Assistance with radiological incidents, radiological legacy issues and emergency exercises

FSS is the policy lead for implementing protective food safety measures during radiological incidents that occur in Scotland and enforcement of FEPA orders. FSA supports FSS in this role by conducting risk assessments for Scotland and providing guidance on the need for and proposed FEPA restriction areas.

In line with the MOU and Protocol on Incident Handling agreed between the FSA and FSS, radiological incidents are classed as UK-wide incidents and the FSA Radiological Teams will assume responsibility for providing the policy and technical expertise to the response.

Radiological incidents will be led by the FSA, however, incidents in Scotland may be led by FSS by mutual agreement in individual cases.

FSS will be responsible for planning and coordinating participation in nuclear emergency exercises which would solely affect Scotland. The FSA Radiological Teams will assist with these exercises and provide policy and technical expertise at the request of FSS. FSS will give the FSA a minimum of 1 month's notice prior to any exercise where they require FSA participation.

Food Irradiation licensing and inspections

FSA Policy will provide FSS with the technical expertise for licensing and inspection of food irradiation facilities. (There are currently no food irradiation facilities in Scotland, but need to be aware of the possibility that an application could be received.)

42. What we want to achieve by a Working Level Agreement

Protection of the food safety of the general public in relation to activities prescribed under legislation and radiological food safety policy:

- Efficiency savings for both organisations
- Mutual support through shared information on permitted activities and any potential impact on food safety
- Resilience in preparedness and robust procedures in response to national level emergencies, including emergency planning and training
- A collaborative and consistent approach to the development of radiological advice and policy with respect to food across the UK

43. How will we achieve it?

The MOU between the FSA and FSS encourages collaboration through senior officials (Directors and Heads of Service) within the FSA and FSS to meet on a quarterly basis.

The FSA and FSS radiological teams will collaborate through the Environmental Radioactivity Monitoring Task Team (ERMTT) and Radioactivity in Food and Environment (RIFE) Report meetings. Additional liaison meetings will be arranged as required.

If either party raises a concern related to radiological issues then they will consult the other party.

The FSA and FSS will work together to ensure that statutory deadlines are met by:

- Sharing information as appropriate

- FSS seeking FSA's advice when required on applications for bespoke permits and variations under EASR18
- When sought by SEPA, FSS consulting the FSA for assistance/expertise for determining:
 1. Applications under EASR18 for new nuclear sites regardless of the estimated doses (At present the Scottish Government policy is against the new building of nuclear sites.)
 2. Applications for variations to EASR18 authorisations for an existing nuclear site(s) where discharge limits are increasing and which increase the dose via food pathways greater than 10 $\mu\text{Sv/y}$
 3. On applications for non-nuclear sites if the dose via food pathways is greater than 20 $\mu\text{Sv/y}$

Specifically, the FSA will:

- Prioritise applications for permits and variations received from the FSS to focus available resources on effective and efficient assessment of selected applications for installations that the FSA considers could potentially have an impact on food safety, providing a nil response where applications are not prioritised
- Provide clear advice on food safety issues as appropriate and necessary

FSA and FSS will coordinate and share training and development opportunities for staff on radiological safety as appropriate.

44. Timing

The FSS and FSA are to respond to requests according to statutory deadlines under EASR18 or within the statutory 20 working days, as appropriate.

Upon receipt of a request the receiving body will notify the FSA or FSS as quickly as possible.

45. Charging

Where FSA undertakes radiological work for FSS and it is not chargeable to industry, arrangements in the Memorandum of Understanding between FSA and FSS in relation to costs will apply.

46. Review and Dispute resolution

In the first instance the parties involved in this WLA should take every step to resolve issues.

If the issue cannot be resolved the matter should be escalated in line with the MOU between the FSA and FSS.

47. Format for transfer of data or meeting frequency

Data shall be transferred in a format which is compatible with standard computing systems, such as Microsoft Excel.

FSA and FSS radiological teams will have quarterly meetings to review any upcoming issues and work priorities.

48. Contacts

Food Standards Agency

[Dr Stephanie Ellis](#), Senior Radiological Policy Advisor

[Paul Tossell](#), Novel Foods and Radiological Policy Team Leader

Food Standards Scotland

[Dr Marianne James](#), Head of Risk Assessment

[Garry Mournian](#), Interim Director of Policy and Science Food Standards Scotland

Agreed by: Paul Tossell and Garry Mournian

Signed: by email

Date: September 2023