The Food Standards Agency

– A Vision for the Future

Sir John Krebs

The Caroline Walker Lecture 2000

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Sir John Krebs

Since 1988 he has held a Royal Society Research Professorship in the Department of Zoology, Oxford University, where he is also a Fellow of Pembroke College. He has also held posts at the University of British Columbia and the University of Wales, Bangor. Sir John is an internationally renowned scientist for his research on the behaviour and ecology of animals. Between 1994 and 1999, Sir John was Chief Executive of the Natural Environment Research Council. He is a Fellow of the Royal Society, a member of the Academia Europea and of the Max Planck Society, an Honorary Foreign Member of the American Academy of Arts and Sciences and a Foreign Member of the American Philosophical Society. He has received numerous awards and honorary degrees for his scientific work.

The Caroline Walker Trust

The Trust was set up in memory of the nutritionist and campaigner Caroline Walker who died in 1988. The aim of the Trust is the improvement of public health through good food. In addition to the Annual Lecture the Trust is involved in a variety of activities including the production of a range of expert reports.

The Trust is very grateful to the Cooperative Wholesale Society for their support of the annual lecture and the production of this document.

The Food Standards Agency

- A Vision for the Future

The Food Standards Agency is, as I write this, just six months old. That has not been long, given the task we are charged with. But it is long enough to have made some progress and I am grateful to the Caroline Walker Trust for the opportunity to present this self-assessment after our first term of operation.

Introduction

The FSA came into being on 1 April 2000, as a new UK government department with responsibility for all aspects of food safety and standards. Its job is to give useful advice and develop policies that work, based on the best available scientific evidence, and more particularly to ensure that consumers can have confidence in the safety of the food they choose.

The Agency is not an agency at all, in the old government sense of the word, but a new UK-wide government department with offices in England, Northern Ireland, Scotland and Wales. Unlike most other departments, however, it is non-ministerial; there is no Minister for Food Safety, but the FSA is accountable to the Westminster Parliament and the devolved assemblies through their Health Ministers and Secretaries.

The Agency's powers are vested in the FSA Board, which consists of 14 independent members, and are exercised by the staff of the Agency. The Board is completely independent. Its members were chosen to reflect the national responsibilities of the FSA and the expertise needed to do the job properly – public health, consumer groups, food production and processing, catering, communications and so on. Most importantly, all the members of the Board were appointed after an open competition, held under the rules and principles established by the Commission of Standards in Public Life. There is a publicly available code of conduct for Board Members, and a public register of members' interests. This means that the Agency can set itself high standards,

which is important if it is to gain the trust of the many different stakeholders with an interest in food.

The Agency is different in other ways too. For example, as part of our commitment to openness all the Board meetings are held in public, and so debates and discussions of key policy issues take place in the open. With the opportunity after the meeting for members of the public to question the Board on any areas of our responsibility. When we publish the results of our surveys and investigations we include brand names and product names, so consumers have all the information they might need to make informed choices.

The First Six Months

The agency clearly set out its stall from day one. It is there to serve consumers' interests in relation to food. It is setting new standards of openness and accessibility. And it is determined to present the facts honestly and straightforwardly, particularly in relation to risk and uncertainty. Our commitment to openness and honesty will be illustrated in more detail in the section about the BSE controls review.

Even in our first few months we have been speaking out as an independent voice on behalf of consumers and we are prepared to challenge accepted views. For example, we questioned the current procedures for risk assessment of pesticide safety. The FSA is not happy about the way in which the effects of cocktail mixtures of pesticides are assessed, nor do we think that assessment procedures for long-term and total exposure are adequate. But rather than merely criticise, we have the ability to investigate and, perhaps, commission new research. So the Board asked the Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment to set up a subgroup to look specifically at these areas. The subgroup will advise the FSA whether the current procedures for risk assessment of pesticides need to be modified and whether we need to commission new research.

Our independence and ability to challenge can also be seen in the Agency's statements on organic food. I should stress that the Agency has no vested interest one way or the other, nor is it aiming to offer any opinion on the wider benefits of different methods of agricultural production, for example in environmental protection. However, we did point out that the claims sometimes attributed to organic food, that it offers consumers benefits in nutrition and food safety, have simply not been substantiated. And although this caused something of an outcry, the FSA's view does not differ from the opinion of other bodies that have looked at the same issue, including the British Nutrition Foundation, the Royal Agricultural Society of England, and the Advertising Standards Authority. The House of Lords went so far as to state "There is no conclusive evidence that organically produced food is safer or less safe than that produced conventionally". Being science based, we will of course be happy to examine any evidence that may cause us to change our view of organic food.

The organic food episode has shown us quite clearly that one of the consequences of adopting an independent stance and a willingness to challenge is that we will not please everybody all the time.

The FSA Board set itself a tough agenda: to cover all the key issues facing the Agency in its first year. Half way through that period, we have indeed covered a number of central areas. For example, we have established a totally new way of dealing with the enforcement of food laws. The framework agreement signed with local authorities means that for the first time enforcement of food law by all local authorities will be to agreed national standards, monitored and audited by the FSA. This is a huge step forward in protecting consumers in relation to food safety and standards, which will now be policed to the same level everywhere in the country.

Food-borne illness is another area where the Agency has set clear and challenging targets, namely to reduce food-borne illness by 20% over the next

five years. Since food borne-illness affects somewhere between half a million and over 4 million people a year, achieving our target will have a huge impact on people's everyday lives.

In relation to food labelling, we have launched a 24-point action plan, some of which will be achieved by working with industry on a voluntary basis, and some by working to change European legislation in Brussels. The Board's main priorities in the action plan are to improve the overall clarity of labels and establish a clear pattern for nutritional labelling. We particularly want to eliminate potentially confusing or misleading labels, such as "85% fat free" or "country style". Finally, we will be working with industry to see what can be done to deal with the issue of promotion of food to children.

Incidentally, these priorities were not simply dreamt up by the FSA Board. In addition to representations from public interest groups and individuals on labelling, we use extensive surveys to ask consumers what they are concerned about. They have told us that they would like to see an overall improvement in food labelling. The FSA is determined to make a difference on behalf of consumers as we implement our action plan for labelling.

What the critics say

So much for what I, as chairman of the FSA, think of our first six months. What do our critics think?

One of the most oft-repeated criticisms is that the board lacks experience. One commentator described us as "neophytes". As I see it, 9 of the 14 board members have professional backgrounds in food, health, or enforcement. This seems to me to be a pretty good balance of representation and experience.

A second criticism is that we are too pro-industry. The FSA, when it was established, was intended partly to counter the accusation that the Ministry of Agriculture, Fisheries and Food had the upper hand in matters of food safety and generally sided with producers against consumers. So the criticism that we are too pro-industry is damaging, but not easy to assess. The best rebuttal I can offer is that I have heard a number of people from the food industry give talks in which they have said that the Agency is too strongly pro-consumer and anti-industry! Once again, perhaps our inability to please all the people all the time is the best measure of our success to date.

A third criticism is that the Agency is simply continuing the same old culture, having inherited many of its staff from MAFF and the Department of Health. The FSA Board may have publicly embraced accessibility and accountability, say the critics, but it is served by civil servants, all of whose training goes against these notions, and they will, in true *Yes Minister!* fashion, subvert our good intentions. Frankly, I doubt it. Only time will tell how effective the change in culture will be, but it is apparent to me that the staff – all of whom moved voluntarily to the Agency – have fully embraced our commitments to putting the consumer first, to being open and transparent, and to being an independent voice.

A fourth area of criticism relates to our role in relation to regulation. There are two roughly equal clamours: on the one side are those who say we are clearly going to be over-regulatory, seeking perfection where perfection is not to be found. The worry is that the FSA will end up driving many food businesses out of business, a particularly acute worry for small enterprises. On the other side is an equally clamorous counter-argument that we will be de-regulatory, too much influenced by industry's desire for less regulation, and that we will take every opportunity to relax consumer protection. Again, the Abe Lincoln doctrine applies.

A fifth point critics have raised is that we are addressing the wrong issues. Some people would clearly like us to focus on the producer side of agriculture and argue for fundamental shifts away from intensive agriculture and the ever-increasing industrialisation of food production. They would prefer the FSA to

work back to a time when farming had not been industrialised and much food production was on a local scale for distribution within a local community. This is an interesting debate, but I feel the criticism is misplaced as it is not really within the FSA's core remit.

Finally, critics say we have no teeth. Decisions are still ultimately made by elected representatives. In my view that is perfectly proper. I would add, however, that the teeth we do have, as set out clearly in the legislation that established the FSA, are almost unparalleled within government. The FSA is able to publish its advice to ministers without seeking prior approval. This gives all concerned access to the basis on which government makes its decision, enabling them to challenge those decisions if they so choose. Being able to advise government, while at the same time maintaining an "arm's length" relationship with ministers, assures the FSA's independence.

I hope I have indicated not only that the FSA is listening to its critics, but also that it has responded to them. In my view criticisms of the Agency are in many ways a reflection of the highly-polarised views that many stakeholders hold about food issues. My approach is to avoid entrenched and dogmatic stances, but always to base our views on the best available evidence and to try to seek outcomes that directly benefit consumers.

BSE controls review

In the short time we have been operating, nothing illustrates this pragmatic approach better than the FSA's involvement in measures to control BSE. It gives an insight into what the Agency does and how it operates better than any number of criticisms and rebuttals.

Just before the Agency was formally established at the beginning of April, the Prime Minister asked us to review the controls that had been put in place to protect public health in relation to BSE. He asked us to consider whether the controls were adequate to protect the public, whether they were proportionate to the risk, and to look also into the future, to consider whether, and if so under what circumstances, the controls might need to change.

As this was one of the Agency's first major tasks, we took it as an opportunity to break with the past and do things in a totally different way that emphasised our commitment to access, transparency and evidence. The review was drafted by FSA staff supported by external advisors, who included the acting chairman of the government's Spongiform Encephalopathy Advisory Committee and other experts from the UK and from overseas. Throughout the process, from before the first draft and through each subsequent version of the review, we exposed our findings to a group of about 30 stakeholders meeting in public. The stakeholders were drawn from a wide cross-section of consumer groups, science, health and veterinary professionals, government departments and the meat industry. The public, including notably representatives of the Human BSE Foundation, participated fully in the discussions of the stakeholder group. We also organised a further public meeting in October and established an interactive website which has been visited by over a third of a million people with over 2,400 copies of draft reports being downloaded. In short, our review was carried out in public with every opportunity for many people to contribute and challenge, an opportunity that has been widely seized and welcomed.

The review dealt with the three principle control measures: the over thirty month rule, which keeps older cattle out of the food chain; the specified risk material ban, which keeps those parts of the body that might harbour infectivity out of the food chain; and the meat and bone meal ban, which prevents recycling of the disease and its potential amplification to create future problems.

The draft report says right at the outset that BSE is an area in which there is still great scientific uncertainty. The clear consequence of this is that whatever measures are put in place to protect the health of the public, they are intended

to manage risk in the face of uncertainty. They reduce risk to a low level, they do not completely eliminate risk.

We also stress throughout the report that enforcement of control measures is key to the protection of the health of the public. The UK is now coming to the end of the BSE epidemic. In the year to November there had been about 1100 cases, set against a total of 179,000 since 1986, and the figure for 2000 is about 40% of that for 1999. But even though our numbers are declining rapidly, it must be borne in mind that we still have a higher incidence by quite a long way than other countries with BSE. For example, France has had about 100 cases in 2000 to date.

In light of all the uncertainties about the science of BSE, our review emphasises that the current precautionary approach should be continued. To look at the controls in a little more detail, let us start with the OTM rule, which is the first line of defence. The point of the OTM rule is to remove from the food chain almost all the cattle that are close to developing clinical symptoms of BSE, and therefore potentially carry infectivity. The rule is based on the fact that clinical symptoms do not generally develop until an animal is about 35 months old, with an average of 60 months. Thirty months was chosen as a safe, precautionary cut-off age, and in the two years before it was introduced there had been only three cases of clinically identified BSE in animals younger than 30 months.

Note that the OTM rule does not remove all potentially infective cattle from the food chain. That is effectively impossible. But by setting the limit at 30 months we estimate, using the the model developed by the Wellcome Trust Centre in Oxford, that an average of 1.2 cattle close to clinical symptoms will enter the food chain in the year 2000, out of roughly two million slaughtered for food. Greatly reduced risk, not no risk.

The controls on specified risk material provide the second line of defence, by removing more than 96% of the infectivity of any animal that enters the food chain. The risk material are things like brain, spinal cord and intestines, tissues in which experiments have indicated the infectivity seems to be concentrated.

The feed ban is not directly aimed at protecting public health, but at eliminating or reducing the incidence of the disease in livestock. It has been estimated that the food ban has eliminated 90% of the transmission of BSE. The other 10% results from maternal transmission to calves, and is not something we can control even if we wanted to.

The BSE controls review does not recommend relaxing any of the controls in the immediate future. Further, we suggest that the feed ban might be extended to cover all intra-species recycling, especially to herbivores. The feed ban also should be applied in other countries where there is a risk of BSE, because experience in the UK has shown that a partial feed ban (allowing meat and bone meal to be fed to pigs and poultry) results in cross contamination from kind of livestock to another.

Our report also emphasises that the current SRM controls would be inadequate for sheep if BSE were discovered in the national flock. At the moment we know that sheep can be given BSE under experimental conditions, but no cases have been detected on farm. Detection, however, would not be straightforward, partly because sheep suffer from a similar disease, scrapie, that is apparently harmless to human health but that shares symptoms in animals that are similar to those of BSE. There is a possibility, therefore, that BSE is present in sheep but is masked by the much greater incidence of scrapie. In order to reduce uncertainty about the possibility of BSE in sheep, there needs to be a much more extensive screening programme. This, linked with the rapid implementation of a plan to get rid of all transmissable spongiform encephalopathies (BSE and scrapie are both TSEs) from sheep, would an important cautionary step in enhancing consumer protection.

Quite apart from ensuring that current procedures are as good as they can be for protecting human health, the BSE control review has shown many direct benefits. In addition to greater transparency of the process of decision making, and ownership of the conclusions by most (if not all) of the stakeholders, the direct debate among stakeholders has benefitted from the additional challenge to assumptions that has come from the public. Our ability to communicate risk and uncertainty though public discussion has also improved the level of debate. There are, however, also potential downsides to the process. For example, we run the risk that the media may take control of events and blur the distinction between discussion of emerging findings and final conclusions. By the same token, as the process has resulted in an iterative evolution of conclusions, it may be seen by some as leading to less clarity about how and when particular conclusions were reached. We may need to think about ways to address these issues in future.

The Phillips Inquiry

The BSE controls review was an internal FSA effort carried out in response to a request from the Prime Minister. Lord Phillips' inquiry was a much more wide-ranging examination of BSE that has clear implications for the future of the FSA. Two of the key lessons from Phillips are about openness and about honesty in dealing with uncertainty and risk. The review of BSE controls shows that we are have already put into practice many of Phillips' lessons.

Phillips also pointed out that expert committees are sometimes asked to take on the role of risk management rather than risk assessment and that there may be insufficient challenge of the experts' views. In our review of the BSE controls, we were quite clear about the distinction. SEAC and the other scientific experts were offering advice on risk assessment, while options for risk management were being discussed by the wider stakeholder group. The stakeholder group and the public participants also provided the challenge for testing the assertions that had been made by the scientific and other experts.

On decision making, Phillips points to the fact that ministers must be ultimately responsible for policy decisions. Our "arm's length" relationship with government still leaves the final decision to ministers, but because we publish our advice we have the ability to expose the arguments fully. This must be of benefit to consumers.

A final point from the Phillips report concerns enforcement. There is no point in having good intentions on BSE controls (or any other controls of food standards) without proper enforcement and, more than that, independent audits to check that the enforcement is in place. Throughout our review of BSE controls we have focused on the issue of enforcement, and I have repeatedly drawn attention to the fact that the most difficult area for enforcement relates to imports. Imported meat and meat products have to follow the OTM rule, but it is difficult to be absolutely sure that this rule is being applied in other countries. The FSA is pressing the European Commission in Brussels to ensure that enforcement of BSE controls in other countries is properly carried out, and we are considering further guidance to ensure that appropriate enforcement has been carried out for imports into the UK.

Challenges for the future

The Agency's experience of BSE controls is a good marker for our future performance. A few years ago, one of my predecessors in this lecture series was adamant that "When faced with a dilemma like whether or not to feed children beef at the height of the BSE episode, parents wanted to know is it safe? The last thing they wanted to hear was the expert view that it was an unknown and essentially unquantifiable risk." The Phillips report indicates that this is partially true; consumers do want to be told the truth. But that truth may have to include uncertainty. The FSA will not hide uncertainty and will always seek to minimise risk, but government is responsible for making and explaining policy.

If it is to succeed in its aim of enhancing consumer protection the Agency faces many challenges, although I prefer to call them keys to success because that

sounds more encouraging and optimistic. Rather than draw up a long list of challenges I will conclude with four essential keys to our continued success.

The FSA has to continue to base its decisions on the best available scientific evidence. To drift away from the science will in my view lead us into very murky waters indeed.

At the same time we must be clear about uncertainties in scientific knowlege and other factors that influence risk.

We face a particular challenge in balancing consumer protection against over-regulation. This is essentially about the precautionary principle. Some want to interpret that as meaning that risk should be reduced to zero, while others say that proportionate action should be taken to reduce risk while there is uncertainty. One of the Agency's tasks is to assess just what constitutes proportionate action in each case.

Finally, the future success of the Agency will depend on our ability to work with a great range of stakeholders: those involved in enforcement, the industry, consumer groups, scientific experts, members of the public, and last (but not least) the European Union.

The FSA has demonstrated in its first six months that it is already well on the way to making putting these considerations at the heart of its operations. I believe that augurs well for the future.

For further information

For further detailed information on the remit and activities of the Food Standards Agency visit their website at: www.foodstandards.gov.uk

After many months of delay and speculation over it's role and composition, the Food Standards Agency was established on the 1st April 2000. In it's first few months of existence the Agency has rarely been out of the media attention. The BSE crisis, concerns over pesticide safety and the evidence of the beneficial effects of organic foods have all been issues that the Agency has reviewed.

In the Thirteenth Annual Caroline Walker Lecture Sir John Krebs, Chairman of the Food Standards Agency outlines his personal assessment of the performance of the Agency in it's first few months of existence. In the lecture he presents a defence of the Agency's work and it's independence. With reference to the control of BSE he illustrates the pragmatic approach adopted by the Agency. This lecture provides a unique insight into the working of the Food Standards Agency and what to expect in the future.

The Caroline Walker Trust is grateful to the Cooperative Wholesale Society for it's support in the production of this lecture.

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