

# **Commission of the European Communities White Paper on Food Safety**

## **Response of the Food Safety Authority of Ireland**

### **1 Introduction**

A co-ordinated approach to food safety across the EU is long overdue and the proposed European Authority is a welcome development. The EU needs to re-establish public confidence in its food supply, its food science, its food law and its food controls. The global distribution of food and the single European market means that problems can rapidly be disseminated widely. Contaminants, in whatever form, do not respect national borders and member states must accept foodstuffs from their neighbours and from Third Countries once they have cleared an EU frontier. Once in the single market no country can check product, it is assumed that it complies with the legal standards of the EU. However the single market was created to facilitate trade rather than respond to the needs of consumers.

A chronology of disasters including BSE, dioxin and sewage sludge in animal feed, illegal substances in animals husbandry, and the emergence of antibiotic resistant germs has highlighted deficiencies in the current system. Lack of internal controls and lack of mechanisms for traceability allowed the dioxin crisis to develop and expand throughout the whole food chain in Belgium. The sewage sludge incident in France was another animal feed related issue. That both of these occurred twelve years after animal feed was identified as the source of the BSE problem is depressing as it highlights that we have not yet learnt our lessons from the BSE debacle. The question we have to ask is would these have occurred if the European Authority, as currently proposed, was up and running? Or more importantly would they have been detected earlier and managed differently? We must remember that management of risk is being left to the individual member states.

### **2 CAP and Safe Food**

There is no suggestion to date that the proposed authority will look at the more fundamental issue of how food is produced and how food production systems are supported in the EU. Fifty per cent of the EU budget is spent on the Common Agricultural Policy and it wouldn't be unreasonable of the EU taxpayer to expect safe food of high quality produced in an environmentally friendly way in return. If the proposed Authority wants to have an impact in making food safer linking supports to "whole chain" food safety assurance would be a giant step in this direction.

### **3 Risk Assessment**

The FSAI supports the principle that there should be a functional separation between risk assessment and risk management, in order to ensure the scientific integrity of the risk assessment and reduce any conflict of interest between risk assessment and risk management. However, as risk analysis is a continuing process, interaction between risk managers and risk assessors is essential for practical application. The relationship and procedural issues between the EFA and the Commission regarding the risk analysis process is not addressed in the White Paper. For instance, the determination of risk assessment policy is an essential component of risk

management. Risk assessment policy consists of documented guidelines for scientific judgement and policy choices to be applied at appropriate decision points during risk assessment. To ensure that the risk assessment process is systematic, complete and transparent, risk assessment policy should be established by risk managers in advance of risk assessment, in consultation with risk assessors and all other interested parties - these issues are not addressed in the White Paper.

Risk assessment depends upon the availability of accurate, up to date, scientific data. These may include information on human and animal infections and data on contamination of foods. Standard data collection systems barely exist and will need to be established. The need to develop effective information gathering systems has been highlighted as a top priority. Good data is needed for good scientific advice and this underpins food safety policy. More quantitative risk assessment is required rather than resorting to the precautionary principle. However although the White Paper continually stresses the need for the best scientific advice, scientific advice alone will not be sufficient to restore consumer confidence. Scientists tell us that irradiation is a safe way to kill both pathogens and spoilage organisms in food yet consumers have not embraced the technology. Similarly scientists see genetic engineering as a useful tool for the production of safe food and again consumers are not convinced.

Guidelines need to be defined for the integration into the risk management process of "legitimate factors other than science" relevant for protection of consumers' health and assuring consumer confidence in the food supply.

The EFA has been identified as the EU Agency that will manage the Rapid Alert Programme. The implementation of this programme involves an element of risk management in that decisions are taken with respect to food safety risks. It will be very difficult to completely separate the risk assessment and management functions of this programme

#### **4 Research**

To get the information required to expand scientific knowledge requires investment in research. The proposed Authority will have its own research budget and will be able to direct the Commission's Joint Research Centre to rapidly initiate projects in response to urgent challenges. For more long term projects it will be able to highlight areas for priority funding under the Fifth framework. The research agenda must be directed at the key public health issues and at addressing consumer concerns.

#### **5 Risk Management**

Risk management falls outside the remit of the new authority and to include it would require a change to the EC Treaty. Such a change could be made but fears have been expressed that such a change would dilute democratic accountability. However consumer protection is dependent on how risk is managed and different management strategies across the EU with the free movement of foods mean inconsistencies in consumer protection.

A plethora of complex EU food laws, some of which are not transposed into national legislation in every country, different interpretations of the law, uneven enforcement

and suboptimal compliance in certain areas has meant that standards vary between countries and over time.

This is well illustrated by the inconsistencies in how BSE controls are implemented across the EU. BSE originated in the UK where contaminated meat and bone meal precipitated an epidemic of unprecedented proportions in British cattle. However UK meat and bone meal was exported to mainland Europe until exports were banned in 1996. Even then there was no recall of UK meat and bone meal in circulation in most member states to label it to ensure it was not fed to cattle. Much of the potentially contaminated meat and bone meal may have been fed to pigs and poultry. However sufficient would have been fed to cattle in most countries to seed the national herds with BSE. Bans on feeding MBM were introduced at different times in the member states. Measures to prevent cross contamination of cattle feed with pig and poultry feed were inconsistent and poor in most countries. BSE was perceived to be a British problem so surveillance to identify suspect BSE cases was suboptimal in most countries. Rendering facilities in all member states would have permitted the survival of BSE infectivity therefore the remains of cattle imported from the UK and infected domestic animals would have resulted in the domestic production of contaminated meat and bone meal thereby amplifying the problem. The upgrading of rendering facilities to kill the BSE agent, measures to prevent the feeding of meat and bone meal to cattle, practices for handling high risk offal, surveillance systems for BSE, culling practices for herds with identified BSE cases and laboratory diagnostic facilities were different and introduced at different stages across the EU. It is only recently that attempts are being made to harmonise control measures. We need a European-wide approach to tackling such problems and if the new Authority can deliver this it will do a lot for consumer protection. However this involves influencing how risk is managed.

Risk management will have to be standardised and consistent compliance and enforcement practiced across the EU. The new authority will have to create a forum where officials from the national food safety authorities can work closely to discuss risk management. It is in this way that the European Authority could co-ordinate risk management without usurping democratic accountability. The European Authority will have to manage food alerts and provide scientific advance in the event of a crisis occurring. However it is only if such a forum to co-ordinate the national agencies exists will an effective consistent response to a crisis be delivered across the EU.

The new Authority will have to exert some influence as to how risk should be managed to ensure risk is appropriately managed and the response is proportional to the risk to consumers' health. For example the response to the Belgian dioxin crisis bore no relationship to the risk to consumers' health. All it achieved was to damage consumer confidence in the regulatory agencies and the safety of the food supply and to damage the moral of the food safety professionals who found themselves responding to media directed demands rather than adopting a rational approach.

## 6 Monitoring and Surveillance

The new EU Authority will develop and operate surveillance and monitoring programmes. A consistent standard approach to the collection of data is needed across the EU. High quality data is needed to form the basis for quantitative risk assessment, to establish the public health priorities and to monitor the effectiveness of interventions. We need to know the level of salmonella and campylobacter in our chickens and pigs, *E coli* in our cattle, pesticide residues in our fruit and vegetables etc. Are we better or worse than last year? Are some countries getting better results than others are and if so what are the good practices that could be disseminated to improve standards? Are imported products from Third Countries inferior, or perhaps superior, than EU produced food or is price the sole criteria that governs trade?

Unless everyone is following the same protocols then results will not be comparable and scientific advice based on the findings will be biased. Poor results may impact on a particular country's trading potential and will jeopardise the openness and transparency that consumers deserve.

We are trying to move towards more openness and transparency but if surveillance systems are different in different countries those countries who pursue contamination or pathogens most aggressively will appear to have greater problems. Currently, apart from the UK, league tables on the number of BSE cases in the national herds are an indication of the efficiency of the surveillance systems rather than the true size of the epidemic in the cattle populations.

## 7 Risk Communication

Risk communication will be a major component of the work of the EU Authority. The White paper states that it "*risk communication is a key element in ensuring that consumers are kept informed and in reducing the risk of undue food safety concerns arising*".

The communication strategy has to be broader than just communicating risk. One has to tell the public what is being done to control the risk and make food safer.. In addition to highlighting the risks associated with foods and how to manage them consumers need to be given information on the health enhancing effects of a balanced diet. Appropriate messages must be targeted specifically at the different segments of the population broken down by age, sex, socio-economic groups and cultural group. Campaigns could be developed by the new Authority and adapted and delivered in each member state by their own agency. In this way the Authority would ensure a consistent message was being delivered across the EU.

The whole of the risk analysis process as applied to food safety should include clear, interactive and documented communication, between risk assessors and risk managers, and communication with consumers and other interested parties in all aspects of the process. A major function of risk communication is establishing a process whereby information and opinion essential to effective risk assessment and risk management is exchanged between all interested parties. Will the EFA only communicate the results of their risk assessments together with an account of uncertainty in risk estimates to the general public? Will the Commission only

communicate their risk management decisions? What happens if there are disagreements? Will the EFA only deliver opinions on matters referred to it by the Commission or will it do so on its own initiative?

While the White Paper proposes that the EFA should have a high public profile on food safety in Europe, this may not be the case if the communication of risk management remains with the Commission and communication of risk assessment is a function of the EFA. The net result may be confusion among consumers and the food industry.

A key issue for the EFA communication strategy will be to address both consumer fears and beliefs with respect to food safety, in addition to scientific issues. Major health gains are likely to be achieved across the EU in communicating a strong positive message on the role of nutrition in public health. There is a role for the EFA to work closely with Member States in the area of nutrition education and in the field of food safety training.

## **8 Nutrition**

Greater health gain could be obtained for the citizens of the EU by improving diet and reducing the incidence of diet related disease such as cardiovascular diseases, cancers and osteoporosis than by controlling foodborne pathogens. Unlike food safety there isn't the same degree of politics and trade issues complicating the promotion of healthy eating. In addition the new Authority has to win back the trust of consumers that has been damaged by a chronology of food scares. It needs to be more than an Authority communicating risk (bad news). By being proactive about healthy eating it will be seen as the "consumers' friend" and build up credits with consumers that will help to maintain consumer confidence in the face of the many crises that it will face.

## **9 Information and Education Campaigns**

Key to preventing food borne disease is the education of all sectors of the food industry and consumers of the risks and how to manage them. The public are bombarded with information from a multitude of sources and food safety needs to be marketed like any other product if it is to capture the public's attention. Innovative advertising campaigns are very expensive to produce and most member states cannot afford to continuously produce them. The Authority could develop initiatives that could be adapted and used in each member state carrying the dual logos of the Authority and the member state's food safety agency. Innovative education material could be developed for school children, and for different sectors of the food industry using videos, cartoons etc to make the message interesting for people of different educational capabilities.

## **10 Commitment from Industry and maintaining independence**

The EU White paper on food safety highlights that legislation and control are the two components of risk management. However in striving for independence we are distancing the consumer protection agenda from industry. This, we are informed, is to ensure that the agenda is primarily a consumer protection agenda. Highlighting that industry have primary responsibility for producing safe food and leaving it at that is

not sufficient. If the objective is to restore consumer confidence isolating all sectors of industry as a group that can't be trusted further fuels consumer concerns. Let us not forget that the objective is to make food safer for the consumer. However it is industry, not the enforcement agencies, that will make food safer. It will never be possible to police a food safety culture into the EU. Industry has to be persuaded to make food safety an integral part of all food businesses. The top food businesses are achieving standards way in excess of the legal requirements and these should be the benchmarks for others to aspire to. All sectors of the food industry have to win back consumer trust by demonstrating a proactive approach to food safety. Continually knocking the food industry and highlighting bad practice does nothing for consumer confidence. We must acknowledge and praise the work of the good companies and prosecute the bad ones.

## **11 Relation of EPA with Member States**

Transferring five committees covering food for human consumption and animal feeding-stuffs to the EFA is likely to add value to the general quality of scientific advice. It is planned that the EFA will work closely with national agencies and scientific institutions within the European Union in a scientific networking arrangement where the EFA will have a co-ordinating role. This formula will work well where Member States have established an independent, science based consumer protection food safety agencies and where these agencies are the contact point with the EFA. However, conflicts of interests may arise where civil servants from national agencies in Member States that have not yet established independent bodies appear to defend national interests other than scientific opinions.

Ireland has established an independent, science based consumer protection body, the Food Safety Authority of Ireland (FSAI). Other, but no all, Member States have also established similar authorities that are independent of the food production and processing sectors. It is recommended that the FSAI and equivalent bodies in other Member States become the national contact points for the EFA and that these bodies should be in a position to bring matters before the EFA.

The FSAI is supported by a scientific committee structure that provides scientific advice and opinions that are independent of the food sector. Some of these scientists are also members of scientific committees of EC. These scientists give their time voluntarily and as experienced scientists they are in demand both nationally and internationally. There is a limit to the amount of work that can be expected on a voluntary basis and in order to maintain the support of the top EU scientists for the scientific advisory system it is recommended that the EFA has funds to appropriately remunerate scientists or their employer organisations.

## **12 Regulatory Aspects**

The FSAI supports the principle of putting the onus on industry to produce safe food and strengthening traceability along the food chain.

The FSAI supports the proposal to introduce a Framework Directive on Food Law that will harmonise food legislation in Member States and the development of a Community framework to harmonise national control systems. There is a also a need

for the FVO to produce and publish a standard auditing protocol for use in their inspection and monitoring missions in order to harmonise evaluation of controls throughout the Union.

The FSAI strongly supports the proposal to consolidate hygiene measures from the vertical directives into a new comprehensive regulation to introduce consistency throughout the food chain.

As a matter of priority, legislation on animal feed should be revised and enforcement of controls harmonised across the EU. The recent dioxin crisis has demonstrated that the existing rules and their enforcement are not adequate to prevent contamination of animal feed by toxic substances such as dioxin. The major concerns that need to be addressed to ensure consumer protection and maintain consumer confidence in food of animal origin are:

- the qualitative and quantitative declaration of all materials included in the compound feedingstuff;
- the agreement of a list of ingredients whose use is prohibited in compound feedingstuffs;
- the agreement of maximum residue limits for certain chemical feed additives based on sound science and risk analysis;
- animal feedingstuffs should be included in the European Rapid Alert system in order to ensure traceability;
- obligation of EU Member States to carry out monitoring of contamination in feedingstuffs and report accordingly;
- limit the use of antibiotics as feed additives;
- labelling of animal feedingstuffs to include directions for use, for instance to specify withdrawal times for medicated feeds.

### **13 The European Authority and the Food Safety Authority of Ireland**

The Food safety Authority of Ireland looks forward to working with the EFA and is only too delighted to offer any assistance it can in its development and implementation.