

NOTE OF THE BOARD BRIEFING ON 21 JUNE 2011 ON THE TASK FORCE ON FARMING REGULATIONS

Attendance

Board Members

Jeff Rooker – Chair
David Cameron
Nancy Robson
Sue Atkinson
Jim Wildgoose
Etta Campbell
Tim Bennett
Margaret Gilmore
Michael Parker

Executive

Tim Smith
Andrew Wadge
Charles Milne
Gerry McCurdy
Rod Ainsworth
Andrew Rhodes
Steve Wearne
Alison Spalding
Pippa Brown - note taker

Board Members not present

Clive Grundy
John Spence

1. The Chair set out the terms of reference and rules of engagement for this meeting. He reminded Board members that this was a briefing meeting and would not be taking any policy decisions nor considering the FSA's response to the detailed recommendations. It was an opportunity to seek clarification and ask questions. Consideration of the FSA's response to the recommendations would be discussed at the Open Board meeting on 12 July. The meeting was being recorded and would be published after the meeting on 12 July.
2. The following Board members stated that when the discussion took place at the open meeting on 12 July that they would be declaring an interest, primarily because they knew members of the Task Force on a personal or business basis:
 - Jeff Rooker
 - Margaret Gilmore
 - Jim Wildgoose
 - Tim Bennett – in addition he would be declaring his farm as an interest

3. The CEO set out his thoughts on the paper. He considered that to a significant extent the Task Force forgot what caused the FSA to be established and extended its work beyond its remit. The report reflected the complexities and challenges faced by DEFRA in sponsoring the farming sectors but developed those themes into areas beyond its competency ignoring evidence it found inconvenient to its conclusions. Board members reading the report would be able to reflect on how closely it followed FSA's own principles – consumer, UK wide, science and evidence, enforcement particularly.
4. The CEO recommended the Board contemplated the composition of the Task Force, and to compare with the FSA's approach to gathering evidence and reflect on the recommendations the FSA were asked to respond to.
5. The CEO stated that the fundamental question was whether as the regulator the FSA were ready for the trust, responsibility and partnership envisaged by the task force. He suggested that the conditionality of risk and the proportionality of that risk to public health were more important concepts for the Board to tackle as the FSA contemplate the regulatory and enforcement hierarchies in the EU and UK.
6. The CEO said that the second question the Board should consider was the amount of resources the FSA should commit to responding to what was an England only report. He referred the Board to an example at page 2.43 page 33¹ if we agreed to participate then surely the structural weakness of any answer would be the limit/boundaries set by the EU – where reform was planned and underway. The CEO posed the question, did the report – by pointing up the crossovers, overlaps etc provide the FSA with a reason to offer to rationalise those complexities by taking/playing a bigger part. Why not ask FSA to run all the laboratories with a Food safety brief?
7. The CEO explained that, thus far the FSA has produced text and replies typical of civil servants responding to other civil servants, the Board would want to decide if that approach best represented their views, and how they would want to task the Executive to develop their contribution on the governments' response.
8. The CEO stated that he had spoken to Richard Macdonald to highlight to him that the Board may want to invite him to the July Board meeting, Richard would be happy to attend if the Board wished.

¹ Farming Regulation Task Force Report

2.43 We recommend that Defra, its agencies and delivery partners, including the Food Standards Agency produce a coherent plan for Ministers of how they intend to further reduce and rationalise the process and paperwork for farming and food-processing businesses, with aim of improving efficiency and effectiveness. We recommend that the plan:

- ☐ is produced by the end of 2011;
- ☐ explains where paperwork and process cannot be reduced, and address 'customer journey mapping' where it makes sense to do so; and
- ☐ is based on the Task Force principles and recommendations elsewhere in this report.

9. The Chair asked what information had been supplied to the Task Force as the Board had not been asked to contribute. Alison Spalding explained that the FSA officials had been asked to provide information in specific areas:
 - Current situation on meat hygiene, dairy hygiene and assurance scheme
 - Who inspects what in food processing areas
 - Food chain
 - Control body option, audit trail of when it was considered by the Board
 - Report on Trichinella
10. The Board wanted to know what evidence the Task Force based their recommendations upon, they were worried that evidence was not the driver in making the recommendations and that the recommendations did not seem to be backed by evidence in the report.
11. The Board asked the Executive what input they had had in the drafting of the report. It was explained that they had seen drafts and commented on the recommendations providing extra evidence but the recommendations were unaltered.
12. The Board asked the Executive if they could provide for the 12 July meeting evidence, where available, that they feel would lead the FSA to question the assumptions made by the Task Force.
13. The Board recognised that this was a report on the industry and that the consultee list was limited but they were concerned that the consumer did not seem to have been considered in producing the report.
14. The Board asked if the Task Force had a scientific advisor. The Executive were not aware of any. The Board stated that if it had produced a report of this nature they would have consulted its scientific advisory committees for a view.
15. The Board noted that a number of the recommendations referred to work already underway by the FSA, but others would need a detailed discussion on 12 July.
16. The CEO informed the Board that the paper to be put to them for 12 July will have draft responses to the recommendations set out in the standard civil service response. It was up to the Board to consider how they wanted to pitch their response, if they wanted to stick to the recommendations to the FSA or comment more widely on the report.
17. The Board wanted to seek clarification from Richard Macdonald before the meeting of the evidence that the Task Force based its recommendations particularly on the Control Body and dairy hygiene measures. The Executive agreed to do this.

18. The CEO raised the Executive's concern that the move to relax regulatory control would lead to poorer public health and that the report did not back up this recommendation with evidence. He stated that historically consumer organisations have been against self regulation.
19. The Chair stated that in paragraph 10.41² the report suggested that they might have overturned one of the recommendations made by Professor Hugh Pennington. The Chair had consulted Professor Pennington to see what input he had to this discussion. He had not been consulted nor had he been sent a copy of the report. The Board were concerned that the Task Force would even consider overturning a Pennington recommendation without consulting the Professor.
20. The Board were interested to know which Ministers supported this report, had it been shared with Ministers from the devolved countries. They were informed that it was Defra Ministers who supported this, primarily Jim Paice MP and Caroline Spelman MP. There was no evidence that it had been shared with Ministers from the devolved countries.
21. The Board asked if Health Ministers had or could be made aware of the report. The Chair stated that he had already made the Health Select Committee aware of the report and its potential impacts on food safety.
22. The Board discussed how they should respond to the report and if they could put in a response directly to the Task Force, rather than through their parent department. Steve Wearne explained that there was precedent for this as evidenced by the Hampton Report in 2005.
23. Rod Ainsworth explained that the Government would be publishing an interim response in the autumn and a full response in 2012. There would be time for the Board to commission the Executive to undertake further work on this at the July meeting, if they so wished, and consider their final response at the September meeting.
24. The following requests were made of the Executive:
 - To invite formally Richard Macdonald to the Board and to ask for him to supply the evidence behind recommendations
 - To produce for the Board meeting FSA evidence which in some cases challenges the assumptions behind some of the recommendations on meat and milk.
 - To draw the attention of Health Ministers to the Task Force report.

[End]

² 10.41 The guidance following the 'Pennington report' into an *E. coli* O157 outbreak in 2005 strongly suggests the need for separation between machines processing raw and cooked meats. Against this background, we have not seen any evidence that would allow us to safely recommend allowing the use of the same machinery for raw and cooked meat. If industry wants to progress this matter, we suggest that it produces more detailed scientific evidence to support its case.