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## **Royal Society comments on interim proposal for Food Standards Agency**

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*These comments, which have been endorsed by the Council of the Royal Society, were prepared by a group of Fellows and other experts chaired by Professor Brian Heap. Other members were Professor Peter Biggs, Professor Derek Burke, Dame Barbara Clayton, Professor Peter Lachmann, Dr Bernard Mackey, Professor Malcolm Peaker, Dr Diana Walford. Written input was received from Professor Peter Bunyan, Professor Douglas Georgala, Mr John Rimington and the Earl of Selborne. The group was grateful to be able to discuss the proposal with Professor Philip James and Ms Karen McColl.*

1. The machinery for assuring the safety of food is a matter of obvious importance. The machinery must be effective, and it must command public confidence. Recent events have made clear that it is failing on both counts. Real change is needed. We therefore welcome the prompt action of the new Government in publishing proposals for an overhaul of the machinery.
2. The causes of the present malaise are many, and include unresolved conflicts of interest within MAFF between the demands of food safety and support for the agriculture industry, a pervasive culture of secrecy, the blurring of responsibility between central and local government during the last two decades, and failures in communication at many points in the system. Restructuring is essential, but must be accompanied by cultural changes that will take time to achieve.

### **Remit and constitution of the proposed Agency**

3. It is clearly right to create a food standards agency with executive powers, separated from the other responsibilities of MAFF. The agency's responsibilities should cover the whole food chain from plough to plate, throughout the whole of the UK. It should concentrate exclusively on food safety issues. Nutrition should be excluded from its remit. Nutritional issues are matters for persuasion and education, and are not appropriate for enforceable executive action. Safety should not be conflated with questions of efficacy.
4. It is also right to adopt the two-tier model of Commission and Executive already used for Health and Safety. This allows distinct groups to concentrate on setting policy and on implementing it, and thus makes it easier to locate successes and failures within the overall organisation.
5. The proposed name Food and Health Commission (Executive) echoes the suggestion that nutrition be included within the agency's remit. In view of our

comments above, we would prefer the simple names Food Safety Commission (FSC) and Food Safety Executive (FSE).

6. The choice of members to serve on the FSC is critical. Members should be appointed after consultation with the relevant groups and after public advertisement, but they should be appointed as individuals, not as formal representatives or nominees. They should between them encompass the full range of expertise necessary to carry out the work of the FSC, including medical, public health and veterinary expertise, and some members should be able to speak authoritatively about consumer interests. A minority of the members should be directly employed in the production or distribution of food. There is a strong case for members to receive an honorarium.

7. Care will be needed to ensure that there is not a schism between those engaged in food production and those responsible for food safety. Safe food requires the commitment of all involved at every stage in the process from plough to plate.

8. Licensing of veterinary medicines, pesticides and food additives should remain with the appropriate Directorates. To move them to the FSE, as proposed, would result in an unwieldy licensing system. But the FSC will need to have access to the expertise of these groups in order to develop advice on matters like food labelling.

9. We support the suggestion that the agency should contribute as a technical adviser to discussions at European level. Its independence from political influence, coupled with its scientific authority, will give it considerable credibility.

## **Accountability and independence**

10. The FSE should have executive powers and be accountable to the FSC for the use it makes of them. The FSC will be accountable to Parliament. This accountability should be discharged primarily through the Secretary of State for Health rather than through a Council of Ministers. The latter is not necessarily the most effective way of handling an area in which several Departments have an interest, and it could come to overshadow the FSC, gravely weakening the new structure. The FSC will, of course, need to establish effective communication with all agriculture departments.

11. Ministers must be explicitly accountable to Parliament for the use they make of FSC advice. Such behaviour will be in keeping with the recently published OST report *The use of scientific advice in policy making*.

12. A key feature of the FSC is its independence not only from commercial and other vested interest but also from political interest. It will be further reinforced, to the strengthening of the FSC's public credibility, by a culture of openness, epitomised by publishing its advice to Ministers. Independence is reflected, ultimately, in the Commission's ability to resign publicly and en bloc.

## **Funding**

13. The success of the FSC/E will depend on adequate funding, explicitly allocated and accounted. Underfunding, or funding with too many strings, would erode the goodwill created by the establishment of the new agency.

## **Research**

14. The proposal that the FSC should have responsibility for 'coordinating all the research in the food safety, nutrition and consumer protection area' needs

clarification. FSC/E should define the scientific knowledge base it requires in order to fulfil its regulatory role (which, as we argue above, should exclude nutrition), and it should have a budget to commission research. We agree that this budget should, in the first instance, include current DoH and MAFF budgets in relevant areas. The expertise already available within these structures will be an important resource. FSC/E should also be able to identify, and fund, additional research in properly accredited laboratories. There is no case for FSC to own substantial research facilities.

15. We agree that FSC should be represented in the membership of the BBSRC Council.

## **Culture**

16. Like the Health and Safety Executive, the FSE will be formed in part from numerous antecedent bodies. It will need to draw directly on the HSEs experience in bringing about cultural change. This cultural change, vital to the success of the enterprise, requires new blood at senior management level.

17. We endorse the proposal that the FSE should wherever possible work through Local Authorities and the other local operational agencies such as Health Authorities and the Public Health Laboratory Service. It will need to establish relations of mutual trust both with local enforcement officers and with food producers. Again, the experience of HSE in forging effective relationships at local level will be relevant here.