

APPROACH TO SUSTAINABLE DEVELOPMENT IN POLICY MAKING

EXECUTIVE SUMMARY

1. The Agency is committed to taking sustainable development into account in all its activities and policy decisions. This paper explores what this means in practice for Agency policy making and delivery of our statutory remit. The aim is to agree a public statement of our approach, which will provide greater transparency for our stakeholders, improved consistency across the organisation and help to deliver better, more sustainable policies.
2. The draft approach does not change the Agency's remit. It does not mean that we will become responsible for sustainable development *per se* or for sustainable food production and consumption. Defra and the devolved equivalents remain responsible for these. It does mean that in taking our remit forward we will do so with regard to sustainability principles and incorporate these into our risk management decisions. This builds on an existing foundation of good policy making.
3. A key point about sustainable development is that it is not limited to environmental considerations. The concept of sustainability is about trying to achieve positive impacts under the economic, social (including food safety and nutrition) and environmental pillars. Good governance and the use of sound science are also fundamental to developing sustainable policies.
4. Incorporating sustainability more fully into policy making will benefit consumers and other stakeholders. It will ensure that policies are robust and will not be undermined in the short or long term by impacts that were not considered. Where negative impacts remain, the sustainability approach ensures that these are transparent to all and that the Agency takes responsibility for them.
5. To explore what sustainable development means for the Agency, and how it will affect policy making, extensive consultation has been undertaken. The Agency has also commissioned consumer research. The outcome of the consultation and research are summarised in the paper.
6. The Board is asked to:
 - **note** the outcome of the consultation process and consumer research; and
 - **endorse** the proposed approach to sustainable development in policy making shown at Annex I.

Annexes

Annex I – Sustainable Development in Policy making: Draft Statement of Approach

Annex II – Implications for Agency policy making

Annex III – Summary of the Outcome of the Consultation Process

Annex IV – Summary of Consumer Research

Annex V – Summary of Board's discussions on sustainable development

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Issue

1. To agree the Agency's approach to sustainable development in policy making (Annex I) and how, in broad terms, this should be applied in practice. This approach will be particularly relevant for the Board in informing its risk management decisions.
2. A discussion of how the approach will impact on the policy making process, together with illustrative examples, is at Annex II. Once the approach has been finalised, the Executive will develop detailed guidance to Agency staff and related tools to ensure delivery, and set up monitoring and evaluation processes.

Strategic Aims

3. The proposed approach contributes to Government wide sustainability policy by incorporating sustainable development considerations in all activities and policy decisions. It will also contribute across our strategic objectives through better policy making.

Background

4. Sustainable development is about achieving social, economic and environmental objectives at the same time, and considering the longer term implications of our actions. The goal of sustainable development is:
"To enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life, without compromising the quality of life of future generations"
5. The UK and devolved Governments are committed to this goal and have agreed a set of shared principles to support its achievement. These principles build on and expand the social, economic and environmental considerations (often referred to as the "pillars") of sustainability. The Governments' five principles¹ of sustainable development are:-
 - Living within environmental limits
 - Ensuring a strong, healthy and just society
 - Achieving a sustainable economy
 - Promoting good governance
 - Using sound science responsibly

¹ Northern Ireland has the additional principle of promoting opportunity and innovation.

The Agency's key goals of food safety, health and protecting the interests of consumers mainly fall within the social pillar, which includes any impact on people or society apart from economic ones.

6. The Agency undertook in 2004 to 'take sustainable development into account in all of its activities and policy decisions'². To help deliver this commitment, we have developed our own sustainability assessment guidance, which is closely linked to the Government's Impact Assessment process. Training has also been provided for staff. At its March 2007 meeting, the Board considered challenges to the delivery of its commitment³ and agreed that the Executive should explore these challenges further in order to articulate what sustainability means for the Agency. A summary of previous Board discussions is at Annex V.
7. Contacts with other Government departments and the devolved Governments have indicated that the majority are working hard to grasp the concept of sustainable development within the policy context. Development of policy tools and capacity building are being actively pursued. It appears that Departments focus on different sustainability aspects, reflecting departmental priorities, but this is not always being made clear. None yet have an outward facing statement of approach, nor have they involved stakeholders in detailed considerations of incorporating sustainable development into policy making and risk management decisions.

Need for the Approach

8. Sustainable development is about good policy making. Embedding sustainability is therefore an extension of existing good practice, rather than being something completely new. However, greater clarity is needed about what exactly is meant by 'taking sustainable development into account' to address questions about how pro-active the Agency should be in promoting sustainable development given our statutory remit and to what extent the Agency can, or should, balance food safety, health, information and other consumer interests with other aspects of sustainability such as environmental protection, use of natural resources and international development. There is also the question of how much responsibility the Agency should take for negative impacts of its policies, especially where those impacts fall outside of our remit.

Discussion

Legal and constitutional aspects

9. Unlike most Government departments, the Agency's remit is laid down by statute and our approach to sustainable development must be compatible with the legislation. The Food Standards Act 1999 gives the Agency a wide remit in

² Paper FSA 04/10/02

³ Paper 07/03/05

relation to food. It states that our main objective is to protect public health in connection with the consumption of food and otherwise protect the interests of consumers in relation to food. These other interests can include sustainability, provided that it relates to food. However, the Agency's statement of General Objectives and Practices gives top priority to public health. Thus the scope for trading-off public health for, as an example, environmental protection is likely to be limited and the higher the public health risks the greater the limitation. In practice this is unlikely to present significant difficulties as public health risks will always be key to any sustainability assessment. We also need to take account of the remits of other Government departments in order to avoid duplication, and ensure an efficient approach across Government. Examples of areas of work we may have an interest in, or impact on, but are primarily the responsibility of other departments, include sustainable food production and consumption, which fall to the Department of Environment, Food and Rural Affairs (Defra) and their devolved equivalents.

Striking a balance

10. Sustainability involves consideration of environmental, social and economic impacts and a truly sustainable policy will deliver benefits in all three areas. At the policy development stage our aim should be to maximise the positive impacts in all of these. However, at the decision making stage, the question is how to choose between policy options and risk management solutions that yield different levels of costs and benefits in each of the three areas.
11. It is proposed that the Agency should give priority to options that yield most benefits in the areas of food safety, health and nutrition as these are the areas where most, though not all, of our policy goals lie. Considerations under the environmental and economic pillars are nonetheless important when developing policy because impacts in one area of sustainability will tend, especially in the long run, to have consequences in other areas. For instance, impacts in the environmental pillar, for example on climate change, could in time impact on areas within the Agency's remit, such as food safety.
12. We cannot, however, lay down a hard and fast rule that prioritises food safety, health and nutrition. Circumstances and risks will vary from case to case and individual cost benefit analyses will need to be carried out. If a relatively minor gain in food safety would bring with it a significant economic or environmental cost it will have to be decided if these negative impacts would 'outweigh' the safety gain. With significant negative impacts it is unlikely that the safety gain would be sustainable in the long term or that it would not lead to other disbenefits to consumers.
13. An underpinning principle of sustainable development is the use of sound science and this will remain fundamental to good policy making. Wider issues will, however, continue to be important, including questions of public values and

acceptability. Both science and these wider issues will need to be balanced in the decision making process in a fully transparent manner.

14. The Agency's advice on fish consumption illustrates a number of these points. Current advice is based on scientific evidence of health benefits from eating fish and potential safety effects from contaminants. Pressure on fish stocks, and wider issues such as economic and social impacts on fishing communities, were not considered. This means that possible impacts on the long term availability of fish (and their health benefits) for future generations were not taken into account. These wider aspects are now under consideration. (See Example 1 in Annex II.)

Taking responsibility

15. Although policy makers should seek to maximise the sustainability of options under consideration, most options will nevertheless involve negative impacts under at least one of the three pillars. The proposed approach is that where significant negative impacts remain, even if they fall outside of our remit, we will take a degree of responsibility for our actions by clearly communicating the problem, and alerting relevant Government departments. In some cases we may work with Departments and others to minimise the adverse effects. The bottom line, however, is that there may be cases where the negative impacts are so significant that we choose not to proceed with a policy on sustainability grounds.
16. For example, the herbal ingredient kava kava was banned on the basis that it was linked to ill health and death. Although because of the significant health concerns a sustainability assessment would still lead to a ban, the impact on the economies of the producing pacific islands might warrant more proactive consideration and could, for example, have involved lending weight to the mitigation work of others. (See Example 4 in Annex II.)

Working with others

17. Working with other departments and organisations is important to mitigate any adverse sustainability impacts of our policies that fall outside our remit. Similarly, other departments need to liaise with the Agency to avoid or reduce any negative impacts that their policies may have on matters falling within our responsibility. The Agency's sustainable development approach proposes active partnership working across Government on delivery of sustainable policies because it:
 - taps into wider expertise needed for a full assessment of sustainability impacts during policy development in a resource efficient way, avoiding the need for each department to duplicate expertise;
 - allows negative impacts of a department's policies to be managed to the best effect, even where they fall outside of the remit and skills of the department to act; and

- allows the possibility of synergistic benefits from greater policy co-ordination and mitigates against 'silo' working that can result from different departmental priorities.

18. We note that the Cabinet Office report, 'Food Matters', emphasised similar points.

19. One example of a topic for cross departmental working might be the production and consumption of meat and dairy. Meat and dairy production has significant impacts on climate change, but a simple reduction in production could have unintended effects. For instance, production changes could impact on the economic viability of farming, on the environment and biodiversity through land use changes, and on nutrition from associated changes in meat and dairy consumption. If each department was to work in isolation, conflicting policies or duplication of effort could result. (See Example 5 in Annex II for further discussion.)

Outcome of workshops, stakeholder consultation and consumer research

20. In developing our approach we have consulted widely. We held a series of workshops, including one involving a broad range of external stakeholders in December 2007. We met separately with stakeholders in Northern Ireland during May 2008. A number of common themes emerged, including a clear recognition that sustainability involves consideration of all three pillars of sustainable development. There was a general consensus that the Agency's priorities should be around food safety and nutrition. The need for a strong evidence base was also highlighted, along with the need to actively seek expert input on sustainability issues, especially in areas outside the Agency's expertise. A need for more active partnership working, both with other Government departments and with wider stakeholders was identified. The Food Advisory Committees of Scotland, Wales and Northern Ireland have all been consulted and are broadly supportive of the proposed approach. (Annex III has more details.)

21. A full public consultation was held between March and June 2008. The majority of respondents welcomed the Agency's approach. (Details are at Annex III.) Information on the outcome of consumer research commissioned to explore consumer interest in relation to sustainability issues around food can be found at Annex IV. These results reveal that consumers have a wide range of views on sustainable food policy priorities, and these are often conflicting.

Recommended Approach

22. The UK Government and devolved governments all require sustainability considerations to be incorporated into policy making and there is a shared set of principles (see para 4). The Agency's proposed approach, consistent with these principles, is a clarification of the existing Agency position to provide greater transparency for our stakeholders and improved consistency of approach across

the organisation. It will apply to all parts of the Agency, including the Meat Hygiene Service. The approach does not change the Agency's remit. The major impacts are in relation to understanding the consequences of different risk management options and hence informing the decision making process. This builds on the Agency's existing good foundation of policy making, but takes into account a wider range of issues than previously. For example, the Agency is considering how saturated fat intake can be reduced on health grounds. Sustainability considerations now mean that the Agency has already been discussing what might be done with the excess fat removed from the food chain.

23. The proposed approach will also have implications for the setting of Agency priorities in its work programme. For instance, consideration of the sustainability of the Agency's work on pesticide residue minimisation noted that the policy had some possible environmental costs in terms of resource use and the need for energy intensive cropping systems. In future, early consideration of sustainability may influence the priority given to such work. (See Example 2 in Annex II.)
24. The proposed approach consists of two parts: a clear statement of the approach itself, followed by a more detailed section on its application. Key aspects are:
 - working within our statutory remit whilst recognising the importance of all aspects of sustainable development;
 - ensuring our primary objective of protecting consumer interests in relation to food is achieved, whilst maximising positive impacts in all three areas of sustainability;
 - where negative impacts remain at the decision making stage, giving priority to safety and health in line with our remit;
 - taking more responsibility for significant negative impacts of our policies, working with other Government departments where the impacts fall outside of our remit and expertise;
 - recognising the need for joining up policies across departments for more sustainable solutions and co-ordinated messages.

Impact

25. Adopting the proposed approach will have impacts on the Agency. It is estimated that the additional resources required will be around £100-150K per annum, plus one-off training costs of £25K. This is set against the benefits of an enhanced reputation and meeting our obligations under the UK's Sustainable Development Strategies. There are no direct costs or benefits for businesses or consumers because the application of the approach will fall to the Agency. However, sustainability considerations will influence policy making and will impact on where

the costs and benefits of policies fall. While all of our stakeholders should benefit from more sustainable food policies, it is possible that in some cases industry and/or consumers may face some additional cost for a more sustainable policy solution. It is not possible to estimate any additional costs or benefits to stakeholders at this stage as they will be on a case by case basis.

26. The additional costs to the Agency are modest because the Agency is not starting from a zero base, but is building on existing good practice in policy making. In many cases assessing additional impacts is going to be relatively straightforward. For instance, where labelling changes could result in waste packaging transitional provisions provide the important, but simple, solution. There will, however, be cases where there are significant additional impacts to both investigate and manage. Therefore, although there will be a modest average cost, there will be a wide variation between different policies.
27. The Executive has considered the costs and collectively has accepted that the introduction of more robust sustainability considerations into policy making is a priority. The funding allocation has been agreed on the basis that it will result in better, more robust and transparent Agency policies and advice.

Board Action Required

28. The Board is asked to:

- **note** the outcome of the consultation process and consumer research; and
- **endorse** the proposed approach to sustainable development in policy making shown at Annex I.