

**MINUTES OF THE FOOD STANDARDS AGENCY BOARD MEETING, 13 JUNE
2002, ARMAGH CITY HOTEL, NORTHERN IRELAND**

OPEN SESSION, 9:30 – 12:40

Present: Sir John Krebs, Chairman
Suzi Leather, Deputy Chair
Sir John Arbuthnott
Richard Ayre
Karol Bailey
Michael Gibson
Ann Hemingway
Jeya Henry
Valerie Howarth
Iain MacDonald
Robert Rees
Vernon Sankey
Sandra Walbran
Michael Walker

Officials attending: Geoffrey Podger – Chief Executive
Debby Reynolds – Veterinary Director (item 4 only)
Barbara Richards – Head of Corporate Secretariat & Consumer
Issues Division (item 5 only)
Andrew Wadge – Head of Chemical Safety & Toxicology
(item 6 only)
Mark Bush – Board Secretary
Renata Petruv – Minutes Secretary

Others attending Eileen Rubery – Senior Research Associate, Judge Institute of
Management Studies, University of Cambridge (item 5 only)

No apologies for absence, but Jeya Henry apologised for leaving before the discussion on pesticides and veterinary medicines (agenda item 6).

Chairman's Introduction

1. The Chairman welcomed Sandra Walbran and Iain MacDonald to their first open Board meeting as members of the FSA Board. Ms Walbran and Mr MacDonald officially joined the Agency on 1 June 2002.
2. The Chairman reminded Board members of their obligation to declare interests before discussion of relevant items. This applied to discussions in both the open session and the closed session (which dealt with internal management matters).
3. There was one item raised for discussion under AOB to update the Board on the changes proposed in the Chief Medical Officer's Communicable Disease Strategy, including the creation of a new Health Protection Agency (Robert Rees).

Item 1 Minutes of Meeting on 9 May

(Paper FSA 02/06/01)

4. Minutes of the meeting held on 9 May at the Hilton Treetops Hotel, Aberdeen were considered. These were confirmed as an accurate record of the meeting, subject to the following amendments:
5. paragraph 11 – the Chief Executive explained that, whilst an action plan had been drawn up to prevent further failures in animal testing of Beef Assurance Scheme cattle in the Meat Hygiene Service (MHS), the risk of human error could never be eliminated. The Chief Executive therefore proposed, and the Board agreed, to amend the first sentence in the minutes to read '... agreed a list of actions to seek to prevent further similar lapses.' The revised Operations Manual for official veterinary surgeons would be reviewed and agreed by the Meat Hygiene Advisory Committee and Board members would be kept up to date on progress and timing through reports in the list of ongoing actions.
6. paragraph 17 – Board members felt that the wording in the penultimate sentence was misleading, implying that folic acid fortification of wholemeal flour was already undertaken. The intention had been to emphasise the technical difficulties associated with fortification of wholemeal flour should it be attempted, and the text would be amended to reflect this.

7. paragraph 29, first bullet – the minutes had stated that the Board would review the evidence base when further information became available. Board members felt that as drafted the use of ‘when’ gave a sense of infinity in revisiting the issue, and asked that this be replaced with ‘... as soon as further information ...’. It was also noted that valuable information could be gained, not only from the experience of other countries, but also from research into the effects of folic acid on cardiovascular disease and Alzheimer’s Disease.
8. paragraph 29, final bullet – Board members felt that the summary did not fully reflect the Board’s request to be proactive in seeking further evidence on the benefits and disbenefits of folic acid fortification, in particular on vitamin B12 masking in the elderly. The Board wished to positively encourage Health Departments to move forward in this area, and for the Board to re-examine the issue as soon as further evidence had been gathered. This would need to be drawn out in the advice to Health Ministers. Although not discussed at the Board meeting (and therefore not for inclusion in the May minutes), it was suggested that the advice to Ministers could also include a recommendation to examine the effects on later neurological development of normal babies born to low folate status mothers.
9. text preceding paragraph 30 – the declaration for Michael Gibson would be amended to read ‘Michael Gibson declared an interest as an occasional participant at farmers’ markets.’
10. In considering the table of follow up action, Board members noted that the advice to Health Ministers on folic acid fortification would be based on the Board’s discussion of this issue in May (action 9May02/O/121) and strengthened by the additional comments made on the draft minutes at the June meeting. The advice would be finalised and agreed by the Chairman and Deputy Chair on behalf of the Board.

Item 2 Chairman’s Report

11. The Chairman had intended to report back on the meeting of the informal Board sub-group to discuss youth issues, but due to the tight agenda agreed to circulate a short note instead. There was, therefore, no formal Chairman’s report.

Action: Secretariat

Item 3 Chief Executive's Report

Survey of Specified Risk Material (SRM) controls and imported boxed beef

12. Following a request from the Board, the Executive had agreed to consider the need for a survey of SRM controls and imported boxed beef. The FSA HQ, with MHS colleagues, had carried out an initial investigation to determine whether a problem existed with imported boxed beef. There was no indication that there was a problem and the Executive had therefore proposed that a full survey of imported boxed beef was not necessary. The Executive would provide a short information note for the Board.

Action: David Statham (EFSG)

Regulation of Investigatory Powers Act (RIPA)

13. There had been recent reports in the press suggesting that the Agency would be seeking powers to intercept personal contact details for its own use. The Agency had a small investigating team that examined various alleged offences, in particular those concerning breaches of hygiene requirements at meat plants. This was an essential part of the Agency's role in the protection of public health. For this reason the Agency had since 2000 been registered under the RIPA to ensure that its investigative activities were subject to proper scrutiny. The new set of registrations which had recently been reported would cover bodies which would have access to communications records such as phone usage. These powers were an essential investigation tool, but departments that wished to make use of them could only do so if first granted the right by Parliament. It was noted that the police and Local Authorities had so far been in the lead in investigations, and the Agency had not needed to make use of the powers available to it. It was, however, possible that at some point police priorities might mean that the Agency would need to take the lead, and in order to allow effective investigations in order to protect public health the Agency should make sure that it had available all necessary powers. The Agency had been made fully aware of its responsibilities in using such powers, and their availability did not in itself imply they could be used indiscriminately. Use of these powers would be subject to review by the Interception of Communications Commissioner, and reported internally to the Chairman and, where necessary, the Board. Board members agreed that the Agency needed proper powers to carry out thorough investigations for the protection of public health. There were clear controls on the use of these powers, but Board members considered that they should also play a scrutiny role in the

Executive's use of the powers and requested an annual report back on any use that had been made of such powers.

Action: Chief Executive

Nitrofen

14. Use of this herbicide had been banned in the European Union since 1988 due to its toxic and carcinogenic properties. Contamination of food and feed had recently been discovered in Germany, and had been reported to the European Parliament and Commission. The incident had been well handled by the German authorities. So far, none of the contaminated material had been found to have been shipped to the UK. The Agency maintained a careful watch on developments, and would report any change to the Board.

'Over Thirty Month' (OTM) beef from Poland, Zimbabwe and South Africa

15. Following earlier reports to the Board, the Agency had drawn the potential risks from this beef to the attention of industry through discussion with key players. It appeared that very little of this material was in fact imported into the UK, although the Agency's advice had been received positively by those potentially involved.

Promotion of food science and technology careers

16. The Agency was taking part in various initiatives through 'Science Year', including open days, career 'ambassadors' and entering a job profile database. Although not immediately resolving the fall in enrolment numbers it represented a step forward. The Board noted similar problems in recruiting and training Environmental Health Officers, and that a paper on this would be taken in July.

Item 4 Report of the Core Stakeholder Group on BSE and Sheep

(Paper FSA 02/06/02)

[Prior to discussion of this item, Michael Gibson declared an interest as a farmer, though not a sheep producer. Karol Bailey declared an interest as a sheep farmer, food producer (including sausages with natural casings) and retailer. Both said that they would not be materially affected by the outcome of the debate, and both Michael Gibson and Karol Bailey participated in discussion and determination of this issue.]

17. Introducing the paper, the Chief Executive noted that he and the Veterinary Director would act as 'advocates' for the stakeholder group report, allowing the

Chairman (who had also chaired the stakeholder group) to chair the Board's discussion neutrally. The Chief Executive thanked the members of the stakeholder group for their work in producing the report. The public meeting on BSE and sheep held in December 2001, at which the Chairman of the Spongiform Encephalopathy Advisory Committee (SEAC) had referred to SRM controls (including intestine), had allowed an opportunity for all interested parties to be aware of, and to raise, issues that would be considered by the stakeholder group. The main scientific papers that had informed the stakeholder group's work had also been published earlier in the year. The report itself had been published for public consultation, and the Chief Executive thanked all those who had responded. A summary of the responses was included in paper FSA 02/06/02, and the Board also had access to the responses themselves.

18. The Chief Executive noted the difficulty in finding a way forward on this subject. Although it was possible to infect sheep with BSE under experimental conditions so far no naturally occurring case had been found. The numbers of sheep examined did not, however, offer any guarantee that such cases could not or did not exist. The eradication of scrapie from the flock offered an opportunity to resolve this dilemma, but was thought to be a longer term solution. A proportionate risk management strategy for the immediate term was therefore needed against this background of uncertainty.

19. The report highlighted three considerations:

- where uncertainty existed, people had a right to know this
- people had a right to knowledge that helped them make meaningful food choices
- a judgement was needed now on whether further precautionary measures should be introduced at this time.

20. The report noted that if BSE was to be found in sheep, the risk from older animals would be significantly greater than from younger. Communities which consumed older animals should be informed of this. On baby food, the report did not advise avoiding baby food made from lamb from countries with TSEs. Information should, however, be provided on the country of origin of material used and on which countries were TSE free so that consumer could exercise choice.

21. The recommendation concerning natural sausage casings had prompted most discussion in the stakeholder group. This recommendation came with significant

economic costs and would have a great effect on the livelihoods of those working in this area. Recent scientific work, including that commissioned by the Agency, had for the first time produced a figure for the risk reduction achieved by current sheep SRM measures. Given the nature of experimentally induced BSE in sheep, it had been recognised that 100% protection could never be achieved. The quantification produced at the turn of the year had suggested that current SRM measures would remove only approximately one third of the risk (were any present), compared with a risk reduction in cattle of approximately 95% through SRM measures, with further reduction offered by the Over Thirty Month (OTM) rule. The stakeholder group had been surprised to see how much less effective SRM measures were in sheep. Whatever the limitations on the figure, it had given rise to serious doubts on the adequacy of current risk reduction measures should BSE exist in sheep. Against this background, the group had looked at what might be done to increase the level of protection. This was discussed in the report.

22. The risk reduction recommendations set out in the report were not, as some had claimed, an attempt simply to 'do something'. They were proposals for ways of improving risk reduction in a practicable way, with effects proportionate to their costs. Costs of risk reduction had also been discussed in the Agency's earlier review of BSE controls. Previous action on BSE controls had reflected the extent to which the devastating nature of vCJD and its effects justified relatively high expenditure if it resulted in a reduction in risk. Of possible risk reduction options, only removal of intestine met all three criteria of substantial risk reduction, practicability and proportionality in cost. Industry had made strong representations on this recommendation, including new estimates of the cost involved, which the Board had seen. There had not been time for independent evaluation of these estimates, but, even if accepted, they did not represent such a great increase over the cost figures available to the stakeholder group that in their view the effect of the proposal became disproportionate to the cost.
23. The Chief Executive noted that changes to specified risk material rules could only be taken forward at the EU level. Any conclusion reached by the Board would be fed into negotiation in the EU. Whatever was concluded at the present Board meeting, there would be further extensive opportunities for industry and other groups to make representations during the EU negotiation process, and it would be wrong to suggest that all consultation had now ended. Although these points concerned the process of regulation it was important to remember that the issue

affected people – those in the casings industry who might lose their livelihood on the basis of this theoretical risk, those in the wider sheep sector who could be affected if risk was managed in a way which properly protected public health, and those potentially at risk from vCJD if possible risk was taken too lightly. As Professor Ironside, the Director of the national vCJD surveillance unit had said of the group's proposal on intestine 'I feel this is a very important public health measure which, although based on a theoretical risk, is relatively easy to implement in practical terms. (...) This measure should of course be reviewed in the light of additional information concerning the levels of infectivity that might be present in such tissue and the level of reduction of infectivity by processing. However, since this additional information will inevitably take a considerable time to emerge, it is important in my view to take this additional step concerning SRM as soon as possible'. The stakeholder group considered that the recommendation on intestine represented a simple and practical step resulting in a real risk reduction, and that this step should be taken.

24. The Chairman proposed that the recommendations be considered in groups, as set out on page 14 of the stakeholder group report.

Research (Recommendation 1)

25. Board members noted that rapid development of diagnostic tests was essential but, as the recommendation acknowledged, tests had to be properly validated to eliminate the possibility of false positive or negative results. The Agency had discussed its common interests in this area with other Departments, such as DEFRA and the Chief Scientific Adviser, but some tests might be being developed by commercial companies. A successful test represented a commercial advantage, and companies would be unwilling to compromise their confidentiality through very open discussion. Nevertheless, the validation process itself at EU level could take a year or more, and so the time before a fully validated test was available should be thought of in years rather than months. Recognising the commercial sensitivities involved, some Board members suggested that the Agency's role should not be in setting milestones and timescales, but in working with developers to make sure reasonable proposals were taken forward without unnecessary bureaucracy.

26. Summarising, the Chairman noted that the Board accepted recommendation 1, with reservation on the practicality of setting timescales.

Different Risks for Some Groups of Consumers (recommendation 2-6)

27. These recommendations largely concerned risk communication and consumers' right to know and choose.
28. Board members noted that risk communication strategies needed to consider carefully the structure and format of message delivery, and ensure that all relevant target groups were included. Ideas that were difficult to describe (such as 'theoretical risk') needed to be explained in plain language. A clear understanding of what consumers understood by terms like this was important. Board members also noted that the whole of the catering sector should be included as use of meat from older animals was not restricted to particular parts of the industry. Officials noted that colleagues in the Agency's Communications Division were already consulting on the best ways to put over messages, and at the Board's suggestion would widen the audience to cover all caterers.
29. Commenting on recommendation 5, concerning 'country of origin' labelling on baby food, Board members noted that this should be linked to the Agency's overall strategy on labelling. Some suggested that the Agency should consider pressing for a mandatory approach if voluntary introduction was unsuccessful. Information on the TSE status of different countries (and any changes to this) would be important in order to make choices based on the labelling meaningful, and would have to be actively updated to make sure it remained up to date and was as clear as possible. If this was not presented clearly, labelling alone could inadvertently promote choices in favour of material from countries where risk could be higher. Without such supporting information, some Board members suggested that origin labelling would be confusing for consumers and also difficult to police. Officials noted that the stakeholder group had considered in great depth the value of proceeding with discussions on voluntary labelling before the full supporting information was available. The Board recognised that in cases where it was difficult to give clear advice consumers should be enabled to make their own choices. The Board accepted the recommendations and agreed that the Executive should pursue discussions with industry encouraging voluntary labelling, reporting back to the Board on its effectiveness and possible options for further action if necessary.

Sheep and Goat Dairy Products (recommendation 7)

30. Board members noted that experimental infection in both sheep and goats had identified infectivity in lymphocytes, which are cells that can be found in milk. Infectivity in milk from cattle had not been found. The Board accepted the recommendation, and in view of the increasing popularity of sheep and goat dairy products, agreed that caterers should be made aware of the issue.

Risk Management Options (scrapie, audit of use of sheep/ goat products), (recommendations 8-11)

31. Recommendations 8-10 generally reflected previously expressed views of the Board. Risk Assessment work in this area would be overseen by SEAC. The Board agreed the recommendations and re-affirmed its commitment to the rapid introduction of the National Scrapie Plan.

Recommendation 11 (addition of intestine to list of SRM)

32. Board members noted that, if accepted by the Board and implemented at European level, the position of imports from third countries would need to be considered carefully by the Commission so that any public health benefits were not dissipated. The effect of such measures on the German industry had already been raised, but it would be for the German industry to raise its concerns at the European level.

33. Board members were aware of the problems facing risk management in areas where there was unclear or incomplete information. However, with the recommendations of the Phillips report and the experience of BSE in cattle, the Board had a duty to consumers to consider whether precautionary measures were necessary.

34. Board members noted the information provided by the Natural Sausage Casings Association. This questioned the proportionality of the proposal, and also the availability of background information and the time allowed for consultation. Board members were reassured that the papers informing the stakeholder group had been published and publicised. The paper from Imperial College (the most important for discussion of sheep intestine) had been published in the journal 'Nature' (Ferguson N.M. et al, Estimating the human health risk from possible BSE infection of British sheep flock. Nature 415, 420-4 (2002), published 24 January 2002). The report by Dr Roland Kao (Kao R.R. et al, The potential size and duration of an epidemic of Bovine spongiform encephalopathy in British

sheep. Science, 295, 332-5, published 11 January 2002) was also relevant. [After the meeting, the Chief Executive confirmed that the report 'Risk exposure to BSE infectivity in UK sheep' by DNV Consulting had been published on the Agency website on 23 May 2002.] Board members noted the difficulty of assessing proportionality. In cases such as this there was no clear cut, obvious answer and conclusions had to be drawn on the basis of the information and argumentation that was available. The Board also noted that any conclusion it reached on the stakeholder group recommendation was the first rather than the last step on the road to implementing it. There would be further opportunities for representations to be made during the negotiation process at the European level. Furthermore, the present discussion should not be taken as the end of policy evolution. There were many other aspects of BSE work under continuous review and development, and like these a conclusion at this time could be reviewed if new evidence came to light.

35. Board members considered the balance between cost, practicality and resulting risk reduction of action to remove intestine and to remove lymph nodes, and also the proportional effect these would have on different sectors of the market. All recognised the difficulty and uncertainty surrounding this whole issue, but recalled the Agency's primary functions of protecting public health and commitment to the interests of consumers. It was also pointed out that key scientists with knowledge and experience of BSE who responded to the consultation supported the recommendation. On the information available, Board members were content to accept recommendation 11 as a practicable step offering substantial risk reduction. Some, however, noted that there was no certainty that this would have the public health benefits sought and remained uncomfortable drawing conclusions at this stage. Others suggested that if actual cases of BSE in sheep were found, making the risk more than 'theoretical', then the Board should look again at the removal from the food chain of lymph nodes and animals aged over one year.

36. Board members asked whether the processing of intestine into sausage casings removed infectivity. This was largely a physical process using stripping and pressure to remove mucosa. It was unclear how much infectivity would be removed by this process. It was noted that while some producers preferred to use natural sausage casings derived from sheep intestine, alternatives to these casings existed which could be used by specialist sausage producers. It therefore appeared that if the EU decided to add sheep intestine to the list of

SRM the sausage market should not collapse. In the UK, some 15% of sausages used sheep casings, around 10-15% used pig casings and the remaining 70-75% were skinless or used artificial casings.

37. Summarising, the Chairman noted that the science did not give a clear answer on this point, and the Board therefore needed to make a judgement on whether to take precautionary action on the basis of the information that was available. The Board bore in mind that its views would form part of a process to be taken forward to the European Commission and Scientific Steering Committee. The Board did not wish to act unilaterally in this area. As further evidence became available, the Board would revisit the issue with an open mind but at present its judgement was to support precautionary measures and accept recommendation 11.

AFSSA proposal on spinal cord

38. AFSSA (the French food agency) had recently proposed that spinal cord be removed from sheep aged over six months (as opposed to current requirements to remove spinal cord from sheep over twelve months). The stakeholder group had not seen the data on which AFSSA based its assessment, but noted another study which suggested that this proposal would provide a very low level of risk reduction. There were also practical difficulties in ageing sheep accurately at six months. The group concluded that the AFSSA proposal was not a proportionate risk reduction measure.

39. The Board noted that there could be implications for exports if France implemented AFSSA's recommendation unilaterally, but recognised that the Agency did not have responsibility on this point. The Board accepted the view of the stakeholder group that removal of spinal cord from animals over six months would not be a proportionate measure.

Summary

40. The Chairman noted that the Board **accepted** the recommendations of the stakeholder group, with the provisos given above, and acknowledged the difficulty caused by uncertainty in the evidence available. Recommendation 11 would now be taken forward to the European Commission, and work on other recommendations taken forward in line with the Board's comments.

Action: Debby Reynolds (Veterinary Director) and Neil Martinson (Director of Communications)

Item 5 Framework for Measuring Food Risk Management against 'Phillips' Lessons – Review of FSA Policy Making on BSE and Sheep

(Paper FSA 02/06/03)

41. The Chairman welcomed Dr Eileen Rubery, Senior Research Associate at the Judge Institute of Management and author of the review, to the meeting.

42. Introducing the paper, the Chief Executive thanked Dr Rubery for her report. Board members thanked Dr Rubery for her perceptive comments and constructive criticism. The report was intended to give an independent view of what the Agency had done in its policy making process, bearing in mind previous work in developing a framework for assessing the Agency's actions against the lessons of the Phillips report (see paper NOTE 02/02/05), and how well this had been achieved. The Chairman noted that the Board was asked to offer initial comments to inform the Executive's work on the report's recommendations, identifying any areas for particular attention.

43. Board members pointed out some areas where the report could have been strengthened, such as the role and approach of Board members and the role of the Research Advisory Committee, but acknowledged that the report had been produced in a limited timescale. Board members also referred to the report's comments on strengthening in-house expertise on BSE, noting that increasing a commitment here would reduce the Agency's expertise in other areas. The key point remained that the Agency should have sufficient internal staff to respond to issues coupled with effective access to external experts.

44. Identifying areas for particular attention in following up the report, Board members suggested;

- the involvement of the Chairman/ Deputy Chair/ Board members/ senior officials in stakeholder groups
- handling scientific information and uncertainty, and the role of social sciences
- relations with other Government Departments
- developing the Agency's framework for measuring its activities against the Phillips report
- the role of the Board in decision making
- the balance of 'closed' and 'open' discussion with stakeholders

Board members noted that different aspects of this work would need to be taken forward in different ways. Some management or process matters might be discussed initially in a closed meeting, for example.

45. Responding to these comments, Dr Rubery noted that the purpose of the report had been to provide a 'snapshot' of activity rather than a detailed analysis, and to act as a starting point for further thinking. On the 'post Phillips framework', this would not be sustainable indefinitely but would need to be amended and its overall purpose re-examined regularly so that it remained relevant and useful.

46. The Board asked the Executive to circulate in July a proposal for mechanisms/processes to take forward the report's recommendations in the light of comments made. This should not seek to provide answers to the points made in the report, but rather look at how these might be handled.

Action: Pat Stewart (CRSG)

Item 6 Developments in the Agency's Work on Pesticides and Veterinary Medicines

(Paper FSA 02/06/04)

[Prior to discussion of this item, Suzi Leather declared an interest as a member of the Organophosphate Information Network. Suzi Leather participated in discussion and determination of this issue.]

47. The Chief Executive noted that although lead responsibility for much of the work in this area fell outside the FSA, the Deputy Chief Executive, Dr Wadge and other Agency staff in Chemical Safety and Toxicology Division had been very commendably pursuing the Agency's objectives through their engagement with other Departments and Committees. Introducing the paper, the Chief Executive noted that the report from the Committee on Toxicity (COT) on the risk assessment of mixtures of pesticides had not identified any immediate cause for concern, but had pointed out a need to improve mechanisms for taking action in the future, and for general research in this area. On minimising residues, it was important to look at the whole system and not simply focus on individual issues. Public interest in pesticides was always high, and the Agency needed to work in collaboration with all interested groups.

48. Board members noted that comments had been made suggesting that the policy of brand naming was inhibiting enforcement, but were pleased to note that this had in fact been a useful lever in bringing about change.
49. Board members expressed concern about residues of pesticides not approved for use in the UK on products imported from third countries. This was a potential issue in the developing world where there was considerable pressure to use generic products. Officials recognised the concern, and noted that the surveillance programme contained checks to ensure all produce of whatever origin met the required standards. The advisory committees dealing with both pesticides and veterinary medicines were looking critically at the existing surveillance programmes. There had been recent reports that the UK surveillance programme took fewer samples than elsewhere, but Board members noted that the broader range of studies made on each sample in the UK meant that coverage was in fact much greater than reports had implied. Officials remained confident that the range and targeting of the UK programme was generally appropriate to needs, although scope for improvement existed. The Pesticide Surveillance Committee was also working on a consultation document on this.
50. On research, covered in the COT report, Board members noted that clear timeframes and controls would be needed to keep track of the extensive programme. Officials noted that research on 'cocktails' had always been technically difficult. Traditional risk assessment methods looked at individual compounds rather than mixtures. The Board expressed appreciation for the COT's work, and for the excellent report that had been produced. Officials were also very grateful to the COT for the work it had put into the report. It would not be easy to take forward proposals on assessment and approval, but officials were working closely with colleagues in other Departments dealing with pesticides and veterinary medicines to put this work in place.
51. Board members expressed concern about the implication in Annex 1 to the paper that companies could choose not to supply the data package to support products through a review. Although there were legitimate commercial confidentiality concerns such data should be provided, even if not published. Officials noted that the decision to invest in the work to generate supporting data was for the relevant company. If a company chose not to generate supporting data then the unsupported authorisation would expire next year.

52. Board members also referred to previously expressed concerns on the sale via the internet of veterinary medicines. Supply by this method made it difficult to be confident that all necessary safety controls were observed.

53. Board members noted that this subject presented difficulties for communicating simple messages – for example, did residues ‘not detected’ imply that residues were ‘not present’? This should be made clear for consumers. The Board also reaffirmed its commitment to actively minimising pesticide residues over time. Board members emphasised that this should be an active process looking for results in the short rather than long term. Some Board members suggested more specific action to phase out residues entirely, for example by increasing consumer awareness through labelling and providing information on usage. Other Board members pointed out the difficulty in providing a ‘treatment history’ for a crop. Pesticide usage varied with the crop treated (some needing multiple applications, others only one), the weather and other factors. Officials noted that the Agency should work with other Departments toward residues ‘not detectable’, and that retailers were also working toward this goal. Nevertheless, Board members asked for an action plan working toward residue free food.

54. Speaking generally about relations with other Departments, officials noted that the Agency’s ‘watchdog’ role implied an element of tension would always be present. This was, however, generally a creative tension, with colleagues elsewhere sharing the Agency’s aims on reducing residues.

55. Summarising, the Chairman noted that the Board **supported** the proposals to produce action plans aimed at

- implementing the COT report on risk assessment of mixtures of pesticides, and
- working toward residue free food

The Board also asked to revisit the subject at regular intervals.

Action: Andrew Wadge (CST)

Item 8 Reports from the Chairmen of Advisory Committees

(Papers FSA 02/05/06-08)

Northern Ireland

56. The 'O'Hare Report' mentioned in the work programme of the Northern Ireland Advisory Committee referred to a review by the Department of Agriculture and Rural Development (Northern Ireland) to examine the arrangements for undergraduate and postgraduate education and research and development in Northern Ireland.

57. FSA (Northern Ireland) had worked with the Food Safety Promotion Board on material to promote key food safety messages. This had been well received by enforcement officers.

58. The Chairman of the Northern Ireland Advisory Committee asked colleagues in Scotland and Wales if an exchange of work programmes for their Advisory Committees would be helpful. The Chairs of three Committees agreed to circulate programmes, and also to consider together the requirements and format of their written reports to the Board.

Action: Chairs of Advisory Committees

Wales

59. At a recent meeting, members of the Advisory Committee for Wales had expressed concern that academics might feel unable to apply to join the management committee of the European Food Safety Authority as their parent institution would be unable to support them in this work. The Committee asked if the Agency could provide support for applicants. The Chief Executive was advised that it was not appropriate for the Agency to support particular candidates. The European Parliament had already expressed unease at what could be seen as an attempt by government institutions in some other countries to 'nominate' a member of the committee.

Scotland

60. The Minister for Health in Scotland had recently responded to the *E. coli* task force report. As this contained items relevant to the Agency's work copies would be circulated to the Board.

Item 9 Information Papers

(Papers NOTE 02/06/01-02)

61. There were no comments on the information papers. Board members were invited to make direct contact with the officials listed on the front cover of the paper should they have any questions at a later date.

Any Other Business

Regionalisation of Public Health Laboratory Service (PHLS)

62. Robert Rees sought an update on the establishment of the Health Protection Agency (HPA), and the implications for the regional structure of the PHLS.

63. The Chief Executive noted that the Department of Health had involved the Agency in developing plans for the HPA. These arrangements applied specifically to England (the picture developing in the devolved authorities was different, and the need to maintain awareness of this was noted). The Chief Executive agreed to provide further briefing material, including implications across the UK, as plans developed. There was nothing in the current proposals that would cause difficulties for the Agency or its work. There were rather some advantages that might be gained, particularly through proposals for local planning units which would promote co-ordination and information sharing. On the possible impact on laboratory capacity to carry out work for Local Authorities, no cause for concern had yet been identified, but the Board would be alerted if this changed. In the meantime, officials in the Agency remained in close contact with colleagues in the Department of Health.

Action Judith Hilton (MSD)

Date of Next Meeting

64. The next meeting would be held on 11 July at the Congress Centre, London.