

# Memorandum of Understanding: Annex H- working level agreements

This Memorandum of Understanding (MoU) sets out the working relationship between the Food Standards Agency (FSA) and Food Standards Scotland (FSS) and the principles that FSA and FSS will follow in the course of day-to-day working relationships.

## Working Level Agreement between The Food Standards Agency and Food Standards Scotland

Under the agreed Memorandum of Understanding (MOU) between the Food Standards Agency (FSA) and Food Standards Scotland (FSS), both organisations are committed to collaborating and supporting each other in the interests of protecting the consumer.

The MOU supports the agreement of Working Level Agreements in areas not covered by the Protocols or where clarity to working arrangements would benefit both organisations.

## FSA Radiological Support for FSS

### Area of Work

The FSA will provide expert advice on radiological issues to FSS to support policy decisions to be made in Scotland on radiological matters.

The FSA Radiological Policy and Radiological Risk Assessors will provide support and advice to FSS for radiological matters relating to:

- Radiological incidents
- Radiological legacy issues
- Emergency exercises
- Risk assessments for Environmental Authorisations (Scotland) Regulations 2018 (EASR18) applications.
- Food irradiation licencing and inspections
- UK policy which is relevant to radiological food safety

The FSA provides a service to FSS and pays for maintenance and updating of the computer models that carry out assessments. This service may be delivered either directly or by contractors appointed by the FSA.

FSS will ensure that FSA is kept updated on relevant radiological matters in Scotland, and that FSA is notified as soon as practicable when support and advice is required. FSA will provide clear advice to FSS on food safety issues relating to radiological matters as appropriate and necessary.

## **Radiological monitoring programme**

FSS will be responsible for agreeing with Scottish Environment Protection Agency (SEPA) their level of contribution to the production of the annual UK Radioactivity in Food and the Environment reports.

The FSA will have representation on Environmental Radioactivity Monitoring Task Team (ERMTT), to maintain its involvement in working for a consistent approach in monitoring and surveillance across the UK and ensure practice complies with national and international legal requirements. FSS will be responsible for engaging with SEPA regarding access to ERMTT and ensuring food and animal feed monitoring for radioactivity in Scotland is carried out appropriately.

## **Assistance with radiological incidents, radiological legacy issues and emergency exercises**

FSS is the policy lead for implementing protective food safety measures during radiological incidents that occur in Scotland and enforcement of FEPA orders. The FSA supports FSS in this role by conducting risk assessments for Scotland and providing guidance on the need for and proposed FEPA restriction areas.

In line with the MoU and Protocol on Incident Handling agreed between the FSA and FSS, radiological incidents are classed as UK-wide incidents and the FSA Radiological Teams will assume responsibility for providing the policy and technical expertise required to underpin the response.

Radiological incidents will be led by the FSA, however, incidents in Scotland may be led by FSS by mutual agreement in individual cases.

FSS will be responsible for planning and co-ordinating participation in nuclear emergency exercises which would solely affect Scotland. The FSA Radiological Teams will assist with these exercises and provide policy and technical expertise at the request of FSS. FSS will give the FSA a minimum of one month's notice prior to any exercise where they require FSA input in terms of attendance at exercises or providing injects. FSS will notify FSA in the event that any data modelling and/or risk assessment is required in advance of any exercise to inform injects, and both parties will agree on appropriate timescales for this work on a case by case basis, depending on externally driven deadlines.

## **Applications for bespoke permits and variations under the Environmental Authorisations (Scotland) Regulations 2018 (EASR 18)**

FSS will seek the FSA's advice when required on applications for bespoke permits and variations which are submitted to SEPA under the Environmental Authorisations (Scotland) Regulations 2018.

When sought by SEPA, FSS will consult the FSA for assistance/expertise for determining:

1. Applications under EASR18 for new nuclear sites regardless of the estimated doses (At present the Scottish Government policy is against the new building of nuclear sites.)
2. Applications for variations to EASR18 authorisations for an existing nuclear site(s) where discharge limits are increasing and which increase the dose via food pathways greater than 10  $\mu\text{Sv/y}$ .
3. On applications for non-nuclear sites if the dose via food pathways is greater than 20  $\mu\text{Sv/y}$ .

The FSA and FSS will work together to ensure that statutory deadlines are met by:

- Sharing information as appropriate.
- Agreeing which applications for permits and variations should be prioritised for action, based on the likelihood for impacts on food safety, timescales for response, and available resources for undertaking assessments.

## **Food Irradiation licensing and inspections**

The FSA Policy will provide FSS with the technical expertise for licensing and inspection of food irradiation facilities. There are currently no food irradiation facilities in Scotland but need to be aware of the possibility that an application could be received.

## **What we want to achieve by a Working Level Agreement**

Protection of the food safety of the general public in relation to activities prescribed under legislation and radiological food safety policy:

- Efficiency savings for both organisations.
- Mutual support through shared information on permitted activities and any potential impact on food safety.
- Resilience in preparedness and robust procedures in response to national level emergencies, including emergency planning and training.
- A collaborative and consistent approach to the development of radiological advice and policy with respect to food across the UK.

## **How will we achieve it?**

The MoU between the FSA and FSS encourages collaboration through senior officials (directors and heads of service) within the FSA and FSS to meet on a quarterly basis.

The FSA and FSS radiological teams and relevant FSS science leads will collaborate through the Environmental Radioactivity Monitoring Task Team (ERMTT) and Radioactivity in Food and Environment (RIFE) Report meetings. Additional liaison meetings will be arranged as required.

If either party intends to raise a concern at these meetings related to radiological issues pertaining to the UK food chain, then they will consult the other party.

The FSA and FSS will also co-ordinate and share training and development opportunities for staff on radiological safety as appropriate.

## **Timing**

FSS and the FSA are to respond to requests according to statutory deadlines under EASR18 or within the statutory 20 working days, as appropriate.

Upon receipt of a request the receiving body will notify the FSA or FSS as quickly as possible.

## **Charging**

Where the FSA undertakes radiological work for FSS and it is not chargeable to industry, arrangements in the Memorandum of Understanding between the FSA and FSS in relation to costs will apply.

## **Review and Dispute resolution**

In the first instance the parties involved in this WLA should take every step to resolve issues.

If the issue cannot be resolved the matter should be escalated in line with the MoU between the FSA and FSS.

## **Format for transfer of data or meeting frequency**

Data shall be transferred in a format which is compatible with standard computing systems, such as Microsoft Excel.

The FSA and FSS radiological teams will have quarterly meetings to review any upcoming issues and work priorities.

## **Contacts**

Food Standards Agency, Senior Radiological Policy Advisor

Food Standards Scotland, Head of Risk Assessment

Agreed by:

Head of Radiological Policy Team, Food Standards Agency

and

Head of Science, Food Standards Scotland