

Potential Divergence of Food Safety Regulations Within the UK: Chapter 3 The context for change and attitudes to regulatory divergence

In this chapter we outline participants' views towards the concept of regulatory divergence generally, between UK nations and from the EU. This followed a plenary presentation which included an opportunity to ask the FSA any initial questions.

Key Findings

Regardless of views towards EU exit, participants were resistant towards divergence between UK nations. They thought this would lead to additional complications for businesses and consumers, impact trade and lead to mistakes in food production and manufacturing. These views built on a belief that food policy should be an area where the UK works together within the FSA's current four-nation approach.

Views towards regulatory divergence from EU legislation differed depending on attitudes towards the UK leaving the EU. Those more positive about the exit focused on the potential benefits to reduce bureaucracy and lower consumer costs. Those more negative about the EU exit felt any changes could lead to increased costs, greater confusion and complications for businesses.

Participants felt that science and risk analyses should be objective, come to the same conclusions, and that there should be no subjectivity in how risk is perceived. This meant they did not always understand the need for regulatory divergence, and questioned the motivations behind taking different approaches. They wanted future regulations to follow the latest scientific evidence and worried that trust in the FSA could be eroded if the public was not clear as to why regulations differed.

There were concerns about regulatory divergence between UK nations

In general, participants could see more positives in terms of divergence from retained EU food regulations than they could for divergence amongst the nations of the UK, which was widely resisted.

Participants felt that the small distances between nations in the UK and the consistency of food safety needs made it unnecessarily complicated to have differing regulations. They felt that national requirements would not differ greatly between the four nations and any change would apply pressure on the FSA as a regulator, making it more likely for there to be mistakes within food production and manufacturing.

Additionally, participants felt regulatory divergence within the UK added complications for businesses and consumers, especially those who operated or shopped across borders, and could make trade difficult and unfair between nations.

"We're all part of the same country. It doesn't seem very fair. It's not equal across the nation. I just don't think that's right. Everybody should have the same opportunity." - Northern Ireland, Neutral view towards EU exit

Participants felt particularly strongly that divergence should be minimised where changes to regulations would cause negative impacts for businesses, for example if they operate in one nation but process ingredients from across the UK. This was because it would limit where those businesses could buy ingredients from. Participants felt this could result in higher costs as they tended to assume that any divergence between UK nations would be to increase rather than decrease regulatory standards. There was a widespread perception that divergence should not restrict where manufacturing businesses could source their ingredients. There were also concerns this could lead to food waste, and shortages on shelves, by disrupting where raw ingredients could be sold.

Participants often struggled to spontaneously identify potential benefits for divergence within the UK. When encouraged to reflect further, they mentioned differences between the nations in terms of climates and geography (affecting what could be grown), and dietary preferences and levels of household food insecurity (affecting consumer support for any changes resulting in increased food prices). However, participants largely believed food needs would be consistent across the four UK nations.

As a result, participants felt strongly that there were certain regulations which should be common and widespread across all nations. Even those who felt more positive about devolving powers away from Westminster were reticent about how this operated when it came to food regulations, seeking to reduce the potential for conflict and confusion. Although these participants respected the right of the devolved administrations to make their own decisions and create different regulations, they felt that food policy was an area where all nations should work together within a common framework.

"I'd like to think Wales can make their own decisions and not rely on others. But you don't want it to cause rifts on those around you. It can cause confusion." - Wales, negative view towards EU exit

In one group in Northern Ireland, there was particular concern about food choices becoming 'politicised' as a result of regulatory divergence. They worried that food choices could become another way for people to demonstrate their political views.

Trade was a significant shared concern about regulatory divergence

Regardless of participants' views on EU exit, the UK's ability to trade both with the EU and internally was a concern identified across groups. Participants felt that regulatory divergence could affect how much the UK could export to the EU and other countries, although they were often unsure about how much food the UK currently exports. They also suggested it could affect what food could be imported into the UK, potentially resulting in food shortages if food produced elsewhere did not meet changed UK regulations.

"It could cause shortages of food. If we change our legislation or standards, we are not a self-sufficient country, so if we set the standards too high, as much as we may want to be able to dictate that we want certain regulations in place, we do want to get food into our country." -

England, Rural, Positive view towards EU exit

Those groups who were positive about the UK's EU exit were more likely to say that there were potential benefits to regulatory divergence from the EU. These views tended to focus on reducing or simplifying bureaucracy, lowering costs and reducing food waste. Participants in these groups felt that current retained EU food regulations were 'excessively high' and were more open to change in the future.

"You'd hope there would be benefits [to diverging from EU regulations] and there wouldn't be as much governing bodies and red tape and we can make our own decisions and hopefully simplify it. If it was simplified, it would invariably keep the cost down." - England, Urban, Positive view towards EU exit

However, one group in Northern Ireland who were positive towards EU exit were particularly concerned about ensuring ease of trade between Northern Ireland and the rest of the UK. This meant that some in the group felt that the UK remaining aligned with EU regulations was the best solution.

"Providing it means the entire UK is meeting EU standards meaning there's smooth trade going forwards." - Northern Ireland, Positive view towards EU exit

Groups who were negative or neutral about the UK's EU exit were more likely to identify problems resulting from regulatory divergence. These included confusion and increased food costs for consumers, for example if the UK made changes to EU standards which generated greater costs for businesses. Additionally, these groups felt that re-designing food regulations was duplicative of work already taken when the UK was an EU member state. There was limited understanding of the need for regulations to evolve over time.

"The EU regulations were arrived at through debate and discussion amongst member nations. It seemed they reached a reasonable level, so to diverge from that, what's the point?" - Northern Ireland, Neutral view towards EU exit

In some cases, those who were negative or neutral about the UK's decision to leave the EU could identify positives about regulatory divergence when probed. These situations tended to be only if perceived standards were raised, costs for the consumer were decreased or if consumer choice was vastly improved.

Participants generally felt that food would continue to be safe but found it hard to understand why regulations might differ

Participants generally did not expect that regulatory divergence would lead to food available for purchase in the UK being unsafe, as they continued to trust the FSA to ensure the safety of food.

"It's what's best for the people living in the UK and that the FSA is going to be the agency that's going to decide for us. You can trust the FSA to look after our interests." - England, Urban, Neutral view towards EU exit

There was widespread trust that the FSA is an ethical, well researched organisation and if they say that a food is safe to consume, then it is. However, in discussing a number of hypothetical scenarios participants questioned why the EU might have a different perspective on safety compared to the UK. They generally felt that science and risk analyses should come to the same conclusion and that there should be no subjectivity in how risk is perceived. This often meant attitudes towards divergence reflected whether participants felt EU or UK standards were likely to

be higher, with those against EU exit tending to believe the EU would have higher standards. In general, participants widely wanted food regulations to follow the latest scientific evidence regardless of divergence.

“The EU are basically saying ‘our food standards are going to be better than the UK’s.’ We’re simply relying on the experts for what is safe to eat and what is not.” - England, Rural, Negative view towards EU exit

In this way, participants questioned the motivations behind regulatory divergence and worried that it could lead to a conclusion that the UK was not prioritising food safety in the same way as the EU.