ADVISORY COMMITTEE ON ANIMAL FEEDINGSTUFFS

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Information Paper

THE ROLES AND RESPONSIBILITIES OF THE FOOD STANDARDS AGENCY AND CERTAIN OTHER GOVERNMENT DEPARTMENTS IN RELATION TO ASPECTS OF ANIMAL FEED

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Background

1. At the Committee’s meeting on 20 April, members sought clarification on the overlapping areas of responsibilities for animal feed between the Food Standards Agency (FSA), some executive agencies of Defra, including the Veterinary Medicines Directorate (VMD) and other Government Departments. This was primarily with regard to the issue of consumer protection where veterinary medicines and zootechnical and medicated feed additives are concerned.

2. This paper outlines the roles and responsibilities of the FSA, Defra and certain other UK agriculture departments in relation to animal feed issues. This includes responsibilities for zootechnical feed additives, pesticides, BSE and salmonella controls.

Food Standards Agency’s role

3. There was substantial consultation on the Agency’s responsibilities prior to its establishment in April 2000. There were many comments during the consultation exercise regarding policy responsibilities for pesticides and veterinary medicines. The Government’s White Paper (The Food Standards Agency, A Force for Change), published in January 1998, set out the background and relevant decisions at paragraphs 4.23 to 4.32. An extract is attached at Annex I to this paper.

4. The White Paper explained that, although there was broad agreement that the Agency should have a locus in this area, doubts were expressed about the practicability of transferring responsibility for the food safety evaluation of pesticides and veterinary medicines to the Agency. Such evaluation is part of an integrated process which is designed not only for the consumer but to safeguard, amongst other things, the users of the products, the environment, and the target animals. Furthermore, safety evaluation is linked to efficacy and the two cannot be readily separated. It was widely felt that an approach which dismantled these arrangements risked weakening the evaluation process as a whole, and that product safety might be compromised as a result. There was also a substantial European dimension to both veterinary medicines and pesticides work.

5. Ministers decided that responsibility for UK policy on veterinary medicines and pesticides would remain with the VMD and the Pesticides Safety Directorate (PSD). The Agency was afforded the role of watchdog from the point of view of food safety and was given
statutory powers to ensure that it plays an effective role in the regulatory processes for these groups of chemicals.

6. The Food Standards Act 1999 provides the following powers to ensure that the FSA plays an effective role in the authorisation and monitoring processes for pesticides and veterinary medicines:

- the FSA has the right to publish its advice to Ministers or Government agencies;

- the FSA must be consulted by PSD and VMD on any food safety issue or any national or EC regulatory or Codex discussions;

- the FSA has the right to ‘sign off’ approvals for pesticides and for veterinary medicine authorisations; Health Ministers can block any application to the licensing authority on the advice of the FSA;

- the FSA has the right to nominate members of the Advisory Committee on Pesticides and the Veterinary Products Committee (VPC) to ensure that the necessary expertise exists on the committees to address any food safety concerns when considering whether to approve or authorise a product. The FSA also nominates members of the Pesticide Residues Committee (PRC) and the Veterinary Residues Committee (VRC);

- the FSA can provide officials to support the work of the ACP, VPC, PRC and VRC to ensure that the committees have access to all the necessary data to consider the impact on food safety and to ensure that the agendas of meetings make provision for discussion of food safety issues;

- the FSA can carry out its own surveillance; and

- the outcome of the surveillance programmes are reviewed annually by the FSA’s Board.

7. In December 2000, the FSA’s Board agreed a statement applying the Agency’s core values to the areas of pesticides and veterinary medicine residues in food. This is attached at Annex II to this paper.

Surveillance

8. When Ministers decided that responsibility for pesticides and veterinary medicines should not transfer to the FSA, they agreed a number of measures to increase the independence of the residues surveillance
programme. The most important of these was to reconstitute the groups of people who advised on the programmes to make:

- the chair and all members independent;
- Ministers responsible for appointing members; and
- the groups report directly to Ministers as well as the chief executives of the parent agencies and the FSA.

The VRC and the PRC were the new surveillance committees arising from this.

**VMD Aims**

9. The VMD’s aim is to protect public health, as well as animal health, the environment and promoting animal welfare. The Directorate seeks to achieve this by ensuring the safety, quality and efficacy of all aspects of veterinary medicines in the UK.

**PSD Aims**

10. The PSD (also an executive agency of Defra) aims to protect public health, safeguard the environment and ensure that methods of pest control are safe, efficient and humane, by controlling the sale, supply and use of agricultural pesticides. The PSD seeks to achieve this by assessing all plant protection products (mainly agricultural pesticides) and operating the statutory controls on the approval and use of pesticides and pesticide residues in feed and food.

**General**

11. The FSA and the VMD each have responsibilities for protecting public health in relation to veterinary medicines and zootechnical additives used in feed. As already indicated, the VMD’s role goes wider to embrace animal health and welfare and the environment, and VMD continues to have responsibility for the evaluation of products. Similarly, PSD has wider responsibilities for worker and environmental protection in relation to plant protection products. These evaluations encompass assessments of environmental, operator and consumer exposure risks, and include efficacy assessments. Although the FSA has its own toxicologists and comments on product evaluations in relation to the safety implications of residues in food, the VMD and PSD remain the competent authorities for all risk assessments of veterinary medicine and plant protection products respectively, including consumer risk assessments of residues in food. The VMD and PSD provide the
secretariats to the independent committees responsible for UK residue surveillance (the VRC for veterinary medicines and PRC for pesticides). The FSA maintains an independent watchdog role in relation to these bodies, to ensure consumer safety and promote consumers interests in relation to pesticides and veterinary medicines.

**Other Legislation**

12. The White Paper ‘A Force for Change’ also considered responsibility for the range of other legislation on animal feeds. It concluded that responsibility should be divided between the Agency and agriculture departments. It also concluded that the Agency should take the lead on those issues where there are close links with the arrangements for human food. This includes the use of genetically modified ingredients in feed, non-zootechnical feed additives, composition and labelling of feeds, and contaminants in feeds. Agriculture departments retain responsibility for feed measures related to animal disease, e.g. the controls on mammalian proteins in feed. However, there is a need for the Agency to liaise closely with agriculture departments on the development and enforcement of these controls.

**BSE Controls**

13. The Food Standards Agency is responsible for developing policies to keep infectivity out of the food chain and ensuring these are effective and properly enforced. BSE controls are based on the most up-to-date scientific knowledge and designed to reduce the risk of exposure to BSE infectivity to an extremely low level. Current controls include the Over Thirty Month (OTM) rule, where cattle aged over thirty months at slaughter are prohibited from entering the food chain, and the Specified Risk Material (SRM) rules, where those parts of animals thought most likely to contain infectivity, are removed, stained and sent for destruction. In addition the mechanical recovery of meat from the bones of ruminant animals is prohibited. There is also the feed ban under which the feeding of mammalian protein to any farm animal is prohibited.

14. The role of the Agency mainly lies post-slaughter of animals for food whilst agriculture departments have a role pre-slaughter and at the point of slaughter. Agriculture departments also have a role post-slaughter regarding the disposal of animal by-products. Agriculture departments are responsible for making the legislation on SRM and OTM.

15. The Meat Hygiene Service (MHS), an executive agency of the FSA, enforces SRM and OTM controls in licensed premises whilst local authorities enforce controls outside of licensed premises. The State
Veterinary Service (SVS) which is part of Defra is partly responsible for enforcing feed controls.

**UK Controls on Salmonella in Eggs and Poultry**

16. The Food Standards Agency aims to protect public health by improving food safety right through the food chain. In relation to *Salmonella*, the Agency plans to achieve this by raising awareness of food hygiene issues among catering businesses and the general public.

17. The key intervention is the statutory on-farm control programme for breeding flocks of domestic fowl. These on-farm zoonoses controls play a vital role in stopping the transmission of important types of *Salmonella* to the chicks destined to produce eggs for human consumption or to be reared for meat. A statutory control programme in breeding flocks has been in operation since the late 1980s.

18. All breeder flocks are required under the Poultry Breeding Flocks and Hatcheries Order 1993 to be monitored at regular intervals throughout their lives for the presence of *Salmonella*. Any breeding flock of domestic fowl suspected of being infected with *Salmonella enteritidis* or *Salmonella typhimurium* is investigated, and if infection is confirmed, the entire flock is compulsorily slaughtered. These control measures carried out in breeding flocks are aimed at ensuring that day old chicks placed on farms are free from *s. enteritidis* and *s. typhimurium*.

19. The controls exercised at the breeding level are supplemented on farm by codes of good practice for the control of *Salmonella* on farm and in feedingstuffs. A number of farm assurance schemes incorporate these codes of practice and other measures to reduce the chance of the introduction of *Salmonella* onto the farm. Industry vaccination schemes carried out in sectors of the industry are also of value in reducing and controlling *Salmonella*. Many layers are now vaccinated against *Salmonella* and it is a requirement for members of the Lion Code to vaccinate their flocks.

20. As is the case with BSE controls (paragraphs 14 and 15), the role of the FSA in terms of *Salmonella* control lies post-slaughter of animals for food, whilst Defra and agriculture departments have a role pre-slaughter and at the point of slaughter.
Animal Feed Unit
Food Standards Agency
August 2004
Annex I

Extract from the Government White Paper: The Food Standards Agency, a Force for Change

Pesticides and Veterinary Medicines

4.23 Legal controls on pesticides are laid down in the Control of Pesticides Regulations 1986, the Control of Substances Hazardous to Health Regulations 1994 and the Pesticides (Maximum Residue Levels in Crops, Food and Feedingstuffs) Regulations 1994. European law, designed to harmonise authorisation arrangements for plant protection products, also applies in the area. Responsibility for pesticide approvals in the UK rests with the Ministry of Agriculture, Fisheries and Food, the Department of Health, the Department of the Environment, Transport and the Regions and the Scottish, Welsh and Northern Ireland Offices. Ministers are advised on the use of pesticides, the assessment of applications and the review of existing products by the independent Advisory Committee on Pesticides (ACP). One official from each of the responsible Departments acts as an Assessor to the ACP. Assessors are responsible for "signing off" authorisations; that is granting or refusing agreement to the recommendations of the Committee on behalf of Departmental Ministers. The unanimous agreement of Assessors is needed in order for an application to be granted. The approvals system is administered in Great Britain by the Pesticides Safety Directorate (PSD), an executive agency of MAFF, for most pesticides including horticultural, agricultural and amateur garden products, and the Health and Safety Executive (HSE), for other non-agricultural pesticides.

4.24 Arrangements for the authorisation of veterinary medicines are harmonised across the Community under EC law, which also controls manufacture and wholesale dealing, sets maximum residue limits for a range of products and includes requirements for residues surveillance. EC law also provides the basis for the approval of zootechnical feed additives, and will shortly be extended to require the authorisation of the individual products containing them (which is currently carried out in the UK under the Medicines Act 1968). Post-licensing monitoring of suspected adverse reactions (SARs) to veterinary medicines is required both by EC legislation and the Medicines Act 1968. Surveillance of residues and veterinary medicines in meat and other animal products is required under both EC legislation and the Food Safety Act. Responsibility for veterinary medicines matters in the United Kingdom rests with the Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the other Agriculture and Health Ministers, who jointly form the licensing authority. The issue of marketing authorisations, controls on manufacture and distribution of veterinary medicinal products surveillance programmes and policy advice on those matters to the licensing authority are delegated to the Veterinary Medicines Directorate (VMD), an executive agency
of MAFF. Ministers are advised on veterinary medicines applications by the independent Veterinary Products Committee.

4.25 Professor James's recommendation that responsibility for the food safety evaluation of pesticides and veterinary medicines should transfer to the Agency resulted in a substantial volume of comment in the consultation exercise. Although there was broad agreement that the Agency should have a locus in this area, doubts were expressed about the practicality of implementing his proposals. The food safety evaluation of pesticides and veterinary medicines is part of an integrated process which is designed not only to protect the consumer but to safeguard the user of the product, neighbours and bystanders, the environment and - for veterinary medicines - the target animal as well. Moreover, safety evaluation is linked to efficacy, and the two cannot readily be separated. It was widely felt that an approach which dismantled these arrangements risked weakening the evaluation process as a whole, and that product safety might be compromised as a result.

4.26 There is also a substantial European dimension to the work, particularly for veterinary medicines. It was suggested that those wanting access to UK markets would take alternative routes, either seeking authorisation from VMD's competitors overseas and applying for authorisation here under "mutual recognition" arrangements, or seeking authorisation from the European Agency for the Evaluation of Medicinal Products for a licence valid in all Member States. This would seriously weaken the UK's ability to influence European approvals of veterinary products and therefore the protection of food safety. Although the EC regime for agricultural pesticides is less advanced, similar concerns apply.

4.27 The Government considers that, in view of the above arguments, the objectives of Professor James's recommendations can best be met by introducing an extensive range of mechanisms and safeguards to provide the Agency with a powerful and effective input into the public safety aspects of the work of PSD and VMD and with the powers to veto products should this be necessary for public health reasons. However, the Government believes that to ensure effective evaluation and clearance of pesticides and veterinary medicines the public safety aspects of the work should be kept together with the other aspects of the evaluation process, and that, subject to the arrangements described below, PSD and VMD should continue to be executive agencies of MAFF and should retain lead operational responsibility for authorisations.

4.28 The Government proposes to introduce the following mechanisms to enable the Agency to ensure that proper account is taken of food safety considerations in the authorisation of pesticides and the licensing of veterinary medicines.

4.29 The Agency will:
• provide assessors/advisors to the Advisory Committee on Pesticides and the Veterinary Products Committee and their subcommittees. These assessors' duty to "sign off" authorisations for pesticides would give the Agency an effective veto. There would be similar but less formal powers in relation to veterinary medicines. As an additional safeguard in the case of veterinary medicines, the Health Ministers, as members of the licensing authority, could block an application if they considered on the basis of advice from the Agency that the product posed an unacceptable risk;

• nominate a member to the independent ACP and VPC, which formulate advice to Ministers on individual authorisations

• be consulted on membership of the ACP and VPC as a whole

• provide a scientific liaison officer to the ACP and VPC, who would have a scientific input to papers, help set the agenda for meetings and be involved in the briefing process;

• have access to information on human Suspected Adverse Reactions (SARs) to veterinary medicines through its representation on the VPC, against the possibility that SARs to residues in food becomes an issue in future;

• provide a member of the ownership boards for PSD and VMD to ensure that it is fully represented when advice for Ministers is prepared

• work closely with PSD and VMD on drawing up their surveillance programmes; provide a member of the Working Party on Pesticide Residues and of the Advisory Group on Veterinary Residues and be consulted on the appointment of the Chairpersons of these committees

• have powers under the Food Safety Act to carry out its own surveillance for residues of pesticides and veterinary medicines in food, should it consider it necessary to supplement the PSD/VMD programmes

• provide advice on EU and other international discussions.

4.30 The Government considers that the Agency should have a clear input into policy-making for all areas which affect human health in relation to food. The Agency will:
• be a statutory consultee on the public health implications of PSD's and VMD's policy advice

• provide advice on EU and other international discussions relating to the use of pesticides and veterinary medicines insofar as it relates to food.
4.31 However, as the development of policy on the use of pesticides and veterinary medicines has implications which extend far beyond questions of food safety, the Government proposes that this responsibility should remain with PSD and VMD respectively.

4.32 As in other areas, the Agency would be able to make public any concerns it had about the Government's decisions and actions on pesticides and veterinary medicines. This freedom to publish its views will give it considerable influence in its dealings with PSD and VMD.
Statement

The following statement applies the Agency’s core values to the issue of pesticide and veterinary medicine residues in food;

“We accept the use of pesticides and veterinary medicines in the production of food if:

- regulatory bodies follow a precautionary approach;
- the independent scientific advice is that safety is within acceptable limits;
- acceptable levels can be set for residues in food; and
- enough good quality information is available on which to base these decisions.

We believe that consumers have a right to expect that any residues that occur in foods should:

- not be harmful; and
- be as low as practically possible, even if higher levels would still be safe.

Where there is clear evidence of misuse, the FSA will press for strong action to protect consumers. Where surveillance finds residues above acceptable levels for other reasons, we will ensure that prompt, effective action is taken to identify and rectify the problem. When new data become available, we will revisit previous decisions.

We support the Chief Medical Officer’s general advice that it is sensible to wash fruit and vegetables before eating to ensure they are clean. This advice applies regardless of whether or not pesticide residues might be present. We believe that peeling should be a matter of personal choice. We believe, as a matter of principle, that safe use of a pesticide should not be dependent on consumers having to undertake actions such as washing and/or peeling.

We believe that consumers should be able to purchase and consume with confidence foods produced with the use of pesticides and veterinary medicines.”