DRAFT MINUTES OF THE FORTY FOURTH MEETING OF ACAF HELD ON 3 DECEMBER 2008

Present:

Chairman	Dr Ian Brown
Members	Dr Dozie Azubike Dr Paul Brantom Mr Tim Brigstocke Dr Bruce Cottrill Professor Nigel Halford Mrs Heather Headley Professor Ian Givens Ms Diane McCrea Mr Richard Scales Mr Edwin Snow Mr Marcus Themans
Secretariat	Mr Keith Millar (Secretary) – Food Standards Agency Miss Mandy Jumnoodoo – Food Standards Agency
Assessors	Mr Tim Foster – Food Standards Agency Mr Stewart Herd – Food Standards Agency, Scotland Mr Stephen Wyllie - Defra Dr Glenn Kennedy – Agri-Food & Biosciences Institute, Northern Ireland
Officials	Mr Tim Franck – Food Standards Agency Dr Ray Smith – Food Standards Agency Mr Ron Cheesman – Food Standards Agency Mr Gerard Smyth – Food Standards Agency, Northern Ireland
Speakers	Prof Colin Blakemore Mr Patrick Burke - Defra

1. The Chairman welcomed visitors to the ACAF meeting and reminded them that there would be an opportunity to ask questions at the close of the meeting.

2. Apologies for absence were received from Dr Gil Domingue, Mr Barrie Fleming, Mrs Cerys James-Palmer (FSA Wales), Mrs Janis McDonald (VMD) and Mrs Annie Green (VMD).

Agenda Item 1 – Declaration of Members' Interests

3. Members of the Committee were asked to declare any relevant changes to their entries in the Register of Members' Interests or any specific interest in items on the agenda. No new interests were declared.

Agenda Item 2 – Draft Minutes of the Forty Third Meeting (MIN/08/03)

4. The minutes of the meeting held on 24 September 2008 were adopted.

Agenda Item 3 – Work of the General Advisory Committee on Science (GACS) Presentation from Professor Colin Blakemore

5. Professor Blakemore said that the remit of the General Advisory Committee on Science (GACS) was to provide independent challenge and support to the Food Standards Agency in its use of science. Membership of the Committee consists of the chairs of the nine scientific advisory committees that advise the Agency, four independent expert members, two lay members, and Professor Blakemore as Chairman. The Agency's Chief Scientist (Dr Andrew Wadge) attends meetings but is not a member of GACS. Professor Blakemore noted that the FSA had a number of strengths in using science to promote its policy. These included openness and transparency, commitment to science and evidence-based work, a willingness to invite and respond to challenge (including advice from GACS) and the use of expert scientific advisory committees (SACs).

6. Challenges facing the Agency include collecting the best evidence for use in the effective development of policy. This includes getting the best out of the Agency's research spend, which is approximately £20 million a year, and getting the best advice out of the SACs. GACS aims to identify and develop good practice for all the SACs in advising the Agency. It also provides advice on whether the Agency's science and research is in line with the Agency's overall scientific and strategic aims, including provision of advice on the Agency's science prioritisation. GACS also evaluates assessments and how the Agency uses evidence to develop its policies. The Committee also encourages the building of links with others to identify, develop and share good practice.

7. GACS has held two meetings to date. At its first meeting, on 11 March 2008, a group of rapporteurs from the Committee was charged with reporting how the Agency uses research. A working group was also set up to look at measures of success for the Agency's science. An open panel debate was held in the afternoon after the first meeting, which examined the role of evidence in decisions about food. GACS will be using public events to gain input on specific areas of work and feedback on how the Agency is performing.

8. At the second meeting, held on 29 October 2008, GACS discussed horizon scanning, identifying strategic issues, including developing a workshop from ideas submitted by ACAF and the Science Advisory Committee on Nutrition (SACN) on developments in food production. GACS also received the report from the rapporteurs on research in the Agency and also considered the performance of individual SACs.

9. Future work for GACS includes consideration of issues raised by the report of the Government Office for Science's Review of the Agency's science, the Agency response to the Review and the development of the next Agency Science Strategy. The Committee will also consider the relationship between risk assessment and risk management, and facilitate interaction between SACs at an annual conference. As part of its engagement, communication and collaboration work, GACS also intends to set up an interface with the research community by setting up a college of experts. It has already set up a web-based tool for members to communicate with each other and intends to extend this system to a wider audience. Finally, Professor Blakemore confirmed that GACS intends to refine and agree tools and the process for regular evaluation of performance indicators.

Discussion

10. In response to a question on what interfaces GACS intended to develop outside the Agency, Professor Blakemore said that GACS wanted to extend contacts beyond 'bench science.' All expertise would be beneficial to the Agency. Professor Blakemore commented that the Agency provided a considered median view when giving advice but it was important to reflect what the diversity of views was. He noted that the role of lobbying/single-issue organisations and other perspectives is important as the Agency is trying to consider all views. One way forward would be to use the college of experts or a similar tool to gather wider views and inputs.

11. With respect to the college of experts, Professor Blakemore noted that it was possible to tap into other existing examples and areas of experience, e.g. the European Food Safety Authority (EFSA). GACS would need to consider how to get people to apply, how to select and verify the credentials of members, and also how to use expertise properly and effectively.

12. Finally, Professor Blakemore said that he felt that the FSA Board had given GACS an important task in providing assurance and challenge on science, and in developing co-ordination and communication between SACs. As GACS Chair, Professor Blakemore reported to the FSA Board. Dr Brown stated that ACAF wished to play an active role in GACS, including in any proposed workshops.

Agenda Item 4 – Update on TSE and Bonemeal Issues – Presentation from Patrick Burke - Defra

13. Mr Burke reported on the history of BSE in Great Britain. Various bans had been implemented since 1988 to reduce the incidence of BSE. The bans had helped to reduce the risk of infection, which has been confirmed by a surveillance programme in cattle. The prevalence of BSE in the UK has been declining since 1996 when the UK banned the feeding of mammalian meat and bone meal (MMBM) to farmed animals.

14. Animal Health (an executive agency of Defra) operates the National Feed Audit which checks for compliance with the TSE regulations in Great Britain. The programme involves the collection of approximately 10,000 feed samples per year. In 2007, 0.1% of the samples collected were found to be positive for animal protein (including fishmeal).

15. By 2005, the decline in the epidemic and scientific/technical developments allowed for the consideration of more proportionate BSE controls without endangering either consumer health or the aim of BSE eradication. As a result, the 2005 European Commission TSE Roadmap suggested amending TSE regulations to include a tolerance of bone fragments in beet pulp arising from environmental contamination, a relaxation on the ban on feeding fish meal to ruminants and lifting some of the feed ban provisions for non-ruminants.

16. The Microscopic Analysis Test allows the reliable detection of low levels of MMBM in feed. However, this technique is not reliable for quantifying the level of contamination accurately, which means that agreed tolerance levels for the presence of fishmeal in feed for adult ruminants are not yet possible.

17. EFSA has carried out a number of risk assessments on TSEs since 2005. In 2007, EFSA concluded that the risk of TSE in fish was remote and that contamination of fishmeal with meat and bone meal was the main risk. EFSA also assessed the risk of transmitting BSE to pigs using poultry feed and vice versa and was of the opinion that the risk was negligible. It came to the conclusion that small quantities of animal protein in ruminant feed could result in a small number of BSE infections, but would not sustain an epidemic.

18. During 2008, Defra held discussions with consumer groups on the future TSE policy options. Consumer representatives were nervous about relaxation of feed controls and adverse media coverage has also fuelled the debate. The Spongiform Encephalopathy Advisory Committee (SEAC) published a statement[1] in October 2008 on the future policy options with three main conclusions:

- tests were not robust enough to support tolerance levels for processed animal protein (PAP) in feed at that time;
- the risk of new BSE infections from fish meal inclusion in animal feed was very low but there were some areas of uncertainty and safe sourcing was important; and
- the use of non-ruminant PAP in non-ruminant feed could give rise to cross-contamination. However, the BSE risks would be very low if controls were applied. Therefore, it was unlikely to generate a self-sustaining epidemic.

[1] http://seac/statements/feedban-oct08.pdf

19. Due to issues with analytical testing and potential cross-contamination, there have only been two changes to the EU TSE regulations since 2005. These are the risk-assessment based tolerance of insignificant contamination of root crops with bone fragments, and the use of fish meal in liquid milk replacer fed to ruminants prior to weaning. Mr Burke noted that the EU is currently discussing extending the risk-assessment based tolerance of insignificant environmental contamination with bone fragments to all crops and is looking at developing validated quantitative and species specific tests for animal proteins in feeds.

Discussion

20. The ACAF Chairman voiced his disappointment about the lack of progress regarding measures to permit the feeding of fishmeal to all ruminants. Mr Burke confirmed that Defra had continued to press the Commission for more proportionate controls on the use of fishmeal. One Member asked whether the TSE Roadmap was science based or whether it was influenced by consumer concerns. Mr Burke agreed that consumer opinion and media coverage heavily influenced the progress on the Roadmap in this area. A Member noted that consumers were frequently unaware of the origin of pig and poultry meat, or that similar measures were not applied outside of the EU. As a result, consumers of non-EU produced meat were not protected by these controls.

21. With respect to eradication of BSE, Mr Burke noted that there were 67 BSE cases in the UK in 2007 and that most cases of BSE were in respect of animals born before the feed ban was reinforced in 1996. There had been only 16 cases of BSE in animals born after 2001 to date in the UK. These were probably due to persistence of contaminated feed or imports of contaminated feed. However, the specific route of infection in each case was unknown. The Defra Assessor commented that there had been a lot of progress in this area in the last 10-11 years.

Agenda Item 5 – EC Regulation on Marketing and Use of Feed – Oral Update from Tim Franck Food Standards Agency Official

22. Mr Franck reminded Members that the proposed EC Regulation on Marketing and Use of Feed was part of the Commission's legislative modernisation and simplification programme, and it will combine four existing EC Directives into one EC Regulation. The negotiations in Council Working Groups were now nearing an end.

23. Good progress had been made on a number of key areas. Mr Franck said that there was support from Member States to repeal the existing requirement to declare the ingredients of compound feeds by their percentage weight of inclusion. In the original proposal, there was a requirement to declare a freephone number on pet food labels so that purchasers could obtain additional information – this has now been modified to include other appropriate ways to contact the manufacturer, e.g.

by post, or email. There was now a transitional period for businesses to use up stocks of pet food. Feed products labelled under the old rules before the new Regulation comes into effect may continue to be marketed.

24. There were a number of provisions in the proposed Regulation where the UK originally had concerns, but these had subsequently been removed or modified to address UK points. It has been agreed that there will be a harmonised approach towards the authorisation of nutritional supplements (e.g. boluses, drenches and pastes). This would be via the authorisation framework for feeds for particular nutritional purposes (dietetic feeds) and under this procedure feed businesses would have to draw up and submit a dossier to the Commission for the authorisation of such products. Manufacturers of nutritional supplements would also have to be approved according to the requirements of the Feed Hygiene Regulation.

25. Mr Franck reported that a majority of Member States supported the Commission's proposal for the declaration on feed labels of details of additives subject to a maximum permitted level. This included the name, identification number and active substance level of such additives. The UK had argued that there was no demand for this requirement from purchasers of feeds and had suggested that it would be sufficient to label the names only of additives subject to a maximum permitted level. However, some Member States wanted to go further than the Commission's proposal and require a declaration of the name, active substance levels and identification number of all additives subject to a maximum permitted level.

26. Finally, Mr Franck confirmed that once the EC Regulation had come into force Member States would have one year to implement its provisions.

Discussion

27. The ACAF Chairman congratulated the UK negotiating team on its achievements.

28. The Committee asked for further clarification regarding the authorisation of nutritional supplements. Mr Franck said that during the negotiations the UK had proposed that these products should be controlled by codes of practice that could, for example cover conditions of use, etc. There would need to be further discussions with Member States in the Standing Committee on the Food Chain and Animal Health (Animal Nutrition Section) to establish guidelines for the assessment and provision of dossiers. The important issue was that nutritional supplements were now recognised in EC feed law and there was a procedure for their authorisation. Under the Commission's original proposal many of these products would have been made illegal.

Agenda Item 6 – Codes of Practice for the Control of Salmonella in Animal Feeds – Oral update from the Defra Assessor

29. The Defra Assessor said that since the last meeting a public consultation on the Codes had commenced on 7 November 2008 and was due to end on 30 January 2009. As a consultee ACAF would have an opportunity to provide comments on the Codes via the Secretariat.

30. The Codes were originally published by the Ministry of Agriculture, Fisheries and Food in 1989 and since then a number of minor amendments had been made. The Codes are used in various ways including by assurance schemes. Defra hoped to publish the revised Codes in February or March 2009. The Defra Assessor noted that the Codes were UK wide in scope and that the list of consultees should include members of the farming community. However, should there be any missing organisations then these should be reported to either the Defra Assessor's team or direct to Defra website. Defra hoped that ACAF and the FSA would be able to endorse the Codes. With respect to endorsement and badging of the Codes with the ACAF logo, it was agreed that a decision could not be made until the Committee had seen and had the opportunity to discuss a pre-publication version of the document.

31. The Committee noted that there were numerous codes that the feed and farming industry were required to follow, and it was desirable to ensure that any new guidance produced was as user friendly as possible. With this in mind, it would be helpful in due course if the Codes could cover advice on other bacterial types (e.g. campylobacter). Members agreed to provide the Secretariat with their comments on the Codes of Practice by 16 January 2009 in order to meet the deadline for the consultation period.

Action: Committee

Agenda Item 7 – GM Issues

32. The Chairman invited Dr Brantom to provide an update on GM issues since the Committee's meeting in September 2008. Dr Brantom reported that the GM sub-group had considered no new issues. However, Dr Brantom noted that comments provided by the sub-group on the updated guidance document for the risk assessment of genetically modified plants and derived food and feed will be taken forward by the Food Standards Agency in its response to EFSA.

33. The ACAF Secretary noted that a proposal for authorisation of GM soya MON-89788-1, also known as 'Roundup Ready 2' failed to obtain a qualified majority in favour at a meeting of the Agriculture Council on 19 November 2008. However, the Commission hoped to authorise this GM soya variety for use in food and animal feed but not for cultivation by the end of the year.

34. At the Committee's meeting in September 2008 the ACAF Secretary reported that the European Commission was seeking a technical solution in respect to low level presence of unauthorised GM varieties. He said that the Commission had set up a high level group (known as the Sherpa group) to seek a solution. The Group are trying to find a solution based on limits of detection. However, no solution has yet been found. New GM varieties are being approved in the EU. However, despite the stringent approval procedures the system is slow compared to systems outside the EU. The ACAF Secretary agreed to report the outcome of the Group's discussions once a solution had been found.

Action: Secretariat

Cabinet Office's 'Food Matters' Report

35. The ACAF Secretary said that the Agency, working with Defra, had been asked by the Cabinet Office to prepare an analysis of the extent to which changes in the market are putting a strain on the regulatory system for GM products (including animal feed) and the implications for UK consumers. As a result of this request the FSA had hosted and chaired 7 meetings with relevant stakeholders (including consumer groups, caterers, animal feed industry/farming organisations, food retailers, food manufacturers, enforcement authorities and non-government organisations). An omnibus meeting was held on 24 November 2008 to discuss a first draft of the Agency's report for eventual submission to the Cabinet Office. He noted that Defra was, as part of the request from the Cabinet Office, looking at the implications for UK livestock. The ACAF Secretary said it would be likely that the finalised report would be published at the turn of the year. He agreed to forward copies of the finalised published report to Members.

Action: Secretariat

Agenda Item 8 – Matters Arising from the previous meetings

Carry over of allergens

36. As reported at the Committee's September 2008 meeting, the Secretariat had been working with the Agency's Allergens Branch to progress a scoping study to investigate the prevalence of the use of peanuts in animal feed. A number of questions had been sent to Dr Bruce Cottrill who was in the process of preparing a response. Dr Cottrill stated that the use of peanuts in animal feed was now almost negligible.

37. It was noted that, if rejected for human consumption, peanuts could end up for use in pet foods. Biscuit meal would be used in monogastric diets. A Member of the Committee recalled that previous discussions centred on the biological transfer of protein from peanuts into milk from ruminants. However, it was extremely unlikely that peanut oil could transfer into milk. A Member commented that evidence of allergic proteins in breast milk could possibly result from the use of nipple creams, some of which contain

peanut extracts. Another Member noted that the Agricultural Industries Confederation (AIC) may be able to provide assistance when answering the questions posed by the Agency. It was agreed that should Dr Cottrill require any help in answering the questions posed by the Agency he could approach the AIC.

Horizon Scanning Workshop: Future food production for healthier eating – opportunities and challenges

38. Professor Ian Givens noted that ideas for the proposed Horizon Scanning workshop had been sent to the GACS Secretariat. He voiced concern that key important areas needed to be identified and focused on if the event was to be successful. The ACAF Chairman added that items for the event should capture the public interest. ACAF had originally initiated thinking behind the event and therefore had a particular interest in making the event a success. The ACAF Chairman noted changing consumer habits could not be accelerated, despite supporting scientific evidence. It was suggested that the Finnish North Karelia study (preventing chronic diseases in particular cardiovascular diseases) was an example of the value of widespread dietary change, where improvements were seen.

39. Other Committee Members welcomed the initiative and agreed that the workshop should be properly focused and target the correct audience. One Member noted that an EFSA Opinion on Vitamin A was due to be published shortly. The Opinion will confirm that it is feasible to modify diets of livestock to affect food for human consumption. The Opinion will also cover the animal welfare implications of animal diet modification. The ACAF Secretary agreed to forward relevant papers on the Vitamin A Opinion to the ACAF Chairman.

Action: Secretariat

40. It was agreed that the ACAF Secretariat would contact the GACS Secretariat to confirm the present outline structure of the workshop and how ACAF can facilitate the preparation for, and the proceedings of, the workshop.

Action: Secretariat

Future of the Veterinary Medicines Directorate

41. The FSA Assessor confirmed that the FSA had considered the options provided in the consultation relating to the future of the Veterinary Medicines Directorate (VMD). The two options proposed were:

- merger with another regulatory body, such as the Animal Health executive agency of Defra, the Health and Safety Executive (HSE) or the Medicines Healthcare Products Regulatory Agency (MHRA); or

- retention as an executive agency of Defra, with Trading Fund status in the future.

42. Responses from the consultation exercise recommended retention of VMD as an Executive Agency of Defra. This was the option favoured by the FSA. The final decision on the future of the VMD rests with Ministers. The Northern Ireland Assessor also confirmed that DARD-NI had also responded to the consultation along similar lines to the FSA. It was agreed that VMD should report back to the Committee once a Ministerial decision had been taken.

Action: VMD

Agenda Item 9 – Any Other Business

Melamine contamination of Feed

43. Mr Cheesman of the Agency's Animal Feed Unit introduced information paper ACAF/08/22 and confirmed that the European Commission had, by means of Decisions 2008/797/EC and 2008/798/EC, introduced import controls banning milk from China and requiring the testing of composite food and feed products containing such milk. These controls had become necessary following the reported deaths of 6 infants and serious illness of 300,000 children in China from consuming milk contaminated with melamine. The Decisions also requested Member States to carry out sampling and analysis of other high protein feed and food products from China. Any food or feed products from China that are found to contain more than 2.5 mg/kg of melamine must be withdrawn from the market and destroyed. Mr Cheesman confirmed that the Agency had asked enforcement authorities to implement the Commission Decisions, increase their surveillance on imports of feed materials from China and report results of analysis to the Agency.

44. Mr Cheesman updated the Committee on a feed incident drawn to the Animal Feed Unit's attention at the end of November 2008 regarding the contamination of a consignment of organic soya expeller from China with melamine. Analysis of two compound feeds (one for ruminants and the other for non-ruminants) manufactured with this organic soya expeller found up to 220 mg/kg of melamine. Mr Cheesman confirmed that the consignment, together with other shipments imported by the same importer, were currently detained and undergoing further testing for melamine and related compounds. The distribution chain for the contaminated expeller has been identified and the importer has informed its customers to keep the material out of the feed chain.

45. Mr Cheesman informed Members that the Agency had written to stakeholders to advise them of the incident and recommended that organic soya expeller in their possession should be quarantined and checked for the presence of melamine and its associated compounds. The Agency also recommended that other feed materials originating from China should be

tested for melamine and associated compounds. Enforcement authorities had also been advised of the incident and asked to increase surveillance, especially at ports of entry, of feed materials originating from China.

46. Mr Cheesman informed Members that the Agency had carried out a risk assessment to determine the consumer risk posed from products (meat, milk and eggs) from animals that had been fed contaminated organic soya. On 2 December 2008 the Agency wrote to stakeholders advising that the levels of contamination were such that feed with typical inclusion levels of 10% for ruminants and 20% for non-ruminants was unlikely to prove injurious to public health. However, where inclusion rates exceeded the typical inclusion rate for ruminants, the risk regarding milk was more uncertain and that food businesses should test such milk prior to its supply into the food chain.

47. Mr Cheesman confirmed that the Agency had obtained samples of milk from the bulk tanks of farms where dairy cattle had consumed feed containing the contaminated soya expeller and was currently arranging for these samples to be analysed for melamine and related compounds.

48. Mr Cheesman noted that the Agency was aware of three incidents in other Member States (France, Germany and the Netherlands) related to the presence of melamine in soya intended for animal feed.

Discussion

49. Dr Ray Smith of the Agency's Animal Feed Unit said that the Dutch authorities had advised the Agency that they had detected melamine and significant levels of cyanuric acid, ammeline and ammelide in soya consignments from China. The Agency was awaiting the results of additional sampling for these compounds. Dr Smith noted that the Agency had received one result for milk from dairy cattle that had consumed contaminated feed, and this showed a level of melamine below the limit of detection. The sample was also being analysed for related compounds. One Member commented that there was more of a concern for people that drink milk directly from one of the affected farms. However, one Member noted that organic soya was expensive and therefore would not be used by most milk producers.

50. Dr Smith noted that drying milk into milk powder would concentrate levels of melamine. One Member noted that the majority of organic baby milk originated from Switzerland or Austria. It was also noted that the Commission Decision relating to melamine in food and feed would be extended to include soy and soy products.

51. One Member asked whether there were any plans to do retrospective testing of imports into the UK. The Defra Assessor asked whether all material from the consignment and compound feed had been traced and detained. The ACAF Secretary confirmed that stakeholders had been advised to stop

using, quarantine and test the consignment if they had received any contaminated soya expeller. With respect to the question raised by the Defra Assessor, the ACAF Secretary agreed to liaise with Defra colleagues to advise them regarding the location of relevant consignments so that they can advise on animal health issues.

Action: AFU

52. One Member commented that it would be useful to have more details such as trademarks or batch numbers to assist in identification of contaminated products. It was noted that the Rapid Alert System for Food and Feed contained such information, but this was a closed system and information was restricted. Another Member enquired whether there was a list of validated laboratories that could analyse for the three hydrolysed products. The Member noted that retailers had concerns about the safety of some products and that this incident was of huge commercial importance to manufacturers. The ACAF Secretary agreed to explore the possibility of sharing more detailed information with relevant stakeholders. Dr Smith added that a list of validated laboratories was already available.

Action: AFU

Information Papers

53. The Chairman drew the Committee's attention to the following information paper.

- EC Developments (ACAF/08/21).

Dates of future meetings

54. The Chairman informed the Committee that the next meeting would be held on 4 March 2009 in the Food Standards Agency's Aviation House offices in London.

ACAF Secretariat
February 2009