

Britain: new Food Standards Agency no occasion for restored confidence

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The government has announced legislation setting up a Food Standards Agency to "protect public health and rebuild the public's trust in the machinery for handling food issues". Frank Dobson, the Secretary of State for Health, said, "This new, independent agency is good news for consumers. It will separate the different--and potentially conflicting--interests of food producers and food consumers."

The agency is based on a report written by Professor James of the Rowett Research Institute and will be funded by the government and the food industry. Last year, a long-serving Rowett Research Institute scientist, Dr. Arpad Pusztai, was forced to retire after speaking out on the dangers posed by genetically modified foods.

The Food Standards Agency (FSA) was launched following numerous public health crises and epidemics in the UK: salmonella, listeria, botulism, BSE ("mad cow" disease) and the outbreak of E.coli 0157 food poisoning in Scotland in 1996-97 which killed 22 elderly people and hospitalised several hundred. It will be responsible to the Department of Health, not the Ministry of Agriculture, Fisheries and Food (MAFF), which acts as a "sponsor for the food industry." It will report to Parliament and be free to make its advice to Ministers public. It will be responsible for enforcing hygiene standards "from plough to plate". All food suppliers, shops, restaurants and takeaway outlets will be inspected. Butchers will need a licence to trade, which can be taken away if minimum standards are not met. One of its major tasks will be to provide education and advice for the public on food safety. It will teach basic kitchen hygiene and how to kill bugs like E.coli and salmonella during cooking.

So far, so good. But the FSA will only have an advisory role in the use of antibiotics and pesticides in intensive farming--and only after the effects on human

health have been reported will the agency have the power to intervene on these issues. It will have some representation on the committee monitoring animal feeds, but this will still be controlled by MAFF. The rendering industry, whose practices lay at the heart of the BSE scandal, also stays under the aegis of MAFF. The Meat Hygiene Service moves from MAFF to the new agency, but must continue to operate as a profit making entity in the public sector, dependent for its income on charges to the slaughterhouses. There is still an emphasis on avoiding "over regulation". There are few extra resources for enforcement or research and no commitment to implement required reforms. Nor is there any recognition that recommendations from previous inquiries have not been implemented.

These proposals leave the present mechanisms for controlling food safety largely intact. Like other safety legislation in Britain, food safety legislation aims to "balance" the interests of consumers and producers. In other words, it recognises a conflict of interest and resolves it in favour of the producers by accepting that a certain level of risk to consumers is inevitable. Since consumers and corporations have very different views as to what constitutes an "acceptable" risk, there is a trade-off between corporate wealth and public health.

The emphasis is placed on quantifying risk, rather than eliminating the problem. This leads to the setting up of risk assessment procedures and monitoring compliance with procedures, rather than checking the safety of the product.

Food safety legislation only sets out to provide the national structures to implement European Union directives. In most areas, substantive regulation is provided by secondary legislation issued by ministers. So in practice, food policy is made by secretive "expert" standing and ad hoc committees, stuffed with

big business representatives that advise the government. In addition, the implementation of new legislation and regulations will depend on assessment procedures that are meant to demonstrate that the costs to the producers are justified by gains to society.

What this means in practice was illustrated in the case of E.coli. Despite several government-sponsored reports recommending that cooked meat be stored in domestic refrigerators at below 3 degrees Celsius, the law permits cooked food to be stored in commercial premises at higher temperatures. In September 1995, the Conservative government raised the required temperature even further to 8 degrees. Roger Freeman, the then Public Service Minister, said this would save the industry £41 million in energy and storage costs every year and apologised for the £200 million costs that the industry had borne.

Despite its name, the 1990 Food Safety Act is essentially deregulatory. It sought to "secure the needs of an innovative and competitive food industry by avoiding unnecessary burdens and controls." Its effect was to shift responsibility for food quality control away from the public Environmental Health inspectors and towards the retailers, who were charged with demonstrating "due diligence" in the manufacture, transportation, storage and preparation of foodstuffs.

In this way, the government effectively delegated responsibility for the enforcement of regulations from the public to the private sector in the shape of the large multiple retailers, such as supermarkets. But if, for example, a supermarket supplies bad food, this would not be a problem as long as it can show that it had insisted on certain standards from its suppliers. The overall effect is to push liability back up the supply chain and allow the major retailers to pose as the guardians of consumer welfare. It also gave them enormous power.

The media has focused on who should pay for the FSA. Farmers and manufacturers succeeded in persuading ministers that any charge would damage their international competitiveness. Instead, an annual £90 flat rate charge will be levied on all food retail outlets. This will penalise small retailers in comparison with the major corporations that are feted by the Blair Labour government. Several big businessmen from the food industry have already been given key government and advisory posts.

This arrangement once again raises questions about the relationship between the FSA and the food industry, if it is made so directly dependent on corporate funding. It is precisely this financial dependence of the Meat Hygiene Service (responsible for monitoring standards inside abattoirs) on the slaughterhouses that has prejudiced meat safety--the very issue at the heart of the present crisis in public health. It is inevitable that food safety standards will suffer in such circumstances.

The FSA will protect food manufacturers' interests in other ways. It will act as "technical advisor" in EU and other international negotiations. Even more importantly, it will represent the UK on the Codex Alimentarius Commission. This is a secretive committee made up of government and corporate representatives which draws up the international food safety standards that form the basis of the World Trade Organisation's rules on food trade, e.g., the use of growth hormones in cattle rearing.

In the aftermath of the BSE crisis, British corporations had become so discredited that they needed a new Agency, untarnished by past scandals, to defend their interests on the all-important international committees that divide up world trade. This was no small consideration in the establishment of the FSA. The food industry is the most important manufacturing sector in Britain. More than one-third of the top 100 companies on the London Stock Exchange are involved in food and agribusiness. Of the 20 largest food and drinks corporations in Europe, 13 are British.

Thus, the FSA in no way removes the conflict of interest, which places corporate profits before public health. The essential corporate interests and political relationships that lie at the heart of the food safety problems remain.



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