

A HEALTHIER SCOTLAND: CONSULTATION ON CREATING A NEW FOOD BODY

Consultation Response from the Scottish Salmon Producers' Organisation

INTRODUCTION

The Scottish Salmon Producers' Organisation (SSPO) is pleased to respond to this consultation on behalf of Scotland's salmon farmers in mainland Scotland, Orkney, Shetland and the Western Isles.

The salmon farming industry is a major contributor to the Scottish economy and a key player in Scotland's world-renowned food industry. It accounts for approaching 40% by value of Scottish food exports. The industry is centred on the north-west coast and islands where the high quality of the marine environment is essential to the industry's successful operation. Scottish Farmed Salmon has been awarded EU PGI status, marking its quality and distinctive origins.

The salmon farming industry operates under a comprehensive framework of planning and regulatory controls, which includes statutory responsibilities of Local Authorities, Marine Scotland, SEPA, SNH, the FSA and others. Additionally, all SSPO members operate under the Code of Good Practice for Scottish Finfish Aquaculture, derived from the first Strategic Framework for Scottish Aquaculture. The Code, and its related independently audited farm management scheme, forms an important component of the industry's safeguarding of the marine environment on which successful salmon growing depends, going well beyond statutory requirements. SSPO members are responsible for more than 98% of all salmon produced in Scotland; thus, virtually all salmon production in Scotland is quality assured against a standard of industry good practice in farm and environmental management.

GENERAL COMMENTS

We very much welcome the opportunity to respond to *A Healthier Scotland: Consultation Creating a New Food Body*.

In considering the consultation in broad terms there are two fundamental points we feel should to be stressed at the outset.

- a) One of the major contributions to the success of the FSA and FSAS has been the rather unique model on which they were established in 2001. This allowed them to operate as Government Departments but at arm's length from Government, and with a substantial amount of autonomy. We therefore believe that the new food body should maintain its independence; otherwise it will not be trusted as an impartial body either by the public or by the food industry.

- b) The creation of the new body offers a huge opportunity for establishing a new organisation that fully and effectively meets Scotland's distinctive needs and also addresses the limitations and shortcomings of the former system. There could be very significant benefits in this, resulting in a system which is more effective and efficient and lower-cost in the provision of services.

SPECIFIC COMMENTS TO QUESTIONS

Question 1: Should the scope of the new food body extend beyond the current scope of the FSA in Scotland? If yes, what specific extensions of scope would you suggest, and why?

The present food safety and food standards systems were established as a two tier structure, involving the FSA and the Local Authorities, because it was considered that the scope was too wide for one organisation, i.e. FSA, to have authority both for setting policy and regulatory requirements and for enforcement throughout the UK.

The establishment of the new Scottish food body fundamentally changes the logistical arguments on this. It opens up the prospect for a single, fully integrated food body responsible for policy, regulation and enforcement operating throughout Scotland. This would be a more streamlined arrangement with benefits in efficiency, cost and consistency at all levels of operation. Additionally, there are some areas of food safety, standards and enforcement that lie outside the current FSAS sphere which could be incorporated into the new body, providing Scotland with a single and much more effective farm-to-fork or pen-to-plate system of food standards and food regulation.

Question 2: Should the new food body and the Scottish Government continue the arrangements for independent and partnership work on diet and nutrition set out in Annex A? If not, what changes would you suggest, and why?

There will always be some overlap or at least interface between the new food body and the Department of Health, and there is a history of effective joint programmes of work in Scotland. However, it is equally true that in some cases there has been a lack of clarity in regard to remits. There have also been some questionable injections of funding into many small 'food and health programmes', often jointly funded by Scottish Government schemes in conjunction with Local Authorities. These tend to have a short term visibility but very little long-term impact on nutrition and health.

Having considered the possible options, we believe it would be best to give the new food body a primary function in 'general food and health' promotion and programmes. This would, for example, include all the items mentioned in paragraph 35.

Question 3: Are there any additional roles, responsibilities or functions in respect of diet and nutrition that you think the new food body could take on to help deliver an improvement to the health of people in Scotland? Please give details and reasons.

Yes. There has been an historic failure of FSA (and the Health Department) to partner with the private sector, both locally and nationally, to deliver improved food and health programmes. This needs to be addressed. We believe that there are unexplored opportunities for the new food body to seek public/private initiatives, which will have an enhanced impact in increasing Scotland's record on diet and health.

Question 4: What steps do you think could be taken to ensure the new food body is able to access the best available independent expert advice it needs to underpin its work on food safety and public health nutrition in Scotland? Please give reasons.

Firstly, there needs to be overt recognition that the best science and advice is not necessarily always going to be available in Scotland. The new food body needs to be alert to new scientific developments whether they occur in Scotland, elsewhere in the

UK or internationally. The new food body will need to regard itself as a 'customer' for that information and it needs to be well connected both to the Scottish/UK/EU/international institutions and to possible partner funders. The importance of the expertise available in the private sector also needs to be appreciated and accessed, where appropriate.

This requires the new body to have personnel with a high level of expertise and skills, but not to have a standing (or permanently retained) R&D facility of its own. There are many potential contractors who can supply what the agency will require.

Question 5: Do you consider the new food body should focus its research and surveillance activities on issues that are particularly pertinent to Scottish citizens or should it also contribute to science and evidence programmes on wider issues which have relevance to the UK as a whole? Please give reasons.

The new body will not be able to do everything but its main areas of priority are clear. These are food safety, food standards, nutrition, and diet and health questions that:

- (a) have a particular relevance to Scottish citizens;
- (b) have a particular relevance to Scottish food production, processing and manufacturing (Scotland is a food exporting nation and the quality and standards of those products must be reflected in the interests of the new food body).

Question 6: Do you consider that the new food body should be responsible for coordinating all Scottish Government funded research on food safety and public health nutrition? What steps could be taken to raise the profile of the new food body as a research funder across the UK and beyond? Please give reasons.

No, there are areas of food production, processing and manufacturing that are well outside the remit or potential remit of the new food body.

If the new body is properly funded, its work is properly designed and contracted, and it engages with other funders nationally and internationally, it will very easily raise its profile. This is really not an issue.

Question 7: Do you have any further suggestions for how the new food body could establish a strong independent evidence base for food safety, food standards and nutrition policy? Please give reasons.

The new body must have a strong evidence gathering role and team. It must publicly determine its policy and position on whatever key issues arise or are anticipated as a result of foresight exercises. This process can be aided by an effective consultation system, including the selective use of advisory committees.

Question 8: Do you consider that the new food body would require any further statutory powers, in addition to those the FSA already has, to equip it to deal effectively with incidents such as the recent horse meat substitutions, and to prevent such incidents happening? Please give reasons.

The recent horse meat scandal has little or nothing to do with a lack of statutory powers. It almost certainly related to fraudulent activity and a lack of market intelligence on the part of the regulatory agencies. If these kinds of issues are to be addressed, the new food body must have a closer understanding of the food system and the (generally

financial) drivers for fraudulent activity. It is not possible to analyse foods for all potential offending molecules all the time, therefore 'food chain intelligence' is required to determine which food components need to be checked from time to time.

Question 9: Do you have any further comments about how the new food body might ensure that it can deal effectively with contraventions of food standards and safety law? Please give reasons.

Food fraud and fraudulent abuse of standards should be rigorously punished through the courts. The modern tendency of the Scottish Government to opt for the introduction of Fixed Penalty Notices for such offences should be resisted on the basis of consumer protection.

Question 10: Should the new food body take on any regulatory, enforcement or monitoring roles and responsibilities not currently fulfilled by FSA in Scotland? If yes, please give details and reasons.

This is a really interesting question to which the answer in principle must be 'Yes'. However, a detailed functional mapping will be needed to address some of the specific questions that have been posed. Based on the fundamental concept that the new food body should be the main statutory protector of food 'from production-to-consumption', in addition to those that are included in the consultation text itself, the following list of functions should be considered for transfer:

- a) The responsibilities and resources for inspection and enforcement from the Local Authorities to the new food body so that it has a continuum of activity including enforcement.
- b) The responsibilities and resources from Local Authorities in the area of official controls (these include those relating to animal health and welfare). These involve inspections both at farms and in markets and are functions currently carried out by specialist Environmental Health Officers working in Local Authorities.
- c) The transfer of responsibilities and resources of inspectors who relate mainly to farmed fish and shellfish, which are currently within the Fish Health Inspectorate of Marine Scotland.
- d) All responsibilities for dairy and egg production controls should be transferred to the new body.
- e) The new body should have powers over drinking water quality.

As a result of the above transfers, the new food body would become much more customer facing than was the predecessor FSA/FSAS. Therefore, the new body would need to introduce a more customer-facing (business or consumer) approach than has previously existed. This will involve a refreshed approach to service provision, specific complaints and ombudsman procedures.

The question of location of public analyst's laboratories requires further consideration but, on balance, the laboratories should not be transferred to the new food body. Rather consideration should be given to combining their functions with those of the SEPA analytical laboratory and establishing an independent Scottish Analytical Laboratory, providing services to a range of agencies, including the new food body,

SEPA and the Local Authorities. These new arrangements should be designed to bring Scottish Analytical Laboratory provisions up to the highest international standards, and fully involved in international 'ring-testing' systems.

Question 11: Please give us your views about these suggestions for changes to the delivery of official food and feed controls. Do you think that the new food body should work in a different way with local authorities? Please give reasons.

Yes – see above. The scope for rationalisation to provide a better, more effective service at lower cost is substantial. This would apply across all sectors of food and fish production.

Question 12: Do you have any views on how the new food body should assure delivery of official controls and meet the relevant EU obligations? Please give reasons.

There is a strong argument for the new food body to be given responsibility for all official controls, with a transfer of powers and resources from elsewhere. The benefit in de-cluttering the public regulatory landscape would potentially be substantial both in terms of reducing cost to the public purse and increasing the efficiency of the operations for food producers, processors, manufacturers and others in the Scottish food chain.

Any changes should take into consideration the newly released proposals for consolidation of EU food and animal health regulations.

Question 13: Are there any additional or alternative relationships that you would suggest that would help the new food body achieve the Scottish Ministers' objective of longer, healthier lives for the people of Scotland? Please give details and reasons.

This section of the consultation has a **substantial** omission of any indication that the new body should work with the food industry. This industry is in fact one of the new food body's major partners. It is the food industry that actually delivers most of what the new food body is responsible for. **It is only by working in conjunction with the food sector that the Minister's objectives will be met.**

Question 14: Do you have any suggestions about how the new food body can engage effectively with consumers, both in developing policy and providing information and advice?

The process of consumer engagement is already fairly well developed in Scotland – although, of course, more can be done. Weaknesses, where they can be identified, relate mainly to communication with young people, and with those who are most economically disadvantaged. In the case of young people, the challenge is to get the message and the form of communication in-tune with their 'requirements'. In the case of the economically disadvantaged it is a matter of addressing the economic constraints on their choices and their inability to adopt some of the guidance and advice that is provided. The latter is not an easy area in which to make progress.

Question 15: Do you agree with the suggested approach to ensuring the new food body's independence from Government and food industry? Do you have further suggestions for how the new food body could best establish and maintain its position as an arm's length part of Government? Please give reasons.

We agree with most of what is set out in paragraph 63; our most significant concern relates to the Ministerial powers to instruct. However, we believe that the safeguards on independence for the new body can be provided by their having to publish their advice – to Ministers, for example. In cases where the Minister ‘instructs’ the agency, these letters of instruction should also be published and publicly available on a Government website.

Question 16: Do you have any further comments, or suggestions, on the creation of a new food body for Scotland that area not covered by any of the previous questions?

No.

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