

# Inquiry: Brexit: Trade in Food

CIEH submission to the Inquiry by the Commons  
Environment, Food and Rural Affairs Select Committee

## The Chartered Institute of Environmental Health

As a **professional body**, we set standards and accredit courses and qualifications for the education of our professional members and other environmental health practitioners.

As a **knowledge centre**, we provide information, evidence and policy advice to local and national government, environmental and public health practitioners, industry and other stakeholders. We publish books and magazines; run educational events and commission research.

As an **awarding body**, we provide qualifications, events, and trainer and candidate support materials on topics relevant to health, well-being and safety to develop workplace skills and best practice in volunteers, employees, business managers and business owners.

As a **campaigning organisation**, we work to push environmental health further up the public agenda and to promote improvements in environmental and public health policy.

We are a registered charity with 8,000 members across England, Wales and Northern Ireland.

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## Preparation for this submission

On 16<sup>th</sup> October 2017, the Chartered Institute of Environmental Health (CIEH) in partnership with SUSTAIN (the UK alliance for better food and farming) convened a specialist consultative meeting, hosted at the Centre for Food Policy at City University London (a Sustain alliance member). Participants included senior representatives of:

- Chartered Institute for Environmental Health
- Food Research Collaboration, Centre for Food Policy, City University London
- CHEM Trust – a UK registered charity that works at European, UK and International levels to prevent man-made chemicals from causing long term damage to wildlife or humans, by ensuring that chemicals that cause such harm are substituted with safer alternatives.
- Department of Food Safety, Middlesex University London
- Faculty of Health & Applied Sciences, University of the West of England
- Pesticides Action Network – a UK registered charity focused on tackling the problems caused by pesticides and promoting safe and sustainable alternatives to pesticides, and contributing a wealth of scientific and technical expertise to the work of other groups who share their aims.
- City of London Corporation, Port Health & Public Protection Service
- Science Policy Research Unit, University of Sussex
- Sustain: The alliance for better food and farming
- Unison, the public-sector union (officer representing meat inspectors)

Also interested in contributing but unable to attend on the day were:

- Food and Safety Regulation, London Borough of Hillingdon (covering Heathrow Airport)
- Chartered Trading Standards Institute
- Which? (formerly the Consumers' Association)

The theme of the discussions was:

*"How can we use the opportunity of the House of Commons Environment, Food and Rural Affairs Committee's (EFRA) 'Trade in Food' Inquiry to express our shared concerns about the multiple challenges facing the UK's system of food standards?"*

The five consultation questions for EFRA's Food in Trade Inquiry was then used to frame the discussion.

**What follows represents the submission of the CIEH to this Inquiry; however, it draws upon the discussion referred to above and on discussions held at the meeting of the CIEH's Food Advisory Board held on 10 October 2017.**

## CIEH responses to EFRA's 'Food in Trade' inquiry questions

### **EFRA Question 1: What challenges and opportunities will the UK food and farming sectors face from new trade arrangements with EU countries after the UK leaves the European Union?**

At the time of drafting this submission, Her Majesty's Government's (HMG) approach to Brexit and post-Brexit trade agreements is still lacking in detail. It is, therefore, difficult to articulate risks and opportunities in such a vacuum; nevertheless, the economic consequences and health risks to the UK and its citizens are already clear. Broadly, CIEH sees three possible scenarios:

- 'Cliff edge' – the UK dropping out of trading arrangements with the European Union, and moving to international trade deals governed by World Trade Organisation (WTO) and other bi-lateral arrangements.
- 'Transition deal' – the UK and EU agreeing to retain the current arrangements, governed wholly or mainly by current institutions and standards, until such time as a full agreement has been reached.
- 'Deep and comprehensive deal' – the UK and EU agreeing a full trade agreement, governed by current or equivalent institutions and standards, in perpetuity.

CIEH is concerned that the 'cliff edge' scenario could add significant costs to the food industry, the food regulation system (particularly at UK ports of entry) and to the UK consumer.

In the 'cliff edge' scenario, there is also a high level of uncertainty about the implications of moving to WTO rules. Several senior politicians have given the impression that this is a simple transition with few implications for food standards. However, comments in the media attributed to the Director General of the WTO, have resulted in significant questions arising in this area. It is possible that it could take several years for the UK to move to full recognition within the WTO system, meaning a period of limbo and yet more uncertainty for the food industry; there could also be extensive changes for the food industry, standards, science and research capability and for UK food inspection arrangements. There may also be a need for acceptance by the UK consumer of food that does not meet expectations developed over many years of EU membership in terms of quality, composition, hygiene and standards of production.

There are some differences between UK food standards (legislation and enforcement) and those of other countries. Animal welfare standards are variable across the world and, in some jurisdictions workforce health and safety may operate at lower standards than accepted in the either the UK or EU. As a result of these different approaches, there can be significant public acceptance issues amongst UK consumers, even if concerns are not founded in evidence or are based on historic trade disputes and barriers between the EU and other nations. Therefore, we expect society to demand high quality inspection and control services post-Brexit that ensure the food we eat, our workplaces and environment are safe.

It is important to understand that any changes and additional responsibilities would also come at a time when the current UK standards and inspection bodies are already under severe pressure as a result of the paucity of resources for essential services such as testing, inspection and port health controls. Her Majesty's Government's (HMG) policy of austerity, practised over recent years, has led to significant cuts in resources available for food regulation and a resulting failure to meet the requirements imposed upon Local Authorities. This in turn is leading to moves towards a risk-based system of assurance that changes and possibly diminishes the role of an independent, publicly funded and publicly accountable inspection regime. There are already barely enough port health inspectors, environmental health professionals and public health laboratory facilities to meet the needs of the UK food industry and ensure consumer health and

safety. Whilst capable, these professionals have very limited capacity to adapt to the scale of change which we face without receiving substantial additional resources, to the detriment of the businesses (particularly SME's) whom they advise.

There are additional challenges facing exporters to EU countries depending upon the type of deal that is achieved. A deal where there is a system of harmonised controls will continue to see trade across a single border but not without continuing EU checks of the UK regulatory system. Audits by EU bodies (such as DG Sante) will still be necessary and acceptance of EU standards will still require systems to be in place to ensure these are complied with.

A deal where we effectively become a "third country" could lead us having to comply with all current EU standards, still be subject to EU audits and missions and require us to have a health certification system in place. This is an area where lack of resources in available certifying staff may become an issue. The consequences of any food scares or incidents may lead the EU to pose emergency controls upon the UK with increased costs for compliance, potential rejected consignments and damage to reputations and delays in clearance.

With regards to imports, a deal allowing harmonised controls would see broadly the status quo, however there could still be some unintended consequences. For example, Official Veterinary Surgeons at port health offices are largely EU nationals since their qualification can include food safety. This contrasts starkly to the UK where Vets are much less likely to have a food safety background or training in this field and the food safety expertise lies with the Environmental Health profession. EU law requires a Vet to sign off certain import products (e.g. Meat, Dairy) and this would remain the case in this scenario but poses a question as to sustainability for the UK in the longer run.

For imports, where there is no such harmonised deal, the UK would be free to determine its own imports control system. However, it would be in the interests of the UK to have an effective and robust system in place, to minimise the risk from food scares and incidents. Challenges would include implementation of IT systems (e.g. to replace TRACES), approval processes for food establishments in EU and other 3<sup>rd</sup> countries (for example inspection of premises, certification of consignments, auditing of other National Food Inspection bodies) and training programmes both for UK inspectors, businesses and representatives from exporting countries as to how to meet UK standards. A bespoke system could offer the UK a more risk based system that could be more targeted than the current blanket type policy that is arguably the approach of the EU at the moment (for example for Products of Animal Origin). However, implementation of any new standards will require the necessary resources to support these.

CIEH takes the view that whatever trade deal is reached, the role of Environmental Health Practitioners (EHP's) be recognised as the competent professionals to deliver Food Safety controls. Where there may be a need to have Veterinary certification, CIEH believes that the means must be found to train and designate EHP's to take on the relevant animal health certification role, possibly through conversion courses or other training and provide sustainability for the UK for the future to support food exporters and importers.

Furthermore, recent data released by the Food Standards Agency shows that there are 50% fewer local authority staff delivering food advisory and regulatory activity in England than there are in Wales or Northern Ireland. CIEH is concerned that this resource gap, together with the need for new arrangements to inspect and approve imported food at the ports will cause significant portside delays that may be too long to make trade viable for foods with a few days shelf life and will increase logistics costs that will almost inevitably be passed on to retail consumers.

CIEH believes that wider workforce issues will also present a significant challenge to the food industry post Brexit. There is uncertainty as to whether the UK will continue to have access to the EU workers who work in agriculture and the wider food industry going forward. CIEH is particularly concerned about the numbers of EU nationals who work as Environmental Health professionals in the food regulatory sector. A 30% fall in nationals from other EU Member States, working in the fields and in packaging good as compared with the 2016 position has already been reported to us via the Chilled Foods Association; and, given that there is virtually full UK employment, there is currently no clarity as to where replacements might be sought should their right to remain not be confirmed.

Capacity issues also have a bearing on the 'transition deal' and 'deep and comprehensive deal' scenarios, which could see continued integration of the UK with EU food standards systems and institutions; or could see the UK gradually parting company with aspects of this infrastructure.

In all trade scenarios, CIEH takes the view that the UK staying as close as possible to EU food standards, systems and institutions will be an advantage and opportunity – for consumers, for taxpayers and for the food industry. This would help deal with issues of costs, safety, quality, certainty, consumer confidence and smoother trade relationships. Equivalence of UK systems should be assured by means of any transitional or long-term EU trade arrangement.

In this context, it is vitally important that the EU (Withdrawal) Bill (also known as the 'Repeal Bill') paves the way for transparent, accountable and trade-sensitive regulation that preserves and renews the UK's high food standards. CIEH underline that we consider it imperative that the Repeal Bill:

- Ensures that changes to legislation are undertaken through a transparent and accountable process, open to full Parliamentary scrutiny. We commend the work of the Hansard Society on this important issue, including their proposal for a '[sift and scrutiny](#)' process to deal with the project of amending thousands of pieces of law in a practical, accountable way.
- Limits the scope of the executive powers that government gives itself through the Repeal Bill, with the use of such powers restricted only to 'functional' amendments that ensure retained EU law continues to operate with the same scope, purpose and effect after Brexit.
- Addresses the likelihood of a 'governance gap'. The Repeal Bill must contain a legal commitment for government to ensure that monitoring, enforcement and other duties continue to be overseen either by existing EU institutions; or are replaced by suitably robust, publicly accountable and well-resourced institutions in the UK.
- Prioritises adequate protection and promotion of public health, food safety, food standards, environmental protection, working conditions and consumer rights.
- Recognises the concerns raised by the Equality & Human Rights Commission, which says that the Repeal Bill as drafted "risks eroding important existing legal protections that are fundamental to the UK's vision and reputation as a country that values equality and human rights and proper scrutiny of and accountability for changes to laws". The Repeal Bill in its current form would remove the EU Charter of Fundamental Rights, give powers to the executive to change human rights law without Parliamentary scrutiny, and lacks clarity on case law. The Commission has tabled amendments, and it seems sensible for everyone interested in legal rights (relevant to food safety and standards) to back their expert initiative.
- Reinstates into UK law the precautionary principle, the principle that preventive action should be taken, that environmental damage be rectified at source, that the polluter should pay, and access to justice.

All such amendments should be seen as opportunities to maintain and develop high standards for UK food.

A further opportunity will be for the UK to establish a new Food Act that clearly sets out the UK's vision for better food, farming and fishing, helping to frame current and future decision-making.

**EFRA Question 2: What trade policy objectives should Defra/ the UK Government establish in order to achieve the right balance between the interests of food consumers, producers and processors, and the environment?**

Working within the EU, the UK has developed its approaches to food safety and standards, consumer protection, workers' rights, farming livelihoods, tackling trafficking and modern slavery, social justice, carbon, water, soil, air, bees and other pollinators, biodiversity, animal welfare, pesticide and farm antibiotics control, international policing of food fraud, and much more. As the UK leaves the EU, we seem likely to come under intense pressure from political forces and new trading partners to work to other standards, most notably including those agreed globally by the WTO reference body, the UN FAO/WHO *Codex Alimentarius* Commission (of which the UK and EU are both members). Currently, many non-EU trading nations criticise the EU for setting standards that diverge from those which are globally agreed and claim that they are non-tariff trade barriers. As the EU is unlikely to rapidly align with globally agreed standards in a short space of time, the UK Government will be left with decisions to make on which standards to apply in order to trade most effectively. But, this is not a binary choice. The UK could have different standards in play for different markets following other international models e.g. the US 'non-hormone treated cattle program' that meets EU import requirements in a segregated supply chain. The CIEH view is that the Government should ensure that all standards applied post EU Exit are based on the best scientific evidence and risk assessment in order to afford the UK population and trading partners assurance of high levels of protection.

The UK's regained sovereignty could also be used as a transformational opportunity for the UK to show global leadership by adopting policies that set us on a path towards an increasingly sustainable food future. Our food system could be governed in a way that meets ambitions and international obligations for ending hunger and tackling climate change, achieving UN Sustainable Development Goals, promoting health and well-being, as well as supporting diverse food producers at all stages of the supply chain, on whose skills and livelihoods we all depend. CIEH believes that UK trade policy should support this positive vision.

CIEH encourages HMG to set out a vision for what they seek to achieve through new and existing trading arrangements, particularly in relation to food. We view as unfortunate the tendency to focus only on food prices, and the apparent desire to accelerate the move towards de-regulation. In food, good regulation is vital for safety, public health, quality and consumer confidence – helping to avoid the frequent scandals and disease outbreaks that too easily undermine the food industry and consumer confidence. The consumer price of food is of course important, but a race to agree trade deals only on the basis of reducing food prices is likely to be counter-productive. The Government must also consider factors such as animal health and welfare, consumer safety, workplace safety, environmental protection and agri-food chain employee incomes. It is imperative that the Government ensures effective national and international incident management liaison measures are in place for consumer goods and food, as currently covered by CE marking of products and systems such as the EU Rapid Alert System for Food and Feed (RASFF) and the Rapid Alert System for Dangerous non-food Products (RAPEX) .

UK competitiveness is another major issue. There is growing concern that in scenarios in which UK farming is expected to compete on price with countries operating to different standards, UK farming may become unprofitable – some of it already is. This has implications for national security, farming livelihoods, rural economies, environmental protection and good management

of our countryside and natural resources. CIEH believes that UK policy on trade in food will need to be balanced with legitimate consideration of national and domestic food security and social and environmental impact.

**EFRA Question 3: How effective are the Government's arrangements for consulting the food and farming sector and for representing their interests within the UK's negotiations with the EU?**

All of the non-governmental organisations that CIEH has had dealings with, since the EU Referendum, have expressed strong frustration at the lack of consultation, and the apparent lack of understanding by senior policy-makers about the profound implications of Brexit and various trade scenarios for food.

Whilst CIEH enjoys an excellent working relationship with the Food Standards Agency and is working closely with them on developing its 'Regulating our Future' programme, we know of no meaningful engagement by the Department for Exiting the European Union, the Department for Business Energy and Industrial Strategy, Department for International Trade, HM Treasury or No 10 in respect of the implications of different trade scenarios for food standards as dealt with in this submission. The possibility of future trade deals being agreed without Parliamentary or public scrutiny, and without social or environmental impact assessments, adds to a general sense of concern about the future for the UK's high food standards. It is notable that the EU requires a sustainability assessment (social, economic and environmental) for trade deals. CIEH believes that this should also be the position for the UK going forward.

**EFRA Question 4: How effective are the Government's arrangements for representing the interests of the four nations within the UK's negotiations for trade in food?**

Devolution of key powers from Westminster to Scotland, Wales and Northern Ireland presents particular challenges in respect of Brexit and CIEH is concerned by the lack of both public and governmental awareness of these. Food safety is a matter that is devolved to all the respective administrations. It, therefore, follows that neither the Westminster Government nor the FSA can unilaterally make decisions in respect of food standards and safety systems and processes; it must secure the agreement of the devolved administrations and this builds-in additional levels of complexity.

In respect of the island of Ireland, the Good Friday Agreement of April 1998, the foundation of the current peace process in Northern Ireland, sets out a complex and indeed unique series of provisions and establishes a series of co-operative institutions relating to a number of areas including:

- a. The status and system of government of Northern Ireland (NI) within the United Kingdom. (Strand 1)
- b. The relationship between Northern Ireland and the Republic of Ireland (ROI). (Strand 2)
- c. The relationship between the ROI and the United Kingdom. (Strand 3)

The provisions within the Good Friday Agreement in effect gives the Republic of Ireland (ROI) a say in matters relating to Northern Ireland that have an impact in ROI. Within the context of Brexit this could arguably include any system of food control that is not developed within the context of EU membership.

Trade agreements look set to highlight many different potential divides between approaches in the four nations of the UK, with regards food and farming. This may be a matter of nuance and



emphasis, or there may be actual differences in terms of policy and regulation. We are aware, for example, of different approaches and emphasis between FSA in England and Wales and Food Standards Scotland.

There is also significant trade in food raw materials, ingredients and final product to and from NI and ROI, and between Great Britain and ROI. Maintaining the current flow of foodstuffs between all 3 is vital for food security and the economies of NI, GB and ROI. There must be clarity as to future arrangements to assure continuity.

**EFRA Question 5: What can farmers, food producers and processors, and government do to prepare for changes to trading arrangements, including to improve production and to reduce trading costs?**

Nothing can be said with certainty. However, we believe that the most likely scenario – at least in the medium term – is that:

- The UK will agree a transition deal with the EU, effectively continuing with “business as usual” in food trade and standards, for a period of several years. Whether the UK continues cooperation with EU agencies and enforcement systems, and also adopts any new standards currently in the EU pipeline, remains uncertain at this time.
- Food prices will rise.
- Uncertainty will continue to characterise the situation for the UK’s food industry, including food standards and inspection bodies.

Until there is greater certainty on the likely trade scenarios, it is very difficult to plan.

Some visionary thinking and policy moves may be needed to help mitigate the more harmful impacts of transition to a new system. This should involve serious investment in standards infrastructure and inspection to make border controls and port health arrangements as effective and frictionless as possible. CIEH believes that HMG should plan to deal clearly and holistically with governance, food standards, food security and trade issues. CIEH encourages HMG to develop a vision for what the UK is seeking to achieve with food and related animal welfare standards and all forthcoming policy and new legislation should be accountable for contributing towards achieving that vision. Strong relationships should be built between all parties involved and this should be lead by one accountable part of HMG.

At the practical level, CIEH believes that significant investment should take place in R&D with a view to the UK food industry being better able to feed the nation. Shelf life extension has been studied for decades but, without new technologies or the use of additives that are not generally welcomed by the public, there are few options to extend the shelf life of minimally processed foods, particularly those that are not thermally processed throughout.

**ENDS**

**Further information**

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