



# **Cynulliad Cenedlaethol Cymru** **The National Assembly for Wales**

## **Y Pwyllgor Amgylchedd a Chynaliadwyedd** **The Environment and Sustainability Committee**

**Dydd Iau, 27 Chwefror 2013**  
**Thursday, 27 February 2013**

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In the left-hand column, the proceedings are recorded in the language in which they were spoken. The right-hand column contains a transcription of the simultaneous interpretation.

#### **Aelodau'r pwyllgor yn bresennol** **Committee members in attendance**

Mick Antoniw	Llafur Labour
Keith Davies	Llafur Labour
Yr Arglwydd/Lord Elis-Thomas	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)

Russell George	Ceidwadwyr Cymreig Welsh Conservatives
Vaughan Gething	Llafur Labour
Llyr Huws Gruffydd	Plaid Cymru The Party of Wales
William Powell	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
David Rees	Llafur Labour
Antoinette Sandbach	Ceidwadwyr Cymreig Welsh Conservatives

**Eraill yn bresennol  
Others in attendance**

Catherine Brown	Prif Weithredwr, yr Asiantaeth Safonau Bwyd Chief Executive, Food Standards Agency
Alun Davies	Aelod Cynulliad (Llafur), y Dirprwy Weinidog Amaethyddiaeth, Bwyd, Pysgodfeydd a Rhaglenni Ewropeaidd Assembly Member (Labour), Deputy Minister for Agriculture, Food, Fisheries and European Programmes
Gary Haggaty	Pennaeth Amaeth, Pysgodfeydd a Strategaeth Wledig, Llywodraeth Cymru Head of Agriculture, Fisheries and Rural Strategy, Welsh Government
Yr Arglwydd/Lord Jeff Rooker	Cadeirydd, yr Asiantaeth Safonau Bwyd Chair, Food Standards Agency
Steve Wearne	Cyfarwyddwr Cymru, yr Asiantaeth Safonau Bwyd Director Wales, Food Standards Agency
Geraint Williams	Arweinydd Polisi a Strategaeth Bwyd a'r Farchnad, Llywodraeth Cymru Food and Market Policy and Strategy Lead, Welsh Government

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol  
National Assembly for Wales officials in attendance**

Alun Davidson	Clerc Clerk
Elfyn Henderson	Y Gwasaneth Ymchwil Research Service
Catherine Hunt	Dirprwy Glerc Deputy Clerk

*Dechreuodd y cyfarfod am 11.10 a.m.  
The meeting began at 11.10 a.m.*

**Cyflwyniad, Ymddiheuriadau a Dirprwyon  
Introduction, Apologies and Substitutions**

[1] **Yr Arglwydd Elis-Thomas:** Bore da, a chroeso i'r pwyllgor. Mae gennym ymddiheuriad oddi wrth Julie James, Aelod Cynulliad ac mae rheolau arferol cyfarfod cyhoeddus o'r pwyllgor yn gweithredu.

**Lord Elis-Thomas:** Good morning, and welcome to the committee. We have received apologies from Julie James, Assembly Member and the usual rules of a public meeting of the committee apply.

**Llygriad Cynhyrchion Cig—Tystiolaeth gan y Dirprwy Weinidog  
Amaethyddiaeth, Bwyd, Pysgodfeydd a Rhaglenni Ewropeaidd  
Contamination of Meat Products—Evidence from the Deputy Minister for  
Agriculture, Food, Fisheries and European Programmes**

[2] **Yr Arglwydd Elis-Thomas:** Mae'n bleser gennyf groesawu'r Gweinidog, Alun Davies, y dirprwy gyfarwyddwr materion gwledig, Gary Haggaty, a Geraint Williams sy'n arwain ar bolisi a strategaeth bwyd. Maent yn ymuno â ni i gychwyn ar ein hymchwiliad ar lygriad cynhyrchion cig a byddwn yn trafod y sefyllfa ddiweddaraf. Ar ôl hynny, byddwn yn derbyn tystiolaeth oddi wrth yr Asiantaeth Safonau Bwyd a chroeso iddynt hwy hefyd—y cadeirydd, yr Arglwydd Rooker, y prif weithredwr, Catherine Brown, a chyfarwyddwr Cymru, Steve Wearne.

**Lord Elis-Thomas:** It is my pleasure to welcome the Minister, Alun Davies, the deputy director for rural affairs, Gary Haggaty, and Geraint Williams who leads food policy and strategy. They join us to begin our inquiry into contamination of meat products and we will be discussing the latest situation. Following that, we will receive evidence from the Food Standards Agency and I also welcome them, too—the chair, Lord Rooker, the chief executive, Catherine Brown, and the Wales director, Steve Wearne.

[3] Weinidog, diolch yn fawr am y datganiad ysgrifenedig a gyhoeddwyd ddoe, a hefyd dy ddatganiad cyhoeddus yn y Siambr. Efallai byddech yn barod i gychwyn drwy amlinellu eich rôl, fel Gweinidog amaeth a bwyd Cymru, mewn perthynas â'r digwyddiadau diweddar ynglŷn â safonau bwyd a chamlabelu bwyd?

Minister, thank you very much for your written statement, which was published yesterday, and for your public statement in the Chamber. Perhaps you would be willing to start by outlining your role, as Wales's Minister for agriculture and food, in relation to recent events relating to food standards and food mislabelling?

[4] **Y Dirprwy Weinidog Amaethyddiaeth, Bwyd, Pysgodfeydd a Rhaglenni Ewropeaidd (Alun Davies):** Diolch yn fawr ichi, a diolch i'r pwyllgor am eich gwaith ar y pwnc hwn; mae'n rhywbeth rwyf yn gwerthfawrogi'n fawr iawn. Hoffwn ddechrau trwy ddatgan, ar y record, fy ngwerthfawrogiad o waith yr Asiantaeth Safonau Bwyd a gwaith Steve Wearne, yn arbennig, fel pennaeth yr FSA yng Nghymru. Mae wedi bod yn gyfnod digon anodd dros yr wythnosau diwethaf, fel y byddech yn ei ddisgwyl. Teimlaf ein bod, fel Llywodraeth, wedi cael cydweithio â'r FSA o'r safon uchaf ac rwy'n gwerthfawrogi hynny'n fawr iawn.

**The Deputy Minister for Agriculture, Food, Fisheries and European Programmes (Alun Davies):** Thank you very much, and thanks to the committee for your work on this issue; it is something that I very much appreciate. I would like to begin by stating, on the record, my appreciation of the work of the Food Standards Agency, and the work of Steve Wearne, in particular, as head of the FSA in Wales. It has been a difficult time over recent weeks, as you would expect. I feel that we, as a Government, have had collaboration of the highest quality with the FSA and I greatly appreciate that.

[5] Fel yr ydych yn ei ddeall, yr FSA yw'r corff sy'n arwain ar faterion diogelwch bwyd a safonau bwyd, ac mae gennym berthynas dda iawn gyda'r FSA. Mae'r berthynas honno'n cael ei harwain gan Lesley Griffiths, fel y Gweinidog iechyd. Fodd bynnag, yn y cyd-destun hwn, rwyf i a Lesley wedi cytuno y byddaf yn darparu'r arweinyddiaeth weinidogol, felly rwyf wedi bod yn arwain ymateb Llywodraeth Cymru ar

As you will understand, the FSA is the leading body on food security and food standards issues, and we have a very good relationship with the FSA. That relationship is led by Lesley Griffiths, as the Minister for health. However, in this context, Lesley and I have agreed that I will provide the ministerial leadership, so I have been leading the Welsh Government's response to this issue over the last few weeks.

y pwnc hwn yn ystod yr wythnosau diwethaf.

[6] **Yr Arglwydd Elis-Thomas:** Diolch yn fawr. A hoffet roi'r wybodaeth ddiweddaraf i ni am gwrdd â Gweinidogion amaeth yr Undeb Ewropeaidd yr wythnos hon ar y mater hwn?

**Lord Elis-Thomas:** Thank you very much. Would you like to give us an update on your meeting this week with European Union agricultural Ministers on this matter?

[7] **Alun Davies:** Rwyf wedi gwneud hynny yn fy natganiad ysgrifenedig.

**Alun Davies:** I have done that in my written statement.

[8] **Yr Arglwydd Elis-Thomas:** A oes unrhyw beth i ychwanegu at hynny?

**Lord Elis-Thomas:** Do you have anything to add to that?

[9] **Alun Davies:** Nid oes gennyf ddim byd i'w ychwanegu at hynny. Os yw Aelodau wedi darllen fy natganiad ysgrifenedig a gyhoeddais neithiwr, byddant wedi cael cyfle i weld y prif bynciau a drafodwyd dydd Llun ym Mrwsel. Hoffwn hefyd roi ar y record y gwaith mae Owen Paterson, fel Ysgrifennydd Gwladol, wedi gwneud i arwain ar hyn ar draws Ewrop. Ar ddechrau'r wythnos a ddechreuodd ar 11 Chwefror, roedd llawer o bwysau arnom ni i gyd, a gwnaeth Owen dreulio llawer o amser yn cydlynu rhwng llywyddiaeth Simon Coveney yn yr Iwerddon â'r Comisiwn Ewropeaidd, yn enwedig y cyfarfod gyda Chomisiynydd Borg ac eraill. Felly, mae gennym strwythur o ymateb ar lefel Ewropeaidd a fydd yn cryfhau'r gwaith sy'n cael ei wneud ym Mhrydain ac yng Nghymru.

**Alun Davies:** I have nothing to add to that. If Members have read the written statement that I released last night, they will have had an opportunity to see the main issues that were discussed on Monday in Brussels. I would also like to put on record the work undertaken by Owen Paterson, as the Secretary of State, to lead on this across Europe. At the beginning of the week beginning 11 February, there was a lot of pressure on us all, and Owen spent a lot of time co-ordinating between the presidency of Simon Coveney in Ireland and the European Commission, in particular the meeting with Commissioner Borg and others. So, we have the structure for responding on a European level, which will strengthen the work that is being done in Britain and Wales.

[10] **Antoinette Sandbach:** Deputy Minister, enforcement, in relation to passing off one product as another, lies at local authority level here in Wales. I wonder why it was, with the contamination issues coming to light on 15 January, that no direction was sent out by Welsh Government to local authorities to test food, particularly food that was publicly procured for the NHS, schools and for other public procurement contracts, for horse DNA.

11.15 a.m.

[11] **Alun Davies:** I discussed these matters in my oral statement to Plenary last week, and you will know from the record that the FSA took the lead in ensuring that a testing regime was established for all suppliers of processed meat products. That includes suppliers to the public sector, as well as retailers and supermarkets. That testing regime was started and has largely been completed.

[12] **Antoinette Sandbach:** However, there was an opportunity for Welsh Government to play a role in that by looking to local authorities and sending out a direction to local authorities to establish whether there were problems in their areas.

[13] **Alun Davies:** As I said, we addressed this issue last week in my oral statement. I do not have anything to add to that oral statement. It is the responsibility of the FSA to maintain those levels of enforcement, and, to my knowledge, it did so. The Welsh Government did

write to all organisations involved in public procurement to remind them of their responsibilities. Those letters were sent out the week beginning 11 February. The enforcement regime, as you described it—the testing regime that was established by the FSA—has been a very rigorous and robust exercise, and it has led directly to the knowledge that we have today of the extent of contamination issues in processed meat products. My conclusions are that the testing regime has succeeded in demonstrating, first of all, that there is a very robust regime in place, and, secondly, that, in the vast majority of cases, the processed food that people have purchased has been entirely safe.

[14] **Antoinette Sandbach:** Your statement yesterday clearly outlined that there has been perhaps an expansion of the potential problem areas. You highlighted that the results of some of those tests will not be available for some time, and that there are concerns about the sourcing of food products of a consortium operating in mid Wales and south Wales. Do you think that the delay in testing may have contributed to the undermining of public confidence in the food sector?

[15] **Alun Davies:** No, Antoinette. You need to understand what has been going on here, and it is a shame that you did not take part in any of the debates that we have had on these matters. You are misreading the statement that I made yesterday if you believe that it says that there is an expansion of problems in this sector. It does not say that. It describes the testing regime that has been undertaken under the management and direction of the FSA over the last few weeks. As that testing regime takes place and as results are reported, the positive results for traces of horsemeat DNA are also reported to the public. So, it is not an expansion of the problem, but a deeper understanding of the extent of the problem. It is a misreading of my statement to suggest anything else.

[16] **Antoinette Sandbach:** Well, that will be a matter for the public to decide.

[17] **Alun Davies:** No, Antoinette. Chair, I have to be very clear on this. It is wrong for Members to suggest that this is a problem that is growing or expanding without the evidence to sustain that suggestion. My statement gives a very clear understanding of where we are today, and brings together the results that have been published up until now. We had a very good meeting, which Owen Paterson chaired, in London a week ago, where we discussed with the whole of the meat sector—retailers, processors, the hospitality industry and others—the testing regime that has been undertaken. We described at that meeting that the testing regime will continue for a number of weeks. We are probably coming to the end of the first phase of that testing regime. The FSA will be able to give you more information during its session following this one. However, it is my assumption now that many of the businesses and companies that have been testing their products are now coming to the end of this first phase of testing. As a consequence of that, the reporting, which is described in my written statement yesterday, simply describes the position as it has been and as it has been found. It does not describe any expansion of the difficulties.

[18] **David Rees:** I would just like to clarify this, because I got the impression that, in fact, it was not growing, but that we were dealing with it more thoroughly, effectively.

[19] **Alun Davies:** Yes.

[20] **David Rees:** However, you mentioned two minutes ago that robust testing has been established now. I think that the word you used was ‘established’. Does that mean, therefore, that there was no robust system in place prior to this for identification?

[21] **Alun Davies:** Clearly, when this matter is concluded, we will review the enforcement measures that we have available to us. It is primarily the responsibility of individual retailers and producers to ensure the quality and safety of the food products that they are responsible

for selling or providing. We need to recognise that food and meat products in the United Kingdom are overwhelmingly safe and of a very high quality. This has not been an issue of a threat to human health. The adulteration that has taken place has, in some instances, been potentially a criminal act, although it is for others to make that determination rather than me. As we see the results coming in, we are looking at a very small proportion of positive results. Overwhelmingly, the products that have been tested have been found not to contain any contamination or adulteration. The FSA will have the correct numbers, but I think it is probably around 97% or 98% of products that have been found to be entirely free of any horsemeat DNA. So, the overwhelming message from this testing regime is not that there is a problem that is increasing, but that the food that we have available to us is safe and that the food chains have the integrity that people would hope and demand.

[22] **David Rees:** I see two avenues to this, as I said last week. There is the avenue where horsemeat is being used in place of beef and being labelled as beef, perhaps criminally in one sense. There is also the avenue of horsemeat being contaminated or not being evaluated—the ‘bute’ issue for example. So, there are two different directions. In our testing process, do we look at where the animal comes from in the first place? With horsemeat, there are horse passports and EU rules that would identify what medication animals have received. Is there a process whereby the slaughterhouse or the food producer assesses that, and, if testing is done, do they test against what they see in the passport and identify whether the passport is correct or not?

[23] **Alun Davies:** The issues around testing are issues that are already properly dealt with by the FSA rather than by me. However, in terms of the overall policy issue, if you like, around traceability, I have had concerns for some time—and those concerns have been communicated to the Department for Environment, Food and Rural Affairs—about some of the decisions taken by DEFRA. You will be aware that I was very disappointed to see that DEFRA abolished the national equine database without referring to us and without even informing us that it was doing so. I thought that was a very bad move when it happened and I made that very clear to the Secretary of State for Environment, Food and Rural Affairs, and we have discussed that since.

[24] I hope that, in learning lessons from this affair, we will ensure that traceability is put at the heart of any future structures that we might seek to put in place. This has been a common thread through much of the work that we have been doing in both promoting Welsh meat products and in developing and investing in the supply chain. I think it is quite clear that consumers want to see more traceability and understand the provenance of their food in a way that they probably did not wish to do 10 or 20 years ago. In my view, it is a great positive for us, in terms of the protected geographical indication status of Welsh beef and Welsh lamb, that we are able to demonstrate that those meats and those meat products have been delivered to the highest possible standards, from welfare standards on the farm through to slaughter, processing and through those to the consumer. People will want to understand more about that in the future and it is one of the great opportunities facing the red meat sector in terms of being able to deliver traceability for all its products.

[25] **David Rees:** May I therefore assume from that that you want traceability to be more proactive rather than reactive in that sense?

[26] **Alun Davies:** Yes.

[27] **Llyr Huws Gruffydd:** Faint o hyder sydd gennyh yn y system basbort ceffylau? O'r hyn yr wyf yn ei ddeall, o'r 206 o garcasau a brofwyd gan yr FSA ar ddechrau'r mis hwn, yr oedd wyth wedi profi'n positif

**Llyr Huws Gruffydd:** How much confidence do you have in the horse passport system? From what I understand, out of the 206 carcasses tested by the FSA at the start of this month, eight tested positive for ‘bute’

am 'bute' ac felly, pe bai'r system basbort yn gweithio, ni fyddai hynny wedi digwydd.

and therefore, if the passport system worked, that would not have happened.

[28] **Alun Davies:** Rwy'n rhannu dy bryder. Mae gwendidau yn y system bresennol ac y mae angen ei chryfhau. Cawsom gyfarfod gyda Gweinidogion y DU ar fore dydd Llun ym Mrwsel a chawsom drafodaeth ynglŷn â symud ymlaen o ran delio â'r hyn sy'n digwydd ar hyn o bryd. Mae'n rhaid i ni ddysgu gwersi a rhaid i ni ystyried y sefyllfa ar ôl i'r cyfnod presennol ddod i ben. Unwaith y byddwn yn gwneud hynny, rwyf yn mawr obeithio y byddwn yn edrych ar rai o'r materion y mae Dave wedi codi ac yn cydnabod y gwendidau yr wyt ti, Llyr, wedi eu codi.

**Alun Davies:** I share your concern. There are weaknesses in the current system and it needs to be strengthened. We met with UK Ministers on Monday morning in Brussels and we discussed moving forward in terms of dealing with what is happening at present. We need to learn lessons and we must consider the situation after the current period comes to an end. Once we have done that, I very much hope that we will look at some of the issues that Dave has raised and recognise the weaknesses that you, Llyr, have raised.

[29] **Llyr Huws Gruffydd:** A fydd yr ystyriaethau hynny'n cynnwys yr opsiwn o edrych ar alw am ddatganoli'r FSA, oherwydd mae rhai cwestiynau wedi cael eu codi ynglŷn â'r system bresennol lle mae gennym un Gweinidog yng Nghaerdydd sy'n gyfrifol am un agwedd, Gweinidog arall yn gyfrifol am agwedd arall, a'r un peth ar lefel y Deyrnas Unedig? A fydd hynny'n dod mewn i'r ystyriaethau ehangach ar ôl delio gyda'r digwyddiadau mwyaf diweddar?

**Llyr Huws Gruffydd:** Will those considerations include the option of looking at calling for devolving the FSA, because some questions have been raised about the current system, where we have one Minister in Cardiff responsible for one aspect, another Minister responsible for another aspect, and the same thing again on a UK level? Would that come into the broader considerations after dealing with the most recent events?

[30] **Alun Davies:** Mae hynny'n bosibl, ond un pwynt yr hoffwn ei bwysleisio wrth ddechrau'r sesiwn hon yw ein bod wedi cydweithio'n arbennig o dda ar hyn. Mae swyddogion Llywodraeth Cymru wedi cyfarfod a siarad â'r FSA yn ddyddiol dros yr wythnosau diwethaf. Rwyf wedi cyfarfod a siarad â'r FSA pryd bynnag roeddwn i'n mo'yn. Mae wedi bod ar gael i mi bob tro rwyf wedi codi'r ffôn a phob tro roedd angen gwybodaeth arnaf i. Felly, nid oes problem cyfathrebu wedi bod dros yr wythnosau diwethaf. Rwy'n hyderus bod gan yr FSA y cryfder a'r arbenigedd sydd eu hangen arnom i ddelifro'r math o system yr ydym i gyd am ei weld. Fodd bynnag, mae'n amlwg bod angen i ni ddysgu gwersi ac i weld a allwn wella'r ffyrdd rydym yn gweithio. Ni fyddwn am gychwyn y broses o ddysgu gwersi drwy ddweud nad ydym eisiau trafod rhai pynciau o gwbl. Bu trafodaeth ddiweddar ynglŷn â datganoli'r FSA. Y penderfyniad hyd yn hyn yw nad ydym am wneud unrhyw newidiadau radical i'r system bresennol a dyna lle yr ydym ar hyn o bryd.

**Alun Davies:** That is possible, but one point that I would like to emphasise at the beginning of this session is that we have worked very well collaboratively on this. Welsh Government officials have met and spoken to the FSA on a daily basis over the last few weeks. I have met and spoken to the FSA whenever I have wanted to do so. It has been available to me every time I have picked up the phone and every time I have needed information. So, there has not been a communication problem over the last few weeks. I am very confident that the FSA has the strength and expertise needed to deliver the type of system that we all want to see. However, it is obvious that we need to learn lessons and to see whether we can improve the ways in which we work. I would not want to start the process of learning lessons by saying that there are some subjects that we do not want to discuss at all. There has been recent discussion about the devolution of the FSA. The decision thus far has been that we do not want to make any radical changes to the current system and that is where we stand

at present.

[31] **Llyr Huws Gruffydd:** Diolch am hynny. Rwy'n cytuno â'ch sylwadau cynharach nad oes unrhyw gwestiwn ynglŷn ag ansawdd a diogelwch bwyd yng Nghymru a'r Deyrnas Unedig ar y cyfan. Fodd bynnag, mae canfyddiad bellach, onid oes? Mae cwestiynau yn cael eu gofyn ac y mae hyder y cyhoedd wedi cael ergyd. Pa gamau *proactive* y bydd Llywodraeth Cymru yn eu cymryd i adfer yr hyder hwnnw er mwyn gwneud yn siŵr bod pobl yn rhannu'r hyder sydd gennym ni yn y fan hon?

**Llyr Huws Gruffydd:** Thank you for that. I agree with your earlier comments that there is no question about the quality and safety of food in Wales and in the UK generally. However, there is now a certain perception, is there not? Questions are being asked and public confidence has received a blow. What proactive steps will the Welsh Government take to restore that confidence in order to ensure that people share the confidence that we have here?

[32] **Alun Davies:** Rwyf wedi dod yma heddiw o lansiad 'Chwiliwch am y Logos' a drefnwyd gan Hybu Cig Cymru i hyrwyddo'r logo PGI ar gig oen a chig eidion o Gymru. Gwnes i ryddhau datganiad ar 23 Chwefror yn dweud yn union yr un peth: er bod rhai problemau ar hyn o bryd—ac rydych yn iawn fod y ffigurau'n dangos bod hyder y cyhoedd wedi cael ergyd yn ystod yr wythnosau diwethaf—rwy'n sicr fod y gadwyn gyflenwi yng Nghymru ac ar draws Prydain yn gweithio a bod ganddi *integrity*. Nid wyf yn credu y bu ergyd i ddiogelwch ein bwyd ni. Rwy'n credu bod rhai elfennau sydd efallai wedi bod yn gweithredu yn anghyfrifol—gwnaf ei adael yn y fan honno a chawn weld ble mae'r archwiliad yn mynd. Fodd bynnag, pan mae'n dod i gig o Gymru, er enghraifft, cig eidion a chig oen, gall pobl fod yn hollol hyderus o ran ansawdd a safon y cig y maent yn ei brynu ar gyfer y teulu.

**Alun Davies:** I came here today from the launch of 'Look for the Logos' arranged by Hybu Cig Cymru to promote the PGI logo on lamb and beef from Wales. I released a statement on 23 February saying that exactly that: even though there are some problems at present—and you are right that the figures show that public confidence has received a blow over the last few weeks—I am sure that the food chain in Wales and across Britain is one that works and has integrity. I do not think that there has not been a real blow to food safety. I think that some elements have perhaps acted irresponsibly—I will leave it there and we can see where the inquiry takes us in that regard. However, when it comes to meat from Wales, for example, beef and lamb, people can be completely confident about the quality and standard of the meat that they buy for their families.

11.30 a.m.

[33] Rwyf wedi gwneud datganiad pellach ar hynny y bore yma. Byddwn yn cydweithio ag Hybu Cig Cymru i sicrhau y bydd yr hyder hwnnw sydd gan y cyhoedd yn cynyddu yn y dyfodol. Rwy'n hollol hyderus bod y gadwyn gyflenwi cig eidion a chig oen o Gymru yn hynod o gryf.

I have made a further statement on that this morning. We will work with Hybu Cig Cymru to ensure that that confidence, which the public has, will increase in the future. I am completely confident that the supply chain of beef and lamb from Wales is very robust.

[34] **Mick Antoniw:** There were some unfortunate comments in the press early on in the events. I think that one of them was from the managing director of one of the major supermarkets, suggesting that the real problem was the purchasers in terms of the driving down of costs and so on. I do not know whether you wanted to elaborate, perhaps in response to that. I wonder whether there is a longer term issue, particularly with the globalisation of food, as to the provision and sale of super-value, globally produced foods and the responsibilities that should exist in terms of the suppliers of those particular products. It seems to me that you get to a certain stage where the risks disproportionately increase by

virtue of that. Is that something that needs to be looked at or that concerns you at all?

[35] **Alun Davies:** I am not sure that the risk necessarily increases in terms of price or the length of the supply chain, but clearly there are much wider global issues about how we supply food at a reasonable cost to the consumer. I will say a couple of things, Mick, in answer to your questions. First, the price that you pay for a particular product should make no difference at all; whether it is a basic, budget product or a top-of-the-range, premium product, it should reflect what is on the label and the person who is buying that product has the right to expect that whatever is stated on that packaging is what they are purchasing. The issues about mislabelling are the same for every single product, at whatever price point they may be located. There should not be any issues of greater risk for budget items than there would be for premium items. That is absolutely wrong and should not be the case. The consumer has the right to the integrity of a supply chain, for whatever product they buy. That is an absolute.

[36] In terms of going forward, the FSA will be able to comment on the ways in which different suppliers have worked with the testing regime. My view is that the vast majority have co-operated well with the demands placed upon them by the FSA. Where they have not and where there has been some resistance, I believe that the FSA, with political support from all four UK administrations, has ensured that that testing regime is vigorously applied and pursued and, where there have been demands for customer lists, that they have been produced without any undue delay. If I felt that there was any undue delay, I would write to any company that I felt was not fully co-operating with the FSA and its inquiries. I will put on record that I wrote yesterday to the chief executive of Sodexo to ask it to ensure that its co-operation with the FSA was as timely and as immediate as we would expect.

[37] **William Powell:** Good morning. I think that Members of this committee will be reassured by the quality and the energy of the collaboration that there has been between the DEFRA Secretary of State and those responsible, such as you, within the devolved administrations. It is very important that these matters are not, in any sense, a political football, because these matters are too important for that. Could you provide us with some additional detail on the European Commission's co-ordinated plan and the role that you personally, and your officials, will play in contributing towards that?

[38] **Alun Davies:** The role that we have played has been to develop the United Kingdom position. We have spoken via teleconference with Owen Paterson on a number of occasions. As four Ministers, we have met face to face and through teleconferencing to determine the UK stance and the way that the UK is responding to this. There has been a significant degree of unanimity across the different UK administrations about the approach that we should be taking. Certainly, there has been no disagreement between us as Ministers about the approach that we should be taking. The UK speaker note at Monday's agriculture council, I felt, was very robust in seeking to ensure that the Commission carries out the testing regime, not just over the next month as it has already committed to, but that that also continues for a subsequent two months, and that all of our testing regimes are then publicised so that we understand the extent of the whole European aspect of these issues.

[39] In talking to other EU Ministers on Monday, I found that there is a very real level of concern across the union on this matter. There is also a very real commitment to resolving these matters, both in terms of securing public confidence in the food chain—certainly, that is the purpose of understanding the extent of the difficulties and problems underpinning consumer confidence through a very rigorous and robust testing regime—and, at the same time, working with Europol to ensure that we have an investigation that is able to understand if there has been any international criminality involved in this matter.

[40] **William Powell:** Do you feel that, once this current turbulence and crisis—if those are the correct terms to use—are resolved, that there could be a beneficial legacy in terms of

public understanding of the role that proportionate regulation inspection has in terms of guaranteeing the quality and safety of food products and other merchandise?

[41] **Alun Davies:** I would not like to describe these things in terms of silver linings, Bill, but I am able to be very clear about my confidence in the PGI status of Welsh lamb and Welsh beef because of the regulation that underpins it. Due to the very rigorous regime that is enforced across producers and processors, we can be confident in those products. All too often, frankly, we hear a lot of lazy and easy criticisms of regulation, and you constantly have people talking to you about red tape and the rest of it. Those are some of the most short-sighted criticisms that can be made of any food production facility or process. At the end of the day, the whole of the lamb market in Wales is dependent on consumer confidence and belief in the product. That confidence and belief has to be underpinned by a confidence in the way that the product is produced and brought to market. If we reduce the regulation, and if we allow the integrity of that supply chain to be compromised in any way at all, we open ourselves up to significantly reduced consumer confidence and other issues. While I can sometimes understand the frustration of people who talk about red tape, my message to them would be, 'Be very careful what you wish for'.

[42] **William Powell:** Finally, I will move to the issue of the recent DEFRA committee report, particularly with regard to the possible linkage between the FSA's diminished role and the possibility that that has led to some lack of clarity as to where the lines of responsibility lie. I wonder whether you would be able to comment on those conclusions of the committee in the House of Commons.

[43] **Lord Elis-Thomas:** I do not encourage you to comment on reports produced for other parliaments, but it is up to you what you say.

[44] **Alun Davies:** I take most notice, of course, of reports published by the committees in our National Assembly, as you might imagine. I will say though that the present UK coalition Government has attempted to reduce the place of governments and governance in different areas of public life. Sometimes, in doing so, it has made errors of judgment that are clear for many people to see. The UK Government needs to understand that these processes and structures are in place for a good reason, and that any move that would have the impact of undermining the integrity of the FSA or any other enforcement or regulatory structure would undermine the basis of much of the public confidence in our food chains or processing facilities. I would be disappointed were the UK Government to take any steps that would diminish or undermine the role or integrity of the FSA or any other enforcement body in this field.

[45] **Keith Davies:** Ble mae'r awdurdodau lleol yn hyn i gyd? Roeddwn i'n credu bod gan awdurdodau lleol gyfrifoldeb dros y bobl sy'n cynhyrchu bwyd. Nid wyf wedi clywed neb yn dweud unrhyw beth am ymgysylltu â nhw. A ydych chi wedi cysylltu â nhw? A ydynt wedi dod atoch chi?

**Keith Davies:** Where are the local authorities in all of this? I thought that local authorities had responsibility for food producers. I have not heard anybody say anything about engaging with them. Have you contacted them? Have they come to you?

[46] **Alun Davies:** Mae gan awdurdodau lleol rôl hynod o bwysig yn yr *enforcement regime* ar draws Cymru a Lloegr, fel rydych yn awgrymu, Keith. Awdurdodau lleol sy'n gyfrifol am y gwaith o adolygu'r hyn sy'n digwydd mewn ffatrioedd a chyfleusterau prosesu ym mhob rhan o'r wlad. Cyngor Powys fu'n cymryd y samplau yn y ffatri

**Alun Davies:** Local authorities have a very important role in the enforcement regime across England and Wales, as you suggest, Keith. They are responsible for reviewing what happens in factories and processing facilities in every part of the country. It was Powys Council that took the samples from the burger factory in Llanellwedd and led on

byrgyrs yn Llanelwedd ac a arweiniodd ar y gwaith yno. Felly, mae'r FSA yn cydweithio'n agos iawn ag awdurdodau lleol ac yn sicrhau eu bod yn delifro'r *enforcement*. Mae ganddynt rôl hynod bwysig, a'm dealltwriaeth i yw eu bod yn gwneud hynny'n dda.

[47] **Yr Arglwydd Elis-Thomas:** Mae gen i gwpl o gwestiynau i gloi'r sesiwn dystiolaeth hon, a diolch yn fawr amdani.

[48] Yn dy ddatganiad llafar yn y Siambwr yr wythnos diwethaf, soniaist am sefydlu grŵp o unigolion allweddol er mwyn mynd â'r drafodaeth hon ymhellach. A oes newyddion ar hynny eto? A ydym yn disgwyl cyhoeddiad yn fuan?

[49] **Alun Davies:** Mae grŵp anffurfiol wedi bod yn cyfarfod, dros y ffôn yn bennaf, dros yr wythnosau diwethaf i ddelio â hyn. Ar ddechrau'r sesiwn dystiolaeth y bore yma diolchais i Steve Wearne am ei waith. Mae Steve wedi bod yn allweddol i'r Llywodraeth o ran sut rydym wedi delio â hyn. Mae Hybu Cig Cymru wedi chwarae rôl arbennig o bwysig, fel yr awgrymodd Bill, drwy sicrhau bod gan y cyhoedd hyder yng nghynnyrch cig Cymru. O ran swyddogion Llywodraeth Cymru, mae Gary a Geraint wedi cyfarfod yn ddyddiol gyda fi a'r FSA i sicrhau ein bod wedi cydlynu ein hymateb i hyn i gyd. Rwyf wedi cyfarfod â Gweinidogion ar lefel Brydeinig yn rheolaidd dros yr wythnosau diwethaf, fel rydych yn gwybod.

[50] **Yr Arglwydd Elis-Thomas:** Ar ddiwedd y datganiad ddoe, cyfeiriaist at raglen waith yr Undeb Ewropeaidd. Cyfeiriaist yn benodol at y ddwy neges sydd wedi eu mynegi gan y rhan fwyaf ohonom yn ystod yr argyfwng hwn, sef yr angen i brynu cig o safon a'r angen am labeli priodol. Sylwais, ar ddiwedd dy ddatganiad, iti ddweud bod y Comisiwn Ewropeaidd yn cynnal asesiad manwl o effeithiau labeli gwlad ac y byddai adroddiad pellach i Gyngor y Gweinidogion yn nes ymlaen eleni. A wyt yn rhagweld posibilrwydd cyrraedd sefyllfa lle byddai label 'cynnyrch y Deyrnas Unedig', neu 'cynnyrch Cymru'—neu'r Alban, Gogledd Iwerddon neu Loegr—yn ymddangos ar fwyd o ganlyniad i'r gwaith hwn?

the work there. Therefore, the FSA works closely with local authorities and ensures that they deliver on enforcement. They have a very important role, and my understanding is that they fulfil that role effectively.

**Lord Elis-Thomas:** I have a couple of questions to conclude this evidence session, for which we are grateful.

In your oral statement in the Chamber last week, you mentioned the establishment of a group of key individuals to take this discussion forward. Is there any news on that yet? Will there be an announcement soon?

**Alun Davies:** An informal group of people has been meeting, on the phone mainly, over the past few weeks to deal with this. At the beginning of my evidence this morning, I thanked Steve Wearne for his work. Steve has been of key importance in how the Government has responded to this. Hybu Cig Cymru has played a very important role, as Bill suggested, in ensuring that the public have confidence in Welsh meat products. As for Welsh Government officials, Gary and Geraint have met with me and the FSA on a daily basis to ensure that we have coordinated our response to all of this. I have met British Ministers regularly over the past few weeks, as you know.

**Lord Elis-Thomas:** At the end of yesterday's statement you referred to the European Union's work programme. You referred specifically to the two messages that have been conveyed by many of us during this crisis, regarding the need to buy high-quality meat and to have appropriate labelling. I noted, at the end of your statement, that you said that the European Commission was undertaking a detailed assessment of the effects of country-of-origin labelling and that there would be a further report to the Council of Ministers later this year. Do you predict a possibility of reaching a situation where 'product of the UK', or 'product of Wales'—or Scotland, Northern Ireland or England—appears on food labels as a result of this work?

11.45 a.m.

[51] **Alun Davies:** Pe byddai symud ar *country-of-origin labelling*, byddwn yn disgwyl i Gymru fod yn rhan o hynny. Ni fyddwn eisiau symud ymlaen gyda rhywbeth a fyddai'n golygu bod enw Cymru yn diflannu oddi ar labeli bwyd. Mae hynny'n hynod o bwysig i ni. Dyna un o'r pethau y bydd y Comisiwn yn eu hystyried dros y misoedd nesaf. Rwy'n disgwyl adroddiad yn ôl i'r Cyngor yn yr hydref.

[52] **Yr Arglwydd Elis-Thomas:** Yn olaf, rwyf wedi pwysleisio, ar hyd y dystiolaeth y bore yma, bwysigrwydd y cydweithrediad gydag Ysgrifennydd Gwladol DEFRA a'r Asiantaeth Safonau Bwyd yng Nghymru a'r Deyrnas Unedig. O dy safbwynt di, fel y Gweinidog Cymreig â chyfrifoldeb yn y maes hwn, a yw'r ymateb i'r argyfwng wedi bod yn effeithiol? Nid wyf yn hoffi defnyddio'r gair 'llwyddiannus' mewn argyfwng fel hwn, ond a yw'r ymateb i'r sefyllfa wedi bod yn ddigonol ac effeithiol?

[53] **Alun Davies:** Byddwn yn awgrymu bod hwnnw'n gwestiwn i'r pwyllgor ac nid i mi. Credaf ein bod wedi ymateb i geisio deall beth oedd yn digwydd, maint beth oedd yn digwydd, a beth achosodd y problemau rydym yn eu hwynebu. Pan fyddwn yn deall y broblem, gallwn geisio ei datrys. Gan ein bod yn dod at ddiwedd rhan gyntaf y broses brofi, rydym yn deall maint y broblem rydym yn ei hwynebu. Rwy'n mawr obeithio y bydd gwaith archwilio'r FSA, yr heddlu, Europol a Llywodraethau gwahanol yn golygu y byddwn yn gallu deall a datrys y broblem sy'n ein hwynebu. Unwaith y byddwn wedi datrys y problemau presennol, bydd cyfle i ni ddysgu gwersi ohonynt. Rhaid sicrhau nad ydym yn gweithredu i ddatrys y problemau sy'n bodoli heddiw yn unig, ond yn sicrhau na fyddant yn codi eto yn y dyfodol.

[54] Holodd Llyr gwestiwn am y strwythur ar gyfer gwneud hynny. Nid wyf am ddechrau ar y broses o drafod hynny heddiw. Nid yw'n fater ar gyfer heddiw. Rhaid inni ddatrys y broblem, wedyn dysgu gwersi. Ar hyn o bryd, rwy'n fodlon gyda lle

**Alun Davies:** If there was movement on country-of-origin labelling, I would expect Wales to be a part of that. I would not want to move forward with something that would lead to Wales's name disappearing from food labels. That is very important to us. That is one of the things that the Commission will consider in the coming months. I expect a report back to Council in the autumn.

**Lord Elis-Thomas:** Finally, you have emphasised, throughout your evidence this morning, the importance of collaboration with the Secretary of State in DEFRA and the FSA in Wales and the UK. From your point of view, as the Welsh Minister with responsibility in this area, has the response to the crisis been effective? I do not like to use the word 'successful' in a crisis such as this, but has the response to the situation been adequate and sufficient?

**Alun Davies:** I would suggest that that is a question for the committee and not for me. I think that we responded to try to understand what was happening, the extent of what was happening, and what caused the problems that we face. When we understand the problem, we can try to resolve it. Now that we are coming to the end of the first stage of the testing process, we understand the extent of the problem that we face. I sincerely hope that the oversight work of the FSA, the police, Europol and different Governments will mean that we are able to understand and resolve the problem that we face. Once we have resolved the current problems, we will have an opportunity to learn lessons. We must ensure that we do not just respond to resolve the problems that exist today, but ensure that they will not arise again in the future.

Llyr asked a question about the structure for doing that. I do not want to start the process of discussing that today. It is not an issue for today. We must resolve the problem, and then learn lessons. At present, I am content with where we are and with the response. I

rydym a'r ymateb sydd wedi bod. Rwy'n fodlon ein bod wedi gweithredu mewn ffordd ddeallus ac wedi ymateb mewn ffordd *proportionate* i'r broblem, heb achosi mwy o broblemau drwy achosi mwy o gonsŷrn ymhlith y boblogaeth. Mae'n bwysig ein bod yn ymateb mewn ffordd gwbl *proportionate* i'r broblem rydym yn ei hwynebu a'n bod yn gweithio mewn ffordd briodol i ymateb i'r broblem a'i datrys.

[55] **Yr Arglwydd Elis-Thomas:** Yn olaf un, heb gamddefnyddio fy safle fel Cadeirydd, efallai mai un o'r pethau pwysicaf i'w gofio yw bod Cymru yn bennaf ac yn flaenaf yn allforio cig coch, yn enwedig yn y sector cig oen a chig eidion. I ba raddau mae'r hyn sydd wedi digwydd a'r ymateb sydd wedi cael ei gynnig gan yr Asiantaeth Safonau Bwyd a gennych chi fel Gweinidog wedi bod yn ddigon ac yn fodd i sicrhau na fydd unrhyw niwed yn digwydd i allforio cig coch, sydd mor bwysig i economi cefn gwlad Cymru a'r byd amaethyddol?

[56] **Alun Davies:** Rwy'n cytuno. Rwyf wedi osgoi defnyddio geiriau fel 'prynwch yn lleol'. Mae hynny'n dda iawn yng Nghymru, ond, os byddai ein cyfeillion dros y ffin yn gwneud hynny, byddai problem economaidd fawr. Byddai'n broblem fawr i ni ac i'r diwydiant.

[57] **Yr Arglwydd Elis-Thomas:** 'Prynwch y gorau' yw'r hyn y dylech ei ddweud, Weinidog.

[58] **Alun Davies:** Rwyf wedi bod yn ceisio pwysleisio ansawdd cynnyrch Cymru, oherwydd integriti'r gadwyn gyflenwi, o'r fferm, drwy'r proseswyr ac at y cigydd—ymwelais ag enghraifft y bore yma—gan ddatgan yn glir bod gan y cyhoedd, sef y cwsmeriaid, bob hawl i fod yn gwbl hyderus yng nghadwyn gyflenwi cig eidion a chig oen Cymru. Rydym yn cynhyrchu cig o safon fyd eang, ac mae'n bwysig cydnabod a chofio hynny. Rwy'n credu bod gennym ni yn y Llywodraeth rôl glir, yn gyntaf i sicrhau bod pobl Cymru a'r tu hwnt yn deall hynny ac yn clywed y neges, ac yn ail, i weithio'n galed iawn i sicrhau bod y rheolau sydd gennym ar waith yn cael eu gweithredu fel y bydd y geiriau rwyf yn eu defnyddio yn awr yr un mor wir ymhen dwy, dair neu bedair blynedd

am content that we have acted in an intelligent way and responded in a proportionate manner to the problem, without causing further problems by causing increased concern among the population. It is important that we respond in a proportionate way to the problem that we face and that we respond appropriately to resolve the problem.

**Lord Elis-Thomas:** Finally, without misusing my position as Chair, perhaps one of the most important things to bear in mind is that Wales is primarily an exporter of red meat, especially in the lamb and beef sector. To what extent has what has happened and the response proposed by the FSA and by you as Minister been adequate in ensuring that no damage is done to red meat exports, which are so important to the Welsh rural economy and to agriculture?

**Alun Davies:** I agree. I have avoided using phrases such as 'buy locally'. That is very good in Wales, but, if our friends across the border did that, there would be a major economic problem. It would be a big problem for us and for the industry.

**Lord Elis-Thomas:** 'Buy the best' is what you should say, Minister.

**Alun Davies:** I have tried to emphasise the quality of our produce, partly because of the integrity of the supply chain, from the farm, through the processors and to the butcher—I visited an example this morning—stating clearly that the public, as the consumers, have every right to have complete confidence in the supply chain for Welsh beef and lamb. We produce meat to a global standard, and it is important that we acknowledge and remember that. I think that we as a Government have a clear role, first in ensuring that the people of Wales and beyond understand that and hear the message, and secondly, to work very hard to ensure that the rules that we have in place are implemented so that the words that I use now will be just as true in two, three or four years' time as

ag y maent heddiw. Mae integriti'r gadwyn gyflenwi bwyd yng Nghymru yn hynod bwysig i ni, a byddaf i fel Dirprwy Weinidog yn gwneud pob dim o fewn fy ngallu i sicrhau bod gan bobl hyder diamod yn y cig rydym yn ei gynhyrchu yng Nghymru.

they are today. The integrity of the supply chain for food in Wales is extremely important for us, and I as Deputy Minister will do everything in my power to ensure that people can have absolute confidence in the meat that we produce in Wales.

[59] **Yr Arglwydd Elis-Thomas:** Diolch yn fawr, Weinidog, ac wrth gwrs, diolch yn fawr, Gary a Geraint.

**Lord Elis-Thomas:** Thank you very much, Minister, and of course, thank you, Gary and Geraint.

[60] **Alun Davies:** Diolch yn fawr.

**Alun Davies:** Thank you.

11.51 a.m.

### **Llygriad Cynhyrchion Cig—Tystiolaeth gan yr Asiantaeth Safonau Bwyd Contamination of Meat Products—Evidence from the Food Standards Agency**

[61] **Yr Arglwydd Elis-Thomas:** Pleser mawr yw croesawu hen gymrawd i mi o San Steffan a chyd-Aelod o'r ail Dŷ, yr Arglwydd Jeff Rooker, gyda Catherine Brown, prif weithredwr yr Asiantaeth Safonau Bwyd, a Steve Wearne, cyfarwyddwr Cymru.

**Lord Elis-Thomas:** It gives me great pleasure to welcome an old comrade of mine from Westminster and fellow Member of the second House, Lord Jeff Rooker, along with Catherine Brown, chief executive of the Food Standards Agency, and Steve Wearne, its director for Wales.

[62] As chair of the FSA, in what ways are your responsibilities in Wales different from those in other parts of the United Kingdom, and what is your relationship specifically with the Welsh Government?

[63] **Lord Rooker:** First of all, it is a pleasure to be here at the Assembly for the scrutiny of what we do as a rather unusual Government department—we are not a quango; we are called an agency, but we are actually a central Government department—working in a devolved subject area across the UK with the six political parties involved in health, agriculture and food production. That is the way that we operate.

[64] Devolution means that things are different. That is what it is all about, so one does not look for a one-size-fits-all approach. Things are different, and they were different from the start, when the FSA was set up, because it was designed to take account of the devolution legislation that was going through the Commons at about the same time. From that point of view, there will always be difference. There are nuances. A central point to make, in a way, is with regard to one of the things that we do. We are very small department of roughly 1,600 to 1,700 full-time equivalent staff, more than half of which work in the abattoirs and the meat-cutting plants—they are the meat inspectors. So, from that point of view, we are hands-on and direct as the regulator in the abattoirs of the United Kingdom.

[65] **Lord Elis-Thomas:** That is the old Meat Hygiene Service.

[66] **Lord Rooker:** We call it 'operations' now, but it is the old Meat Hygiene Service; you are absolutely correct, Dafydd. So, from that point of view, we are wholly responsible for the 24/7 operation of that. It is not risk-based; they cannot open unless our staff are there. So, from that point of view, we are directly responsible for that.

[67] I have to say that, so far, there has not been a problem with this issue that we are

discussing here in any of the abattoirs; it is further up the supply chain.

[68] Changes were made to responsibilities in 2010, following the coalition Government. Essentially, it was flagged up before the election by the Conservative party that it would take all the diet and nutrition work that we were doing back to the Department of Health, which was, basically, reformulation, salt reduction and one or two other issues. It was not all diet and nutrition, but the FSA was doing a fair bit, and 86 people were involved in that. It was a very important amount of work, but it was taken back. In addition, however, without any warning—I repeat that it was without any warning—in July 2010, the non-food safety aspects of food composition and country-of-origin labelling were taken by DEFRA. We had warning of the one, but none whatsoever of the other. As I said to the select committee in Westminster, and repeat here, the then chief executive and I were asked to go and see Caroline Spelman and Jim Paice, and they simply told us, ‘We’ve got the Prime Minister’s approval, and we’re taking everything from you that we can get that does not require legislation.’ Of course, the one thing that we are embedded in is food safety legislation. That is explicitly and implicitly ours and no other department is involved in operating that.

[69] Effectively, what that meant for England, because they are, obviously, English Ministers only—there is a detailed list that we could give, but it was, essentially, food composition, authentication programmes, country-of-origin labelling, which is a much more difficult issue to deal with than people think, and one or two issues relating to that that were removed; non-food safety issues. The Prime Minister publicly announced a couple of weeks after that that we were being stripped of these issues related to diet and nutrition and the issues that I have just mentioned to concentrate on our key role in food safety. That is what we have been doing. The civil servants—they are all central Government civil servants in the FSA since then—have operated on that basis, working across Whitehall, working in collaboration with other departments, with local government, with the border inspection posts and with all the others. We have attempted to make it work. The fact that three different Government departments are involved in food labelling, healthy food aspects, food safety aspects and standards and composition aspects is something that the industry and others may wish to comment on, now that they have honed in on the practicalities of it, because, I have to say, when that decision was taken in 2010, nobody took the slightest interest. We got on, as a department, with making it work; the decision had been made. The board was not happy about it, and said so; it is all a matter of public record. However, because they were not food safety matters, we could not go to war over them, because they were not within our direct competence.

[70] That is the position that we are in at the present time. So, there are differences, but there are differences in Scotland and in Northern Ireland. Not one is the same, and no-one is calling for them to be the same, by the way. The whole point about devolution is that we are different. Can you make it work and is there a system that is good for consumers, for the industry and for exports, both internally in the UK and outside? We are not involved in the economics of the industry. We were set up to keep standards and regulation on food safety away from the economic sponsorship of the food industry, and we are absolutely adamant about keeping those boundaries tight, so we regulate on risk rather than on the economics of the industry. I think that, baldly, is the way that we operate across the United Kingdom.

[71] **Lord Elis-Thomas:** Thank you for that very clear exposition of devolution. I only wish that all our colleagues at Westminster understood these things as well as we both do.

[72] **Mr Wearne:** To be absolutely clear, the responsibilities that were ceded to DEFRA in England, relating to policy for food composition, labelling and authenticity, remain with the Food Standards Agency in Wales. That is why we have worked so closely, throughout this incident, with the Welsh Government and particularly with the Deputy Minister, from whom you have just taken evidence.

[73] **Lord Elis-Thomas:** Thank you for spelling that out, because I have had some difficulty in making even some colleagues in my own party understand that the FSA is devolved in Wales in certain important ways and that the accountability is to Welsh Ministers for the areas that you have just described. It is good to have that on the record. Russell George is next.

[74] **Russell George:** Thank you for attending the meeting today. My question very much follows on from the question from the Chair. I wonder whether you could set out the division of responsibilities between the FSA in Wales and local authorities. That would be useful to understand at the beginning of the meeting.

12.00 p.m.

[75] **Mr Wearne:** Within Wales, the FSA is the Government department, and the central competent authority. We oversee the regulatory system relating to food safety and standards in Wales, and that is enforced in two different ways. In abattoirs and cutting plants, we are directly the enforcing authority, as Lord Rooker has spelled out. In other food premises, local authorities are the enforcing authority.

[76] **Russell George:** Moving forward now, when did the FSA in Wales start to investigate the potential contamination of beef products? Can you give us a timeline on that?

[77] **Ms Brown:** The first time that this issue came to our attention for this country was on 15 January. So, we started our active programme of getting to grips with what was happening on 16 January, when we issued our four-point action plan, one of the points of which focused on the critical role of local authorities in carrying out a full surveillance programme. It is fair to say that that stepped up a gear on 7 February, when it became clear that the Findus incident involved a whole second supply chain. So, this moved from being potentially an isolated incident relating to the original three products from the Republic of Ireland to, at least, an incident with two different strands. At that point, we became even more committed to large-scale sampling, and that was when we became the first country to say that the industry needed to do a blanket, baseline test of all its comminuted meat products. That is not a set of testing that we would rely on in isolation, clearly, so we are now working through local authorities to challenge and check the work that those food business operators are doing, but it was something that we thought was very important given their absolute responsibility to ensure that the food they sell is what they say it is on the packet.

[78] **Russell George:** I am just interested in the work that you may have been doing before 15 January. We are more familiar with what has happened in recent times. My question really follows on from a report last year that raised concerns that, if desinewed beef—I am not sure whether I have pronounced that right—was removed from the food chain, something was going to replace it as a stock filler across a wide range of meat products. Last year, others suggested that it would be inevitable that wrongly labelled or unlawful meat products would be imported into the UK to replace UK-produced desinewed meat. Were alarm bells ringing earlier, perhaps last year, given that there was a potential high risk of this becoming an issue at that point?

[79] **Ms Brown:** There are probably a few things to say. Just because one form of economical meat product can no longer be legally put into products does not entitle the industry to replace it with another illegal meat product. So, it does not affect the principle at all.

[80] There are a number of factors that made us concerned about possible increased risk of food fraud, and that is something that we have been considering over the last while, as a result

of the recession, the pressure on margins, and all of those things. We have been mindful of the risks of fraud and substitution, but, obviously, the basis of our testing regime is one of risk. What we do is focus on where we think there is a risk. The first thing that we focus on is safety, so a very high proportion of our sampling effort goes on things that might kill you or make you seriously ill, but we also do authenticity-based testing where we have reason to believe that there may be a problem or a risk. So, we have checked that the cod in chip shops is really cod, not a cheaper white fish. There is an ongoing programme. I think that the issue that we have here is that there was not any specific intelligence to make us think that the substitution of horse for beef was a particular issue. We have been paying extra attention to illegal slaughter, because we felt that there might have been an additional risk on that, and, across all our operations, where we find a risk, we act to tackle it. For example, with the 'bute' issue, we had intelligence, because of the work that we have been doing, that there were issues. So, we were already addressing the 'bute' issue, but there was no particular intelligence or reason to believe that substitution of horse for beef was a thing to test for.

[81] **Mr Wearne:** I would like to take a moment to scotch the suggestion that there was some actionable intelligence last year arising from the removal of desinewed meat from the food chain in the UK. This has its genesis in the report from the Environment, Food and Rural Affairs Select Committee of last year. If you read its report, it warns of the potential of wrongly labelled or unlawful meat products being imported into the UK, but it is specific in the report that that is desinewed meat produced in other member states. If you read through the report, all 98 pages of it, there is not a single mention of the word 'horse'.

[82] **Vaughan Gething:** I think that we all understand the issues around mislabelling where there is meat with significant portions of horsemeat being labelled as beef; I am talking about the products that contained double-digit percentages of horsemeat. We also understand the potential risk of 'bute', which is relatively small, but still a risk. In your paper, you talk about a reporting limit of 1%, and you talk about a trace limit of 0.1% or less. If a product has, say, 1% to 2%—the Deputy Minister's statement yesterday talked about 1% to 2% horse DNA in samples from the Burger Manufacturing Company in Powys—I am interested in the commercial significance of that amount of horsemeat. Where you are processing large amounts of meat, I can understand why that would be commercially significant, but I want to be clear about whether that is commercially significant.

[83] The second point is about where you have trace elements. This is not just about horsemeat, because I have a large number of Muslim constituents, and there was an issue about whether traces of pork DNA had been found in halal-branded produce. With trace elements—and I understand that 1% could be commercially significant, but I want to hear whether that is the case—is there an issue about the way that processing plants or cutting plants operate? Is there an issue of cleanliness or of the way that the plant operates? I would be rather more concerned about that than the health risk of somebody eating mislabelled food. I understand that it is fraud, and I am not saying that it is acceptable, but I am rather more concerned about the issue of cleanliness. If you have not cleaned after processing one product, say if you process pork and then process a different meat and the equipment is not cleaned satisfactorily and you get that trace coming through, that would give me a greater cause for concern about how that plant operates as a business more generally.

[84] **Ms Brown:** It is very interesting. One of the complexities of dealing with the whole situation is the speed of development of testing methodologies. It is possible to have DNA of the wrong species in a product even post good cleaning that means that it is perfectly safe to eat. You raise a number of important issues. It does not follow that, because there is a small trace of other DNA, there is a hygiene risk.

[85] We are trying to come to grips with the issue of trace with two kind of particular focuses. The first focus is the faith communities, which are paying for products on the basis

that they are completely free of species that they are committed to avoid. That needs particular careful consideration, and we will be working in our capacity for you in Wales, jointly with DEFRA, to engage with faith communities and work out what the issues are for them and what can be done there. Secondly, if you take the issue of trace for the general population who are not choosing to pay a premium or to seek out a particular product for religious or ethical reasons, we need to do some work to understand, from a scientific perspective, what is an amount of DNA that you may expect to find after the best cleaning practices have been applied to a plant. We also need to understand what consumers feel and think is important and how would they prioritise the additional costs. Ultimately, if you were aiming for zero trace, you might have to move into a space with completely separate processing facilities and different factories, so it is not without cost, even if it is possible to get to zero trace. As testing methodologies become more sophisticated, you will be able to find tinier traces. That is how we are trying to tackle trace: first, for religious communities in one way with one discussion, but, secondly, for the general population through a dialogue around the pros and cons of different approaches and what is feasible.

[86] **Vaughan Gething:** There is an issue about the 1% because, of course, most of these food processors that we are talking about are not the cutting plant as well, so it has gone to an abattoir, then to a cutting plant, and then to the food processor. As I said, I can understand that 1% to 2% in a large volume of meat is quite a lot of horsemeat potentially that has got into what is labelled as a processed beef product. However, I am not sure about the commercial realities of that and how far back that takes you in terms of tracing where that has entered the food chain.

[87] **Mr Wearne:** As you quite rightly said, this is all now down to the investigation of the significance of that 1% to 2% level of horsemeat found in the burger manufacturing company product made in Llanellwedd here in Wales. It is neither the gross contamination of tens of per cents we have seen in, for example, Tesco Everyday Value burgers or Findus beef lasagne, nor is it the almost forensic trace, the molecular level, reported in some other products. It would be wrong for any of us to speculate on what might have caused that level of presence whilst our investigations are ongoing. You are right; it is neither one nor the other. It is an uncomfortable middle place.

[88] On whether there is any special significance to 1%, the significance is that we have determined that that is the level to which all laboratories that we are aware of can detect horse in comminuted meat products, whether it is by DNA or ELISA-based methods, and are able to test robustly. So, it is a level of testing that currently we have confidence in and, as Catherine has said, we want to move now rather quickly to a place where we have not just this practical holding reporting limit, but a reporting limit that is based on both industry achievability and general consumer acceptability. We then have a limit that we want industry to use when determining, in the longer term, whether there has been significance in any level of contamination that they find.

[89] **Vaughan Gething:** Is there a timescale for that piece of work that you are describing?

[90] **Ms Brown:** The initial phase is about six weeks, to do the physical research in the factories and the first round of engagement with consumers. How quickly after that we are able to take decisions and move things on depends on how elegantly those two streams of work come together.

[91] **Vaughan Gething:** What a lovely phrase, 'how elegantly they come together'.

[92] **Lord Rooker:** I will just give a non-expert example to answer the question as well, because I am purely a lay person here. If we were to go for 100% separation, you should think

about your local butcher shop. The one thing that came out of the original problem of the e-coli deaths in Scotland was the separation of cooked and fresh. That was all done. It turned out to be a very practical thing to do, although there was pressure on the industry at the time to do it. If you want 100%, think of the butcher's fresh meat counter today: they will have sausages, lamb, veal and beef in one section. There will be miniscule, micro DNA transferred from one to the other. If we went to 100% to solve it for everybody, we would be doing something not just in the factories, but at the retail end, and the public would think that we were barmy because we are talking about microscopic, mini, not 0.1%, but 0.001%. Dedicated lines in the factories for a particular product such as Halal, absolutely all the way down the chain, so that there is no pork on the line and it is only for lamb or only for beef, is one thing, but if we go too far over the other way with the testing—the testing, as Catherine said, is so much better than it used to be—we could end up chucking out the baby with the bathwater. We have to be very careful about how we go about it. It is a practical issue and we need to discuss it. I just want to put that to you because that is something that we might come up against in the end.

[93] **Llyr Huws Gruffydd:** How can it be that when the FSA earlier this month tested 206 horse carcasses, eight of them tested positive for 'bute'?

[94] **Ms Brown:** That was the culmination of a programme for improving our controls and continuing to challenge controls over 'bute', which we have been undertaking for a year at least. So, what happened was that a baseline survey is constantly carried out, under the auspices of the veterinary medicines directorate, of where there are residues and whether they are in line with the rules. That had shown a very low incidence of 'bute' coming through, but it was a small sample.

12.15 p.m.

[95] We were concerned about that, so, last year, we introduced new physical controls in horse slaughterhouses. We moved to 100% checks of the match between the passport and the horse, carried out by our people as well as by the food business operators. We renewed our equipment so that we were surer that we could find the microchips, because one way that you can check and be sure that you have the right horse history is by microchip reconciliation. We also changed the rules: previously, if the horse did not reconcile with the passport, you could say, 'Oops' and take them both away and try again another day, but we changed it so that you cannot do that anymore. Now, if the horse does not reconcile with the passport, you have to slaughter it there and then and it is taken into animal by-products so that it cannot ever get into the food chain. So, we have put a lot of additional controls in place.

[96] Then, we decided to do a 5% sample check. When we did that 5% sample check, about 6% of the carcasses that we checked still had 'bute' in them. Then, we engaged in an energetic discussion with DEFRA and others about the horse passport system, and some thinking was going on about how that could be amended. We decided that it was pressing to get a clear sense and a much stronger sample size, because 5% was quite small because we do not kill that many horses. That is when we moved to the 100% sample. At that point, one thing that we were talking about was what could be done, short of banning the whole trade. Given that, at that point, there was a two-week turnaround time for 'bute' tests, it was quite difficult to come up with a system that enabled you to have any trade in the space and to guarantee the absence of 'bute'. So, we were heavily dependent on the changes to the passport system to achieve that. We said that we would move to 100% sampling, because that would give us real certainty about the level of the problem, despite all of the extra controls that we had put in place. Meanwhile, we were working hard with the labs to try to speed up the test results.

[97] We were fortunate to be able to get that result and get to the 48-hour test results after

only about a week or 10 days of 100% sampling. The 100% sampling showed, again, about 5% to 6% positive rates, which is a low risk, but one that we are all committed to stopping from occurring at all. It was only about 10 days after we moved to 100% sampling that we were able to move to positive release, which means that no carcass in this country will go into the food chain without a clear test for 'bute'. It will be very interesting to see, when the 4,000 European tests for 'bute' are carried out, whether we were higher or lower. I do not think that we should be complacent about the risk of 'bute' in horsemeat having been eliminated because, when you think about it, if you take horsemeat production, it is a very small proportion of the whole industry, but at least here, now, there will not be horse with 'bute' going into the food chain.

[98] **Llyr Huws Gruffydd:** Will that positive release system be a permanent arrangement from now on?

[99] **Ms Brown:** Yes.

[100] **Lord Rooker:** Catherine made it clear that this thing is quite separate to the adulteration of the beef products. The FSA was on to this a year ago. I, personally, as the chair, was aware that, in the summer, a Member of Parliament complained to the FSA on behalf of one of his constituents, who was an abattoir owner, who said that we were slowing down the production line, demanding extra checks and everything. That was the nature of the complaint over regulation. I remember writing back—quite unusually, it was a three-page letter; I do not normally write letters that long—explaining why we were doing what we were doing. That was in the summer, when we said, 'Actually, we're going to go a bit further and do the 5% checks'. We were ratcheting up from early last year, because we were unhappy about what our people in the abattoirs were seeing, even with the small number of horses that go through the abattoirs.

[101] **Antoinette Sandbach:** Catherine, you outlined that, in your words, we were the first country to outline the four-point plan. You were clearly talking on a UK level. Your fourth point in the plan was to work with the devolved rural affairs departments, which, in Wales, presumably, was Alun Davies. You announced that plan on 16 January. You also said that you planned to work with local authorities. It was clear at that point that there was a problem within the processing chain rather than within the abattoir chain. Do Welsh Government Ministers have the power to require local authorities to test, given the different, separate nature of the Welsh devolved settlement, if I can put it that way? Also, when was that request made of local authorities?

[102] **Ms Brown:** In terms of powers, I think that a number of questions are being asked about our powers as the FSA around the UK to compel, for example, either companies—food business operators—or local authorities to do things. Of course, you are right; there is another question about Ministers' ability to compel different groups of people to do different things. At the moment, there have been a small number of occasions where we have had to bring maximum moral pressure to bear, but, basically, all the people involved who we have needed to do things, have done them. So, a lack of powers, should a lack of powers exist, has not impeded the progress of the response to this incident. However, it is one of the areas that I think people are committed to reviewing as part of the lessons learned and the review process.

[103] **Mr Wearne:** Perhaps I could be more specific about our relationship with Welsh local authorities around this incident because I am on home turf here. I will set out what we have done. As part of the action plan that we announced the day after the Irish published their news, we asked 28 local authorities across the UK to take samples, which would give us this representative picture of the UK food supply. That included two local authorities in Wales, Cardiff and Gwynedd, both of which were more than happy to take part.

[104] **Antoinette Sandbach:** I am sorry to interrupt, but what date was that?

[105] **Lord Elis-Thomas:** He just told you.

[106] **Mr Wearne:** We announced the four-point plan on 16 January.

[107] **Antoinette Sandbach:** Okay. So, on 16 January you asked—

[108] **Mr Wearne:** It took us a few days to design a scientifically robust programme. We effectively put local authorities on notice on 16 January that we would be approaching some of them to participate. However, I think that it was the following week that we did so. Cardiff and Gwynedd were the two that we approached in Wales. As part of our work in this incident more widely, we have undertaken investigations at Farmbox in Llandre with Dyfed-Powys Police, working closely with Ceredigion County Council. It has already been described to you, the work that we have done with Powys on its own initiative, having taken samples from the burger manufacturing company in Llanelwedd and tested them. We have also asked local authorities across the whole of the UK, but including all 22 in Wales, to undertake some additional checks at cold stores and meat processing plants in their local authority areas. Again, none have demurred and all are undertaking that work. The results are coming back. Regardless of the issue, which is a right and proper one for this committee to consider, about where the balance of powers is and where the powers are appropriate, I can give you absolute assurance that we have been collaborating closely with all Welsh local authorities. None have wanted to do anything other than that which we have asked them to do.

[109] **Antoinette Sandbach:** What I am asking is, if there had been an advisory, for example from the Minister for local government, or indeed from Alun Davies, to local authorities at an earlier point to test, is there anything that you are aware of that would have stopped that advisory being sent out?

[110] **Ms Brown:** No. Had you wished to have done that, that could have happened. As we spent those few days designing the robust sampling programme, we were concerned that we had an enforceable and statistically robust approach, so that when we had carried it out, we would all know what level of contamination there was across the UK, and that we would be able to prosecute any cases of gross contamination that we found. We have seen cases where when authorities—not in Wales—have done things outside of that, they find themselves unable to then take the appropriate enforcement action. So, we took the view that it was worth taking those few days to get a robust enforceable and statistically valid process. I am glad that no-one did write and ask them to just do what they felt like doing because I think that that would have been less useful.

[111] **Antoinette Sandbach:** In terms of the cutting plants in Wales for the cutting of horsemeat—and we know that perhaps there was at least one—were you able to advise Ministers very quickly about how many cutting plants there are in Wales that deal with horsemeat, and to look at the linkages between them and the food supply chain? Could you give us a timetable, because that sort of information is not included in the timeline? Perhaps you could also give me the date when you asked the 22 local authorities in Wales to carry out those tests.

[112] **Mr Wearne:** I do not have those dates in front of me, but I could provide a note subsequently to the committee. In terms of the investigations at cutting plants, and particularly the one that I mentioned previously, we have been providing written briefs to the Deputy Minister and other Ministers with whom we work on virtually a daily basis throughout this.

[113] **Lord Rooker:** Or even hourly.

[114] **Mr Wearne:** I think that, at the last count, there had been 32 briefs, in addition to the telephone briefings that have happened at least half a dozen times in the past couple of weeks with the Deputy Minister. So, we would have told the Deputy Minister and other Ministers of plans for investigations at Farmbox Meats Ltd the day that we took that decision and went in, which was, from recollection, 12 or 14 February.

[115] **Antoinette Sandbach:** It was 12 February.

[116] **Mr Wearne:** Thank you. Everything is starting to blur.

[117] **Antoinette Sandbach:** What I am asking is whether you had identified before that the number of plants that were cutting horsemeat in Wales. There may be some plants where there is no question of there being adulteration into the food chain. However, the issue is whether there may be plants that are perfectly legitimately cutting horsemeat and exporting it in a way that is legal and completely above board, but you can look at where the problem might be only if you know which cutting plants they are in the first place. I am trying to get an idea of how many there were in Wales, and how quickly the Deputy Minister knew about that.

[118] **Mr Wearne:** We know where all of the red meat cutting plants are in Wales, because those are ones where we enforce. I cannot recall whether specific approval is needed for different species. I believe not. So, other than on the basis of intelligence we had otherwise received, we would not be able to say on any one day which, if any, of the red meat cutting plants in Wales were also cutting horsemeat. Provided that that horsemeat is hygienically produced from approved establishments, there is absolutely nothing wrong with it. So, there are two parts to that question. First, there is what we know—and we do not necessarily know which of the red meat slaughterhouses across Wales or the UK are cutting horse, because the approval is general for red meat. I cannot therefore say what we would have told the Deputy Minister if we had known with some certainty whether there were other plants in Wales. What we are doing is increasing our checks at all cutting plants across the UK, and we are discussing internally what nature our future checks might take, because clearly this is a potential vulnerability that we need to address.

[119] **Lord Elis-Thomas:** Speaking on my own account, I was very grateful for the telephone conference that we had on Tuesday last week, where we were able to set up this event today, and unless there are any more questions—

[120] **Lord Rooker:** There are some points that I wanted to make.

[121] **Lord Elis-Thomas:** I was going to give you the last word, anyway.

[122] **Lord Rooker:** It was not necessarily the last word, but obviously it is wonderful for us to have the opportunity to speak with you and share some of these views, and actually, we are doing so, through you, to the Welsh nation as well. There is no border inspection post in Wales, and therefore the imported food that comes into Wales comes through the border inspection process for the UK. All I wanted to say is this: there is not a week that goes by that the FSA and its partners do not stop food coming into the UK that would make people ill. Not a week. I see the list myself every week. This is coming from all over the world, and is stopped—either at Felixstowe, Tilbury, Southampton, or Heathrow, where the really fresh stuff comes in.

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[123] **Lord Rooker:** The border inspection posts are the avenues where there are checks.

However, you do not hear about the food that is stopped—which is stopped for many reasons, mainly for making people ill—because nobody gets ill; it gets stopped and we alert our European partners through the rapid alert system. There is a very tight system, but I do not want to say that everything is perfect. So, whether it is strawberries, frozen chicken, peanuts or meat from non-EU countries, not a week goes by when the border inspection posts do not stop foods coming in. People check to ensure that things are as safe as possible. That is important in terms of safety and people's confidence in buying it. If it is on the shelf, we are saying that it is safe, otherwise we would have taken it off the shelf before then, or not allowed it into the country. That is the point that I was making.

[124] **Lord Elis-Thomas:** There is also a related pan-UK or England and Wales issue that interests me, and that is the capacity and cost of meat testing, which benefits Welsh consumers, and the extent to which it has been done in this present crisis by the FSA in laboratories on the marches and outside Wales. If that were done in another way—I am making the comparison now with cattle testing for tuberculosis, which I know that Catherine Brown knows about—at the Welsh Government's expense, by another agency, there would be a substantial cost to such a testing regime. It might be of interest to the committee to have some figures of the cost estimates of the testing that is taking place, so that we can understand the benefit of that to the Welsh consumer.

[125] **Ms Brown:** Yes, I am sure that we can put something together on that.

[126] **Lord Elis-Thomas:** That is very helpful. If there are no further questions, we will end there. We are very grateful to you for coming today, and for your evidence. Diolch yn fawr.

[127] **Lord Rooker:** Thank you very much.

*Daeth y cyfarfod i ben am 12.32 p.m.  
The meeting ended at 12.32 p.m.*