

**CONCORDAT BETWEEN
THE FOOD STANDARDS AGENCY
AND
THE HEALTH AND SAFETY EXECUTIVE**

Introduction

1. This Concordat sets out an agreed framework for co-operation between the Food Standards Agency (FSA) and Health and Safety Executive (HSE). It is not a legally binding agreement or a contract between the Food Standards Agency and HSE, nor is it intended to cover every detailed aspect of the relationship between the two. Rather, it is a statement of the principles which will guide relations between the Food Standards Agency and HSE to ensure sufficient communication and co-ordination to enable each to discharge their respective responsibilities effectively. The concordat is also intended to contribute to meeting the need for the Food Standards Agency to promote links with other government departments, amongst others, to ensure effective consultation, as specified in the Food Standards Act (1999). The Concordat cannot override the statutory duties and powers of either the Food Standards Agency or HSE. The concordat will be published.

General Principles

2. The FSA and the HSE jointly affirm their commitment, in the interests of good government, to develop effective working relationships so as to ensure that the best possible service is delivered. Officials will continue to maintain regular contact (both formal and informal) to discuss business of mutual interest. Good communication in both directions will be essential to effective working within and between both organisations. Any disagreements between the FSA and HSE, which cannot be resolved bilaterally, will be resolved through the normal government machinery.

3. In particular, HSE and the FSA agree:

- to keep each other promptly and regularly informed about all work in which the other has an interest;
- to give appropriate consideration to the other's views;
- to request advice in good time, together with an account of its expected use;
- to inform the other organisation without delay of any relevant information which would require their action;
- to provide each other with full and open access as far as possible to scientific, technical and policy information, and research and surveillance findings subject to any statutory or common law prohibitions or restrictions on disclosure of information.

Division of Responsibilities

4. The remits of HSE and the FSA are as set out in Annex A. Particular areas of mutual interest between the two organisations are set out below.

5. Correspondence, and other enquiries which are wrongly directed or assigned will be redirected in the normal way. The FSA and HSE will co-operate to ensure that enquiries relating to the responsibilities of both organisations receive replies which reflect the position of both, in respect of their individual areas of responsibility.

Enforcement

6. Local Authority enforcement officers are involved in enforcement of health and safety and environmental protection measures alongside enforcement of food safety and standards. The FSA and HSE are committed to working together to ensure the effective co-ordination of enforcement demands placed on local authorities in these areas. In addition the FSA and HSE will work closely together to ensure exchange of information on approaches to liaison, consistency and enforcement monitoring and audit.

Food Safety Offshore

7. The Food Safety Act 1999 does not apply beyond UK territorial waters. HSE will continue to enforce food safety Regulations 17 and 18 of The Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995 (MAR). Regulations 17 and 18 of MAR deal with the supply of water and provisions for human consumption on offshore installations on the UK sector of the continental shelf and in territorial waters adjacent to GB. The FSA will not seek to extend The Food Safety Act, 1990 outside UK Territorial Waters without consulting HSE. The FSA and HSE will maintain regular contact to ensure effective exchange of information and co-ordination of policy in this area.

Food Hygiene Design of Machinery

8. The FSA will provide HSE with advice and information on hygiene design aspects of food processing machinery. (FSA may also provide LAs with advice on the hygienic construction of equipment in relation to LAs' food safety enforcement function of the food handlers duties) The relationship between the FSA and HSE in relation to the relevant legislation is set out in a Memorandum of Understanding (MoU) on the Enforcement of the Hygiene Design Requirements of the Supply of Machinery (Safety) Regulations 1992 as amended. This MoU is subsumed under this Concordat

Radioactive Substances and Toxic Chemical Releases

9. HSE regulates nuclear licensed sites, major hazard sites, explosives and the manufacture, storage and transportation of chemicals and other hazardous substances. This is to ensure the safety of workers and the public. HSE's interests cover all operations undertaken on the site, including inadvertent discharges of radioactive substances and toxic chemical releases.

10. The FSA has an interest in relation to the impact on the foodchain of authorised and unauthorised releases of radioactivity and toxic chemical releases to the environment. The FSA and HSE will continue to work closely together to ensure effective exchange of information and co-ordination of policy development in this area

where appropriate.

Toxicity

11. The FSA and HSE will maintain regular contact with each other on generic and substance specific issues relating to regulatory toxicology. In addition the HSE will continue to have access to the Committee on Toxicity, for which the FSA provides the Secretariat, to seek opinions on toxicological issues relating to occupational exposure.

Risk Analysis

12. The HSE Chair the Interdepartmental Liaison Group on Risk Analysis, which is a Government wide forum on the approaches to improving risk analysis. The FSA will continue to be an active participant in this group.

Arrangements for Handling Major incidents and Emergencies

13 HSE agrees to inform the FSA in the event of a 'major incident'¹ which may have an impact on the FSA's responsibilities as set out in paragraph 10 above; and similarly, the FSA agrees to inform HSE about emergencies which may have an impact on HSE's responsibilities. The FSA and HSE are also committed to working together to ensure that such events are dealt with effectively, and agree to co-operate fully on any relevant action required.

14 HSE and the FSA will take account of each other's role when planning and testing major incident/emergency arrangements and will provide each other with adequate notice of their planned exercises which affect the other's areas of responsibility.

Operation and Reviewing of Bilateral Concordats

15 The FSA and HSE are committed, wherever possible, to resolving any disagreements through normal administrative channels. If necessary and appropriate,

¹ a significant event which demands a response by the HSE beyond the routine as defined by HSE's standing instructions

matters will be pursued through the normal government machinery.

16. This agreement will be kept under regular review at intervals to be agreed between HSE and FSA. It will be updated as necessary in the light of experience of its operation in practice by agreement between the FSA and HSE.

Signed by:

[Chief Executive of the Food Standards Agency] [Director General of HSE]

ANNEX A: The Remits of the Food Standards Agency and the Health and Safety Executive

The Remit of the Food Standards Agency

The main objective of the Food Standards Agency is to protect public health from risks which may arise in connection with the consumption of food, including risks caused by the way in which it is produced or supplied, and otherwise to protect the interests of consumers in relation to food. Under the Food Standards Act 1999, the Agency will have responsibility for the development of food policy and for the provision of advice, information and assistance in respect of matters connected with food safety, or other interests of consumers in relation to food, to public authorities (Ministers, governments departments and their equivalents in the devolved authorities, local authorities or agencies of government), and to the general public or to individuals and bodies who are not public authorities.

The Remit of the Health and Safety Executive

The Health and Safety Executive (HSE) is a statutory non-departmental public body established under the Health and Safety at Work etc. Act 1974. HSE is sponsored by the Department of Transport Local Government and the Regions (DTLR). The Health and Safety Commission advises UK Ministers on health and safety policy matters; HSE acts on behalf of the Commission in implementing Commission policies and is the main adviser to the Commission on those policies. HSE also enforces health and safety law throughout Great Britain and areas designated by Order under the Continental Shelf Act 1964 Section 1(7). This means that the Health and Safety at Work etc. Act 1974, applies to activities on or in connection with offshore installations, wells and pipelines.