

Minister for Public Health, Women's Health and Sport
Maree Todd MSP

Ms Gillian Martin MSP
Convener, Health, Social Care and Sports
Committee
Scottish Parliament
By email: hscs.committee@parliament.scot

13 May 2022

Dear Convener,

The Food and Feed Safety (Fukushima Restrictions) (Scotland) Revocation Regulations 2022

I write to inform the Committee of my decision to remove the remaining enhanced controls in Scotland of certain food imported from Japan following the 2011 Fukushima nuclear accident.

Retained EU Regulation 2016/6 imposed enhanced controls on the import of food and feed from Japan as a result of the Fukushima nuclear accident in 2011, as an emergency measure, to protect consumers from imported food which may have become contaminated with radioactive material released following the nuclear accident.

The European Commission have regularly reviewed these controls and following the UK's exit from the EU, this Regulation was retained in GB along with the requirement for Scottish Ministers, as the appropriate authority in Scotland, to review these controls. Food Standards Scotland (FSS) has undertaken the review of the Regulation under its function of developing policy and providing independent advice relating to matters connected with food safety or other interests of consumers in relation to food and animal feed as provided in Section 3 of The Food (Scotland) Act 2015.

The review of the Regulation has been delivered by FSS, alongside the Food Standards Agency (FSA) for the rest of GB, through an enhanced risk analysis process that is science and evidence based. It consists of three separate but interconnected components: risk assessment, risk management and risk communication. This is an internationally accepted, structured approach to managing food and feed safety risks based on long established guidelines issued by the Food and Agriculture Organisation of the United Nations and the

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World Health Organisation. This also forms the basis for the EU's approach to food and feed safety risk analysis.

This is the first substantive issue progressed through the risk analysis process. A scientific risk assessment has been produced to assess the risk to public health from consuming Japanese food imported into the UK if the current maximum levels on radiocaesium for food imported from Japan are removed. The risk assessment is available here [Post Fukushima Nuclear Power Station Accident: UK Import Radiological Assessment \(foodstandards.gov.scot\)](https://www.foodstandards.gov.scot)

I am satisfied with the conclusion of the risk assessment that the removal of the maximum level on radiocaesium for imported Japanese food will result in a negligible increase in dose and a high certainty that the associated risk to UK consumers is negligible.

Risk assessors used the qualitative categorical scales by the Advisory Committee on the Microbiological Safety of Food¹ to communicate the levels of uncertainty in the risk assessment. The assessment indicates the level of uncertainty in this assessment is low. Low uncertainty is defined by the categorical scales as "there are solid and complete data available, strong evidence is provided in multiple references, authors report similar conclusions". Negligible is defined as "so rare it does not merit to be considered".

Low levels of radioactivity can be present in all our food from both natural and artificial sources. In general the health effects of ionising radiation are dependent on the dose received². The potential harm from radioactivity is measured in terms of the dose, measured in millisieverts (mSv). The dose is a combination of the level of radioactivity in the food (measured in becquerels per kilogram), the amount of the food consumed and a factor which depends on the radionuclide present (for example caesium-137). A higher dose represents an increased lifetime risk to health.

The International Commission on Radiological Protection (ICRP) recommends that members of the public should receive no more than the lower end of 1 to 20 mSv per year in an existing exposure situation. The FSS and FSA risk assessment indicates the dose to consumers would be no more than 0.016 mSv per year as a result of consuming food from Japan. For comparison, the average radiation dose to members of the public in the UK is 2.7 mSv from all natural and artificial sources³.

The risk assessment has also been reviewed by the independent Committee on Medical Aspects of Radiation in the Environment (COMARE), a scientific advisory committee of the Department of Health and Social Care. COMARE agreed with the findings of the risk assessment.

¹ [Advisory Committee on the Microbiological Safety of Food](https://www.gov.uk/government/publications/ionising-radiation-dose-comparisons/ionising-radiation-dose-comparisons)

² <https://www.gov.uk/government/publications/ionising-radiation-dose-comparisons/ionising-radiation-dose-comparisons>

³ <https://www.ukhsa-protectionservices.org.uk/radiationandyou/>

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With my agreement, FSS launched a nine-week public consultation in December 2021 on the options for the future of these enhanced controls. These options included retaining the current controls, partial removal of controls and a preferred option of removing all the enhanced controls. The preferred option was in line with the outcome of the risk assessment which indicates that removing these controls would represent a negligible increase in dose and any associated risk to consumers. Responses to the consultation were considered by FSS in developing its final risk management advice. On 16 March 2022, the FSS Board discussed this issue at their open meeting and agreed the recommendation to revoke retained Regulation 2016/6 and thereby remove the enhanced controls.

I have given careful consideration to the recommendation, particularly in relation to the Scottish Government's policy on alignment with the EU. My decision to remove the remaining enhanced controls in Scotland will create divergence from the EU position. The EU has also reviewed its regulation but has reached a different risk management decision to the one recommended to me by FSS. The EU has retained enhanced controls on any food where there is a single instance of exceeding the maximum level of 100 becquerels per kilogram. This maximum level was set to maintain consistency with the action level applied within Japan which was lowered, nationally, to provide reassurance to Japanese consumers. It is more restrictive by a factor of 12 than the maximum level which would apply in the event of a nuclear accident in the EU and in Scotland. In reaching its decision, the EU did not commission a new risk assessment to consider typical consumption rates of the foods subject to enhanced controls.

Furthermore, I do not anticipate any EU market access issues for Scottish businesses arising from the divergence as there is no evidence that the limited range of foods subject to the EU controls imported into GB are subsequently traded with the EU.

Taking these factors into account it is my view that the recommendation not to align with the EU on this particular issue is appropriate. It is a recommendation based entirely on science and evidence, delivered through an internationally accepted, structured approach to managing food and feed safety risks.

In conclusion, I have considered the recommendation from FSS and it is my opinion that, based on the outcome of the FSS risk analysis, the enhanced import controls are no longer required to ensure food is safe as the requirements of general food law will suffice. I have therefore agreed to FSS proceeding with a Scottish Statutory Instrument being laid on 16 May 2022 to revoke retained Regulation 2016/6. I would be most grateful if you could respond to this letter should you have any concerns.

Yours sincerely,

Maree Todd MSP

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