



Memorandum of Understanding

between the

Food Safety Authority of Ireland (FSAI)

and the

Environmental Protection Agency (EPA)

The objective of this Memorandum of Understanding (MoU) is to set out areas of mutual responsibility, shared expertise and shared interest between the FSAI and EPA particularly in relation to food monitoring, emergency planning and environmental research.

Signed:

Laura Burke
Director General, EPA
02-Sept-2015

Signed:

Dr Pamela Byrne
Chief Executive, FSAI
02-Sept-2015

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE FOOD SAFETY AUTHORITY OF IRELAND (“the Authority”)
AND
THE ENVIRONMENTAL PROTECTION AGENCY (“the Agency”)

1.0 Roles and Responsibilities

1.1 The Food Safety Authority of Ireland

The Authority is the Central Competent Authority responsible for the enforcement of all food legislation in Ireland and was established in 1999 under the Food Safety Authority of Ireland Act 1998. The principal function of the Authority is to take all reasonable steps to ensure that food produced, distributed or marketed in the State meets the highest standards of food safety and hygiene reasonably attainable.

1.2 Environmental Protection Agency

The Environmental Protection Agency is an independent public body established in 1993 under the Environmental Protection Agency Act 1992. The other main instruments from which the Agency derives its mandate are the Waste Management Act 1996, the Protection of the Environment Act 2003 and the Radiological Protection (Miscellaneous Provisions Act) 2014. The Agency has a wide range of functions to protect the environment as a valuable asset for the people of Ireland and to protect both the environment and people from harmful effects of radiation and pollution.

By virtue of the Radiological Protection (Miscellaneous Provisions) Act 2014, the Agency has general responsibility for monitoring levels of radioactive contamination in food. This function is vested in the Agency, subject to the amendments made to the Radiological Protection Act, 1991 by Part VI of the Food Safety Authority of Ireland Act, 1998, which provide for the Authority together with various Government Departments to be consulted by the Agency in certain matters and authorise the Authority to appoint inspectors and to prosecute offenders under the Radiological Protection Act, 1991.

2.0 Legislative Framework

- 2.1 Ireland has designated Official Laboratories for official controls under Regulation (EC) No. 882/2004. Under Article 12 of Regulation (EC) No. 882/2004 the Department of Health has designated the Agency's Radiation Monitoring Laboratory as an Official Laboratory that may carry out the analysis of samples taken during official controls.
- 2.2 The Agency conducts annual food sampling plans for the purposes of radiation monitoring. Food sampling for this programme shall continue to be carried out, as appropriate, by staff of the Agency or staff of Official Agencies with whom the Authority has contracts as provided for in Section 48 of the Food Safety Authority of Ireland Act, 1998.
- 2.3 The Agency and the Authority agree to co-operate in their respective responsibilities relating to food irradiation facilities in the European Communities (Foodstuffs Treated with Ionising Radiation) Regulations, 2000 (S.I. No. 297 of 2000).

3.0 Areas of Shared Interest and Future Actions

- 3.1 The Authority and the Agency agree to co-operate and work closely in order to promote, encourage and foster the establishment and maintenance of high standards of food safety in the interests of and for the protection of public health by ensuring that food consumed, distributed, marketed, processed or produced in the State meets the highest standards of food safety and hygiene. This can be ensured by maintaining a healthy environment which is essential

to a sustainable and healthy food supply. This is done through Enforcement, Regulation, Monitoring, Research and Collaboration.

- 3.2 The Authority and the Agency welcome opportunities for collaboration. When opportunities arise for the Authority and the Agency to collaborate they will work together to ensure the best use is made of public resources and avoid duplication of tasks and responsibilities so as to ensure the statutory responsibilities of both organisations are fulfilled.

3.3 Monitoring

3.3.1 The Authority and the Agency will actively explore opportunities for further collaboration on environmental monitoring and sample collection. In particular the Authority and the Agency agree to cooperate to ensure that appropriate monitoring of food is in place so as to ensure compliance with international laws and standards.

3.3.2 The Authority and the Agency agree to develop and maintain their shared expertise, particularly through participation in relevant national and international radiological emergency preparedness programmes including those organised by the European Commission, the International Atomic Energy Agency, the Nuclear Energy Agency, and the World Health Organization. Areas for collaboration include:

- Food countermeasures for radiological accidents
- Control of imports
- Emergency exercises

- 3.4 The main areas of shared interest for the Authority and the Agency as detailed in the Annex are:

- Minimisation of food waste and packaging and safe food re-use
- Drinking water and water quality
- Bathing water and shellfish quality and safety
- Organic waste as soil improvers and fertilisers
- Secondary derived nutrients used in food packaging and processing
- GMO technology in food production
- Persistent Organic Pollutants (POP's) in food

- PCB's and Dioxins in food
- Groundwater and production of bottled water
- Nanotechnology in food

3.5 The Authority and the Agency agree to:

- operate to generally recognised Codes of Practice, Standard Operating Procedures or Accreditation Systems as may be agreed between them.
- co-operate and assist in mutual training of the staff of each organisation and / or the Official Agencies of the Authority in relation to matters concerning the remit of the MoU.
- keep each other informed of developments in technology and legislation relating to the remit of this MoU.
- inform each other of relevant committees and meetings and where necessary to share information, proceedings or similar such documents that may be circulated following the conclusion of such meetings.
- participate in and provide support and assistance to the relevant Committees of each organisation, when requested.
- assist each other, as required, in relevant national and international programmes, including those organised by the European Commission to assess compliance with EU legislation.

3.6 Research

When carrying out research that falls within the remit of this MoU the Authority and the Agency will consider if there are opportunities for collaboration in relation to the research.

4.0 Communication

- 4.1 In the context of this MoU and the wider context of food safety and public health protection, the Authority and the Agency agree to establish and maintain a close relationship based on co-operation and consultation. Meetings between the Authority and Agency will be held at least annually or more frequently as requested by either party. The meetings will be hosted and chaired in rotation by the Authority and the Agency.

- 4.2 At every such meeting convened under paragraph 4.1 the following shall be discussed as standing items on the agenda:
- activities in areas of shared responsibility and mutual cooperation;
 - review of practical cooperative measures;
 - review of the content of the MoU;
 - operation and effectiveness of the MoU;
 - contact arrangements;
 - operational experience and review of international alerting mechanisms;
 - environmental monitoring,
 - emergency preparedness;
 - amendments to legislation or standards;

Minutes from each meeting shall be prepared, in rotation, and circulated for agreement. The meeting minutes shall be adopted at the next meeting convened under 4.1.

- 4.3 An annual report will be prepared by the Agency in consultation with the Authority outlining the implementation of the MoU and setting out recommendations for further opportunities for co-operation if relevant.
- 4.4 Additional meetings covering more specific areas in detail may be arranged if required.
- 4.5 The Agency and the Authority agree to share relevant reports, data, information and other documentation taking into account the constraints of data sharing legislation.
- 4.6 The Authority and the Agency agree to assist each other and co-operate in relation to the preparation of any relevant reports or other documentation being prepared in relation to the remit of this MoU.
- 4.7 The Authority and the Agency agree to share relevant and timely data as agreed within this MoU and taking into account the constraints of data sharing under other legislation.

4.8 The Agency agrees to consult with the Authority when conducting the annual review of its radioactivity food sampling plan and developing future plans related to radioactivity monitoring of foodstuffs.

4.9 An up to date list of the contact details and areas of responsibility of key personnel involved in the work covered by this MoU shall be maintained. Both the Authority and the Agency will nominate two staff members to act as liaison contacts. These Liaison Contacts will be identified in the agreed contacts list which will be reviewed and updated at least once per year or when the contacts in either the Agency or the Authority change.

5.0 Emergency Planning and Response

5.1 The Authority and the Agency shall inform each other without delay of incidents relating to radioactive contamination using the emergency contact details outlined in the agreed contacts list.

5.2 The National Emergency Plan for Nuclear Accidents (NEPNA) provides a framework for the national response to large-scale radiological incidents. Lead responsibility for NEPNA lies with the Department of the Environment, Community and Local Government. The Agency has been assigned a number of key functions under NEPNA including early warning, technical assessment of the incident, provision of technical advice on protective actions and monitoring of the environment and the food chain. The Authority has been assigned roles in the arrangements for the collection of food samples/imports and the seizure and destruction of contaminated foodstuffs. The Authority and the Agency agree that where and when the NEPNA is activated then, to avoid confusion, this MoU shall be suspended.

5.3 The arrangements outlined in this MoU shall not alter those outlined under the NEPNA.

5.4 The Authority and the Agency each agree to collaborate within the framework of the NEPNA to assist each other in fulfilling their respective roles and

responsibilities under the NEPNA and shall participate in joint training exercises, sample collection, sharing of data for modelling/predictive purposes, implementation of food bans and seizure/destruction of foodstuffs unfit for consumption.

5.5 In the event of other emergencies involving potential radioactive or other contamination of foodstuffs (where the Framework for Major Emergency Management or NEPNA is not activated), the Agency and Authority agree to collaborate. Such collaboration may include, but is not restricted to, provision of:

- staff with appropriate expertise;
- data, software and modelling tools;
- laboratory facilities and equipment.

5.6 The Authority and the Agency agree to collaborate in the development and operation of their radiation emergency preparedness plans insofar as food safety is concerned. In particular the Authority and the Agency shall work to maintain an appropriate level of expertise in countermeasures/food recovery techniques.

6.0 Duration

6.1 It is agreed that this MoU will remain in force for a period of five years from the date of signature with the operational effectiveness being reviewed on an annual basis.

6.2 In the achievement of the objectives of this MoU the Authority and the Agency will work within the resources available to each party.

Annex– Main Areas of Common Interest between the FSAI and EPA

- **Minimisation of food waste, packaging and food re-use:**

The Authority and the Agency agree to co-operate in the alignment of food safety requirements with requirements for minimisation of food waste generation and food packaging waste generation (to include labelling issues), and the promotion of safe food re-use activities.

- **Drinking water and water quality:**

The Authority and the Agency agree to co-operate and promote initiatives where there is mutual interest or overlapping responsibilities in relation to drinking water and water quality.

- **Bathing water and shellfish quality and safety:**

The Authority and the Agency agree to share relevant and timely data as agreed within this MoU.

- **Organic waste as soil improvers and fertilisers:**

The Authority and the Agency agree to co-operate, as may be appropriate, in the technical, scientific evaluation and investigation of use of organic materials/wastes (e.g. organic sludge, compost, digestate) as soil improvers and fertilisers.

- **Secondary derived nutrients used in food packaging and processing:**

The Authority and Agency agree to co-operate, as may be appropriate, in the technical, scientific evaluation and investigation of use of secondary derived materials (e.g. recycled packaging, recovered fuels) used in food packaging and processing.

- **GMO technology in food production:**

The Authority and the Agency agree to co-operate, as may be appropriate, in the technical, scientific evaluation and investigation of the use of GMO technology in food production.

- **Persistent Organic Pollutants (POP's) in food:**

The Authority and the Agency agree to share relevant and timely data as agreed within this MoU.

- **PCB's and Dioxins in food:**

The Authority and the Agency agree to share relevant and timely data as agreed within this MoU.

- **Groundwater and production of bottled water:**

The Agency will provide the Authority with existing groundwater quality data when requested and can provide details of licenced facilities within a given distance or area, as specified by the Agency, located close to groundwater abstraction points used in the production of bottled water in Ireland.

- **Nanotechnology in food:**

The Authority and the Agency agree to co-operate, as may be appropriate, in the technical and scientific evaluation of the use of nanotechnology in food as it relates to both of their remits.