

From Gillian Merron MP
Minister of State



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Professor the Lord Krebs FRS
Chair of Science and Technology Sub-Committee 1
House of Lords
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21/7/09

Dear Lord Krebs,

In my letter of 14 July I promised to provide the Sub-Committee with additional information on four points. My responses on three of these are set out below. I have asked the Food Standards Agency (FSA) to respond by the end of July on the remaining point, concerning nanoscale silica.

1. The number of research proposals that the FSA has received in relation to the fate of nanomaterials in the gut

The FSA has advised me that they are currently in the process of evaluating the proposals that have been submitted in response to its published requirement for research into the fate of nanomaterials in the gut. Considering the stage the FSA are at, revealing the number of proposals submitted at this stage could jeopardise any negotiations with applicants prior to placing of the research contract. However, the Agency will, of course, be happy to provide the Committee with this information once the commissioning process is complete.

2. How the FSA's food research relates to EU research programmes in similar areas

The Food Standards Agency engages actively with the EU research programmes to help ensure that FSA and UK priorities are reflected in the EU programmes, and to ensure we are able to identify and benefit from opportunities for collaborative approaches.

The FSA is joint UK lead, with Defra, on the Management Committee responsible for the theme 'Food, Agriculture & Fisheries, and Biotechnology' in the current EU research programme, FP7, which has the greatest overlap with Agency research priorities – one of its three sub-themes, on food health and well-being, has very close parallels with the Agency's principal objectives of food safety and

healthy eating. The Agency also takes part in the UK's cross-government EU research networks with other Departments and Research Councils, to ensure it is informed on and can influence other themes which have elements of interest to the Agency, including the themes on: Environment; Health; Nanosciences, nanotechnologies, materials & new production technologies; and Social Sciences & Humanities.

The Agency's own research programmes take account of relevant research in Europe and the wider international context, and we can provide co-funding for European projects where these align with our priorities. The FSA co-funded five projects in FP6 (which ran from 2002-2006) and to date has agreed co-funding for two projects in FP7 - with co-funding under discussion for a number of further FP7 projects, including one on detection of nanomaterials in food. The Agency also collaborates in other ways with EU projects of interest, for example by participating in stakeholder, expert or advisory groups set up by EU projects to provide forums to exchange information and expertise between projects and interested parties. The Agency is also a partner in the FP6 'ERANET' project SAFEFOODERA, which aims to co-ordinate national research in food safety across some 19 European countries, and which has issued two successful jointly-funded research calls. Progress in co-funding in Agency research is reported annually in the FSA Chief Scientist's Annual reports.

The Agency also takes part in the UK programme of support to UK organisations to engage with EU research programmes, through promoting and facilitating opportunities to participate and to benefit from the results.

3. The applicability of REACH to substances that are used in food

FSA officials have consulted with Defra on the application of REACH (Regulation (EC) 1907/2006, which governs the registration, evaluation, authorisation and restriction of chemicals) to nanomaterials used in food. Article 2 of the Regulation sets out a number of exemptions and, according to Article 2(5)(b), substances are excluded from the requirements for registration, evaluation and authorisation "to the extent that they are used ... in food and feedingstuffs". In this context "food" refers to ingredients, flavourings, additives etc, as well as food consumed as such.

The REACH legislation could, in theory, be used to place restrictions on substances used in food. However, this seems unlikely in practice as the exemption mentioned above means that no information on relevant uses will have been collected and assessed.

The exemption for substances used in food does not extend to substances used in food packaging.

I hope this is helpful. Please let me know if you would like any further information.

Yours sincerely,
Gillian


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14-7-09

Dear Lord Krebs,

Thank you for inviting me to appear in front of your Committee today, which I found very valuable. I hope the Committee also found it useful.

At the hearing, I promised to write to the Committee on the following points:

- a) the current use of fumed silica as a food additive and its relationship to the type of silica that was used in the German research;
- b) the number of research proposals that the FSA has received in relation to the fate of nanomaterials in the gut;
- c) how Food SA's food research relates to EU research programmes in similar areas; and
- d) the applicability of REACH to substances that are used in food.

I will send you this information by summer recess, with the exception of point 'a' above which my officials tell me requires further investigation and liaison with industry. I have instructed the Food Standards Agency to respond to you directly on this point by the end of July 2009.

I hope that this is acceptable.

*Yours sincerely,
Gillian*

GILLIAN MERRON

Ps. Please let me know if the Committee requires any further information.