



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

Date: 15/12/2020

Signed:

Dr Pamela Byrne
Chief Executive, FSAI

Date: 13.1.21

1.0 Roles and Responsibilities

1.1 The Food Safety Authority of Ireland (FSAI)

The FSAI 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 FSAI is to take all reasonable steps to ensure that food¹ produced, distributed or marketed in the State meets the highest standards of food safety and hygiene reasonably attainable.

1.2 Environmental Protection Agency (EPA)

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 EPA 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 EPA 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.

2.0 Areas of Shared Interest and Future Actions

2.1 The FSAI and the EPA 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, 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 supported 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.

¹ 'food' (or 'foodstuff') means any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans. 'Food' includes drink, chewing gum and any substance, including water, intentionally incorporated into the food during its manufacture, preparation or treatment. It includes water after the point of compliance as defined in Article 6 of Directive 98/83/EC and without prejudice to the requirements of Directives 80/778/EEC and 98/83/EC.

- 2.2 The main areas of shared interest for the FSAI and the EPA are outlined in Annex I of this MoU, with areas of explicit legislative responsibilities detailed in Annex II.
- 2.3 The FSAI and the EPA welcome opportunities for collaboration. When opportunities arise for the FSAI and the EPA to collaborate they will work together to ensure, where possible, the best use is made of public resources and avoid duplication of tasks and responsibilities to fulfil the statutory responsibilities of both organisations are fulfilled.
- 2.4 The FSAI and the EPA will actively explore opportunities for further collaboration on environmental monitoring and sample collection. In particular the FSAI and the EPA agree to cooperate to ensure that appropriate monitoring of food is in place so as to ensure compliance with all relevant Irish and European legislation and standards.
- 2.5 The FSAI and the EPA may explore potential opportunities for integrated assessments and research on the life-cycle of chemicals in the environment, the potential effects on food safety and the risks to human health. This could include activities such as the examination of synergies between available datasets and analysis of potential links between environmental pollution, food safety and human exposure to chemicals and, where appropriate, food monitoring for determination of risks of exposure to contaminants of emerging concern.
- 2.6 When carrying out research that falls within the remit of this MoU the FSAI and the EPA will consider if there are opportunities for collaboration in relation to the research.
- 2.7 The FSAI and the EPA will share experience and best practice in regulatory enforcement and in the professional development of inspectors.
- 2.8 In the event of other emergencies involving potential radioactive or other contamination of foodstuffs, including those where the Framework for Major

Emergency Management, a National Level Emergency Response or the National Plan for Nuclear or Radiological Emergency Exposures may not be activated, the EPA and FSAI agree to collaborate (Annex III). Such collaboration may include, but is not restricted to, provision of:

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

3.0 Operational Liaison

3.1 In the context of this MoU and the wider context of food safety and public health protection, the FSAI and the EPA agree to establish and maintain a close relationship based on co-operation and consultation

3.2 The FSAI and the EPA, in respect of their shared interests outlined in Annex I to this MoU, 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 FSAI in relation to matters concerning the remit of this MoU.
- keep each other informed of developments in legislation and technology relating to the remit of this MoU.
- inform each other of relevant committees and meetings and where permissible, 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.
- 3.3 Meetings between the FSAI and EPA 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 FSAI and the EPA. The meeting agendas may include, but are not restricted to, consideration of the items listed in Annex IV.
- 3.4 Minutes from each meeting shall be prepared, in rotation, and circulated for agreement. The meeting minutes shall be adopted at the next meeting.
- 3.5 Additional meetings covering more specific areas in detail may be arranged if required.
- 3.6 The EPA and the FSAI agree to share relevant and timely reports, data, information and other documentation taking into account the constraints of data sharing legislation. Each party will satisfy itself that any such data transfer is not in breach of its own legislative provisions regarding confidentiality or in breach of any other relevant statutory provisions, including the Data Protection Acts 1988 to 2018 and the General Data Protection Regulation 2016.
- 3.7 The FSAI and the EPA 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.
- 3.8 The EPA agrees to consult with the FSAI on any significant changes to its radioactivity in food monitoring programme.
- 3.9 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 FSAI and the EPA will nominate a liaison contact who will be identified in the agreed contacts list which will be reviewed and updated when necessary.

4.0 Duration

- 4.1 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.
- 4.2 In the achievement of the objectives of this MoU the FSAI and the EPA will work within the resources available to each party.

5.0 Contact Persons

- 5.1 The contact persons responsible for the operation of this MoU are:

EPA Contact:

Programme Manager, Environmental Monitoring & Surveillance

FSAI Contact:

Enforcement Policy Manager

- 5.2 Upon signing this MoU, each party will ensure that the identity and contact details (email and telephone number) of the persons referred to above will be exchanged with the other party. In the event that there is a change in the identity of a contact person referred to above during the term of the MoU, the relevant party will inform the other party of same and will forward the contact details of the replacement contact person as soon as practicable

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

i Water

- Contamination of groundwater supplies
- Irrigation
- Registration of water supplies for food businesses
- Disputed water supplies
- Bathing water and shellfish quality

ii Radiation

- Artificial radioactivity in food
- Natural and artificial radioactivity in bottled waters
- Food countermeasures following radiological accidents
- Control of imports
- Emergency exercises

iii Food

- Persistent Organic Pollutants in food
- Other food contaminants

iv Soil Quality

- Soil fertilisers
- Organic soil improvers
- Radionuclides in soil
- Sludge and biosolids from wastewater treatment plants

v Emerging Risks/Technologies in Food Production

- Microplastics
- Nanoparticles
- GMO
- Climate change
- Pesticides
- Endocrine disruptors
- Antimicrobial resistance

vi Packaging, Waste and Recycling

- Potential impacts of the circular economy initiatives on the environment and food safety
- Minimisation of food waste
- Recycling for use in food packaging
- Packaging and food re-use
- Secondary derived nutrients used in food packaging and processing
- Management of food waste and packaging

Annex II – Legislative Framework

- i In accordance with the requirements of the Radiological Protection Act 1991 (Ionising Radiation) Regulations 2019, the EPA has general responsibility for monitoring levels of radioactive contamination in food. This function is vested in the EPA, 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 FSAI together with various Government Departments to be consulted by the EPA in certain matters and authorise the FSAI to appoint inspectors and to prosecute offenders under the Radiological Protection Act, 1991.
- ii The EPA's Radiation Monitoring Laboratory has been designated by the Department of Health as an Official Laboratory for the purposes of radiation in bottled water analysis under S.I. No. 282 of 2016.
- iii Ireland has designated Official Laboratories for official controls under Article 37 of Regulation (EC) No, 2017/625. Under S.I. No. 79 of 2020 the Department of Health can designate the EPA's Radiation Monitoring Laboratory, located in the EPA's regional office in Dublin, as an Official Laboratory that may carry out the analysis of samples taken during official controls.
- iv The EPA 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 EPA or staff of Official Agencies with whom the FSAI has contracts as provided for in Section 48 of the Food Safety Authority of Ireland Act, 1998.
- v The EPA and the FSAI 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).

Annex III – Emergency Planning and Response

- i The National Plan for Nuclear and Radiological Emergency Exposures (“the National Plan”) provides a framework for the national response to nuclear emergencies and large-scale radiological incidents. Lead responsibility for NEPNA lies with the Department of the Environment, Climate and Communications. The EPA 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 FSAI has been assigned a support role in the response to a nuclear or radiological accident and may collect food samples and provide a media spokesperson if required. The FSAI and the EPA agree that where and when the NEPNA is activated then, to avoid confusion, this MoU shall be suspended.
- ii The arrangements outlined in this MoU shall not alter those outlined under the National Plan.
- iii The FSAI and the EPA each agree to collaborate within the framework of the National Plan to assist each other in fulfilling their respective roles and responsibilities under the National Plan. This can be achieved through the participation of joint training and exercises in the preparedness phase and sample collection, sharing of data for modelling/predictive purposes, implementation of food restrictions and seizure/destruction of foodstuffs unfit for consumption during the emergency response and recovery phases.
- iv The FSAI and the EPA agree to collaborate in the development and operation of their radiation emergency preparedness plans insofar as food safety is concerned. In particular the FSAI and the EPA shall work to maintain an appropriate level of expertise in countermeasures, food recovery, food safety and security of supply.
- v The FSAI and the EPA 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 OECD - Nuclear Energy Agency, and the World Health Organization.

Annex IV - Meeting Agenda topics

The following topics may be included as agenda items at annual or other meetings:

- i. ongoing and intended activities in areas of shared responsibility and mutual cooperation;
- ii. enforcement practices;
- iii. review of practical cooperative measures;
- iv. review of areas of shared interest and mutual co-operation (Annex I);
- v. relevant ongoing and new research activities;
- vi. contact arrangements;
- vii. operational experience and review of international alerting mechanisms;
- viii. environmental monitoring;
- ix. emerging concerns relating to substances suspected of posing hazards to human health and/or the environment;
- x. emergency preparedness;
- xi. amendments to legislation or standards;