

# Food standards: taking back control

Blog post by Associate Charlotte Roberts, 8 September 2020

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Controversies over ‘chlorinated chicken’ and ‘hormone-injected beef’ in the US/UK trade deal talks are at the centre of a heated debate on UK food standards. The debate is putting the spotlight on a fundamental issue facing the UK after Brexit: the country is taking back control of its regulatory framework - but to do what? And while the public debate on Brexit overall has ebbed with the election of the Johnson government and the distraction of covid-19, the intensity of concern related to food standards is indicative of much broader questioning of what changes will actually follow from leaving the EU.

A trade deal with the US had been anticipated by the UK government for some time as a symbol of the promise and power of a post-Brexit UK. The UK has committed to upholding common standards on animal welfare and the environment in any trade deals. However, some are inevitably questioning the strength of that commitment. While the withdrawal act will import EU safety standards and regulation to the UK in the first instance, it also allows changes to be made at any time, very easily, and without a parliamentary vote. This also raises questions around what the implications would be for changes to secondary legislation for the devolved jurisdictions, as there will no longer be the overarching EU framework ensuring common standards between the nations of the UK.

As trade talks with the US began, this secondary legislation mechanism has been presented by critics as a way for the UK government to potentially implement concessions to Washington with minimal oversight. This concern fuelled the recent attempt to amend the Agriculture Bill by enshrining in it stronger protection of existing food standards. The amendment in the Agriculture Bill was the subject of heavy lobbying by environmental NGOs and the National Farmer’s Union, with a petition amassing over 1m signatures. The far-reaching public support for measures to protect food standards is illustrative of broader fears around what Brexit could mean - the lowering of standards and a weakened global position making trade negotiations more difficult.

In the end the amendment was defeated. However, the vote itself involved a significant rebellion within the Conservative Party. The amendment was tabled by prominent Conservative MP Neil Parish, chair of the Environmental, Food and Rural Affairs Committee, and voted for by 22 other Conservatives. In recognition of the concerns and in place of the legislative changes to allow parliamentary scrutiny of trade deals that were being pushed for, the government recently announced the creation of the advisory Trade and Agriculture Commission, which will represent farmers, retailers, and consumers. The announcement was welcomed by the National Farmers Union, albeit warily, with wider scepticism as to how much influence the commission will have, and many have seen it as a symbolic rather than material concession.

Perhaps reflecting this desire from some for further commitments from government, the recent release of the first part of the government initiated National Food Strategy proposed environmental

and welfare verification programmes for overseas producers aiming to export to the UK, and for Parliament to be able to scrutinise any new trade deals negotiated. The eventual fate of the recommendations is uncertain, although the government has repeatedly rejected the idea of independent scrutiny of potential trade agreements throughout the stages of the Trade Bill. It does however indicate the politics and policy of trade and food are far from politically resolved in the eyes of stakeholders.

While negotiations continue, and it remains to be seen how effective the new Trade and Agriculture Commission is - corporates have already been pushed to take a position. Aldi and Waitrose are among major supermarkets who have already said they will not sell chlorinated chicken or hormone-injected beef in recognition of consumer concerns. However, there are broader concerns about how US chicken or beef may enter the supply chain through secondary processing without any clear labelling on the end-product for consumers. There will likely be continued pressure for corporates to make commitments which would effectively reduce or eliminate sourcing of 'lower standard' food products. The eventual balance achieved between private sector and government regulation on this heated issue may signal a much larger responsibility for corporates in delivering on what taking control means in practice.