

# How the Agriculture Bill can help maintain existing UK food standards

## Future British Standards Coalition – interim briefing

**Embargoed: 12 October 2020**

The Conservative party's 2019 manifesto contained an important commitment: 'In all of our trade negotiations, we will not compromise on our high environmental protection, animal welfare and food standards.' [1]

Over the past few months the UK government has emphasised the opportunities of striking new trade deals around the world, particularly with countries such as Australia and the United States where food standards are lower. It has done this while resisting calls to commit in law to not import food below UK standards – claiming that such safeguards are unnecessary [2].

As a group of organisations representing a range of public interests, the Future British Standards Coalition has been convened to scrutinise the UK government's approach to food standards [3]. This interim report considers some of the opportunities and risks, and makes two recommendations for the final stages of the Agriculture Bill.

### Food standards: the opportunities and risks

The coalition concludes that there a number of significant **opportunities** for the UK government in maintaining high standards. It could show ambition and leadership at the World Trade Organisation, encouraging debate around the consequences of trade and working in coalition with like-minded countries to make the organisation more effective in addressing issues such as climate change, biodiversity loss and antibiotic resistance. It could encourage trading partners to adopt higher standards, both through setting minimum expectations on food production standards and by defending these at the WTO – giving other nations the confidence to increase import standards.

Maintaining high standards would help to create new export opportunities. As Defra secretary, Michael Gove argued that UK export policy should be guided by 'quality and provenance', an idea supported by the recent remarkable growth of the sustainable seafood market [4]. The panel saw evidence that the potential for revenue and growth is greater in higher standard produce.

While some have sought to argue that insisting on high standards can disadvantage poorer nations who want to trade with us, the coalition has seen compelling evidence that setting high import standards can increase exports from the Global South while improving environmental conditions in those countries. For example, the state of Punjab in India decided to ban the use of nine pesticides to boost Basmati exports to the EU and UK market [5]. Many developing countries produce to UK and EU import standards and successfully trade with the UK, and the UK has already indicated that it can continue to favour trade and products from developing nations with zero tariff access from 1 January 2021 [6].

On the other hand, the coalition noted some of the numerous **risks** associated with lowering food standards. These extend well beyond the public health and animal welfare concerns around chlorine-washed chicken and hormone-treated beef:

- With public sector caterers required to show they are providing value for money, hospitals, schools and care homes will be under pressure to accept lower standard food if it is cheaper.
- Families on lower incomes will be more exposed to lower quality food sold at cheaper prices, undermining national efforts to reduce consumption of less healthy processed foods and sugary drinks.
- Importing lower quality food could undercut domestic farmers who have invested in producing food to existing high standards, and facilitate intensive, lower standard farming abroad.
- UK citizens will be exposed to larger amounts of more toxic chemicals, many of which are linked to serious health conditions such as cancer, impaired cognitive development and infertility [7].
- Food poisoning rates, food fraud and antibiotic resistance could rise if food is imported from countries with less reliable systems for managing risks and disease associated with meat, dairy and eggs, in particular.
- Lower food standards encourage poor production practices that are hastening the destruction of nature across the world and driving climate change. Soya production for animal feed, for example, has led to major loss of savannah, Amazon and Atlantic forest in Latin America.

## **Public opinion and government reluctance**

A recent poll from consumer group Which? shows the emphatic public support in the UK (95%) for maintaining existing food standards [8]. The UK government's reasons for not committing to these standards in law have been numerous, but include the ideas that standards have already been transposed from EU law so a legal commitment is unnecessary, and that any changes to them will be put before parliament [9].

In fact, our panel noted with concern that layers of accountability had been removed in the transposition of EU law and that standards had been inserted into secondary legislation, which can be changed without adequate scrutiny or being put to a vote. The government's environment minister in the Lords, Lord Gardiner of Kimble, recently conceded that changes to food standards would be done through a process known as a negative resolution – which means that they would become law automatically without a vote in parliament [10].

Secondary legislation (also known as a statutory instrument, or 'SI') is rarely subject to what could be considered proper or meaningful scrutiny or debate. What's more, in some areas, it appears that it will now be possible to make changes to food standards through purely administrative rather than legislative routes. While there is a role for bodies such as the UK's Food Standards Agency to play, the processes for making changes to food standards are far from transparent and ministers can overrule its recommendations [11].

Crucially, the panel also heard evidence that it is possible to reject low standard food imports, remain WTO compliant and still strike trade deals. There are examples of positive trade innovations in recent trade agreements, including EU-Mexico on animal sentience. The panel was told that domestic standards would be strengthened by having them enshrined across all relevant domestic legislation, including the UK Agriculture Bill, and that this would require additional parliamentary scrutiny over changes to standards. It was also informed that the UK should be able to defend a ban on certain products under the WTO's SPS regulations that cover food safety (as it currently does as an EU Member State), and furthermore could justify animal welfare and environmental impact controls under GATT's public morals defence and the finite natural resource exemption to avoid products linked to deforestation.

## **Recommendations for the Agriculture Bill**

While it appears that protections for food standards have already been weakened, the Future British Standards Coalition believes that the Agriculture Bill, returning to parliament on 12 October, offers the UK government a chance to uphold its manifesto commitment to food standards and retain the right to regulate in this area.

At the previous stage peers had proposed an amendment to the bill that would see food imports need to meet UK standards. The coalition agrees that the foundation stone of maintaining existing standards – and the simplest way for government to honour its manifesto pledge – is through a commitment in law not to allow food imports that fail to meet current British standards. Having heard evidence that it is possible to restrict imports on the basis of legitimate concerns about production methods and still comply with WTO law, the coalition concludes that the government should seek to accept this amendment.

Peers also supported an amendment that would see the government's new Trade and Agriculture Commission strengthened. As it stands, this body is advisory only, does not report directly to parliament, is set to produce one report by the end of 2020, and has a membership that excludes many issues of public interest and high public concern.

The coalition supports parliamentary efforts to create a stronger, permanent and more representative commission – particularly in the area of public health – to advise the government on trade policy and agreements. We urge MPs, peers and ministers to pursue this very reasonable step in order to protect UK food standards in trade.

## Notes

[1] [The Conservative and Unionist party manifesto 2019](#), p. 57.

[2] The Times, '[Brexit: No 10 snubs tougher food rules to keep trade deals on the menu](#)', 8 October 2020.

[3] The Future British Standards Coalition is a cross-sector group of organisations convened to scrutinise the UK government's approach to food standards as it seeks to make trade deals around the world. Chaired by Kath Dalmeny from the Sustain alliance, the coalition includes Dr Emily Lydgate from the University of Sussex; Lord Randall of Uxbridge; Baroness Boycott; and representatives from the Tenant Farmers Association, Faculty of Public Health, WWF, Public Sector 100, Pesticide Action Network UK, RSPCA, Compassion in World Farming and the Landworkers' Alliance. The panel's first roundtable meeting was held on 7 October 2020 with bilateral meetings held with two of the panellists.

[4] Food Manufacture, '[Provenance key to food exports, claims Michael Gove](#)', 11 July 2017; The Guardian, '[Reeling it in: global sustainable seafood market hits \\$11.5bn](#)', 11 May 2016.

[5] The Indian Express, '[To ensure Basmati finds takers in EU, Punjab tightens noose around pesticide dealers](#)', 18 August 2020.

[6] D. Bowles, R. Paskin, M. Gutiérrez & A. Kasterine, '[Animal welfare and developing countries: opportunities for trade in high-welfare products from developing countries](#)', 2005; UK Government, '[Trading with developing nations](#)', 30 January 2020.

[7] Read more about this in [Toxic Trade](#), by Pesticide Action Network UK, Sustain and Dr Emily Lydgate, June 2020.

[8] ITV, '[Majority of Britons oppose weakening of food standards under UK-US trade deal](#)', 25 June 2020.

[9] The Guardian, '[Farmers call on UK to commit in law to ban chlorinated chicken](#)', 4 October 2020.

[10] Lord Gardiner of Kimble, in [Hansard](#), of House of Lords, Agriculture Bill report stage, 22 September 2020; UK parliament, Glossary, '[Negative procedure](#)'.

Ministers have already removed restrictions on antibiotic use in farm animals: Mail on Sunday, '[Restrictions on the use of antibiotics on British farm animals 'were watered down to help post-Brexit US trade deal'](#)', 15 August 2020.

[11] Emily Lydgate, Chloe Anthony and Erik Millstone, for the UK Trade Policy Observatory, '[Brexit food safety legislation and potential implications for UK trade: the devil in the details](#)', pp. 5-6.

For more information on the Future British Standards Coalition, please visit the [Sustain website](#) or contact Ben Halfpenny ([bhalfpenny@green-alliance.org.uk](mailto:bhalfpenny@green-alliance.org.uk)) or Orla Delargy ([orla@sustainweb.org](mailto:orla@sustainweb.org)).