

# Safeguarding standards

**Future British Standards Coalition**

November 2020

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## Chair’s foreword

The Future British Standards Coalition was established in September 2020 to discuss how the government can maintain our food, animal welfare and environmental standards as it seeks new trade deals. The expert organisations that form this coalition felt that fundamental issues are in danger of being overlooked. It remains difficult to get legitimate concerns heard about the potential impact of trade on British farming, while there are still big questions over how UK trade deals might drive or combat climate change, biodiversity loss, antimicrobial resistance, poor animal welfare and diet-related diseases such as obesity.

As chair, I have been fortunate to receive the advice and counsel of panellists with a huge range of expertise – from the nuances of international trade law to the limits of dual tariffs and the leadership opportunities in setting strong pesticide regulations. As a panel, we have sought to gauge what is needed to maintain our standards, and to call for what is possible in the current political context. We also hope to have shown ministers what a representative commission on trade and standards could – or indeed should – look like.

A lot has happened since our coalition first met. The UK now has a new Agriculture Act; yet the government rejected the opportunity to enshrine food import standards in that law. After a campaign that united farmers, chefs, peers, food campaigners and environmentalists, ministers have promised to put their Trade and Agriculture Commission (TAC) on a statutory footing and extend its lifespan; yet despite its new status and importance, it still lacks trade expertise and has no environmental, animal welfare, consumer or public health representation on its board.

The head of the National Food Strategy, Henry Dimbleby, has already expressed his view that the TAC should have experts on its board, not just representative groups. He also wrote a helpful letter to the TAC at the beginning of November.<sup>i</sup> In it, he called for the commission to set out clearly which specific British standards are to be protected; and to clarify the mechanisms that will ensure standards are not compromised. These priorities reflect the mood of the British public, who have expressed their strong pride in British standards and desire for them to be protected in law, through surveys, petitions and a powerful new in-depth study from the consumer association *Which?*<sup>ii</sup>

In extending the Trade and Agriculture Commission, the government has clearly acknowledged some of the public’s concerns. This does not mean that the issue is settled, however. Questions over the TAC’s membership, remit and power, in addition to wider parliamentary scrutiny of trade deals, means the fate of our treasured British food, farming and environmental standards still hangs in the balance. It’s time for the government to live up to its words.

### **Kath Dalmeny**

Chief executive of Sustain, and chair of the Future British Standards Coalition

## Introduction

In negotiating its first independent trade agreements in 40 years, the UK has a huge opportunity to develop an approach that creates opportunities for domestic farmers, enhances the health of the British public and sets a trailblazing example for high standards around the world.

In its 2019 manifesto the government emphasised that it will ‘not compromise’ on food, environmental and animal welfare standards in trade.<sup>iii</sup> Ministers have continually emphasised that they are committed to this promise – and no surprise. Poll after poll has shown that the British public do not want imports of lower quality food.<sup>iv</sup>

Farmers, consumer groups, green organisations, chefs, animal welfare advocates and the wider public have demanded ministers put their manifesto commitment in law: according to the chef Jamie Oliver, more than 2.65m people have signed petitions, and over 260,000 have written to their MP.<sup>v</sup> By committing in law, the government would not only demonstrate its dedication to its manifesto promise, but also prevent future governments from easily overturning or bypassing its good intentions.

The UK government has, nevertheless, refused to offer clear legal guarantees on food import standards, offering different and sometimes inconsistent reasons for not doing so. Ministers have claimed that commitments to standards in trade are already in law, whilst also arguing that legislating to align domestic and import standards would bind the hands of UK negotiators, limit the ability of developing countries to trade with us, and possibly contravene WTO rules.<sup>vi</sup>

As this report will show, there are significant doubts over the claim that protections stemming from EU membership have been transferred into UK law. There is no foundation to claims that a legal commitment to maintain food import standards would suddenly force producers in less wealthy nations to follow UK production methods, preventing the import of bananas.<sup>vii</sup>

Many have also expressed concerns over the scrutiny of trade agreements. UK parliamentarians are not being offered a vote or veto on trade agreements, and their options to postpone deals are convoluted. The input of parliamentarians into shaping policy and its objectives appears limited.

Following public and parliamentary pressure, the government has made two significant announcements in this area. Reports will now be presented to parliament on the food, environmental and animal welfare impact of trade deals; and the recently established Trade and Agriculture Commission, formed to advise the government on trade policy, will be put on a statutory footing for at least three years.<sup>viii</sup>

While these are steps in the right direction – enhancing engagement on government trade policy – questions remain over the membership of the commission and the potential impact of the parliamentary reports to guide or change government policy.

To consider how government can guarantee ‘no compromise’ on standards, this report considers the opportunities and risks around food standards; analyses legal compliance with international rules; and concludes with a set of recommendations.

## Opportunities of trade

Maintaining existing import standards offers the UK government two clear opportunities: to secure and enhance domestic progress, as ministers continue with their ambitious programme of nature-friendly farming reform; and to create a healthier and more humane global food system, meeting ambitions of global leadership in animal welfare, the environment and public health.

### Securing domestic success

Farmers and farming unions have repeatedly argued that not rolling back import standards is integral to domestic success.<sup>ix</sup> Guaranteeing a baseline of existing import standards would mean UK farmers are not undercut by low standards produce, enable the UK to secure a sustainable food supply, and

help maintain access to existing markets, such as the EU. It would also provide stability as farmers prepare for changes to how farming payments are determined and distributed, and help the government to deliver on other agendas such as protecting nature and tackling climate change.

Maintaining high standards would help to create new export opportunities. When he was Defra secretary, Michael Gove argued that UK export policy should be guided by 'quality and provenance' – an idea supported by the remarkable growth of the sustainable seafood market.<sup>x</sup> The UK has the opportunity to access and build new markets for high quality British produce, such as lamb exports to the United States, while demonstrating to UK consumers that their concerns are being understood.

#### Creating a healthier and more humane global food system as a world leader

With public awareness increasing over the environmental and public health impacts of food and food production across the world, the UK government is well-positioned to show leadership on standards.

Other countries and blocs have recently shown the power of high standards in trade to enhance nature and animal welfare. For example, via the EU-Mercosur free trade agreement (awaiting finalisation), South American egg exporters who meet EU hen welfare standards will benefit from zero-tariff access to EU markets.<sup>xi</sup> This conditional tariff was a world first on animal welfare grounds.

The US' Marine Mammal Protection Act, meanwhile, has encouraged other countries to raise their environmental and nature standards to continue exporting seafood to the US. The act has incentivised the UK to ban the killing of seals on salmon farms rather than lose access to the US market for Scottish salmon exports.<sup>xii</sup> The UK could now look to push standards in pork production and laying hens, areas where it has notably higher standards than many of the nations with which it is looking to secure free trade agreements.

UK ministers have a great opportunity to demonstrate a commitment to high standards in their new, independent approach to trade as they prepare to host the major COP26 climate conference in November 2021. Prime Minister Boris Johnson recently set out a 10-point climate plan.<sup>xiii</sup> In advance of COP, the UK could also establish an approach that integrates free trade with high minimum expectations on the environment, food system and animal welfare, setting the tone for discussion.

It has been argued that WTO rules constrain what the UK can achieve via trade deals.<sup>xiv</sup> However, WTO rules contain important carve-outs that the UK could use to cement high standards and liberalise trade in high standard produce.<sup>xv</sup> The FBSC also thinks that the UK can seek to use its economic and diplomatic strengths to *raise* international standards.

More specifically, the UK could use its new seat at the WTO to support raising minimum internationally recognised sets of food standards such as the Codex Alimentarius and lobby for the WTO to recognise an official set of high animal welfare standards. This would require political ambition, but defending such standards at the WTO would give other nations the confidence to increase standards rather than pursue or sanction lower ones.

Strong UK leadership would also support international alliances pushing for the WTO to become more effective in addressing issues such as climate change, biodiversity loss and antibiotic resistance. An early opportunity for the UK to demonstrate a bold approach will come at the 12<sup>th</sup> WTO Ministerial Conference in 2021, where members will discuss agricultural issues including the operation and implementation of the Sanitary and Phytosanitary Measures (SPS) agreement – measures aimed to protect humans, animals and plants from diseases, pests, or contaminants such as pesticides.<sup>xvi</sup>

There is compelling evidence that setting high import standards can increase exports from the Global South while improving environmental conditions and animal welfare in those countries. The state of Punjab in India decided to ban the use of nine pesticides to boost Basmati exports to the EU and UK market, while Indian spice industry leaders support calls to ban a raft of insecticides to open market opportunities to Europe.<sup>xvii</sup> Nigeria, Kenya and Punjab have all moved towards UK pesticide standards so their producers could access EU markets, while Namibia's decision to set high standards in hygiene, veterinary care and animal welfare saw it become Africa's largest beef exporter to the EU.<sup>xviii</sup>

High standards benefit people, animals and nature at home and abroad. The UK government is fond of claims to global leadership; on standards, ministers have a real opportunity to lead.

## Trade risks

These opportunities, however, need to be balanced with concerns over the potential impact of cheaper imported produce on UK farming and the export of our environmental footprint.

At the end of the transition period, the UK will lose frictionless market access to the EU and the wider negotiating power that comes with being a member of that bloc. Prospective trading partners are demanding agricultural access as a condition for securing a comprehensive trade deal. The United States sees lowered food standards as a central objective of trade negotiations, while leaked documents from talks with India show that lowering UK import standards is a priority.<sup>xix</sup> There is therefore clear pressure on the UK government to lower food import standards.

### Damaging public health

Any drop in import standards would directly impact public health. Recent studies show that 70% of beef, 80% of chicken and 90% of turkey products sampled from the US contained E.coli, a cause of serious food poisoning and an indication of faecal contamination stemming from poor animal living conditions.<sup>xx</sup> An increase in the import of lower quality food would also undermine efforts from Downing Street to protect child health through its obesity strategy, with restrictions on junk food marketing and unhealthy food promotions.

Many trade partners want the UK to allow food imports containing significantly higher levels of pesticides than currently permitted. For example, it is possible for Australian apples to contain 100 times the amount of the carcinogenic insecticide Malathion than UK apples.<sup>xxi</sup> There is also a concern that the UK could start importing food produced with pesticides banned for use at home on health-related grounds. 'Highly Hazardous Pesticides' are proven to cause long term health damage such as birth defects, cancer, hormonal disruption and genetic damage. Compared to the UK, there are 18 more Highly Hazardous Pesticides used in India, 29 more in the USA, and 71 more in Australia.<sup>xxii</sup>

There are fears around imports of food products linked to antibiotic resistance. The World Health Organisation recently stated that 'without urgent action, we are heading for a post-antibiotic era, in which common infections and minor injuries can once again kill'.<sup>xxiii</sup> The UK's prospective major trading partners are some of the worst offenders in this area, with many using antibiotics for non-medical purposes such as growth stimulation. Any trade deal that increases low standard meat from these countries therefore increases the risk of spreading super-resistant bacteria. A 2018 outbreak of super-resistant Salmonella in the USA was linked to overuse of Azithromycin in cattle.<sup>xxiv</sup> In contrast, the UK has some of the highest antibiotic standards in the world and usage has tumbled in recent years.<sup>xxv</sup>

### Consumer choice is not a reason for lowering standards

Some commentators have argued that maintaining high food standards hurts those on lower incomes by keeping prices up, and that better labelling rules will enable consumers to make a more informed choice over what they eat and purchase.

It is difficult to find sympathy with these arguments. For those without the ability to choose, the government would effectively be trading people's health and peace of mind for trade liberalisation; in fact, surveys show those on lower incomes appear the most opposed to lowering standards.<sup>xxvi</sup> And yet such a decision would not just involve people on lower incomes who are most exposed to lower quality food at cheaper prices. Public sector procurers (hospitals, schools, armed forces, prisons) have limited budgets and are legally required to report on how the food they provide gives value for money; this means that they too could end up choosing lower quality imports over higher standard UK produce. Catering and public health representatives are very concerned about public procurement, with fears that major fast food restaurants now have a better approach to sourcing their ingredients than some parts of the public sector.

Even if consumers have the ability to choose, and even with a better approach to labelling, there will still be problems controlling provenance. Over 40% of household food expenditure in the UK goes toward catering services, such as restaurants, who are not required to label the provenance of their ingredients.<sup>xxvii</sup> If food import standards are weakened, restaurants will be incentivised to use cheaper, lower standard ingredients without the consumer's knowledge or consent. On pesticides, specifically, a situation where pesticide residues are listed is almost inconceivable.

### Squeezing UK farmers

If trade barriers to lower quality food are lowered, the impacts could be huge. Operating to higher standards than many of its potential trading competitors, many UK farms would be undercut and become uneconomical, incurring job losses in the countryside. Smaller farms could be consolidated into intensive mega farms, and pressure to deregulate domestically to remain competitive would intensify.<sup>xxviii</sup> Access to the EU, currently the UK's largest export market, would be threatened.

### Increasing harm from our consumption

Importing lower quality food would widen the market for poorly treated animals as well as products that encourage and feed unhealthy diets. Meat is produced in very different ways around the world. For example, the use of conventional battery cages for egg-laying hens is widespread in countries with which we are seeking to agree new trade deals, but banned in the UK. Brazilian cattle can be castrated under 6 months old, dehorned, and hot branded, all without anaesthetic. These practices are all banned for cattle over a week old without anaesthetic in the UK.

Importing lower quality food would also grow the market for food produced with a greater impact on the environment. According to government data, 63% of Amazon rainforest cleared from 1998-2014 was converted to pastureland – an area the size of Portugal. A significant amount of this land was in indigenous and protected areas.<sup>xxix</sup> This deforestation impact means the greenhouse gas emissions from a Brazilian beef steak is around 5 times higher than the UK equivalent.<sup>xxx</sup>

Some of the major trade deals currently sought by the UK government could significantly increase the volume of low quality goods on our market – especially if combined with a reduction in UK-EU trade.

### Overall

Given the UK has some of the highest food, environmental and animal welfare standards in the world, any drop in these standards would send a poor message to UK citizens and the wider international community at a crucial time. Huge challenges in public health and crises of nature loss and climate change demonstrate the danger of rolling back standards, while trade based on lower standards would both undercut domestic producers and threaten their existing markets.

## **The law**

As part of the EU, the UK has historically had higher standards, and taken a more precautionary approach, than other countries such as Australia. This has covered food safety as well as food production, leading to bans on products such as livestock treated with growth hormones. Pesticide restrictions have also been tougher in the EU, and the baseline for animal welfare is high compared to other non-EU countries and trading blocs.

The government has claimed that it has carried over these EU protections, rendering unnecessary a new legal commitment to not roll back import standards. It has argued that bans on products such as chlorinated chicken are being retained via the EU Withdrawal Act 2018 and will take effect from 1 January 2021.<sup>xxxi</sup> Problematically, however, the government has also claimed that certain import bans are unlikely to comply with WTO law, and unfairly malign developing countries. This apparent contradiction brings the strength of the government's arguments into question.

## Transposition of EU law

On closer examination, it appears that the transposition of EU law into UK law is far from consistent. Trade law experts have found that UK food standards governing antibiotic and hormone use, use of anti-microbial washes (chlorinated chicken), GMOs and food additives, among others, have not been retained in primary legislation, but moved to secondary legislation, which is easier for the government to change.<sup>xxxii</sup> Government ministers have even admitted that food standards could be changed via a 'negative resolution' – an automatic change in the law without a parliamentary vote.<sup>xxxiii</sup>

Whether by design or accident, rules governing the use of antibiotics in food production have been deleted: references to several hundred medicines, including antibiotics, which are restricted or banned from use in food producing animals have been removed from the UK statute book.<sup>xxxiv</sup> Thanks to these changes, ministers will have a clean slate from January 2021 to categorise, amend or remove substances from the UK rulebook without parliamentary scrutiny. Despite ministerial claims, lawyers have also found that any changes to bans on chlorinated chicken will not be brought before parliament, and ministers are now able to alter the bans without a vote in parliament.<sup>xxxv</sup>

Finally, there are concerns that the role of bodies such as the Food Standards Agency has been undermined in the transfer of rules. Examining the legislation, trade lawyers have found a systemic weakening of requirements to consider scientific evidence.<sup>xxxvi</sup> So while most standards have not been changed, the process of changing them has been made much simpler. Protections, scrutiny and accountability around food standards have been weakened.

## Impact on developing countries

Defending its refusal to guarantee in law that food imports meet current UK food standards, the UK government has argued that providing a legal guarantee would disadvantage poorer nations who want to trade with us. It has also been claimed that such a guarantee would prevent the UK importing bananas, which unfairly maligns and misunderstands supply chains in the Global South.<sup>xxxvii</sup>

There are many problems with these arguments. They misrepresent trade law by conflating individual products with an entire trading country, and ignore the fact that many farmers in developing countries across the world already export high quality produce to the UK and EU. They disregard the fact that the UK has indicated its ability to favour trade and products from developing nations with zero tariff access from 1 January 2021.<sup>xxxviii</sup>

Such arguments are also predicated on the idea that producers in developing nations should continue to use dangerous pesticides or environmentally-damaging production methods, whereas producers in the UK are expected to hold – and benefit from – higher standards. Exposure to and death from dangerous pesticides in India shows the terrible consequences: at least 50 farmers in the state of Maharashtra were killed by suspected pesticide poisoning across just three months in 2017, with 800 farmers admitted to hospital in one district alone.<sup>xxxix</sup>

The UK government has previously objected to the wording of certain amendments to put clear bans into law. It could, however, suggest alternative words that satisfy ministers.

## WTO compliance

While it has been argued that a ban on lower quality foodstuffs does not comply with WTO rules, trade academics have concluded that it is possible to reject low standard food imports and remain WTO compliant.<sup>xl</sup> Under WTO rules, countries should not treat the same products differently depending on their country of origin. The UK must apply a requirement, such as a ban on battery cages for hens, to domestic as well as imported products. A ban on one type of product from one country does not exclude all products from that country if they are produced to the permissible standard.

This reaffirms the importance of ensuring that domestic requirements, such as bans on particular production standards, are laid out clearly in legislation, preferably primary legislation that is not as easily amendable by ministers. There are also other more recent examples of trade agreements –

including EU-Mexico on animal sentience – where expectations of high animal welfare standards have been integrated into the trade deal.<sup>xii</sup>

The UK would need recourse to different areas of WTO rules to maintain bans. As an EU Member State, the UK already bans or restricts a number of food products on health and animal welfare grounds. The UK should maintain these regulations and be able to defend them if challenged under the WTO's SPS regulations that cover food safety or the GATT Article XX for animal welfare and environmental impact controls.

Maintaining import bans on lower quality goods can comply with WTO rules. The government therefore has a choice: will it lead, or follow?

## Protecting standards without a legal commitment

The UK currently operates a dual regime: a system of rules governing imports, and a separate regulatory system for domestic production. Together, these measures should ensure that import rules are adequately codified and implemented, and that UK producers are not undercut.

In the absence of a clear legal commitment to maintain food import standards, the UK government has proposed a number of measures that offer checks and balances on the food the UK will import. Ideally, these measures should meet the same aims as a legal commitment – namely, to provide a clear baseline for imports; to guarantee the potential for change and strengthening in line with emerging evidence; and to ensure that transparency, engagement and scrutiny are standard parts of standard-setting.

### A new Trade and Agriculture Commission

The Trade and Agriculture Commission (TAC) was set up by ministers in July 2020 to 'advise and inform' the government's trade policies. After significant campaigning from a wide variety of groups, from farmers to food campaigners, the government put the body on a statutory footing, extending its term from six months to a minimum of three years. This is a significant step forward.<sup>xiii</sup>

With parliamentarians currently denied a vote or veto on trade agreements, however, it is important that the TAC can influence the design of policy and hold the government to account on maintaining standards when agreeing new trade deals.

The coalition therefore seeks more detail on the process for the TAC to scrutinise trade deals, the role of parliament in approving and/or amending trade deals and, crucially, how the membership of the TAC will prove truly representative of all public interests. Trade Secretary Liz Truss argued that the commission would 'ensure the voices of the public and industry are heard'.<sup>xiii</sup> The FBSC believes the TAC's membership should be expanded to include public health, environmental and consumer groups, and prove more representative of public interests. A current member of the TAC recently indicated their support for a more representative commission in *The Times*.<sup>xiv</sup>

Alongside the changes to the TAC, the government also announced that it would submit a report to parliament on each of its non-rollover trade deals before the commencement of the 21-day scrutiny period (under the Constitutional Reform and Governance Act, or CRAG).<sup>xv</sup> According to the government's press release, these reports will address the trade deal's impact on public health, animal welfare and the environment.

The commitment to issue these reports is welcome, and will provide more analysis of a deal's impact. Still, it should be seen within the limitations of the CRAG process, which only allows for (continual) postponement of a trade deal, rather than its rejection, and it is notable that the secretary of state will get to choose who is consulted on the formation of the reports.<sup>xvi</sup>

### An ongoing, expanded role for food regulators

As the UK will no longer rely on EU bodies to undertake key regulatory functions, the government has confirmed that the role of food regulators across the UK is to be expanded. The Food Standards



Agency (FSA) and Food Standards Scotland will take on the role of upholding current legislative bans on chlorinated chicken and hormone treated meat. It will conduct risk analyses to ensure imported food products meet existing standards.

Emily Miles, CEO of the FSA, has confirmed that the body's remit goes beyond food safety, and covers 'consumer habits, perceptions and preferences (which may include animal welfare and environmental concerns)'.<sup>xlvii</sup> The FSA, however, is not expected to put great emphasis on production methods, which could see significant risks and impacts associated with certain foods overlooked. Environmental and animal welfare impacts of production do not necessarily correlate with food safety issues, and neither are immediately apparent from an inspection of the final product.

There is a lot of uncertainty about how – and how well – the FSA might carry out the multiple roles assigned to it. It is not currently clear, for example, how the FSA might implement a ban on the import of pork from systems using the additive ractopamine. It is also unclear how the body will work with Defra to exchange information and expertise – or how Defra will be resourced to support this work.

The FSA is already struggling. In 2019 the National Audit Office (NAO) found that the FSA lacked 'measures for assessing whether food meets safety and composition standards'. The NAO also reported that between 2012-13 and 2017-18 there was a 45% decline in the number of food standards staff (per 1,000 food businesses).<sup>xlviii</sup> Despite the increase in workload due to its expanded set of responsibilities, it is unclear what extra training, capacity and resourcing the FSA will receive.

There are also questions over the FSA's accountability and influence. The body lacks transparency and effective public engagement strategies, which will be necessary to allow civil society to highlight concerns over proposed imports. Perhaps more importantly, decisions on standards have been taken away from parliament and given to the FSA in conjunction with ministers. Emily Miles has confirmed that the FSA will 'compile the evidence and offer advice to ministers, who will then decide to accept it or not'.<sup>xlix</sup> Ministers will therefore be able to ignore the recommendations of the regulator.

Outside the FSA, the Health and Safety Executive – charged with the considerable task of running the new, standalone UK system for chemical regulation – is to set future administrative standards such as Maximum Residue Limits (MRLs) for pesticides and veterinary medicines in food. As with the FSA, the HSE has suffered large budget and staff cuts that raise questions for an increased workload.<sup>l</sup>

The greater regulation of imports – due to Brexit and to potential changes in import standards – will also mean additional requirements on Port Health Authorities, Environmental Health teams and Border Inspection Posts. These bodies have also seen cuts in resourcing, and details are lacking on how they can cope with increased responsibility over inspection and standards.

#### A new dual-tariff system for imports

A dual-tariff system was reported as being considered by government in June, ahead of continued negotiations with the US. A government source said that 'the idea of a dual tariff regime is that the upper band would remove any economic advantage that foreign producers would gain through lower animal welfare standards. British farmers would also have a competitive advantage even with goods that are produced to high standards, because of the lower tariff regime applied to imports'.<sup>li</sup>

The concern with these proposals is that they seek to use tariffs to exclude products by making them financially unviable, instead of using tariffs to boost imports of products that meet our standards.

Tariffs are no substitute for clear, blanket bans. With tariffs, the government will come under significant pressure from trading partners to reduce tariffs over the course of negotiations and then phase them out over time, increasing market access for lower quality products. Parliamentarians are very unlikely to have a vote or meaningful input on changes to tariffs, while exporters and agencies will be under increased pressure to prove certain products are in the higher or lower tariff category.

Ultimately, tariffs should be used in trade negotiations to boost imports of products that meet our standards, as in the example of eggs in the EU-Mercosur deal.<sup>lii</sup> The safest option is to maintain existing bans, or bring in new ones; the next step down is differential tariffs.

### Ongoing engagement via Trade Advisory Groups

The Department for International Trade (DIT) initially convened both a Strategic Trade Advisory group (STAG) and a number of Expert Trade Advisory Groups (ETAGs) in 2018. These groups were established with the aim of seeking 'informed views on relevant trade policy matters'.<sup>liii</sup>

The discussion agenda, however, is set by the government, and the various groups are advisory only. Their ability to set, defend or advance import standards is very limited. As the STAG is a longer term forum, it could hypothetically offer wider society a forum for engagement on future FTA negotiations – but while it has added an environmental representative the body remains relatively unrepresentative, lacks opportunities for detailed discussion and hampers participants with non-disclosure agreements. In summer 2020, the ETAGs were revised, with most replaced in favour of 11 new groups with overwhelmingly business-dominated memberships.

### Overall

Altogether, these measures have the potential to set a regulatory baseline for imports and to discourage the import of some lower quality goods. However, they do not guarantee that the baseline for imports will support the current level of UK production standards. The Trade and Agriculture Commission must be given the necessary powers, resources and access to fulfil its remit and enable the government to deliver on its manifesto promise.

## Conclusion and recommendations

As the end of the transition period nears, time is slim for government to make big decisions about the future of UK food and farming. Defra often speaks of world-leading ambition, and DIT of securing fantastic new trade deals with non-EU partners. But at the heart of these ambitions are inescapable, fundamental tensions. Will ministers provide true international leadership and deliver on their manifesto commitment to maintain standards, or will they compromise?

The coalition is concerned by evidence that the government has already watered down certain protections, and also given itself more freedom and flexibility to change the rules. Ministers now have a lot more power to alter food standards – and without democratic accountability. With a reduction in scrutiny over trade deals, the executive has consolidated control across the piece – from trade negotiations to domestic food standards.

The government has strenuously denied it intends to lower standards, or the need to put that commitment in law. The alternative methods to maintain standards come with questions. Food regulators can be overruled by ministers, and their resources and remit to determine and uphold standards are in doubt. Dual tariffs can be useful but are not on their own a replacement for outright bans in legislation for lower quality imports. The recent decision to establish the Trade and Agriculture Commission for the next three years and widen its role is more encouraging, and a step in the right direction. The government now needs to show that it is serious about its promise of 'no compromise' on standards by strengthening this body further.

In this report, we have tried to illustrate the great *advantages* of not rolling back on standards: the tone it sets; the international effect it engenders; the leadership it shows. After all the 'world-leading' rhetoric, we urge the UK not to hide behind the supposedly impossible. We urge the UK to fight for high standards on the world stage, benefiting British farmers and consumers, producers and growers in the Global South, and the wider environment.

The debate over the past 12 months has caused many to doubt the government's commitment to UK standards. The process of convincing them can start now.

## Recommendations

Ultimately, maintaining high standards requires their protection across a number of strands of primary legislation; full parliamentary scrutiny over changes to standards; and a strong commitment to a precautionary approach.

The Future British Standards Coalition therefore proposes the following recommendations for government to uphold its manifesto commitment of 'no compromise' on standards:

1. The greatest protection remains a commitment in primary legislation not to lower food, environmental and animal welfare standards in the UK – and a commitment not to import food produced to lower standards that would compromise these.

This would prove to the world that the UK will not row back on its existing standards and intends to become a global leader in food produce and green governance.

2. If the government is not going to legislate, scrutiny over the development of trade policy and trade agreements – with the assistance of full government impact assessments – becomes ever more important. It is absolutely vital that the newly extended Trade and Agriculture Commission (TAC) is given the necessary access, powers and resources to do its job.

We call on government to make sure the TAC possesses the expertise to reflect the full scope of public interests – including environmental, animal welfare, consumer and public health representatives. We urge the government to clarify how the commission will interact with parliament and how far it can influence individual trade agreements. And we encourage government to strengthen the process for parliamentarians to contribute to the development and ratification of trade agreements beyond existing processes.

3. Ministers should champion high standards and defend them at the WTO.
4. The government should develop a new and publicly available terms of reference for the Food Standards Agency and all other relevant regulators and enforcement bodies, clarifying how these bodies will be resourced and what genuine influence they can have over trade.
5. If used, tariff measures should be used to drive up import standards towards UK production standards. They are not an effective replacement for existing bans or restrictions.

## Notes

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- <sup>i</sup> Letter: Henry Dimbleby, Independent Lead, National Food Strategy, to Tim Smith, Chair of the Trade and Agriculture Commission, [National Food Strategy](#), 4 November 2020
- <sup>ii</sup> Which? reveals what consumers really want from post-Brexit trade deals, [Which?](#), 11 November 2020
- <sup>iii</sup> Manifesto, [The Conservative and Unionist Party](#), 2019, p. 57
- <sup>iv</sup> Ditch trade deal with Trump rather than accept chlorinated chicken, Britons say, [The Independent](#), 8 April 2018; As a crucial vote approaches, will MPs protect the UK's food standards?, [Which?](#), 7 October 2020
- <sup>v</sup> Farmers call on MPs to support food and farming standards in the Ag Bill, [Sustain](#), 3 November 2020
- <sup>vi</sup> On transposition of EU rules, see Defra Parliamentary Under-Secretary Victoria Prentis, [House of Commons](#), 12 October; on binding the hands of EU negotiators, see Defra Secretary, [Today programme](#), 26 June 2020; on difficulties for developing countries, see Trade Secretary Liz Truss, [House of Commons](#), 8 October 2020; on possibly contravening WTO rules, see Victoria Prentis, [House of Commons](#), 5 March 2020.
- <sup>vii</sup> Production standards are set in a country for its own farmers and do not apply to importers. Import standards, which often relate to food, determine what particular standards particular food stuffs have to meet to be sold in that country. Import standards are therefore often hotly contested between countries as they stop certain food producers accessing certain markets. Many individual producers, however, adapt their systems to meet the standard. For example: although growth hormones are legal in Australia, many farmers there already produce non-hormone beef for the UK market. For ministerial claims about guarantees on import standards preventing the import of bananas, see Minister for Trade Policy Greg Hands, [House of Commons](#), 8 October 2020
- <sup>viii</sup> Trade and Agriculture Commission put on statutory footing, [Department for International Trade](#), 1 November 2020
- <sup>ix</sup> Thanks to you, we can create a legacy that our grandchildren will be proud of, writes National Farmers' Union president, Minette Batters, [Mail on Sunday](#), 18 October 2020
- <sup>x</sup> Focus on quality not weakened regulation post-Brexit, Gove tells farmers, [The Guardian](#), 4 January 2018; Reeling it in: global sustainable seafood market hits \$11.5bn, [The Guardian](#), 11 May 2016
- <sup>xi</sup> EU imposes hen welfare standards on egg imports for first time, [The Guardian](#), 2 October 2019
- <sup>xii</sup> Scotland to stop fish farms killing seals to protect lucrative US export market, [The Telegraph](#), 3 June 2020
- <sup>xiii</sup> PM outlines his Ten Point Plan for a Green Industrial Revolution for 250,000 jobs, [Prime Minister's Office](#), 18 November 2020
- <sup>xiv</sup> Liam Fox MP, [House of Commons](#), 13 May 2020
- <sup>xv</sup> See, for example: International trade rules and environmental protection measures, [H Owens & T West, ClientEarth](#), October 2020; and the interview with Dr Emily Lydgate, on WTO trade rules, feathers for insulation, migrating wild birds and record breaking sheepdogs, [Farming Today](#), (08.00 onwards), 20 October 2020
- <sup>xvi</sup> Members discuss possible SPS Declaration for WTO's 12th Ministerial Conference, [WTO](#), June 2020
- <sup>xvii</sup> To ensure Basmati finds takers in EU, Punjab tightens noose around pesticide dealers, [The Indian Express](#), 18 August 2020; Insecticides banned to help spice industry, say exporters, [Times of India](#), 27 May 2020
- <sup>xviii</sup> Nigeria: Timely Warning Against Poisoned Beans, [AllAfrica](#), 13 November 2018; Parliament orders crackdown on toxic farming pesticides, [Business Daily](#), 21 October 2020; and D. Bowles, R. Paskin, M. Gutiérrez & A. Kasterine, [Animal welfare and developing countries: opportunities for trade in high-welfare products from developing countries](#), 2005
- <sup>xix</sup> The US' trade negotiation objectives include "establishing a mechanism to remove expeditiously unwarranted barriers that block the export of U.S. food and agricultural products in order to obtain more open, equitable, and reciprocal market access", in United States-United Kingdom Negotiations: Summary of Specific Negotiating Objectives, [Office of the United States Trade Representative](#), p. 2; UK-India trade review calls for flexibility on food standards and chemical rules, [Unearthed](#), 12 July 2018
- <sup>xx</sup> Dirty Secrets of American Food, [Channel 4 Dispatches](#), 12 October 2020
- <sup>xxi</sup> Toxic Trade, [PAN UK, Sustain and Dr Emily Lydgate](#), June 2020, p. 16
- <sup>xxii</sup> Toxic Trade, [PAN UK et al](#), p. 22
- <sup>xxiii</sup> Antibiotic resistance, [WHO](#), 31 July 2020
- <sup>xxiv</sup> Outbreak of Salmonella Newport Infections with Decreased Susceptibility to Azithromycin Linked to Beef Obtained in the United States and Soft Cheese Obtained in Mexico — United States, 2018–2019, Morbidity and Mortality Weekly Report, Vol. 68, No.33, [Centers for Disease Control and Prevention](#), 23 August 2019
- <sup>xxv</sup> UK Veterinary Antibiotic Resistance and Sales Surveillance Report 2018, [Veterinary Medicines Directorate](#), October 2019
- <sup>xxvi</sup> Why labels won't protect UK food standards from a US trade deal, [Which?](#), 25 June 2020
- <sup>xxvii</sup> Family spending in the UK: April 2018 to March 2019, [Office for National Statistics](#), March 2019
- <sup>xxviii</sup> Assessing the impact of dropping trade barriers to low standard agri-food produce is difficult and depends on other factors such as levels of domestic support and access to the EU market, but expert analysis predicts that trade liberalisation with non-EU countries would be largely negative. See: Impacts of Alternative Post-Brexit Trade Agreements on UK Agriculture: Sector Analyses using the FAPRI-UK Model, [FAPRI-UK Project](#), August 2017; Brexit: How will UK agriculture fare?, [Euro Choices](#), Vol. 17, Issue 2, 23 August 2018, pp. 19-26; The potential impacts of Brexit for farmers and farmland wildlife in the UK, [Cumulus Consultants for RSPB](#), October 2017
- <sup>xxix</sup> Fence off and bring cattle: illegal cattle farming in Brazil's Amazon, [Amnesty International](#), November 2019

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- <sup>xxx</sup> Carbon Footprint of Beef Cattle, [Sustainability](#), 4, 3279-3301, December 2012
- <sup>xxxi</sup> Ministers will face heavy pressure to change rules on chlorinated chicken and hormone-treated beef, documents reveal, [Unearthed](#), 13 October 2020
- <sup>xxxii</sup> Brexit food safety legislation and potential implications for UK trade: The devil in the details, [UK Trade Policy Observatory](#), November 2019
- <sup>xxxiii</sup> Lord Gardiner of Kimble, in [House of Lords](#), 22 September 2020; Glossary, [UK parliament](#), Negative procedure
- <sup>xxxiv</sup> The list of standards carried over from EU law were revoked and replaced via 'The Veterinary Medicines and Animals and Animal Products (Examination of Residues and Maximum Residue Limits) (Amendment etc.) (EU Exit) Regulations 2019', with a reference to the process by which they will be categorised. The shadow minister noted the impenetrability of the technical regulatory changes at the time, and during the debate on these regulatory changes the government spokesperson in the Lords told peers: "All the technical specifications and standards are just being transferred; the retained EU law will not change as a result of exit. We will maintain exactly the same standards." See: Baroness Vere of Norbiton, [House of Lords](#), 20 March 2019. Also see: Restrictions on the use of antibiotics on British farm animals 'were watered down to help post-Brexit US trade deal', [Mail on Sunday](#), 16 August 2020
- <sup>xxxv</sup> Research to be published shortly.
- <sup>xxxvi</sup> [UKTPO](#), November 2019
- <sup>xxxvii</sup> Minister for Trade Policy Greg Hands, [House of Commons](#), 8 October 2020
- <sup>xxxviii</sup> Trading with developing nations, [UK Government](#), 30 January 2020
- <sup>xxxix</sup> The Indian farmers falling prey to pesticide, [BBC News](#), 5 October 2017
- <sup>xl</sup> Liam Fox MP, [House of Commons](#), 13 May 2020
- <sup>xli</sup> Revamped EU-Mexico Trade Agreement creates groundbreaking precedent for animal welfare, [Eurogroup for Animals](#), 27 April 2018
- <sup>xlii</sup> [Department for International Trade](#), 1 November 2020
- <sup>xliiii</sup> Truss formally launches Trade and Agriculture Commission, [Department for International Trade](#), 27 July 2020
- <sup>xliiv</sup> Trade deals must not damage food standards, experts warn, [The Times](#), 9 October 2020
- <sup>xli v</sup> MPs can only (and perhaps endlessly) postpone ratification for three weeks, and then the clock starts again. Also, see [Department for International Trade](#), 1 November 2020
- <sup>xli vi</sup> 'In preparing the report, the Secretary of State may seek advice from any person the Secretary of State considers to be independent and to have relevant expertise.' See: Reports relating to free trade agreements, [Agriculture Act 2020](#)
- <sup>xli vii</sup> Emily Miles, [Twitter](#), 9 June 2020
- <sup>xli viii</sup> Ensuring food safety and standards, [National Audit Office](#), 12 June 2019
- <sup>xli x</sup> Emily Miles big interview: how the FSA is keeping food safe throughout Covid-19, [The Grocer](#), 2 April 2020
- <sup>l</sup> HSE's funding will be cut £100m over ten years, [Safety and Health Practitioner](#), 2 April 2016; Number of health and safety inspectors drops by a third under the Tories, [Daily Mirror](#), 28 April 2020
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- <sup>lii</sup> [The Guardian](#), 2 October 2019
- <sup>liii</sup> Trade Advisory Groups, Parliamentary Written Statement made by then Trade Secretary Liam Fox, [UK Parliament](#), 3 April 2019