

Our Reference: EIR 1096/2014

By email: [REDACTED]

Date: 17 October 2014

Dear [REDACTED]

ENVIRONMENTAL INFORMATION REGULATIONS REQUEST

Further to my letter of 24 September 2014 acknowledging your request for information which was received by us on 23 September 2014, I am now in a position to respond.

You requested the following:

Pursuant to Regulation 5 of the Freedom of Information Environmental Protection Act of 2004 (No. 3391), I request environmental information which is held by your public authority.

In particular, we refer to the Statement as regards the presence of perchlorate in food agreed by the Standing Committee of the Food Chain and Animal Health on 16 July 2013 (attached). It is mentioned in this document that the European Commission has requested the Member States to monitor the presence of perchlorate in food, in particular in fruit and vegetables. In its Food Safety Policy Update (February 2014), the Food Standards Agency indicated that it is undertaking a programme of analysis of the UK produce of perchlorate (FS102077: "Investigation of Perchlorate levels in fruit and vegetables consumed in the UK").

I hereby request a copy of such data collected by your public authority so far, as well as any other data supplied by other sources to the Food Standards Agency.

I am handling your request under the terms of the Environmental Information Regulations (EIRs) 2004.

I can confirm that the Food Standards Agency (FSA) is conducting an investigation of perchlorate levels in fruit and vegetables consumed in the UK. The duration of this investigation is two years and is scheduled for completion in December 2015. Subject to satisfactory verification and peer review of all data and information

obtained during the investigation, the results will be published early 2016. Information on the background and research approach to the investigation can be found by clicking on the following web link:

<http://www.food.gov.uk/science/research/chemical-safety-research/fs102077>

As the investigation is still ongoing and the data is incomplete, we are withholding some of the information you have requested as we consider that it falls under the exception provided for in Regulation 12(4)(d) of the EIRs which relates to “material in the course of completion, unfinished documents and incomplete data”.

In applying this exception we have had to balance the public interest in withholding the information against the public interest in disclosure. In deciding where the public interest lay we considered the strong public interest in openness and transparency with regard to an investigation where there is considered to be a potential risk to public health. We have also considered that there may be a specific interest in your wishing to receive this information.

However, we consider that there is a stronger public interest in ensuring that the information is not released prematurely, before the investigation is completed, which would place unfinished or incomplete data into the public domain that may leave a misleading or inaccurate impression. We have also considered the strong public interest in protecting the integrity of the investigations. It is also important to allow those involved in the investigation, space to verify and review any or all data and information obtained in order to reach a conclusion before placing information into the public domain. We therefore consider that, in all the circumstances, the balance of the public interest favours withholding this information from disclosure.

We can however provide you with data previously received from one of our stakeholders. This data shows the levels of perchlorate found in samples of their oats and oat products. The stakeholder has agreed for their data to be disclosed as part of this EIR request. The data is summarised in the following table:

Perchlorate levels in oats and oat products

Sample type	Perchlorate (mg/kg)
Oatbran	<0.05
Oatbran	<0.05
Oat Flakes	<0.05
Organic Oat Flakes	<0.05
Intake Oats	<0.05
Intake Oats	<0.05
Intake Oats	<0.05
Intake Oats	<0.05
Intake Oats	<0.05
Intake Oats	<0.05
Milled Organic Oat Flakes	<0.01

Milled Conventional Oat Flakes	<0.01
Conventional Whole Rolled Oats	<0.01
Organic Whole Rolled Oats	<0.01
Oatbran	<0.01
Intake Organic Oats	<0.01
Intake Organic Oats	<0.01
Intake Conventional Oats	<0.01
Intake Conventional Oats	<0.01
Intake Conventional Oats	<0.01

In addition, an interim report detailing all sampling and analytical work is due to be received from the analytical contractor by the end of December 2014. It is anticipated that the interim report will be published on the FSA web site during the first half of 2015 and will be accessible by clicking on the following web link:

<http://www.food.gov.uk/science/research-reports>

If you have any queries about this letter, please contact me. Please remember to quote the reference number at the top of this letter in any future communications.

If you are not satisfied with the way the Agency has handled your request for information, you should write within two calendar months of the date of this letter to the Openness Team, and ask for an internal review. They will arrange for the Complaints Coordinator to conduct the review. Their address is Food Standards Agency, Room 2C Aviation House, 125 Kingsway, London, WC2B 6NH (email: Openness.team@foodstandards.gsi.gov.uk).

If you are not content with the outcome of the internal review, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Agency. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or through the website at: www.ico.gov.uk

Yours sincerely

[Redacted signature]

[Redacted contact information]