

**COMMITTEE ON CARCINOGENICITY OF CHEMICALS IN FOOD,
CONSUMER PRODUCTS AND THE ENVIRONMENT**

**HOLDING COMMITTEE MEETINGS IN OPEN SESSION – EXPERIENCE
OF COT.**

Background.

1. Members were informed in 2002 that COT would discuss proposals for future meetings to be held in open session in December 2002 (COT/2002/49). The COT agreed in principle to move to open meetings during 2003 but wished to discuss and agree a more detailed protocol expanding on the issues discussed. A more detailed protocol was devised and discussed by COT in February 2003 (Annex A COT/2003/06). The COT agreed subject to minor changes that the protocol was adequate and that they would hold meetings in open session from April 2003. Relevant sections of the COT minutes are provided at Annex B.

2. The Secretariats agreed that the protocol would be discussed at future meetings of COM and COC with a view to those committees following the same procedures for holding meetings in open session. The Secretariats considered that it would be helpful to delay discussion by COM and COC until there was experience of using the protocol at several COT meetings.

3. The protocol was produced in line with the Code of Practice on openness jointly agreed by COT, COM and COC in 1999. However it is intended that after discussion by all three committees is complete, lawyers would be asked to consider the protocol prior to its addition to the Code of Practice on Openness. A revised Code of Practice on Openness would subsequently be published in the annual report.

Experience of COT.

4. The COT has held meetings in open session since April 2003. There have been external observers at the April and July meetings. In April a member of the Press attended the meeting and in July a representative of the Institute of Optimum Nutrition with an interest in the agenda item on tryptophan. An observer from a Trade Association with an interest in the agenda item on erythritol is expected to attend the October meeting.

5. Advertisements for the open sessions have appeared in FSA News and on the FSA website. No applications from the general public have yet been received from these advertisements, however the principle of greater transparency has been established.

6. A list of forthcoming items is maintained on the website and it is from this that Trade Associations have identified items of interest. An expanded agenda giving a brief description of the subject under discussion is published on the website 2 to 3 weeks prior to the meeting. However papers are not placed on the website before the day of the meeting.

7. The COT has been able to discuss all the information in open session and has not yet required a closed session. This has included discussion of two papers on enzymes both of which included Annexes containing commercially confidential data provided by industry. The data holders were contacted in advance and told of the intention to discuss these in open session. Neither of the data holders objected to the discussion taking place in open session.

8. The presence of observers has not inhibited discussion by Members. The discussions have been as thorough and rigorous as in closed meetings.

Modifications to the protocol.

9. There have been two modifications to the original protocol found at Annex 1 of the paper in Annex B.

10. The first change occurred prior to the COT discussion following further consideration within FSA. Originally it had been anticipated that asking observers to leave during lunch would be impractical and that therefore observers should be invited to lunch with the committee. However, on further consideration it was recognised that this could result in additional difficulties both in ensuring there was no attempt (real or perceived) to influence Members and in justifying any additional costs entailed. Observers are therefore asked to leave the meeting during the lunch break. This has not presented difficulties as yet since the items of interest to the observer were completed prior to lunch.

11. The revised paragraph would read "Observers are asked to leave the meeting during the lunch break to minimise the possibility that conversations over lunch could be perceived as influencing Committee business. The lunch break will provide sufficient time for observers to obtain lunch."

12. The second modification was that the closing date for applications was not compatible with the working requirements of the press. The closing dates were originally established to facilitate security measures. Following further discussion, it was agreed that requests from journalists are managed by the FSA Press Office. The Chairman and Secretariat are informed of press attendance as soon as possible and an FSA Press Officer is present at the meeting (DH would discuss similar arrangements with DH Press Office).

Questions on which the views of the Committee are sought.

- i. Are Members content that the protocol for holding COT meetings in open session in Annex B could be used by COC?
- ii. Are Members content that in 2004, COC meetings should be held in open session?
- iii. Do Members have suggestions for further issues to be included in the draft protocol?
- iv. Are Members content with the proposal to produce, in conjunction with COM and COT, an appendix summarising the protocol would be added to the Code of Practice on openness prior to its publication in the 2004 Annual report?

**Secretariat
October 2003**

**PROCEDURE FOR HOLDING COT MEETINGS IN OPEN SESSION
TOX/2003/06**

**EXTRACTS OF COT MINUTES DISCUSSING HOLDING MEETINGS IN
OPEN SESSION.**

December 2002

**ITEM 8: PROPOSALS TO HOLD MEETINGS IN OPEN SESSION –
TOX/2002/49**

1. The Committee had been kept aware of the recommendations from the Philips Report into BSE (TOX/2001/34) and the May Review into the way in which risk is handled by scientific advisory committees dealing with food safety (TOX/2000/36). The Committee had previously discussed the *Code of Practice for Scientific Advisory Committees*, which was published by the Office of Science and Technology in December 2001 (TOX/2001/41). The Board of the Food Standards Agency requested a review into the role, methods of operation and effectiveness of the independent scientific committees that advise the Agency on food issues. The report (TOX/2002/16) made a total of 50 recommendations covering a wide range of issues, including increasing the openness of the work of the committees and conducting more business in public.
2. The current working practices of the Committee meet most of the recommendations on openness. The exception is the recommendation to conduct as much business as possible in open session, which has so far only applied to selected meetings on specific scientific issues. The Secretariat was aware of the concerns raised in previous discussions on this subject and the proposals in the paper attempted to address these.
3. Members sought clarification of the anticipated size of the meetings. Resource implications mean that regular large open meetings are not feasible, and therefore the aim would be to allow a few places for observers within the Agency's meeting rooms (analogous to public seating in law courts). This was considered to be appropriate to the expected interest and resources. Members suggested that advertising meetings on the website would need to be supplemented by other means such as Food Standards Agency's newsletter, FSA News.
4. Concerns were raised that the attribution of comments to individuals might inhibit discussion. The experience of the FSA Board, which holds open meetings, was that attribution of comments to individuals had not

been a significant problem. It should be stressed that the collective view always represented the Committee's position.

5. Concerns were also raised about possible disruption by animal rights activists. The Secretariat accepted that although no guarantees could be offered, the limitations on space, application process and building security would minimise attempts to disrupt meetings. However, this was a legitimate concern and a commitment was given to review this on a regular basis. It was noted that the Spongiform Encephalopathy Advisory Committee (SEAC) discusses a large amount of *in vivo* animal data, probably more than COT, and is able to place these in a public health context. A Member noted that the public perception of SEAC was that the animal work it discussed was saving lives whereas the attitude towards toxicology was different. It was suggested that public perception of toxicology could be improved by observing the Committee's measured evaluation of evidence for the protection of human health. Openness was seen as a very important means of regaining public trust in this area.
6. The Committee was informed that in previous discussions, the COM and COC had also expressed concern about attribution of comments and animal welfare activists. Also, there were differences in the spectrum of business between the Committees. In particular, COM undertakes a considerable number of assessments for regulatory purposes, which are bound by the disclosure standards of the relevant regulations.
7. Members accepted that some concerns remain, but considered that a move to open meetings was a step forward. Some items would need to be reserved business such as dealing with commercially confidential data or pre-publication research data. Members noted that the paper outlined the issues but considered that a more detailed protocol, expanding on these issues, needed to be discussed at the next meeting.
8. Members agreed in principle to move to open meetings during 2003, subject to discussions of a more detailed protocol at the next meeting. If this were agreed the first meeting would be in April 2003.

February 2003

ITEM 7: PROCEDURE FOR HOLDING COT MEETINGS IN OPEN SESSION – TOX/2003/06

1. The paper outlined procedures to ensure that the Committee could function effectively in meetings held in open session. In addition to routine procedures, the Secretariat had considered a number of potential problems, which were unlikely to arise, but could be dealt with at the

Chair's discretion if necessary, such as by closing a meeting to observers at short notice.

2. The protocol had been produced in line with the Code of Practice on openness jointly agreed by COT, COM and COC in 1999, and will be discussed at future meetings of COM and COC with a view to those committees following the same procedures for holding meetings in open session. An appendix summarising the protocol would then be considered by lawyers prior to addition to the Code of Practice on Openness for publication in the 2003 annual report.
3. Members suggested the protocol could be rearranged to be more welcoming, such as placing details of security and verification of identity in an annex. The limitations on the possible number of attendees needed to be more prominent in order to manage expectations. Members remained concerned about attribution of comments and requested that at each meeting the Chairman should remind observers to respect the anonymity of individual members. It was also suggested that the Chairman could describe how the meeting would flow, with an explanation of the evaluation process at the start of each item.
4. Media applications will be dealt with by the Food Standards Agency Press Office. Use of video cameras would not normally be permitted, except in the instance of special need, as at an open meeting of the Working Group on Risk Assessment of Mixtures of Pesticides and Similar Substances.
5. Members were asked to alert the Secretariat in advance of matters that may indicate need for consideration in closed session. Individuals present with experience of meetings held in open session expressed the view that initial apprehensions are inevitable, but tend to ease in the light of experience.
6. The Secretariat outlined the legal aspects regarding disclosure of unpublished data. These were necessary for use of the protocol by COM and COC and had been subject to detailed scrutiny by lawyers during drafting of the Code of Practice on openness. It was suggested that most companies had limited concern over publication of robust summaries of the data but were more reluctant to publish full studies for commercial reasons.
7. Members agreed that the protocol formed the basis for COT meetings to be held in open session starting from 15 April, but that it should be amended in light of experience gained.