

Minutes of the 14th Lead Ammunition Group meeting/telecon – 13th August 2015

WWT, Slimbridge, Gloucestershire (12-2pm)

Attendees

Mr. Richard Brand-Hardy (via telephone) - (Defra)
Ms. Kate Fouracre - (Defra)
Prof. Rhys Green (via telephone) - (RSPB)
Ms. Sarah Hardy (via telephone) - (Food Standards Agency, FSA)
Mr. John Kilner - (Defra)
Dr. James Kirkwood (via telephone) - (Universities Federation for Animal Welfare)(retired)
Prof. Len Levy (via telephone) - (Institute of Environment and Health)
Dr. Debbie Pain - (Wildfowl & Wetlands Trust)
Mr. John Swift (Chair)

Secretariat

Dr. Ruth Cromie (WWT)

1. Welcome and introductions

1.1 Apologies were received from Gavin Shears (FSA).

1.2 Richard Brand-Hardy (Defra) was introduced to the group. He had been asked by the Chair to participate in the meeting to explain the proposed Defra peer review of the LAG's report.

2. Minutes of the 13th meeting on 26th May 2015

2.1 There were no comments made on the published minutes of the 13th meeting.

2.2 Matters arising from those minutes:

Action Point 12.2 To request FSA to review their guidance on consumption of game and venison in the light of the LAG risk assessments.

FSA confirmed that the guidance has not been changed. It was pointed out that the Foods to Avoid in Pregnancy NHS Choices website did not mention lead-shot game (despite having been updated twice since publication of the guidance). Also that the Iceland supermarket website information on game was not in line with current FSA guidance. The point was made that if guidance was to be reviewed by FSA it needed to be precise to avoid misinterpretation.

Action carried forward until FSA have considered the LAG report.

Action Point 13.1 The Chair to ask Mr. Mark Tufnell for a copy of his resignation letter to the Secretary of State.

Events had overtaken the importance of this, and indeed the Chair had become aware of other letters and a report that had gone to the Secretary of State. See Agenda Items 3.2 and 3.3.

Action Point 13.2 The Chair to provide feedback on comments on the draft LAG report to Mr. John Batley and Sir Barney White-Spunner (feedback to Mr. Mark Tufnell had already been provided).

Completed. Comments from Mr. Batley had resulted in some minor additions/changes but did not affect the evidence base, conclusions or balance of the report. It had not been possible to confirm some of the cost implications relating to re-proofing of guns (extrapolated from the AMEC report). Costs might differ from those indicated in the report (based upon the number of guns needed to be re-proofed), but as those costs estimated in the report represented only a small proportion of the costs of hunting no changes to the text were considered necessary. Extensive comments from Sir. Barney had not affected the evidence base nor changed the report materially. The extensive response to these comments generated by the Chair, which had been reviewed at the 13th LAG meeting, had been submitted to Sir. Barney. No further comments from him nor Mr. Batley had been received.

Action Point 13.3 Prof. Len Levy to contact Public Health England to help identify most appropriate contacts (checking with FSA to confirm this is the correct procedure).

(In relation to FSA communication experts). It was felt that this was a task for FSA rather than the LAG but would be carried forward.

Action Point 13.4 The Chair to contact Mr. John Batley to be kept abreast of technical issues.

No further communication had taken place with Mr. Batley.

It was noted that an invitation-only symposium was being held by the Association of European Manufacturers of Sporting Ammunition (AFEMS) and the World Forum on Shooting Activities on use of lead ammunition on 20th October 2015 in Brussels (and see Agenda Item 7.1). The Chair was also in receipt of a number of articles regarding lead and non-toxic ammunition from Christer Holmgren (AFEMS's Scientific Advisor). Although they were not considered as scientific materials (being magazine articles etc.) they were available to the LAG if anyone wished to see them.

Action Point 13.5 The Chair to complete the LAG report and submit to the Secretary of State for Environment, Food and Rural Affairs.

Completed: following the LAG meeting on 26th May, the report together with its four risk assessments and risk management register, plus covering letter were submitted to the Secretary of State on 3rd June. Parliamentary Under Secretary of State for Environment and Rural Affairs, Rory Stewart OBE MP, responded on the 30th June expressing appreciation to the LAG on behalf of the Secretary of State. The Chair passed on this appreciation to past and present members of the LAG.

Previously, all ministerial correspondence had been published on the LAG website as part of the record and it was felt appropriate to do so now. All present agreed.

Action Point 14.1 Post recent ministerial correspondence on the LAG website.

Action Point 13.6 Prof. Len Levy to write short note to the Secretary of State for Environment, Food and Rural Affairs in support of the even-handed role played by the Chair.

This had yet to be completed as the LAG had become aware of a report being submitted to Defra and FSA outside of the LAG process (see Agenda Item 3.3). Prof. Levy felt it would be valuable to see this before completing the action.

3. To receive and discuss Chairman's report on progress since 26th May (including any follow up to Freedom of Information (FOI) disclosure of LAG emails)

3.1 It was noted that it was important to maintain transparency of the LAG process and use the LAG website for this i.e. for minutes, correspondence and the LAG report and associated appendices and risk register in due course (see Agenda Item 5 for website information).

3.2 There had been a number of FOI requests to Defra concerning release of LAG emails and correspondence: the Chairman reported that he had been consulted by Defra on a FOI request for certain internal emails and resignation correspondence and that he had no reason to oppose such disclosure. Defra explained that they were still considering the requests but it was likely that resignation letters would not be disclosed as they were personal. However, this was being considered further to assess public interest considerations and a decision was hopefully to be made soon.

3.3 There was separate discussion about an unseen 14-page report submitted to Defra/FSA by the Countryside Alliance and BASC referred to in the shooting press. The report was supposedly entitled 'The Agreed Conclusions of the Lead Ammunition Group'. The meeting agreed that this report was not "a LAG minority report" as it was written by a previous LAG member after his resignation in conjunction with a non-member organisation.

The Chairman reported that he had requested Defra to provide copies as it might give the misimpression of being an agreed output of LAG, and it followed that stakeholders might have the chance to respond to it. Defra explained that although they had received the report they had neither requested this report nor could they consider it an output of the LAG, and they had, in effect, no ownership of it. They took the view that it was independent of the LAG process, and hence they could not simply send it to the LAG. They were considering whether it was appropriate to release it under FOI.

It was questioned whether the Countryside Alliance/BASC report was yet in the public domain and/or its likely publication date. It was speculated, based on what had been seen in the shooting press and that it did not appear to have been published, that the authors intended its publication to coincide with the publication of the LAG report submitted to the Secretary of State.

There was discussion as to whether to approach the Countryside Alliance and BASC for release of the report or to persist with a FOI request to Defra. Some felt it was not necessary

to see it (readers can judge the value of it for themselves once published). Others felt that it was important to understand and if necessary respond to what was probably intended to define the narrative to the main stakeholder group involved in the issue i.e. the shooting community. It was decided on balance that since the report was separate from the LAG process it should be addressed if/when its authors decided to publish it.

4. To discuss Defra/FSA communications regarding LAG Report and Risk Assessments etc.

4.1 Richard Brand-Hardy confirmed that Defra proposed to undertake a peer review of the LAG report (including appendices and risk register). The reason for this was that Defra Ministers were considered likely to want to be reassured that the report was comprehensive and based on robust evidence. In addition, a favourable external peer review outcome would give added weight to the findings of the report. Defra commonly undertakes an external peer review of work it has commissioned.

4.2 There was full support for the principle of peer review. However, a number of concerns and points were made, namely:

- The delays this would cause to publication – a deadline of the end of September was initially suggested (see Agenda Item 4.6).
- How could the LAG ensure transparency in the peer review process? What were the overall terms of reference? What were the terms of reference on which the appointment of the reviewer(s) was based? Had Defra/FSA got reviewers in mind already? Would different reviewers review different aspects of the work or just the main report?
- The LAG report was a reflection of the underlying risk assessments so peer review would need to review those too i.e. this was a potentially very large undertaking that would take a considerable time.
- The peer reviewers would need expertise in a range of disciplines namely toxicology of lead, human health implications of lead in game, wildlife health and lead poisoning expertise, domestic animal and lead expertise i.e. unless experts in all these areas could be found, a large number of peer reviewers per area would be required.
- It would be difficult to find experts in lead toxicology who had not already expressed opinions on lead.
- The risk assessments had been completed some time ago (in 2013). The issue of external peer review of the risk assessments had been considered on a number of occasions during the LAG process and the LAG had decided that it was not necessary to pursue this. It was pointed out that it was disappointing that Defra, who were in attendance at these various points in the process, had not supported the possibility of peer review at the time, as this could have been completed long ago.
- The risk assessments had been undertaken by scientists nominated and agreed by the full LAG for their ability to undertake the work. All of the risk assessments were an evaluation of peer reviewed science. The two human health risk assessments (including the risk assessment via domestic animals) and consensus conclusions of the two wildlife risk assessments had already been agreed by the full PERASG (six

scientists) with representatives of shooting and conservation sectors including their Chair who is an independent human health expert. In addition, substantive new analysis contributing to the human health risk assessment was published in the peer-reviewed scientific literature prior to submission of the risk assessment. All reports were then reviewed and accepted by the LAG. An additional peer review might potentially result in a conflict in appreciating which peer reviewer's views are most important. Overall it thus seems unlikely that further peer review would result in substantive disagreements with the processes undertaken or the conclusions drawn.

- Previously one or several of the LAG shooting stakeholders had taken the decision to send the human health risk assessment to Cardiff University for review. Although that reviewer would have suggested using a different methodology for risk assessment (LAG had chosen to take the approach of the European Food Safety Authority - EFSA) it was stressed that there was no evidence that LAG's findings were biased or inaccurate.
- It was noted that there would be complexities in dealing with any comments or changes requested by further peer reviewers. The risk assessments were not undertaken by Defra contractors but rather by members of LAG and its subgroups acting to support Defra voluntarily. Some of the authors of the reports had since retired or their organisations resigned from the process and any revision of reports would be complex, if possible. All of the LAG members had undertaken the last five year's of work without reimbursement and it is questionable whether members would undertake further work when there was a sense that the job had been completed. Additionally, should changes be required, there might be concerns that any proposed changes are to be undertaken by the remaining LAG members (as the shooting stakeholders have resigned from the process).

4.3 Mr. Brand-Hardy appreciated the concerns and explained the proposed process (which is based upon the process Defra uses for commissioned research undertaken by contractors). He stated that the proposed process was not 'set in stone'.

Defra confirmed that they would take responsibility for peer review of the domestic and wild animal aspects and FSA would deal with human risk and mitigation (see Agenda Item 4.7).

Defra confirmed that they were in the process of securing internal funding to undertake peer review and that a short list of peer reviewers was being drawn up.

A shortlist of a minimum of three peer reviewers per area of expertise was likely to be needed to avoid problems of two reviewers who may have different views. The Defra network and other government department bodies would be consulted on who would be appropriate for these shortlists. Once drawn up, Mr. Brand-Hardy would confirm these shortlists internally with Kate Fouracre and John Kilner. Thereafter, the reviewers would be approached and would be expected to agree to conditions of confidentiality and declare any conflicts of interests prior to receiving the report. The reviewers can provide a confidence rating of their expertise to comments on specific areas if they so wish. Their identity can be revealed by FOI request, and reviewers understand this.

Under the Defra peer review process, contractors are free to challenge reviewers' comments if they feel they have misunderstood the work or their comments are unfair. In this situation,

reviewers may be asked to respond to these challenges with Defra acting as arbiter. In other words, this is an iterative and flexible process.

4.4 Mr. Brand-Hardy noted that it was difficult at this stage to judge the extent to which changes to the LAG report might be suggested or the difficulties this might cause. He added that the forms that reviewers would be asked to complete were more applicable to reports covering hypothesis-driven field-based research. Nonetheless, they had been successfully used for literature reviews and other types of evidence reports so should not be problematic for addressing the LAG report.

4.6 In terms of timeline:

The decision regarding sourcing of funding for peer review would happen within the next week or so (although the final amount of funding required was yet to be determined). Finalising the selection of peer reviewers could take three to four weeks as some may decline the invitation to review and so others would have to be contacted. In addition, some may be on leave. The peer reviewers would be expected to review the work within two to three weeks. Defra would take about a week to consider the reviews and then pass them on to the LAG for response. At least a couple of weeks would be needed for the LAG to consider the reviewers' comments and if they wished to challenge them, a few more weeks would be required until an agreed final report is achieved. In the light of the foregoing, an end of September deadline was thought to be unrealistic and November/December seemed more likely.

4.7 FSA explained that the report had been reviewed by their officials and human health risk assessments had already been reviewed by their internal toxicologists. Whilst they didn't have any specific comments, the FSA have decided to ask the Committee on Toxicology (COT)(an independent body advising government) to also comment on these. It was questioned whether the COT would review the risk mitigation proposals too as it was felt that the shooting stakeholders may or may not accept the evidence but specifically didn't like the proposed mitigation measures.

4.8 There was discussion about whether the risk assessments could be published now ahead of the report (previous minutes from February 2013 suggested this would happen). However it was felt overall better to keep the report and its appendices together and publish it in its entirety.

4.9 Given all of the above there was some question as to whether a less onerous process might be considered whereby peer review involved a questioning of the robustness of the conclusions. This might shorten the timescales involved which was felt to be important given that there was a range of stakeholders external to the LAG who had been expecting the report for almost a year now.

4.10 Overall, it was felt that peer review for the LAG report could provide perception benefits to the robustness of the report. It had been highlighted that as the decisions regarding risks from lead ammunition are considered contentious by some stakeholders, ministers need confidence in the decisions they make and further peer review might assist in that.

4.11 Mr. Brand-Hardy explained a process adopted in some other reports, particularly for high profile and/or contentious topics. This approach involved each paragraph or conclusion

being accompanied by an assessment of the confidence in/quality of the evidence used to support a statement. This process is especially useful for short documents, such as evidence statements or executive summaries of lengthy reports, as these are more likely to be read by policymakers rather than long complex reports. This is something that could be produced if it was considered useful or necessary though the amount of additional work, and achieving agreement on the assessments, should not be under-estimated.

4.12 There was a request of Defra to keep the LAG up to date with key milestones of the peer review process.

Action Point 14.2 Richard Brand-Hardy to inform the Chair of key milestones of the peer review process e.g. when funding has been secured, when peer reviewers selected and appointed etc.

4.13 Defra were asked if they planned to peer review the Countryside Alliance/BASC report. It was reported that the nature of it would make it difficult to peer review.

5. LAG website: to review visitor data and discuss future use

5.1 It was reported that the website had been re-hosted and updated. The handover of its administration from BASC had gone smoothly and the Chair expressed thanks to BASC's Christopher Graffius and Lee Selvester for facilitating this.

5.2 A basic review of the statistics of the viewing of the site suggested it was being used (>1000 users since its re-hosting in July) and it was probably serving its purpose.

5.3 There was a discussion about whether the site might be used to post relevant information about the issue of risks from lead ammunition and mitigation measures. Any materials would have to have a quality assurance and possibly be ascribed a quality classification as per the Primary Evidence List. No commentary would be posted with information to ensure it was balanced.

There were mixed feelings, some supportive and some with a concern that the LAG should not commit to an on-going process when the LAG had completed the main task it set out to do. However, if this was to be undertaken during consideration of the report and was even handed then it would be valuable.

It was agreed to continue to circulate relevant information within the LAG and publish on the website if that was thought to be useful i.e. on a case by case basis.

Action Point 14.3 All to make LAG members aware of relevant information and decide on value of posting on the LAG website on a case by case basis.

6. To discuss any FOI disclosed correspondence between ex-colleagues (and BASC) and Defra including a report submitted by the shooting organisations following their resignations

6.1 See Agenda Items 3.2 and 3.3.

7. To exchange information on other related developments (future meetings and reports etc.)

7.1 The Association of European Manufacturers of Sporting Ammunition (AFEMS) and the World Forum on Shooting Activities symposium on "The sustainable use of lead ammunition in hunting and sports shooting: facts and emotions" was to be held on 20th October 2015 in Brussels.

7.2 The Standing Conference on Countryside Sports (sometimes attended by a minister/senior politician) was to be held on 12th November. The convenor had provisionally invited the Chair for a report.

7.3 The Oxford Lead Symposium proceedings were to be published within the next few months.

8. Any Other Business

8.1 None.

9. Date of next meeting

9.1 Action Point 14.4 Chair to find suitable meeting date for late September.

10. Action points carried forward

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