

FSA Chief Executive delivers speech to the Chartered Institute of Environmental Health's Year Ahead Conference

Emily Miles addressed the 2022 Chartered Institute of Environmental Health's (CIEH) Year Ahead Conference which, in partnership with the Chartered Trading Standards Institute (CTSI), hosted key policy discussions, examining the current and future challenges to the regulatory services landscape.

Transcript as follows:

Thank you very much for inviting me back to the Year Ahead Conference, it's always a really valuable conversation we have here.

It feels like every time I address this event, I mention that it has been a 'challenging year' for the profession - and this year feels no different.

Over the last few years, many of you have had to manage cuts, the impact of EU Exit, the upheaval of a pandemic and the recovery from that, and now the effects of a cost-of-living and economic crisis which will have all sorts of ramifications for the year ahead.

I know that on the front line, Environmental Health Practitioners and Trading Standards Officers in the public sector continue to experience significant pressure – stress and some hostility – while Environmental Health Practitioners in the private sector are contending with ever-more volatile supply chains. I would like to thank you all for your continuing hard work and your service to the communities you serve.

Every Christmas, every Hanukkah, every Diwali, I think to myself at least people don't have to worry about safe food for this holiday and that's because of the work of many people across the food industry, Environmental Health Practitioners Trading Standards Officers.

Since I last spoke to you, the FSA has launched its new five-year strategy – we did that in March 2022. It sets our direction of travel and the guiding principles which will enable us to operate effectively in a fast-changing environment.

The new strategy commits the FSA to our core mission, which is food that is safe and what it says it is, and an explicit new objective – which is to play our part in transforming the food system to ensure food is healthier and more sustainable.

As we hear the challenges of health inequalities, and the climate challenges, it feels important that we do what we can. As we look to the year ahead and beyond, the strategy is striking a balance between reaffirming our core remit and expanding our view to address the emerging challenges facing the food system.

The strategy also sets out a number of roles that the FSA plays in the food system, and I think some of these are particularly relevant to our conversation today. There are three I want to highlight in particular.

We remain of course a regulator and will continue to work with Local Authorities inspecting food businesses, and Port Health Authorities inspecting food imports to make sure public health is being protected. Our staff directly inspect meat, dairy and wine production, making sure businesses are meeting their obligations, and we also give guidance to you to make sure businesses meet their obligations on your patch.

Post-Brexit, the FSA also has a role as a watchdog, that reviews and reports on food standards, using horizon scanning, intelligence and surveillance. We speak out publicly about risks to consumers and when businesses are not doing the right thing.

As part of that role, in June, we published with Food Standards Scotland the Annual Report on Food Standards, the first in a series of annual reports, which will ensure parliamentarians, trading partners and consumers at home and abroad, remain aware of the changes and challenges to our food system. This report followed two years of major upheaval following the UK's departure from the EU, the devastating effects of the COVID-19 pandemic, and more recently the disruption caused by the war in Ukraine.

Despite these events, the report found that food standards in the UK have largely been maintained. But we said this was a cautious conclusion because our data was not as good as we wanted it, to be completely solid in that conclusion. The FSA has a history of wanting to be clear when there is uncertainty about data – we think honest uncertainty is important. However, it was cautious because the report warned of challenges ahead.

Two of the main concerns identified are ones you will be familiar with. Firstly, the fall in the number of inspections of food businesses, that was a worry to us over the pandemic, as a consequence of the resourcing pressures faced by local authorities. Secondly, the delay in establishing full UK imports controls for high-risk food and feed from the EU which we think has reduced the ability to prevent the entry of unsafe food into the UK market.

We are also a convenor and collaborator, bringing together businesses, local authorities, other parts of government, and civil society to address issues in the food system. This involves sharing insights and evidence on consumers' interests with wider government to help inform their thinking. For example, most recently we shared our latest consumer survey which has been tracking the level of worry around the cost of food and its impact on food safety.

We found that consumers are engaging in a range of behaviours to save money. In the last month, around one in five people have reported turning off their fridge or freezer and two in three people reported using cheaper cooking methods. Furthermore, 15% of consumers reported using a food charity or food bank in the last month, and around one in three have cut down the size of their meals or skipped meals because they didn't have enough money to buy food. Those numbers were higher than they were 18 months ago.

I want to turn now to the question of growth, and in particular the question of trust and why it's crucial for growth.

If you have been following events in Whitehall, you will know that the 'economic growth agenda' is a high priority at the moment.

Maintaining confidence in British food at home, and with trading partners abroad, will be critical to Britain's ambitions for growth. Independent inspection by Environmental Health Officers and Trading Standards Officers and Food Standards Agency inspectors is one of the key pillars of a strong regulatory system which underpins this confidence. This keeps our food sought after at

home and abroad.

The UK has a highly successful agri-food sector which contributed more than £115 billion to our national Gross Value Added in 2020 – nearly 10%. The food and drink sector exported over £20 billion worth of goods in 2021 and meat exports alone are worth £1.8bn.

As we have learned over the years, losing trust in British food costs everyone dearly. BSE cost the UK beef industry £900m at the time – which is £2.2bn in today's prices. The horse meat scandal that happened ten years ago when undeclared horse meat was found in meat products throughout the food chain, wiped nearly £300m off the value of Tesco over three months.

Trust arrives on foot and leaves on horseback, and I think with the BSE example you could argue that stays away injured and bruised and doesn't want to come back. Not just economic reputation tarnished by food scares – because of BSE, people who lived in the UK for more than 6 months between 1980 and 1996 were not allowed to give blood in Australia. That rule was only reversed in July this year. These are the long tail effects of a loss of trust in the food system.

I mentioned the horsemeat crisis and 2023 will be the tenth anniversary of the incident. The cost was not just financial but reputational. An obvious question is whether today we are more or less susceptible to another similar food authenticity crisis or food fraud issue?

Given the scale of the food industry, the complexity of its global supply chains you're all having to deal with, unfortunately, you can't rule out another incident similar to the horsemeat crisis happening again. But thanks to the lessons learned from the incident we have more lines of defence in place now, both across the food industry and in the FSA.

The FSA's National Food Crime Unit was set up in the wake of the horsemeat incident. We now have a team of 86 people whose sole focus is on preventing, detecting and investigating serious fraud within food supply chains, and offering support and help to Local Authorities to do that.

We are using data to identify emerging food risks before they become more widespread. We monitor a range of information sources, including international food alerts, weather, trade, social media and commercial data.

We are also investing in sampling. In the last year 11,065 samples were taken and more than £3m spent supporting official labs. This is complemented by our access to data around authenticity sampling and traceability checks conducted by members of the Food Industry Intelligence Network – this represents around 50,000 data points each year. It's also clear that the food industry in the last ten years, certainly retailers and manufacturers, have more control over their supply chains than I think they did in 2013.

Building this resilience also includes maximising the skills of the environmental health and trading standards profession, and I am pleased to say the FSA has been working with the CTSI to pilot new training resources that cover a number of areas in food fraud, including enforcement and investigation skills.

The legal framework that underpins food hygiene and safety must always prioritise public health and consumers' interests - this is something that has been brought into focus in recent weeks with the discussions about the Government's plans for retained EU law.

Retained EU laws are pieces of former EU legislation that were temporarily incorporated into the UK legal system to provide continuity after the UK left the EU. They include laws that were previously covered by EU legislation, things like data protection and financial services, to environmental regulations and, of course, food and feed law.

All EU food and feed laws were incorporated as retained law into UK legislation after Brexit – I would say that's about 90% of the law that the FSA and all of you operate. The retained laws applied to food businesses at every stage of production, processing and distribution of food and feed and ensures, amongst other things, the traceability of food and the prompt withdrawal or recall of unsafe food placed on the market.

It also covers all authorisations of new foods and feed, import controls, the official controls regime of checks, sampling and analysis, minimum levels for contaminants, rules on food packaging, and rules on GM food and any additives. Also, the rules on feed and feed additives.

This allowed for consumer protection to be maintained and meant that businesses must continue to meet their obligations under food law.

The Government introduced the Retained EU Law (Reform and Revocation) Bill in September to allow ministers to replace retained EU law with new domestic legislation. The Bill will automatically sunset any remaining EU laws at the end of 2023, which means they will be repealed automatically unless ministers decide to extend, preserve or replace them beforehand.

There have been some concerns about the speed of the process and the risks of consumers losing important protections – which I don't think is what the Government intends. The FSA's Chair Susan Jebb has highlighted the fact that simply sunseting the laws for which the FSA is responsible risks a decline in food standards, with a potential impact on human health.

The FSA will need to work through more than 150 pieces of retained EU law very quickly and to advise ministers in the UK and Welsh Governments on what rules need to be incorporated within our domestic legislation. As well as public health considerations, we will need to consider the impact on international trade and any impact from potential divergence of regulation across the UK.

But we also see opportunities to reform current legislation and certainly have ideas on where we can make improvements. But they must be done with time to consult stakeholders, those who have to operate the laws like yourselves, and the food industry - and to work across the four nations of the UK.

People need to have food they can trust and that is incredibly important to the economic health of the country, as well as the public health of the country. Laws must be in place on food safety and standards to keep the public protected. As I have mentioned, effective regulation also plays a critical role in maintaining consumer confidence and supporting businesses.

The FSA's approach to retained EU law chimes with other parts of our regulatory reform programme, and also in our response to the pandemic, in as much as we have always sought to bring a risk-based and proportionate approach to how we regulate businesses and responding to risk in the food system.

This year, for example, our Achieving Business Compliance programme has completed and evaluated pilots in England and Northern Ireland for a new risk-based model for food standards, targeting interventions at the key parts of the supply chain where they can have the greatest impact.

We've also worked with the UK's ten largest retailers to test regulating at a business level, an enterprise level, and are developing our understanding of assurance for online food sales. Those are works in progress and I am pleased we are progressing them.

The Local Authority Recovery Plan, which we launched in summer 2021, was also underpinned by the need for more targeted and proportionate approach to regulating.

The plan was implemented to help local authorities get back on track after COVID-19. It was designed to achieve a return to pre-pandemic levels of activity by April 2023 and clear the backlog of food inspections that built up as local authorities successfully targeted their resources at the highest risk businesses while fighting COVID-19.

This showed the importance of flexibility in our approach, and I am pleased to report that we have seen signs of recovery over the last year, although the pace differs around the different nations.

So, in conclusion, those are some of the key issues that are occupying my thoughts and the FSA's thoughts as we look to the year ahead, but I think a theme that emerges is the continued importance of retaining what is great about the British food system.

Looking at the events of last few years, I'm reminded of the lyrics from the Joni Mitchell song Big Yellow Taxi "you don't know what you've got till it's gone.." We've learned that things can change very quickly, so we need to work hard to make sure we maintain the standards which keep consumers and businesses protected.

We need to make sure we are in a strong position to continue meeting future challenges, and also contribute to the UK's growth and recovery. I believe that Environmental Health Practitioners, Trading Standards Officers, Local Authorities, and the FSA have a vital role to play in ensuring that happens.