

## Chief Executive's Report to the Board - December 2022

FSA 22-12-03 - Emily Miles presents the Chief Executive's report to the FSA Board.

1. Looking back on 2022, we, like others, have been operating in a volatile context: international conflict, inflation, changes in political leadership. The work plan that the FSA Board agreed in March was quickly altered by additional work on import controls, precision breeding and retained EU law. Since my last report in September, there has been a further change in Prime Minister and subsequent changes in ministerial portfolios.
2. The Prime Minister has now confirmed that top-down headcount reduction targets will not be imposed, and our budget stays as planned for 2023-24 (though with no additional money to address inflationary pressures).
3. The new Government continues in the commitment to legislating on retained EU law, including a sunset for it at the end of 2023.
4. The FSA continues to work with other government departments on the development of the Borders Target Operating Model (Borders TOM), which will introduce Sanitary and Phytosanitary (SPS) import controls on EU goods and reform the controls on non-EU goods, by the end of 2023. The publication of the Borders TOM has been delayed until the New Year, but we continue to press for critical controls to be introduced by the end of 2023.
5. The Food Data Transparency Partnership (FDTP), which was announced by Defra in the [Government Food Strategy](#) in June 2022, continues, supported by FSA and DHSC.

### Celia Marsh Inquest

6. In September 2022, the [inquest into the death of Celia Marsh](#) in 2017, concluded that her death was as a result of anaphylaxis after eating a vegan wrap that contained milk. I extend my deepest sympathies and those of the FSA to the family of Celia Marsh, and to all those who have lost loved ones because of food allergies. On 21 November, the Coroner sent a Regulation 28 Report to Prevent Future Deaths to the FSA, the Department for Health and Social Care (DHSC) and UK Health Security Agency (UKHSA) (amongst others). This report documents the coroner's concerns and recommendations in relation to the death of Ms Marsh and directs these to a number of agencies, including the FSA. We are currently considering our response to the report.

### Food and Feed (Miscellaneous Amendments) Regulations 2022

7. The Food and Feed (Miscellaneous Amendments) Regulations 2022 were laid in parliament on 24 October. This draft affirmative SI (Statutory Instrument) is the FSA's final EU Exit "Wash-up" SI, made under powers in the European Union (Withdrawal) Act 2018 before those powers expire at the end of this year. The SI contains a range of changes to address remaining inoperabilities in retained EU legislation following EU exit. The SI was debated in the Commons on 28 November and in the Lords the day after. FSA Officials have responded in writing to questions

from Peers that required a detailed response. The SI is expected to be signed shortly, in order to come into force on 31 December 2022.

## **Update on Genetic Technologies (Precision Breeding) Bill**

8. Since the last Board meeting, the Bill has passed through the House of Commons and has begun its passage through the House of Lords. The Bill completed Second Reading in the House of Lords on Monday 21 November, and we expect Committee Stage to be completed before Christmas recess. The final stages should follow in the new year, with Royal Assent potentially being achieved in early 2023. Although the Bill applies to England only, FSA officials are continuing to work across all four nations and with Food Standards Scotland due to the UK-wide implications of the Bill, the impact of the UK Internal Market Act, and in line with our commitments under UK common framework agreements

9. Policy development on the food and feed authorisation regime that we will put in place once the Bill has passed, continues. The FSA's Advisory Committee on Novel Foods and Processes (ACNFP) has now published its first [statement](#) with advice in favour of the two-tiered approach to assessment of precision bred organisms for use in food and feed. We expect another statement to be published soon, which will go into more detail on the criteria and assessment options for each tier. ACNFP will continue to provide independent advice to inform the development of the detailed design of the new regulatory regime; the advice will be published in line with the FSA's policy of transparency.

10. At the September board meeting, we discussed the progress of our consumer research. The [results](#) from phase one have now been published. The second phase of consumer research has now also been completed. This phase focused on workshops to collect qualitative data and aimed to gain understanding about why consumers think the way they do about precision bred products. The workshops encouraged discussion from participants from England, Wales, and Northern Ireland about the potential tiered authorisation process and the public register. The report will be published in early 2023 and will be used to embed consumer interests and consumer information needs in future policy options.

11. Following on from the first phase of stakeholder workshops in the summer, FSA officials have undertaken informal meetings with stakeholders to understand their current perceptions of precision bred food and feed, as well as their initial thoughts on current policy proposals. In particular, we have explored opinions on traceability and the public register and how different information requirements would impact industry. In early 2023, officials will hold thematic workshops with a variety of stakeholders to explore more detailed policy options and potential impacts.

12. At the next Board meeting in March 2023, officials will present policy options and recommendations for how to implement the powers given to the FSA by the Bill, in particular the two-tier authorisation process and the public register, alongside the outputs from the consumer research and stakeholder engagement.

## **Food Standards Delivery Model**

13. On 17 October we launched 12-week consultations in England and Northern Ireland on proposed changes to the Food Law Codes of Practice that will give effect to the new Food Standards Delivery Model for local authorities. We have also run some well-attended workshops with local authorities across England and Northern Ireland on the new model. We hope to begin a pilot in Wales early next year.

## **School Food Standards Compliance Pilot**

14. November saw the launch of the School Foods Compliance pilot, announced in the [Levelling Up White Paper](#) published in February. We have worked with Department for Education (DfE) and the Office for Health Improvement and Disparities (OHID) to run the pilot across 18 local authorities in England, testing whether it is useful for environmental health officers to check the menus of school canteens when doing their visits to check food safety practice. The pilot will run for the whole academic year.

## **Food affordability**

15. We have now begun publishing the results of our consumer tracker survey on a monthly basis. The latest figures, published in October and November, showed that a growing number of people are worried about the cost of food and also that some consumers are skipping meals, turning off their fridges and eating food past its use by date. When publishing these results, we took the opportunity to remind people of the steps they can take to make their food go further, including keeping fridges on to prevent bacteria from multiplying. A wide variety of local and regional publications picked up our advice, particularly the importance of eating or freezing food before its 'use by date.'

16. Our figures also continue to show a higher number of people using food banks and food charities than there were a year ago. On 15 November 2022, alongside the latest figures, we published our new dedicated [guidance](#) for community food providers, which brings together all the relevant rules and advice in one place to help them keep food safe. We are very grateful to the Independent Food Aid Network UK (IFAN), Fareshare and Waste and Resources Action Programme (WRAP), who helped to test the guidance and make sure it would meet the needs of those it was designed to help.

## **Awards**

17. Our Welsh Language Unit have been recognised by the Welsh Language Commissioner as an example of best practice in the sector for our bilingual communications campaigns.

18. The FSA has made the first ever top 50 of the NET ZERO 50 list for our work to give our old computers to Computers for Charity which was selected from 267 nominations.

19. The FSA-funded computational toxicology Fellow's project won a Lush Prize for the team's innovative assessment method to determine what exposure level of polyfluoroalkyl substances (PFAS) can be considered safe. The Lush Prize supports initiatives to end or replace animal testing.

Research Officers Helen Heard and Alice Rayner have both been shortlisted for a Civil Service Award from over 1000 nominations. The nomination is for the "Best Use of Data and Technology Award" for their Kitchen Life 2 project which uses motion sensitive cameras to monitor real-life behaviour in domestic and commercial kitchens.

## **Engagements**

20. Since my last report to the Board, I have met Lord Markham, The Rt Hon Mark Spencer MP, Defra Minister for Food, Farming and Fisheries, and officials from FCDO, Defra, DIT and DHSC, the Home Office, the Northern Ireland Executive, and the Welsh Government. I met Vince Arbuckle, Deputy Director General, New Zealand Food Safety at Ministry of Primary Industries. I met Amanda Spielman, Chief Inspector at OFSTED (Office for Standards and Education, Children's Services and Skills) and James Plunkett, Executive Director of Advice and Advocacy at the Citizens Advice Bureau.

21. I attended the Consumer Stakeholder Forum with the Chair, where we were joined by representatives from the Food Ethics Council, Sustain, Which?, WWF, Soil Association and the

Food Foundation and I welcomed a delegation from the Canadian Food Inspection Agency.

22. In the last quarter, I have also met Andrew Opie of the British Retail Consortium, Richard Swannell, CEO of WRAP, Dustin Benton and Ruth Chambers from Green Alliance, Christopher Hodges, University of Oxford and I joined Director of Operations Junior Johnson in a meeting with Eville & Jones CEO, Charles Hartwell.

23. I have held regular meetings with Food Standards Scotland CEO Geoff Ogle and CEOs of safety regulators.

24. In September I joined the Association of Chief Executives and Public Chairs Forum for a seminar. I delivered a presentation to the Institute of Grocery Distribution with Director of Strategy and Regulatory Compliance, Katie Pettifer. I was on a panel for the Civil Service LGBTQ Conference, and I attended the Food Foundation's parliamentary event on free school meals.

25. I also joined Cabinet Office colleagues at a Deputy Director Induction in York. Whilst there, I stopped at the FSA York office to meet staff.

26. I also hosted a group from the Leaders Quest-Price Waterhouse Cooper programme. I also (virtually) joined the 45 Session of the Codex Alimentarius Commission.

27. I was welcomed to a breakfast at the Butchers Hall by the Smithfield Market Tenants Association. I attended the Society of Food Hygiene and Technology 43 Annual Lecture, Lunch and Awards, the Food and Drink Federation President's Reception and the British Frozen Food Federation's Annual Lunch. I also attended the Whitehall and Industry Group Annual Interview.

28. At the end of November, I joined the Chair at the 2022 Henry Plumb Memorial Lecture.

29. Since September, FSA colleagues and I have visited Whitworth Bros. Ltd flour mill in Whitley Bridge with representatives from UK Flour Millers, Raynor Foods and Chelmsford City Council.

30. I was invited by Lord Trees to a roundtable at the House of Lords for the All Party Group on Animal Welfare and finally, I spoke at the Chartered Institute of Environmental Health Year Ahead Conference.