

# Updated FSA Official Control Compliance Framework for Registered Dairy Establishments in England and Wales: summary of responses

Summary of stakeholder responses published on the 25 May 2023 for the FSA Official Control Compliance Framework for Registered Dairy Establishments consultation.

## Introduction

This consultation was issued on 12th December 2022 and closed on 10th March 2023.

The consultation provided interested parties the opportunity to comment on:

1. Proposed changes to how final compliance ratings are applied following primary production Official Control (OC) inspections completed by the Food Standards Agency (FSA) at registered dairy establishments in England and Wales
2. Subsequent use of a new risk rating framework with additional inspections for higher risk establishments.

The consultation was published on the FSA website and shared with interested parties, including businesses with an interest in the dairy industry and Local Authorities via our Smarter Comm's platform. Responses and comments were sought by return email to [dairyops@food.gov.uk](mailto:dairyops@food.gov.uk). The FSA is grateful to those stakeholders who responded.

A total of five responses were received, these are set out in the table below in order of the group responding.

The Food Standards Agency's considered responses to stakeholders' comments are given in the last column of the table. A summary of changes to the original proposal resulting from stakeholder comments is set out in the final table.

A list of stakeholders who responded can be found at the end of the document.

## Summary of substantive comments

### Dairy UK

Comment	Response
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Dairy UK fully supports the proposals put forward by the FSA. Dairy UK consulted with its members and with our Farmers' Forum on the FSA's proposals. Both Dairy UK members and the Farmers' Forum supported the FSA's proposals.	Comment noted.
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## Farmers' Union of Wales (FUW)

Comment	Response
Members of the FUW had no objections to the changes proposed within the FSA Official Control Compliance Framework for Registered Dairy Establishments in England and Wales.	Comment noted.
In light of the weighted risk scores of specific assessment areas, members requested cohesion between the priorities of an FSA inspection and that of Red Tractor Dairy inspections. Members agreed that the assessment areas of these two inspections complementing each other would reflect positively on the dairy industry in identifying areas of importance and improving compliance across the sector. Nevertheless, duplication of work should be avoided.	Whilst Red Tractor standards are mapped against legislative requirements on a regular basis the scope of the 2 inspections do differ. However, we recognise the benefit of good relationship management between the 2 organisations and note your comment.
Concerns were raised about the anonymity of the information collected during inspections and how the public could misinterpret the weighted scoring system if individual results were shared in the public domain.	FSA notes your comments. Publication of inspection results is outside of the scope of this project and so there are currently no plans to start publishing the findings of all inspection outcomes.
In a hypothetical scenario, members felt it important to mention that should any individual holding or collective inspection results should not be publicly made available with specific reference to potential future proposals of animal health and welfare labelling on food products, akin to the Food Hygiene Rating in Wales.	FSA notes your comments. Primary production activities are exempt from the Food Hygiene Rating Scheme.
To conclude, members felt that the proposals within the FSA Official Control Compliance Framework had potential to incentivise and support improved compliance across the dairy industry.	FSA notes your comment.

# Red Tractor Farm Assurance

Comment	Response
Red Tractor support the benefit or earned recognition for its members, and that inspections will remain less frequent on those members that demonstrate compliance with the assurance scheme standards. However, it would be beneficial for both parties if we could develop a two way reporting process for information and intelligence to help both organisations get oversight of any poor performing producers.	FSA is open to exploring ways to improve the intelligence sharing and notes your comment.

## National Farmers' Union

Comment	Response
The NFU supports proposed measures which bring greater alignment between official control frameworks and that of prevailing industry assurance standards.	FSA notes your comment.
The proposed Official Control risk-based framework is more closely aligned with the current inspection regime of Red Tractor dairy standards. The majority of farms in England and Wales already operate within this system, so at a general level, the proposals are unlikely to cause significant challenge to dairy farming members.	FSA notes your comment.
A risk-based inspection system has the potential to effectively prioritise resource towards less compliant businesses, protecting animal and human health, and a swifter return to compliance.	FSA notes your comment.
The NFU request an additional component to the impact assessment in the form of a modelling exercise to assess the potential impact on risk score of existing businesses and a secondary exercise to trial both systems in tandem.	We thank NFU for the suggestion on modelling the difference in the systems, particularly around the compliance thresholds. We would like to discuss this suggestion in more detail with NFU.

Comment	Response
The NFU request further detail on standards for compliance within the inspection framework and propose to work with FSA in clearly defining appropriate standards for compliance. The NFU request further information on the implementation timeframe and post-consultation timeline.	Comment noted, and we will come back with further detail in due course once we have had time to assess it's impact on existing workloads.

## E.coli Campaigner

Comment	Response
<p>I do not agree with the Agency's proposed changes in the consultation information document as indicated on page 1 where it states under points 1) &amp; 2). "1) Proposed changes to how final compliance ratings are applied following primary production Official Control (OC) inspections completed by the Food Standards Agency (FSA) at registered dairy establishments in England and Wales". "2) Subsequent use of a new risk rating framework with additional inspections for higher risk establishments".</p> <p>In relation to 1) &amp; 2) as indicated above, whilst I would agree with additional inspections for higher risk establishments such as Raw Cows Drinking milk or high risk milk wholesalers, I do not believe the new compliance ratings framework will ensure better overall consumer protection in relation to public health.</p>	FSA notes your comments.

Red Tractor Farm Assurance is, I believe, more about promoting food sales rather than about consumer or animal welfare protections and has been shown previously in news and other reports to have had flaws in terms of assurance on these issues. Also, many farmers etc believe that without using this assurance scheme they would be disadvantaged in selling their produce and therefore join the scheme not because they believe in it in terms of it being a good assurance scheme, but because it allows them access to certain markets. As I have previously said in consultation responses, I believe farmers generally are not given a fair price for their produce from supermarkets etc and this includes wholesale dairy milk farming.

As Red Tractor Assurance is, I believe, a company owned and is funded by British Farming and the Food industry, it is hard to argue they don't have a vested or conflict of interests and therefore raises the question if they should be providing any assurance schemes.

When they report periodically to the FSA, this information does not appear in the public domain and therefore there is no real way of determining the effectiveness of their assurance.

FSA has a framework in place for the oversight of inspections undertaken by Red Tractor and other assurance schemes. There are scheduled and structured meetings to review the data on inspection outcomes from both sides. More detail on how assurance schemes and provision of earned recognition are managed can be found at:

<https://www.food.gov.uk/business-guidance/earned-recognition-approved-assurance-schemes>

I believe that the current approach categories to Official Control inspections with Good, Generally Satisfactory, Improvement Necessary or Urgent Improvement Necessary should be kept rather than going to the suggested three categories of low, medium or high risk, which, I believe, may mask the true level of non-compliance.

Also, I note Good, Generally Satisfactory, Improvement Necessary or Urgent Improvement Necessary are currently used in the Meat Hygiene service and some of their inspectors also carry out work in Dairy Operations. I further believe official controls by the FSA should be no longer than a maximum of 2 years frequency of inspection for a wholesale-only milk premises (as so much can change when the maximum is 10 years in any business with regards to consumer safety etc) and no greater than 6 months for Raw Cows Drinking Milk (RCDM) for direct supply to the final consumer. In the long-term, Red Tractor Assurance should be phased out and all inspections should be carried out internally by the FSA's Dairy Hygiene Inspectors so that we have truly independent inspections. Yes, it would cost more, but in the long term it would be far more beneficial to the general public and the food industry in terms of public health and long term consumer confidence in the food industry.

FSA notes your comments.

At the top of page 8 in the consultation document it states: "Whilst Inspectors have some guidelines to follow under the current arrangements, these still leave a lot of room for human interpretation, which can lead to inconsistencies. A lack of consistency when it comes to the FSA's advice, recommendations or judgement can prove problematic for businesses, particularly if some investment is required to resolve any issues. For example, there is potential under the current model for a business to receive different feedback in two different inspections, even though nothing has changed in between.<sup>2</sup>" In most other industries inspectors work to standards, work instructions or other similar documentation. They report on all their findings and highlight the area(s) of non-compliance against these document(s). Once they report the non-compliance(s) it is the responsibility of the business to solve and rectify any such issues. If there is room for interpretation which can lead to inconsistencies, I respectfully suggest that the Agency look at consulting with its inspectors and using their skills knowledge and experience before modifying or introducing new working documentation.

FSA notes your comments. Training on the revised processes will be carried out with all dairy inspectors before the new framework is implemented. There will be a review of the revised processes 12 months post-implementation. All dairy inspectors are also subject to a minimum of 2 internal consistency shadow checks each year.

In relation to page 8 of the consultation document where it states: "The more frequent, risk-based, full re-inspections proposed could contribute to reducing the likelihood of a foodborne disease outbreak linked to RDM. Whilst this is a lovely thought, due to what is stated on page 4 of the FSA's consultation document, it raises some serious concerns where it states: "If additional inspections are applied due to non-compliances, this does not mean they will automatically come with additional sampling at a cost to the FBO". Sampling is very important to determine the existence of bacterium in raw milk and this product is high risk and is why it was banned in Scotland on 1st August 1983 due to its dangers in relation to Public Health. This is one of the reasons why non-compliance premises should always have additional sampling.

FSA notes your comments. Decisions made on the need for sampling would be a risk based decision, dependant on the outcome of the inspection and where additional verification may be required. Non-compliances identified may not always be directly related to the milk itself and may also be linked to admin/documentation issues or linked to structural concerns where there may be little evidence to suggest the need for additional sampling to be undertaken.

I would like to congratulate you for the attempt on cost of illness benefit as it is the first attempt I have seen in a Government consultation. The cost benefits in terms of illness are, I would respectively suggest, generally far greater for 2017 than your example, as the evidence below indicates.

The Zoonoses Report UK 2017 in the link below, stated on page 18 under "Feature article 3: Shiga-toxin producing Escherichia coli O157 outbreak associated with consumption of raw dairy milk.

Authors: Lisa Byrne, Gastrointestinal Infections, National Infections Service, Public Health England

An outbreak of Shiga-toxin producing Escherichia coli (STEC) O157 PT 21/28 stx2 occurred in Autumn 2017 in the South of England. Investigations identified 7 confirmed cases, 3 of whom developed Haemolytic Uraemic Syndrome (HUS). All but one case had either consumed raw milk from, or been exposed directly to the environment, of a farm which was a raw milk producer and was also open to the public. During investigations, control measures put in place to prevent further transmission included cessation of sale and recall of raw milk supplied by the farm, and actions to limit public exposure to associated environmental sources such as preventing access to animals on the farm by closing the petting activities. Despite this, a further 3 cases were notified following the recall, 2 of whom had drunk raw milk from the farm after the recall had been put in place. During 2017, a number of other incidents related to RDM also occurred. In Wales, a child infected with STEC who had consumed RDM died, a rare consequence of STEC infection. Meanwhile, there have been 3 separate outbreaks of Campylobacter spp affecting 27 individuals in total, and an incident of Salmonella Dublin, in which 1 human was infected. Therefore, added to the FSA example in the consultation document for the year 2017 only, is 9 cases of Shiga-toxin producing Escherichia coli (STEC) of which three cases of Haemolytic Uraemic Syndrome (HUS) were caused by STEC in England only. HUS 3 x £300,000 based on 2017 costs = £900,000. See \* below. STEC 6 x £8400 = 50,400. based on 2018 costs. See \*\* below. £140,000 but by \*\* below is £124,000 + £900,000 + 50,400 = £1,074,400 based on 2017/2018 average costs per case.

FSA notes your comments.



Sadly, I believe there is little to suggest that foodborne illness from milk products will be significantly reduced or even reduced in the long term by these proposals.

FSA notes your comments.

## List of respondents

1. E.coli campaigner
2. National Farmers Union (NFU)
3. Dairy UK
4. Farmers' Union of Wales (FUW)
5. Red Tractor