

# Chief Executive's Report to the Board

FSA 23-06-03

## Introduction

1. A number of significant pieces of work have their own updates on the Board's agenda today: the import controls, veterinary supply modernisation and support for small abattoir sector, retained EU law and regulated products. This report updates on other matters relevant to in the last quarter.

## Windsor Framework

2. FSA work on implementation of the Windsor Framework continues as we work closely with the Department for Environment, Food & Rural Affairs (Defra), the lead department for agrifood implementation, as well as other government departments and devolved administrations to ensure delivery of phase one implementation for October 2023. This involves the establishment of a 'green lane' for prepacked retail goods moving from Great Britain to Northern Ireland via a new NI Retail Movement Scheme (ReMoS) and the introduction of new 'not for EU' labelling requirements for these goods. FSA work includes supporting Defra with its legislative work, developing stakeholder engagement materials and preparing training and guidance for our delivery partners. We have secured confirmation of sufficient additional funding from Defra to support this work for the 2023/24 financial year.

## Prioritisation

3. In spite of our reprioritisation efforts in [December 2022](#), priority programmes of work were insufficiently resourced in early 2023. This was particularly the case for our work on the Windsor Framework, which emerged as a pressure when the PM announced it at the end of February 2023; and in implementing the borders target operating model work – which had been in train in the run up to the publication of the borders target operating model in April 2023. In the light of Royal Assent to the Genetic Technology (Precision Breeding) Act in March 2023, we also now have to devote resource to the detail of our proposed regimes for precision bred food and feed.

4. Changes agreed during the passage of the Retained EU Law (Reform and Revocation) Bill mean that we no longer need to lay statutory instruments (SIs) to preserve or extend our REUL before the end of 2023. However, this does not mean that the REUL work has ended. We will now focus our REUL programme onto phase two, bringing forward changes to reform some of our laws, using the powers in the Bill which expire in 2026.

5. I therefore regret to say that we will not be formally revisiting at this time but will do so in December 2023. I know this is proving frustrating for some stakeholders who had hoped that certain issues would be progressed more quickly. It is also disappointing that we do not have sufficient capacity for certain things to which we would like to devote even more resource, such as boosting capacity in risk assessment, which would help with our regulated products work.

Matters like this will need to be part of any future bid we make to HM Treasury at the next Spending Review, which may take place in 2024.

## Temporary Registration of Novice Official Veterinarians

6. When we published our paper on [Veterinary Supply and Support for the Small Abattoir Sector for 2023/2024](#) we did not know that at its meeting on 8 June, members of the Royal College of Veterinary Surgeons Council would agree to extend the application of their Temporary Registration policy for official vets for a further 18 months. I was very grateful for the opportunity to present our case to the Council, and for their careful consideration of the issues.

Ultra-Processed Foods

7. The BBC's Panorama programme on 5 June 2023 looked at ultra-processed foods, the additives in them and the alleged influence of the food industry on scientific committees. Regulatory decision making was also part of their story.

8. The FSA believes that criticisms of scientific committees and regulatory decision making are unfounded, and we provided Panorama with a detailed rebuttal, which unfortunately was not reflected in the programme. For example, this rebuttal covered how interests are managed, and corrected claims about FSA not acting on BPA (Bisphenol-A) (still under consideration as a result of concerns about the EFSA approach) or any other food additives (action would have been via the EU in the period concerned). With respect to Aspartame, the programme mentioned a study by the Ramazzini Institute which has been widely discredited.

9. On the broader concerns about ultra-processed foods, and the additives in them, the FSA keeps the available evidence under close review. We would not hesitate to take action to reduce the intake of any additive or remove the authorisations entirely should the weight of evidence support such a decision.

## Scientific Committees – with a focus on COT

10. The Committee on the Toxicity of Chemicals in Food, Consumer Products and the Environment (COT) is one of the FSA's independent Scientific Advisory Committees (SACs). It is co-sponsored by FSA and the Department of Health and Social Care (DHSC) with UK Health Security Agency providing the Secretariat for the non food areas on behalf of DHSC.

11. There are currently 21 COT members plus the Chair providing expertise in specialist areas such as reproductive toxicity, immunotoxicity and neurotoxicity as well as in general toxicology along with 2 lay Members to represent the interests of consumers. They work in a range of sectors, the majority being based in academic departments but also industry, along with one clinician.

12. Having COT and other SAC Members working in different sectors, means the FSA has access to the best and most current expertise available as some of the best scientists may work in industry or as independent consultants. It gives a good balance of experience and knowledge of the food system to the Committee encouraging a proportionate approach to risk assessment.

13. FSA SAC members' interests are managed in accordance with the Government Code of Practice for Scientific Advisory Committees. COT members are required to declare their interests for each item under discussion and decisions around the levels of the member's participation can be taken accordingly. Many interests are very indirect and only need to be recorded. However, depending on the nature of the interest, members may not be able to contribute to the conclusions of the Committee on a particular topic or they may have to leave the discussion altogether; this is recorded in the minutes. COT meetings are also held in open session as far as

possible, so interested parties can and do apply to observe.

## **Food contact materials containing bamboo (and similar plant-based materials)**

14. On 12 June the FSA published a [news story and call for evidence](#) relating to bamboo and similar plant-based additives (e.g. rice husks, wheat straw, coffee grounds and hemp). Although there is no evidence of acute harm from these products, concerns have been raised about the potential migration of substances contained in the plastic (melamine and formaldehyde in the majority of cases) that could pose a risk to human health, particularly if they are used for hot and/or acidic food and drinks. There is currently insufficient evidence to address the uncertainty therefore we have recommended to the public that they should not use these products as a precaution, and we have strongly advised against using these products for hot and/or acidic food and drinks.

15. Furthermore, these food contact plastics are not authorised for use in Great Britain or Northern Ireland and are therefore non-compliant if placed on the UK market. To address this non-compliance, communications to local authorities and port health authorities have been issued across all four nations, confirming that implicated items already on sale must be withdrawn from the market, including any associated adverts for the products, for example on online marketplaces.

16. There currently remains insufficient data and information on the substances in use and their interactions with food, for a full risk assessment to be undertaken. The FSA has decided to act upon non-compliance of these materials now, rather than waiting for further safety information, in order to provide maximum protection to the public. The call for evidence has been launched in order to build a better evidence base on the safety of these additives.

## **Biobased Guide**

17. The FSA recently published [BIO-BASED FCM A Starter's Guide for The Development of New Biobased Food Contact Materials](#), to positive reception from the sector. This Guide was developed as a new approach, distinct from formal guidance, to assist those intending to develop new bio-based food contact materials and to help them identify and consider aspects of regulatory compliance. The guide aims to support developers in their materials choices, to meet customer needs and compliance expectations for the intended use of the end product.

## **Precision Breeding**

18. On 23 March the UK's Genetic Technology (Precision Breeding) Bill received Royal Assent and became an Act of Parliament. The part of the legislation relating the FSA's regulatory role passed unamended and we have had the green light from DHSC Ministers to proceed with our plans, which will be brought before the Board in September. Royal Assent marks the culmination of the first phase of our work on Precision Breeding and represents a significant achievement for the FSA. In September, the Board will consider policy proposals for the framework for the pre-market authorisation of precision bred food and feed, the public register and the enforcement regime. We will hold a public consultation before the secondary legislation is laid and expect the new law to come into force before the end of 2024.

## **Food Law Code of Practice Published**

19. A revised [Food Law Code of Practice](#), reflecting the changes required to enable local authorities in England and Northern Ireland to implement the new food standards delivery model, has been laid before Parliament and the Northern Ireland Assembly. A letter and [news story](#) confirming publication of the Code was issued on 8 June.

20. This represents a significant step forward in our plans to deliver a food standards model that enables local authorities to take a more risk-based and intelligence-driven approach to inspection, focusing their time and resources on food businesses that pose the greatest risk to consumers.

The new model will drive more frequent checks on non-compliant businesses, whilst reducing the checks on businesses that can demonstrate good levels of sustained compliance. It will give local authorities greater flexibility to check compliance in different ways, for example through remote checks where appropriate, and it will increase the use of intelligence to inform understanding of risk in the food chain. This will help to ensure that action taken at the right stage of the supply chain, for example one intervention at the single point of manufacture or import rather than multiple interventions in a range of retail outlets.

21. Implementing this change is a complex and large-scale undertaking for the FSA and local authorities. To reflect this, the Code makes provision for a transitional period in which we will be taking a phased approach to rollout, enabling us to support local authorities through the change process.

22. A pilot of the proposed food standards model with local authorities in Wales is due to commence shortly and will inform a consultation on any amendments required to the Food Law Code of Practice in Wales.

## Food Hygiene Delivery Model

23. We are [currently consulting](#) on the proposed developments to the food hygiene delivery model, which includes:

- a modernised food hygiene intervention rating scheme
- an updated risk-based approach to the timescales for initial official controls of new food establishments and undertaking due official controls.
- increased flexibility as to the methods and techniques of official controls that can be used to risk rate an establishment, including the use of remote official controls.
- extending the activities that officers, such as Regulatory Support Officers, who do not hold a 'suitable qualification' for food hygiene can, if competent, undertake.

24. We recently held 9 in-person local authority engagement events across the 3 nations as well as an online event, to seek their initial views. The events were well attended and with lots of engagement and constructive feedback. We are now evaluating and looking through all the comments including some challenges to be more ambitious with the changes.

25. The consultation closes on 30 June, and we will publish a summary of responses in due course. The proposed developments will be reviewed in light of the consultation responses. We intend to run a 6-month local authority pilot of the proposals in 2024.

## Level 6 Trading Standards apprenticeship

26. We recently collaborated with the Association of Chief Trading Standards Officers (ACTSO) and Chartered Trading Standards Institute (CTSI) to [endorse a Level 6 Trading Standards Practitioner apprenticeship](#). We have had confirmation from the apprenticeship provider that 30 apprentices have already signed up, with a forecast of 100 for year one. Of those 30 signed up,

11 are specialising in food and feed.

## Publication of the Revised Guidance on Less Than Thoroughly Cooked Beef Burgers

27. Following a consultation last year, the revision of the guidance on less than thoroughly cooked (LTTTC) beef burgers, commonly known as 'rare burgers', has been completed by the LTTTC beef burger working group; following which the [updated guidance](#) was published on 22 May.

28. Our intention in the revisions was to make it easier for businesses who wanted to offer LTTTC burgers to consumers, given that this is a risky food (those foods that pose, or are perceived to pose, risks that are greater than those posed by the majority of foods that are not subject to specific controls). The guidance was developed following the framework on our approach to risky foods previously endorsed by the FSA Board, which balances the management of risks to public health, the facilitation of informed consumer choice and the management of costs to businesses that may be passed onto consumers.

## Here to Help

29. Our latest business campaign, 'Here to Help', promotes the FSA's role, alongside local authorities and district councils, in supporting and equipping businesses to get started and grow, safely.

30. Through a new online guidance hub and multi-page guides, businesses can now find all the most popular guidance in one place. Since its launch in May, the campaign has directed around 8,000 visitors to the hub, where they can find the new Starting A Business Guide, as well as allergen management guidance, Food Hygiene Ratings Scheme advice and how to manage a recall or food incident.

## Research updates

31. The FSA are pleased to be part of a 3-year programme of work (2022-2025) to understand what interventions in the English food system can effectively encourage and enable people to have a healthier and more sustainable diet. The SALIENT trials will test interventions related to availability, price/cost, provision of information and choice-architecture and will be delivered with partner organisations in real-world settings, including retail, catering and community support. This research will support the third pillar of our strategy – engaging with partners across the food system to provide evidence into 'what works' for enabling healthy and sustainable diets.

## Engagements

32. I was glad to attend the Number 10 Farm to Fork Summit at Downing Street in May. I met many people from across the food industry and listened to the Prime Minister's speech before joining the 'skills and innovation' breakout session. I took the opportunity to mention how important safety was to the UK's reputation for excellent food at home and abroad. Food you can trust is crucial: if trust is lost then so are markets for exports. I also mentioned the skills shortage the UK is facing in vets who play a pivotal role in abattoirs protecting food safety and animal welfare. Finally, I reiterated that the FSA is keen to support innovation in the food industry, not least with our novel foods authorisation work which will give consumers confidence in innovative foods.

33. Since my last report to the Board in March 2023, I had a number of meetings on the wider implications of Operation Hawk. (I have reported on Operation Hawk [separately to the Business committee](#)). I wrote to food industry [stakeholders](#) and chaired a meeting with them to agree how we would work together to address issues in the system as well as holding bilateral meetings with British Retail Consortium (BRC), Food and Drink Federation, BRC Global Standards, and Professor Chris Elliott. I also gave interviews to the Radio 4 Today Programme, ITV and The Grocer.

34. Veterinary resourcing was also a focus for my engagement over the quarter, and I met the Chief Veterinary Officer for England, and the Chief Executive of the Animal and Plant Health Agency, to discuss our shared interests in this. I also attended the Council meeting of the Royal College of Veterinary Surgeons.

35. I held regular meetings with the Food Standards Scotland CEO, which included a visit to Aberdeen, where the Chair and I not only met with our counterparts, but also visited the fish market at Peterhead.

36. With the Chair, I met the Chair and Chief Executive of the Environment Agency. I also had an introductory meeting with the CEO of WRAP.

37. In May, I gave a [keynote speech](#) at the Northern Ireland Food and Drink Association's inaugural conference and I attended a talk and dinner hosted by Henry Dimbleby.

38. In June, I appeared on Good Morning Britain to discuss use-by and best-before dates on food.

39. This quarter I have also carried out a significant number of international engagements. At the beginning of May I attended the International Heads of Food Agencies Forum meeting in Dublin where I met Dr Pamela Byrne, CEO of the Food Safety Authority of Ireland. In the margins of this conference, I held bilateral meetings with opposite numbers from Denmark, Germany and the Netherlands.

40. Also in May, I travelled to the Codex Committee on Food Labelling in Ottawa Canada. I met officials from the Canadian Food Inspection Authority and Health Canada, and representatives from the Seed Trade Association. I then went on to bilateral engagements in the USA. My visits focused on how Canada and the USA deal with novel foods and how they undertake meat hygiene controls.

I was able to visit a large pork abattoir in Pennsylvania, meet the Under Secretary of Agriculture for Food Safety in the USA, and meet a number of academics in the Food Science Department at Penn State University. I also met the Director of Food Policy at Consumer Reports and representatives from Good Food Institute, who work on alternative proteins.