

# 'COVID-19, EU Exit, and Future Food Strategies' - address to the Chartered Institute of Environmental Health

Our Chief Executive, Emily Miles, spoke at the [Chartered Institute of Environmental Health](#) conference on 29 June 2021.

In her speech she thanked the environmental health profession for its hard work managing the impact of COVID-19 and discussed how the pandemic and EU Exit has impacted on the FSA's future food safety strategies. Transcript of the speech as follows:

## Introduction

Thank you so much for asking me to speak to you again.

I addressed the CIEH Food Safety Conference in October and it strikes me that some things have changed since then, but unfortunately there is quite a lot that has stayed the same.

Since October, environmental health practitioners, the food industry and Government have navigated the end of the EU Transition period and, thanks to a successful vaccination programme across the UK, we are starting to get that sense of a return to normal life after the COVID-19 pandemic. It feels tantalisingly close, although we are seeing these increases in the prevalence of the delta variant. It strikes me though that for the majority of you, the pressures aren't yet easing. The pandemic's impact has not eased significantly yet for environmental health practitioners around the country.

For local authority EHPs, and to an extent EHPs working in the food industry, you have been on the frontline of COVID-19 from Day One of the pandemic, providing an emergency response and dealing with fast-changing regulations and guidance from multiple government departments. Those of you working in the private sector have experienced your own challenges, with site visits not always possible and the rapid introduction of remote auditing.

My sense is that for many of you it has been physically and mentally draining. You have had to juggle work with family life, caring for people at home, and sometimes being on the receiving end of residents and businesses' frustration. They might have vented at you for often unpopular controls. This has inevitably taken a toll on morale and mental health.

I find the stories I hear from the environmental health profession incredibly moving. Throughout the pandemic I have seen it in the Food Standards Agency, local authorities, and the food industry as well. You see ordinary people doing extraordinary things. And doing it to serve the people we want to make a difference for, the people of our country. Because people needed us, and it was necessary, and it was for the right reasons. I feel very proud and what I have seen.

At the FSA, we have been determined to do our bit to help. We have relieved pressure where we can, taking a more flexible approach to the question of routine interventions. We have aimed to make the guidance we provide as straightforward and as useful as possible. We are now looking towards recovery and, in response to the on-going pressure on local authorities, we have developed the FSA Local Authority Recovery Roadmap.

The roadmap has been developed to help local authorities focus on the highest risk food businesses, with greater flexibility for lower risk businesses wherever possible. The aim is that local authorities can gradually get back to business as usual following a year of managing the impact of COVID-19.

For you it will mean a refocussing on food safety and standards, away from the emergency response of the last year. But in a gradual and phased approach.

I would encourage local authority colleagues to study the details of the roadmap, which you can find on the Smarter Comms platform.

I think the last year has shown us how important the environmental health profession is, and how neglected it has been over the last few years. The FSA relies enormously on environmental health practitioners but don't 'own' the issue of the future of that workforce.

We are just deeply interested in it. In my view, there needs to be a more strategic view of the workforce, similar to how the NHS managing the future doctors and nurses: they think ahead about who is getting trained, the number of university places there are, and what funding is available. Local authorities need to be part of this strategic approach, particularly given their new post-Brexit regulatory responsibilities that are falling to the FSA and local authorities.

I thought the CIEH's own recent survey on this was fascinating and worrying. It found that in England, the number of food safety and hygiene officers dropped by 18% in nine years. The research also showed that more than half of local authorities are not supporting the training of a new generation of environmental health practitioners: in 2019/20, 52% of local authorities did not have a single apprentice or trainee in place. A lack of budget or the capacity to mentor were the main reasons given for not taking on any trainees. I do think that is an inevitable consequence of years and years of funding cuts in the local authority space.

There is always more to be done to use the people that are in the system more effectively. Better tools to target your efforts to where the risk is. Digitised processes to save your time. We can use data better to save time. But in the end, to keep people safe, and support businesses to do that, we need trained people who know what they are talking about. The FSA has conveyed its concerns to the cross-government Regulatory Services Task and Finish Group, set up by the Ministry for Housing, Communities, and Local Government. This group has been looking at resources, capacity and qualifications in local authority regulatory services and the options for addressing the current challenges.

The recommendations from this group are still being agreed, but I firmly hope that the outcomes, alongside the work being done by MHCLG on co-ordinating and championing regulatory services within central government, will have a positive effect on the workforce. I think it's really necessary that it does.

## **The end of the transition period**

Next, let me turn to the UK leaving the EU and the end of the Transition Period. When I last spoke to you, the end of the EU Transition Period was the other major challenge, alongside COVID-19, on which the FSA was focussed. It has now been seven months since the end of the Transition Period, and I would like to outline what this time has meant for us.

I do believe that the FSA, local authorities, port health authorities, and the food system as a whole have acquitted themselves extremely well through this significant transition. Certainly, the FSA's preparations for 1 January were completed on time and that allowed us to transition to life outside of the EU relatively smoothly. Let me run through a few examples.

- Our work on import controls has gone reasonably well, both in terms of the switch-over to Defra's new import control system and the development of a dashboard which is helping us provide intelligence to port health and local authorities to assist with their imported food controls; and we have provided on-going funding to local authorities to help local authorities adapt to the introduction of increased volumes of imports, too. Of course, it's not always been straightforward. Many of you have helped us deal with a number of non-compliant import consignments which had travelled through the EU to Great Britain from non-EU countries via Dover without the required health checks; which has now largely been rectified.
- The FSA has also completed a significant amount of policy and legal work on statutory instruments that were laid in England, Wales and Northern Ireland, and on UK frameworks to enable four-country working and the internal market.
- We supported Defra and food businesses with export health certificate work, and have done our best to support businesses who take food to Northern Ireland to be ready for that new reality. Exports is another area that has also generated particular challenges. New requirements for EHCs have put a significant resource pressure on local authorities and the FSA, and there has been a shortage of vets we have been taking some steps to rectify.
- We have recently made changes to the protocols we apply to the classification of shellfish harvesting areas, to help the industry adjust to the new export relationship with the EU. These are very much technical changes, which have been led by the science, and we will be working closely with local authority colleagues in shellfish harvesting areas to manage the changes.
- Some were predicting food crime might be an issue after the end of the Transition Period. The overnight change to the entire UK economic model and the loss of access to some EU intelligence databases meant we had to plan carefully to manage potential new fraud risks. I am pleased to say that since the end of the Transition Period there has been very limited evidence to suggest that food fraud has increased. We're working with stakeholders, including local authorities, to ensure we remain vigilant and produce timely intelligence reporting on food fraud. While we lost access to some EU intelligence systems, we have made sure that communication with EU Member States continues, including through Europol and Interpol.
- In terms of more general food safety risks, we now align our food safety notifications to INFOSAN, while also receiving third-country notifications from EU's RASFF system. In 2020, between 1 January and 31 May, the UK received 138 RASFF notifications and sent 96 (excluding border notifications). In the same period in 2021, the UK received a total of 168 RASFF and INFOSAN notifications; it also sent a total of 137 across both platforms. Of course, in both these years the figures have been impacted by COVID-19, but similar levels of activity and certainly no reduction in notifications.

One of the key areas of responsibility that the FSA adopted from the EU following the UK's exit is risk analysis. We are busy in this area with a number of on-going high priority issues, ranging from a review of controls on imported food from Japan following the nuclear accident at Fukushima, to an assessment of the risks of titanium dioxide, a permitted food colour used in things like toothpaste.

Online access to our regulated products application service also went live at the start of 2021. Regulated products require a premarket safety evaluation and approval by Ministers before they can be used in the UK market.

As of the end of May, we had received more than 1100 regulated product submissions, much more than anticipated, and many linked to our phased approach to ensuring that CBD food products are safe and properly authorised. About 390 are considered formal applications, having sufficient information to begin the validation process, and of these 21 are actively in the assessment stage of the process.

The vast majority of applications we've received fall into the novel foods category and mainly relate to CBD products, ranging from pizza to popcorn. We've had a relatively high number of feed additive and GM applications, and even one for dried sea cucumbers. We are pleased the service is up and running and being used, we starting to process those novel food applications.

Imports, exports, regulated products, and ensuring we can trace food. All of these new or increased activities are essential building blocks to ensuring that UK citizens can have food they can trust – that is safe and is what it says it is. I am extremely proud of all that the FSA, local authorities and the food industry have done to deliver that through this extraordinary transition in the context of the pandemic.

## **ABC and the future of regulation post-pandemic and post-Brexit**

In the last part of my speech I want to reflect on the future of regulation. Events in the last year have shown us the need to plan-ahead and the pressures that the food industry can face in a time of crisis. In managing the impact of a global pandemic and adapting to the changes of EU Exit, food businesses have shown how nimble they can be. But they can only do so much.

As we move forward from COVID-19 and EU Exit, we need to help businesses to do the right thing. This is what drives our regulatory reform efforts, known now as the Achieving Business Compliance (ABC) programme.

ABC is not a massive regulatory overhaul, nor are we ripping up the EU rules which we have only just transferred into UK law. Businesses will still need to do broadly the same things, but we want to change the way we and local authorities get assurance that businesses are meeting their responsibilities.

This work was started before the EU referendum and has been progressing steadily as the UK prepared for exit – it has been evolution rather than revolution. So, for instance, there are now 219 local authorities taking part in our Register a Food Business scheme, food standards pilots which are testing an intelligence-driven approach are progressing well, and the competency framework is being embedded. This was all done under the banner of 'Regulating our Future'.

With the ABC programme, we continue on our quest to develop a more proportionate and targeted system for regulating food businesses. This includes looking at both our food standards and food hygiene model, to help identify and target the highest risks in the food system. It also includes focusing as well on the most influential actors in the food system, the biggest businesses.

This year we have also started a conversation with bigger businesses, specifically large influential retailers in the first instance, to look at how we and local authorities can regulate them as effectively as possible, to avoid the duplication they often encounter to provide assurance for the citizen.

Take, for instance, the big supermarkets. It is crucial for us to regulate these ten or so big businesses in the clearest way possible: they have about 96% of the GB market share and they wield enormous influence over their supply chains. They might have tens of thousands of products that they are influencing that need to be safe and authentic for consumers. For

consumers it is vital we get it right and the powers of these business are matched by powerful and influential regulators. We are talking to those businesses and their Primary Authorities about how we might be able to regulate them as effectively as possible in future. In particular we want to look at how we can utilise more of the information and data that they collect on their own assurance, to make sure that we are getting access to that so that we can assure that too.

This of course will all need to be trialled, to understand what works and what doesn't.

How we better regulate online food sales is another key area of our focus. Even before the pandemic we were seeing changes in business and customer behaviour, with an increasing number of on-line and mobile services, often representing partnerships between more established businesses and new platforms. COVID-19 has just accelerated this move online. In the last year, the FSA has been deepening its conversations with companies like Amazon and Facebook and trying to understand and quantify the current scale of unregistered businesses including those trading online via different selling routes. This will enable us to effectively analyse the associated risks and prioritise future development work in this area. A quick word on data, particularly for our EHP colleagues working in the private sector. The food system is complex, international, ever-changing, and this presents challenges. However, it is data rich and the technological innovation we have seen over recent years gives us an opportunity to use that data.

We are seeing a shift in businesses wanting to better manage their supply chains, as well as regulators across the world, including the FSA. Data is the key that unlocks so much to good, proportionate regulation, and food you can trust. For businesses, so it isn't a burden but a benefit, and for the consumer, so they get certainty about what they are buying. We must ensure that regulators and the food industry work together to get the best outcome here around data.

## Conclusion

To conclude, I would like to reiterate a point I made in October about our plans for regulatory reform. EHPs and local authorities will continue to play a vital role in the new system of regulation and our aim is to meet these challenges together with you.

Environmental health professionals serving local communities are a valuable and essential asset, ideally placed to undertake the range of activities that are core to protecting consumers and core to supporting businesses to do the right thing by consumers. The FSA will continue to champion as well as rely enormously on local intelligence as well as big data.

As we've discussed, the pandemic has been a challenging time for the environmental health profession and for the FSA, but it has also given us an opportunity to work better together.

With more meetings being held remotely, FSA colleagues and local authorities, who may not have been able to travel or attend meetings previously, have been able to interact more easily. Remote working has enabled the FSA to ensure that relevant people are available to attend meetings as and when required, which was a challenge in the past.

Engagement in England particularly has greatly improved. I definitely find that we are relying more on the intelligence collected at those meetings as we come up with things like the local authority recovery roadmap that I mentioned earlier. That has been influenced by the exchange of information and insight exchanged in those meetings.

For me that is one positive to come out of the changes of the last few months, that the way we work together has improved because of the pandemic and I think we have a closer working relationship. Better engagement has led to improved cooperation and provided the FSA with invaluable "real time" feedback from local authorities across the three nations where we work.

As we now focus on a post-pandemic and post-Brexit future and work towards recovery, I want to build on this improved relationship and work together towards that shared mission of food we can trust.

Thank you.