Minutes of the FSA Board Meeting on 9 March 2022

The Exchange, University of Birmingham

Present:
Susan Jebb, Chair; Ruth Hussey, Deputy Chair; Fiona Gately; Margaret Gilmore; Colm McKenna; Peter Price; Timothy Riley; Mark Rolfe

Via Zoom
Lord Blencathra

Officials Attending

Emily Miles	-	Chief Executive (CE)
Amie Adkin	-	Head of Risk Assessment (For FSA 22/03/06)
Pam Beadman	-	Director of Finance and Performance
Sam Faulkner	-	Head of Strategy Unit (For FSA 22/03/05)
Maria Jennings	-	Director of Regulatory Compliance, People and Northern Ireland (NI)
Anjali Juneja	-	Deputy Director of EU Transition and International Unit
Professor Robin May	-	Chief Scientific Adviser (CSA)
Rick Mumford	-	Deputy Director of Science, Evidence and Research
Katie Pettifer	-	Director of Strategy, Legal, Communications and Governance
Julie Pierce	-	Director Openness, Data, Digital, Science and Wales
Peter Quigley	-	Head of Chemical Safety Policy (For FSA 22/03/06)
Rebecca Sudworth	-	Director of Policy
Chris Thomas	-	Radiological Senior Policy Advisor (For FSA 22/03/07)
Simon Tunnicliffe	-	Director of Operations

Apologies

Steven Pollock	-	Director of Communications

Guests

Professor Sandy Thomas	-	Chair of the Science Council

1. Welcome and Introductions

1.1 The Chair welcomed everyone to the meeting noting that Board Member Lord Blencathra would be joining the meeting through Zoom. The dates for Board meetings in 2023 had now been agreed and would be on the FSA website. She asked Board Members whether any members had any new interests to declare. Mark Rolfe said that, since the previous Board meeting, he had been temporarily seconded to Hampshire County Council as Strategic Manager for Trading Standards.

1.2 The Chair noted apologies for this meeting had been received from the Director of Communications Steven Pollock. She invited Katie Pettifer to read out questions received ahead of the meeting relating to the agenda. Questions which did not relate to a paper on the agenda would receive a written reply within 14 working days, which would then be published on our website. Questions received after the deadline would receive a written reply within 14 working days, which would then be published on the FSA website.

1.3 Katie read out the following questions, which had been received prior to the deadline and related to the agenda:

Question 1
The UK is reliant on imports of agri-bulk feedstuffs notably maize and soya for the livestock sector and the majority of this is genetically modified and sourced from third countries, including for example from North America, South America, USA and Ukraine.

Since Brexit, the UK is obliged to establish its own rules and processes to authorise all GMOs as safe for import and placing on the market.

It has been a lengthy process thus far and Gafta and AIC members are concerned that no GMO approvals have yet taken place in GB and there is already divergence with other key importers such as the EU and with origin countries. There are additional complexities if Maize/Soya is imported from EU– if Soyabeans crushed in Europe may be from GM product not approved in GB.

This is now compounded by the Russian invasion of Ukraine and our members will likely need to source from other origins. Issues such as GM approvals and compliance with EU/UK MRLs will continue to be a challenge and temporary solutions will be needed.
We are aware that our European equivalent organisations are already discussing flexible approaches to be introduced with regard to MRLs, Import Tolerances and non-GM requirements for imports from non-EU countries during a period of 6 months, in order to reflect the changing situation in the global market.

Our organisations have taken part in the recent GB consultation on authorisation of 9 key GMO traits for England which we hope will be supported by FSA Scotland and Wales.
As Gafta and AIC, representing the grain and feed trade and compound feed sectors - we would like to ask FSA for its support in urging Parliamentary officials to approve these GMO traits quickly and to treat this as a priority to ensure more alignment of policy approaches. Without full authorisation, importers can no longer import these commodities into the UK nor place on the market.

June Arnold
Head of Policy

The Grain and Feed Trade Association

Question 2
In relation to the Government process for regulated products, what analysis has the Board asked for on the impact on British farmed animal businesses and POAO supply chains of delays in authorising key GMO feed ingredients for import, and what strategies are in place to improve the timeliness of the process to ensure synchronicity with the rest of the world?

Dr Helen Ferrier
Chief Science and Regulatory Affairs Adviser
NFU HQ

Question 3
Today's Strategy paper does recognise some aspects of the greenhouse gas emissions from the Food and Drink industry and does include a general statement of support for Government priorities. In addition, some green policies are named in today's paper, including support for well-being and sustainability policies for programmes from Northern Ireland and Wales. Overall, however, green policies do not come across a priority for FSA.
Question
1. Does FSA believe it could play a more significant role in promoting the Governments' Green agendas, both within its own operations and as an enabler for its Local Authority partners?
2. Would the board agree that more emphasis should be given to pursuance of carbon-reduction initiatives as part of future strategy?

Paul Hiscoe
Founder and Managing Director
www.scoresonthedoors.org.uk

1.4 The Chair said that Rebecca Sudworth would address questions 1 and 2 during the discussion of the Annual Review of Risk Analysis Process: Focus on Overall Performance and Risk Management (FSA 22/03/06) and Katie Pettifer would address question 3 during the discussion on the FSA Strategy (FSA 22/03/05). There would also be time at the end of the Board meeting for questions from registered attendees in the audience.

2. Minutes of 8 December 2021 Board Meeting (FSA 22/03/01)

2.1 The Board indicated that the minutes of the 8 December Board meeting of the were an accurate record.

3. Actions Arising (FSA 22/03/02)

3.1 No comments or questions were raised about the progress with the actions recorded in the papers.

4. Chair's Report (Oral report)

4.1 The Chair noted the unfolding crisis in Ukraine and said that the thoughts of the Board were with those directly affected. The Chair reported that the FSA had been working in collaboration with other government departments to mitigate the impact of events on issues within the remit of the FSA, particularly with regard to food labelling.

4.2 A list of the Chair's engagements since the previous Board meeting had been published on the FSA website. The Chair highlighted a meeting with the Centre for Environment, Fisheries and Aquaculture Science (CEFAS) on 11 February 2022 to see the research and surveillance work that they performed; attendance at the National Farmers' Union (NFU) Conference and discussions with primary producers, processors and other stakeholders; and the Consumer Forum, deepening the work of the FSA to reflect the consumer interest.

4.3 The Chair mentioned the work over the period since the last Board meeting to develop the new Strategy and in relation to the government's forthcoming white paper on food. There had also been ongoing engagement with Food Standards Scotland (FSS) in the development of the joint food standards report. A commission had been received from the Department for International Trade (DIT) to contribute to the Section 42 reports on the Australian trade agreement.

4.4 The Chair said that Timothy Riley, Mark Rolfe and Margaret Gilmore had had their appointments renewed. The FSA would be seeking to fill current gaps in the Board complement and so three new Board Members would be sought. Permission had been received from the Northern Ireland Minister for Health Robin Swann to seek a new Board Member for Northern Ireland as Colm McKenna was approaching the end of his tenure. The Chair gave tribute to Colm's contribution as Board Member for Northern Ireland as well as his role as the Chair of the Audit and Risk Assurance Committee (ARAC). The Deputy Chair, Ruth Hussey's, tenure would come to an end next year and the campaign to recruit her successor would start later this year.

4.5 The Chair noted the FSA had announced that it would grant additional funding to Birmingham City Council to help ensure the provision of food safety functions during the city's hosting of the Commonwealth Games.

5. Chief Executive's Report to the Board (FSA 22/03/03)

5.1 The Chair invited Chief Executive (CE) Emily Miles to deliver her report to the Board. The CE said the FSA was coordinating with other departments across government to address issues arising from the current crisis in Ukraine to consider practical responses and to monitor effects on food prices, availability and safety. The pressure on the FSA had not been significant so far but was likely to increase.

5.2 The CE highlighted extracts from her report including the School Food Standards Pilot; the Novel Foods Regulatory framework; EU Exit and the risks of divergence; the FSA contribution to Defra's work on gene editing; Cannabidiol (CBD) products; and food insecurity.

5.3 The Chair said it was encouraging that the work around CBD was progressing as planned. Household food insecurity would be an increasingly important issue for the FSA as the situation was worsening. The work around school food was a good example of cross-government working. There would be an opportunity to showcase this when the FSA Strategy was published.

5.4 Ruth Hussey said the food insecurity tracker presented a bleak picture. There would be a need for the FSA to use its data to consider disparities within the population, to highlight those who most need help and take practical measures to work with the right charities and support the right initiatives. Julie Pierce said work was being done to better understand the complexities of the issue of food insecurity and the insights were being shared with Department of Health and Social Care (DHSC) and others such as the Trussell Trust and the Rowntree Foundation, to ensure appropriate action was taken forward.

5.5 Margaret asked what else the FSA could do within its remit to tackle food insecurity and the CE said the Executive would bring further considerations back to the Board at their June meeting.

Action 1 - **The Executive to outline further measures, at the June Board meeting, that the FSA could take within its remit to help alleviate food insecurity.**

5.6 Ruth Hussey asked whether surveillance plans for CBD products were for health or for general usage. Rebecca Sudworth said it was not specific but that the FSA was supporting Local Authorities (LAs) to bring industry into compliance and the Board would be kept updated as this progressed. The Chief Scientific Adviser (CSA) Robin May said potential health impacts had been discussed with colleagues in DHSC and the Home Office. DHSC had an interest in CBD along the same lines as they had with monitoring tobacco and alcohol use. There had also been engagement with the Home Office around the risk of CBD products legitimising cannabis use in the minds of some consumers and this was also being monitored.

5.7 Mark Rolfe asked when the final list of approved products would be published. The CE said she was reluctant to be tied to a specific date, but progress was being made and it featured in discussions at regular food standards liaison meetings. There were plans to engage with retailers through bodies such as the British Retail Association.

5.8 Mark asked about childhood obesity and school meals. The CE noted there was currently no enforcement for compliance with nutritional standards in schools in England. The pilot would assess whether local authorities could identify instances of non-compliance through their regular hygiene inspections. The Chair noted the development of nutritional food standards was a multi-

agency issue, and the Department for Education was lead Department. Katie Pettifer explained there would be a six month discovery phase for the pilot followed by inspections going live in December 2022. Timothy Riley said a rolling approach to school food standards could extend to include sustainability issues in line with the FSA's new Strategy.

5.9 Fiona Gately said that monitoring school food standards would be a challenging area and it would be key to consider what it was that the FSA could contribute in terms of support to LAs. Katie said the pilot was being designed with care to ensure that there were mechanisms to help schools, rather than punish them.

5.10 Colm McKenna noted the broader remit for the FSA in Northern Ireland, which included nutritional standards, delivered through the relationship with the Public Health Agency and the Department of Health. He noted the experience that could be drawn on within the FSA Belfast office.

5.11 Mark asked about plans to share analysis of pre-notification data on imports with Port Health Authorities. Rebecca Sudworth said there was a significant amount data that could be used strategically by the relevant enforcement bodies and would be shared with them where possible. The Board would be kept informed about emerging findings that needed to be taken into account in developing future approaches.

5.12 Margaret asked about the reasons for the increase in the figures for pre-notifications for high-risk products and whether this was putting additional pressure on staff. The CE said the majority of imported food was from the EU and once pre-notifications were requested for high-risk foods from the EU the volumes were accordingly high. The surveying of the data was largely automated, reducing the need to manually examine a high number of alerts. Additional staff had been recruited to the control team, thanks to the Treasury previously agreeing to additional money for the FSA for EU Exit-related work.

5.13 Timothy Riley asked about concerns around animal feed security that could arise from the present situation in Ukraine and how communication was being maintained with stakeholders to monitor and mitigate issues that could arise. Rebecca Sudworth said animal feed was a particular issue that may be exacerbated by the situation in the Ukraine. The FSA was engaging with DEFRA on food security and was sensitive to areas where a cross-government response was required to consider flexibilities and ways for the FSA to avoid being a barrier to necessary measures.

5.14 Colm asked about the update on Titanium Dioxide (E171) included in the report and whether there was a set process for identifying issues before they emerge as more concerning ones could emerge. The CE said the issue would also be raised during the discussion of (FSA 22/03/06) the Annual Review of Risk Analysis Process: Focus on Overall Performance and Risk Management. She noted the different conclusions of the safety assessments for Titanium Dioxide in the EU and the UK and noted that a fuller assessment would be taking place. The informal contacts between the FSA and the European Food Safety Authority (EFSA) were not as close as they had been meaning that foresight

about EU decisions was more limited. The situation was being monitored and there was liaison with other stakeholders, including the Northern Ireland Executive, where EU decisions would be effective under the Northern Ireland Protocol (NIP).

5.15 Margaret Gilmore said the FSA had a remit to inform the public and it could be confusing where the UK and EU arrived at different conclusions about the safety of an ingredient, especially as that could mean an ingredient being banned in Northern Ireland but permitted elsewhere in the UK or viva versa. The CSA said that very often the science base underlying a risk assessment process was international, but the risk management decision could clearly vary from country to country. In the specific case of Titanium Dioxide, there are in excess of 800 scientific papers examining the toxicity of this molecule and therefore a detailed re-analysis of the evidence base would take some time. Clear communications to consumers would be required to give assurance about the complexity that led different jurisdictions to arrive at differing conclusions. Two of the FSA's Scientific Advisory Committees had considered Titanium Dioxide and their conclusions had been published. Rick Mumford added that risk communication was a built-in element of the risk analysis process and would play a key part in the FSA's consideration of Titanium dioxide.

5.16 The Chair asked about progress in developing a regulatory framework for gene edited (GE) foods. Rebecca Sudworth said Defra had announced a policy to bring forward proposals and legislation to simplify commercial production of GE crops. The FSA's priority would be to ensure the food safety aspects of any GE crops consumed or produced in the UK. The Board would receive an update at the June meeting once further government announcements enabled more detailed discussion of how a regulatory framework for these crops could operate.

Action 2 - **Rebecca Sudworth to provide an update to the June meeting on how a regulatory framework for GE crops could operate.**

5.17 The Chair said she looked forward to seeing public announcements on CBD and noted the Board's interest in the school food work and how the FSA contributed to similar, cross-government initiatives. She noted the commitments to update the Board at the June meeting on food insecurity and the regulatory framework for GE crops.

6. Strategic Risk Management (FSA 22/03/04)

6.1 The Chair invited Pam Beadman to introduce this item. Pam gave an overview of the paper covering the work of the Board and ARAC in relation to risk; the distribution of risk ownership across the FSA's directorates; considerations around the complexity of the food system; priorities and the potential for change; and the asks of the Board.

6.2 Peter Price highlighted the need to look at root causes of food incidents and outbreaks, to inform future prevention efforts. This was from the perspective that the FSA was a key player in the Health Protection Advisory Group of Public Health Wales, and this was therefore an important responsibility of the FSA in Wales.

Action 3 - **Pam Beadman to provide an update to Welsh Food Advisory Committee on how information from root-cause analysis is and could be used for prevention.**

6.3 Margaret Gilmore noted COVID-19 had been managed effectively through consideration of worst-case scenarios. She asked if a scenario had emerged where COVID-19 had had more food safety concerns connected to it, the FSA's risk management procedure would have been robust enough. Pam said the risk management framework had not operated as stringently as it normally would throughout the pandemic due to the diversion of resources. The CE responded that the FSA currently had the capacity to deal with the type of incidents we had dealt with before. However, if a much larger incident were to happen, the FSA may not be equipped. For instance, if COVID-19 had been foodborne it would have been on an unprecedented scale. Reductions in FSA resources had affected regulatory capacity. It would not be possible to respond to such a situation without 'scaling up', as Public Health England had done in response to the pandemic.

6.4 Lord Blencathra asked whether the FSA recorded the risks in a red-amber-green (RAG) rated spreadsheet and whether this should be published. The CE said the FSA did have this and it was generally considered during the Board's annual risk workshops. It was not usual practice for government departments to publish the full detail of their risk registers, but the FSA would take that request away and consider it. Colm McKenna added that the spreadsheet was tracked and monitored by the Executive Management Team (EMT) and ARAC.

Action 4 - **Pam Beadman to consider whether elements of the RAG rated risk spreadsheet could be published.**

6.5 Colm noted the paper outlined a risk the FSA faced as "Being able to provide an adequate response to a major food incident". He suggested the word 'appropriate' might be better than the word 'adequate' in properly representing this risk.

6.6 Margaret noted the drop in laboratory capacity, noting that a lack of lab capacity was one of the principle problems encountered during the horse-meat incident. The CSA said the FSA was considering how to increase sampling and invest in labs. The issues were not unique to food, and Government Chief Scientists frequently discussed the issue. Julie Pierce added the FSA had a horizon scanning function that was focussed on mitigating these risks.

6.7 Fiona Gately asked about the risks arising from the need for a skilled work force for delivery through delivery partners. Pam said this was incorporated as

part of the risk related to delivering regulatory functions, which also incorporated the work on the Operational Transformational Programme (OTP).

6.8 The Chair noted the work ARAC carried out around risk, thanked Pam for introducing the paper and said the Board would discuss strategic risk again at regular intervals.

7. FSA Strategy (FSA 22/03/05)

7.1 The Chair welcomed Sam Faulkner to the meeting to introduce this item. Sam gave an overview of the paper including the time periods of the previous and the new strategies as well as the ambition of the FSA reflected in the Strategy. The Chair noted that this would be the Board's final opportunity to shape the Strategy ahead of its publication.

7.2 Peter Price said when WFAC had considered the paper, they had noted an absence of reference to food hypersensitivity. The Chair said that this remained an important part of the FSA's work on food you can trust and was embedded across all areas of the Strategy but agreed this could be made clearer.

7.3 Timothy Riley said it would be important to ensure that the three pillars of the Strategy were clearly laid out as the third pillar, 'food is healthier and more sustainable', cut across the other two and would be impacted by work on them. The Chair said as the Strategy became an established part of how the FSA worked, the third pillar of the Strategy could begin to be embedded within the other two.

7.4 Mark Rolfe said there would be a need for detail around what was meant by sustainability. Katie Pettifer said it was important to develop the work programme in this area, and the strategy could not set out everything that the FSA would do. The FSA would use the multi-year business plan and annual business planning to develop this further. This would involve prioritising FSA work but also working collaboratively with Defra and DHSC in support of their goals, including what would be included in their respective White Papers on sustainability.

7.5 Margaret Gilmore said the language used on page 5 of the paper around changing consumer behaviour could be interpreted as being overly prescriptive to consumers. She suggested a change of wording to 'encourage change'. Katie said part of the Strategy was about being responsive to change and the trends emerging in how consumers approached food.

7.6 Colm McKenna said the Northern Ireland Food Advisory Committee (NIFAC) had considered the paper. The political situation in Northern Ireland and the possibility of not having an Executive beyond the election underlined the importance of collaborative working across departments in Westminster and Northern Ireland. Katie noted that the paper was not the Strategy document

rather a summary for the board and these points could be picked up in the wording of the document to ensure the right emphasis.

7.7 Ruth Hussey said the intended impact needed to be considered, meaning that the section on measuring the impact of the Strategy would be key.

7.8 Katie Pettifer responded to question 3 asked at the start of the meeting, saying the Strategy publication would be the start of the process and after publication later in March, there would be an extensive process of working with partners across Governments, and with stakeholders, to use it as a framework to set the work plan. This could be seen in the corporate priorities paper being considered by the Business Committee. On DEFRA and DHSC's work on the potential food white paper, it was important to use that lens to develop the work programme with those other departments, particularly on the health and sustainability element and this was what the FSA was doing.

7.9 The Chair said the Board were keen to see the Strategy published. There were no substantial requests for changes from the Board, noting the suggestions around the language in some areas. She said that the Board were content to sign off the Strategy and said the roles identified in the paper gave a clear outline of what the FSA could do.

8. Annual Review of Risk Analysis Process: Focus on Overall Performance and Risk Management (FSA 22/03/06)

8.1 The Chair welcomed Peter Quigley and Amie Adkins to the meeting and asked Rebecca Sudworth to introduce the paper. Rebecca Sudworth addressed questions 1 and 2 that were read out at the start of the meeting explaining that her answer would cover both questions:

8.2 There were currently 31 applications for Genetically Modified Organisms (GMOs) going through the regulated products service, all of which related to GMO crops for import, not cultivation in the UK. These were significant ingredients in animal feed. The FSA recognised the importance to supply chains of these crops, and the potential impact of any delay to authorisation. The FSA had submitted recommendations regarding nine GMOs to Ministers in England and Wales and Food Standards Scotland (FSS), had separately made recommendations to Ministers in Scotland. Should Ministers decide to authorise those applications, they would come into force after Easter recess, around one year after those applications were made to the FSA. In comparison, many of the same applications remained in the EU pipeline for several years. The FSA continued to consider how the risk analysis process and the regulated products applications service could be made more efficient. An expedited process had been put in place to allow applications that had passed risk assessment to be reviewed by the FSA without the need for a new risk assessment, providing they met the FSA's quality standards and provided the necessary information. The team had been in regular dialogue with industry stakeholders and representative bodies to ensure that applicants were

informed about progress and further discussions with the organisations and individuals who submitted the questions today would be welcomed.

8.3 Rebecca then gave an overview of the paper including the fact it covered the full risk analysis process; issues emerging for decision; and the asks of the Board. Peter Quigley explained the Key Performance Indicators (KPIs); support for businesses; and measures and interventions. Amie Adkins then gave an overview of the continuation of the training programme and the increase in staffing levels; post-EU transition work; work with the Advisory Committee on Animal Feedstuffs (ACAF); and continuous improvement exercises.

8.4 Mark Rolfe noted the scale of the challenges and the work on continuous improvement, welcoming the identification of relevant lessons and the inclusion of a lessons learned annex in the paper. He asked whether the FSA had identified any lessons that could prevent large numbers of illicit CBD products entering the market. The Chair noted such learning would be key to the FSA's future approach to other regulated products and novel foods, for example, insect protein. Rebecca said there were instances where there was regulatory uncertainty and food businesses might place products onto the market without them having been through the correct authorisation process. Post-EU transition, there were areas where clarity was being sought over how retained EU legislation should be implemented in domestic law.

8.5 Ruth Hussey asked if, in instances where businesses were unable to provide evidence, measures to protect the core-business of the FSA to ensure that food is safe and is what it says it is, would be introduced and when this could happen. Rebecca said the introduction of these measures could be iterative and the Board would be kept abreast of developments via the paper giving updates on regulated products entering the authorisation process that would be regularly received by the Business Committee going forward.

8.6 Colm McKenna asked about risk communication and whether this was also part of the process. Rebecca said risk communication was built into the risk analysis process and where there were issues that were of clear public or stakeholder interest, the FSA's communications team were brought into the process from the start. CBD was an example of this cross-directorate approach within the FSA.

8.7 Margaret Gilmore asked about the increase in staffing levels. Amie said the 90 staff that had been recruited had a wider remit than solely risk assessment and were recruited based on predictions of what was considered would be required prior to EU Exit.

8.8 Margaret asked about whether there were ways of drawing on processes and systems that existed in the EU. Rebecca noted the difference in governance structures in the UK and within the EU, which had required some processes to be developed to enable retained legislation to function. This had reduced the efficiency of the process. Proposals were being considered for how the process could be streamlined. Opportunities existed outside of the EU to

reshape the legislation and guidance for businesses to better fit the UK's requirements. There could be proposals to Ministers this year on how current regulations operate and further regulatory reform would be considered, and proposals made in due course.

8.9 Timothy Riley asked about the relationship between the FSA and the Medicines and Healthcare Products Regulatory Agency (MHRA) in considering authorisations for products such as CBD which claimed therapeutic benefits. Rebecca said there was a cross-government group chaired by Professor Chris Whitty which had previously been useful in ensuring the various bodies with an interest in a particular product or ingredient were aligned. Further collaborative working would be welcome, and the FSA wanted to explore avenues for that to take place. The Chair added she had met with the Chair of the MHRA and had agreed a follow-up meeting to discuss products with both food and medicinal aspects, and to consider and identify useful learning from MHRA's approvals process.

8.10 The Chair said the Board commended the progress made as well as the independent, and science-led approach to risk assessment. She noted the importance of maintaining the separation between risk assessment and risk management. It had been useful for the Board to have had an end-to-end look at the process including risk communication. The Board had expressed an interest in metrics, which would be considered through the paper to the Business Committee. The Board had endorsed the approach to continuous improvement.

9. Review of Retained Regulation 2016/6 on Importing Food from Japan Following the Fukushima Nuclear Accident (FSA 22/03/07)

9.1 The Chair welcomed Chris Thomas to the meeting to introduce a paper on emergency controls, in place following the nuclear accident at Fukushima. Chris explained the paper had involved input from a number of directorates across the FSA. He gave an overview of the issues covered by the paper including regular reviews of the incident controls; the small number of foods covered by the regulations; and the monitoring of food produced around the nuclear sites.

9.2 Margaret Gilmore noted that, should the UK remove the remaining restrictions, Northern Ireland would remain under EU legislation, which could potentially lead to confusion for consumers. Chris acknowledged this and added 54 countries and regions had imposed restrictions following the incident. Most of these had since been reviewed and removed. Currently, only the EU, the UK and 11 other countries and territories retained restrictions. It was noted that the US had now lifted their last remaining controls. With regard to the risks in Northern Ireland, the FSA's risk assessment was a UK-wide risk assessment and the conclusion that those controls were no longer required applied across the UK. Divergence would emerge due to the Northern Ireland Protocol. Colm McKenna suggested risk communication would be key to explain to consumers that Northern Ireland would not be included in any changes.

9.3 Lord Blencathra noted the maximum level of contamination imposed by the controls was 12 times lower than would normally be imposed on domestically produced products had they been similarly affected. He asked whether the EU restrictions were more stringent than would have been enacted domestically were the UK not in the EU at the time. Chris said pre-determined levels were established in EU legislation which had now been retained in the UK. Following the accident in 2011, the EU initially implemented these levels. However, Japan subsequently applied more restrictive levels to reassure the Japanese public about the safety of the food supply. The EU decided to adopt the same levels for consistency. Chris added there was a difference between risks from external sources of radiation and ingested sources, with the controls on the latter being more stringent.

9.4 Ruth Hussey asked whether there was confidence that the FSA would be notified of any change in the monitoring of radiation in the discharge of waste contaminated water. Chris said the International Atomic Energy Agency (IAEA) reported regularly on monitoring of radiation levels and the remediation works at Fukushima and the FSA would have access to those reports.

9.5 The Chair said the Board considered the FSA should advise Ministers in England and Wales that the controls were no longer necessary, and liaison would be required with FSS to develop a unified approach.

10. Annual Report from the Chair of the Science Council (FSA 22/03/08)

10.1 The Chair welcomed Professor Sandy Thomas to the meeting. Professor Thomas noted this was the Science Council Chair's fifth annual report to the FSA Board and gave an overview of the work of the Council since the previous paper, including the final report of the working group on food hypersensitivity and the implementation of its recommendations; the critical reviewing of third party evidence and its importance in supporting FSA policy; implications for food safety of moves toward net zero carbon emissions; and potential future supply chain disruptions.

10.2 The Chair asked the CSA to give a view of the relationship between the Science Council and FSA Science. The CSA said there was an advantage in the Science Council's independence, which helped highlight key issues for FSA to consider. This had been demonstrated in their consideration of the impacts of moves towards net zero carbon. The input of the Science Council into the FSA Strategy had also been very helpful as had been their advice on third party evidence.

10.3 Ruth Hussey said the FSA's global reputation was built on being able to demonstrate that independent, scientific advice underpinned its decision making. She asked how much of the forthcoming review of the Council would be prescribed by central government requests. The CSA said there would be a prescribed element, but the FSA and the Council were free to add additional areas of focus to that.

10.4 Ruth asked about the possibility of building international oversight into the process. The CSA said there was enthusiasm for involving international experts and he and Professor Thomas could discuss further.

10.5 Margaret Gilmore asked about paragraph 4.6 of the paper, encouraging the FSA to exercise its role in protecting consumer interests and whether it was felt this was currently happening. Professor Thomas said there were no significant concerns around this, and it was included in the context of highlighting the FSA's key objectives, which must be maintained even when difficult.

10.6 The Chair asked about the Science Council's work on quality assurance and Professor Thomas' thoughts on the Science Council's role in other FSA activities. Professor Thomas said the Science Council's role was focussed around strategic advice to give a scientific base to the FSA's assurance. Their previous work on quality assurance was carried out by a working group chaired by Laura Green and the advice of this group, together with the work around horizon scanning and risk management, all had a significant assurance component.

10.7 The Chair asked whether Professor Thomas thought the FSA's systems for taking forward the Council's advice around assurance were sufficient. Professor Thomas said she considered all the advice provided to the FSA had been taken up and the FSA was currently getting this right. The CSA added he was confident with the assurance on our existing SAC activities.

10.8 Fiona Gately urged the work around net-zero carbon to continue and to cover the whole food chain, highlighting the importance of this to underpin the Strategy pillar around sustainability.

10.9 Timothy Riley observed that in the context of sustainability, there was opportunity to include some of the economic values and benefits alongside the scientific benefits.

10.10 The Chair thanked Professor Thomas for the report and said she hoped to be able to attend a Science Council meeting within the year.

11. Report from Meeting of ARAC (INFO 22/03/01)

11.1 The Chair invited Colm McKenna to introduce the report of the ARAC meeting that took place on 1 March. Colm said the note about the meeting was included in the papers and covered the Committee's discussions of assurance mapping, the accounts timetable, the governance statement and the split between audit and performance management functions.

11.2 The Chair said the scrutiny and challenge ARAC provided was important and helped the FSA to do its job better. No comments were received from other Board Members.

12. Reports from the Chairs of the Food Advisory Committees (Oral Reports)

12.1 The Chair invited Peter Price to give an update of the activities of WFAC since the previous Board meeting. Peter said WFAC had discussed issues relating to the food frameworks and four country working. They had held a meeting to discuss the papers for today's Board meeting and their thoughts on the papers had been presented during the relevant discussions. The next themed meeting for WFAC would focus on Genome Editing (GE) and there would be a future themed meeting to discuss issues around food insecurity. WFAC's themed meetings were now taking place in person and were being held across Wales.

12.2 The Chair asked Colm McKenna to outline the work of NIFAC over the same period. Colm said NIFAC had also considered the Board papers for this meeting. The next themed NIFAC meeting would take place on 21 April and would focus on the NI Executive's Dietary Health and Obesity Strategy. NIFAC's open meeting were now taking place in person. He mentioned that the FSA in NI had recently launched, with the Department of Health, regulations on the Nutritional Standards in Health and Social Care (HSC) premises. Colm would be attending the Northern Ireland Food and Drink Awards dinner this Friday evening along with Maria Jennings.

12.3 Susan thanked Peter and Colm for their updates and noted the importance of having an in-depth focus on the differences that were relevant to the work of the FSA in Northern Ireland and Wales. She noted England was often thought of as a homogeneous entity, but local differences within England could often be relevant to the work of the FSA and awareness of this also needed to be maintained in discussions around the work of the FSA. Ruth Hussey added this would also reflect the disparities work of DHSC.

12.4 Lord Blencathra said sight of the Northern Ireland Dietary Health and Obesity Strategy could help inform work on that pillar of the FSA Strategy in England. The Chair said this could be included in a circulation to the Board.

Action 5 - **Board Secretariat to circulate Northern Ireland Dietary Health and Obesity Strategy to Board Members.**

13. Any Other Business

13.1 No other business was raised by Board Members and questions were invited from audience members.

13.2 Godson Azu, CEO of Cater and Merger Consult Ltd. noted the title of the Chair's speech at the NFU Conference about whether uncertainty was the new normal and whether, with the increase in cyber-attacks, there was a risk of such attacks targeting the food system.

13.3 He commented that the discussions around the inclusion of sustainability in the Strategy were encouraging and noted it would be important to give assurance to customers around the sustainability as well as the safety of food.

13.4 The Chair noted her speech at the NFU conference on whether uncertainty was the new normal was now online. The CE said that Defra led on food security, though the FSA did contribute and there was a national, cross-cutting effort to ensure the security of the food system, including the work of the National Food Crime Unit (NFCU) on Food Fraud.

13.5 Rebecca Sudworth said she would put Mr Azu in touch with relevant leads from Defra who could possibly assist with these questions further.

13.6 No further questions were raised, and the meeting was closed. The next meeting of the FSA Board would take place on 15 June in Newcastle upon Tyne.

Minutes of the FSA Business Committee Meeting on 9 March 2022

The Exchange, University of Birmingham

Present:
Susan Jebb, Chair; Ruth Hussey, Deputy Chair; Fiona Gately; Margaret Gilmore; Colm McKenna; Peter Price; Timothy Riley; Mark Rolfe.

Via Zoom
Lord Blencathra.

Officials Attending

Emily Miles	-	Chief Executive (CE)
Pam Beadman	-	Director of Finance and Performance
Maria Jennings	-	Director of Regulatory Compliance, People and Northern Ireland (NI)
Professor Robin May	-	Chief Scientific Adviser (CSA)
Rick Mumford	-	Deputy Director of Science, Evidence and Research
Katie Pettifer	-	Director of Strategy, Legal, Communications and Governance
Julie Pierce	-	Director Openness, Data, Digital, Science and Wales
Peter Quigley	-	Head of Chemical Safety Policy (For FSA 22/03/15)
Rebecca Sudworth	-	Director of Policy
Simon Tunnicliffe	-	Director of Operations
Ruth Willis	-	Head of Regulated Products (For FSA 22/03/15)
Richard Wynn-Davies	-	Head of Operational Transformation (For FSA 22/03/14)

Apologies

Steven Pollock	-	Director of Communications

1. Welcome and Introductions

1.1 The Chair welcomed everyone to the Business Committee meeting and asked Members if they had any interests to declare in relation to any of the items on the agenda. No interests were declared. No items of other business were raised.

2. Minutes of the Business Committee Meeting on 8 December 2021 (FSA 22/03/09)

2.1 No comments were raised on the minutes of the 8 December Business Committee meeting, and they were agreed as a true record of the meeting.

3. Actions Arising (FSA 22/03/10)

3.1 No comments were raised on the progress with the actions noted.

4. Chief Executive's Report to the Business Committee (FSA 22/03/11)

4.1 The Chief Executive (CE) gave an overview, highlighting items contained in her report including the impact of the Omicron variant of COVID-19 on Local Authorities (LAs); the avoidance of service disruptions in field operations over the winter period; veterinary shortage and the increase in the cost of the provision of vets; the approach to charging; incidents; the work of the National Food Crime Unit (NFCU); and the retirement of Michael Wight, the Head of Food Safety Policy.

4.2 The Chair noted the additional stress that had been experienced by staff in mitigating the impact of the Omicron variant on LAs. It was encouraging that the impact had not been as significant as had been expected. On veterinary resource and charging, there would be decisions for the future of delivering this service and for its viability and sustainability.

4.3 Peter Price noted a waiver from the Royal College of Veterinary Surgeons (RCVS) relating to language ability was due to expire in May. Peter asked what the language expectations of vets were what was being done to monitor the rate at which individual vets were able to acquire the minimum standard required. Fiona Gately asked about plans to replace or retain vets after the expiry of the waiver. Simon Tunnicliffe said that until May, vets could temporarily register with the RCVS and would then have 12 months to reach the required standard of English. There were regular meetings with the service delivery partner who was then able to help them develop their language skills and the FSA regularly discussed progress and steps that they were taking.

4.4 Lord Blencathra noted the Defra led initiative, during a past food-and-mouth outbreak, to bring in vets from commonwealth countries, particularly Australia and New Zealand, who already met language requirements.

4.5 Margaret Gilmore asked whether employers who had not previously employed vets, hiring them at higher salaries, had contributed to costs. The CE said that it had, but that the main cause was the shortage of vets overall and that the costs would have risen regardless of the FSA's arrangements for service delivery.

4.6 Margaret noted the low morale among field operation staff. The CE said that work was being done to consider how to better engage with and recognise the work done by field operations staff.

4.7 The Chair asked whether the in-sourcing of vets was likely to make the profession more attractive. The CE said that the FSA's Chief Veterinary Officer, Jane Clark, discussed long-term measures to be able to grow the

indigenous veterinary workforce with the British vet schools and how the FSA could work in partnerships with other organisations to develop a more attractive career in veterinary work.

4.8 The Chair noted the report's inclusion of issues around charging and invited questions from Business Committee Members on that. Colm McKenna said he endorsed the principles outlined and added that these were consistent with the FSA's historical approach to charging. Timothy Riley suggested it could be made more explicit that the FSA was doing everything that it could to maximise the efficiency of official controls. Mark Rolfe said the FSA's approach of working towards the full recovery of costs was the correct one. The CE said full cost recovery was the long term aspiration of the FSA but there would be little ministerial support towards a rapid move towards that.

4.9 Mark noted Operation Atlas and said that where the proceeds of crime were recovered, this needed to be widely communicated as this could be a better deterrent than any punishment due to the economic incentives behind the crime. The CE said the National Food Crime Unit had done impressive work and noted the skill and expertise required to be able to use the Proceeds of Crimes Act effectively.

4.10 The Chair said the Committee had noted deadline for temporary registration of vets and had highlighted the pressing nature of the issue; wanted to remain informed around decisions involving additional payments to the FSA's service delivery partner; and endorsed the FSA's long-term aspiration to move toward full cost recovery for the delivery of official controls to the meat industry.

5. Performance and Resources Q3 2021-22 (FSA 22/03/12)

5.1 The Chair invited Pam Beadman to introduce the paper. Pam gave an overview of issues raised in the paper including the return to audit; successes of the FHRS team; LA recovery; and finance including the underspend and its underlying causes.

5.2 Maria Jennings noted figures taken from the October temperature check where some LAs had indicated they would be unlikely to meet recovery roadmap expectations due to a high number of new businesses registering. The FSA was engaging with these LAs to ensure that they had service delivery plans in place, and none had so far required escalation of the concerns.

5.3 Colm McKenna asked what was meant by 71% audit capacity. Simon Tunnicliffe explained this related to the number of scheduled visits that had been completed. This figure was expected to rise as the pandemic eased.

5.4 Colm asked about the underspend and whether it was possible for any of it to be carried over and whether there were processes in place to avoid a similar situation in subsequent years. Pam said Treasury would not allow any of the underspend to be carried over but where appropriate, some of the additional costs associated with delivering official controls would be allocated to 2021/22.

There was also a pension liability deficit, where a business case had been put to Treasury to reduce that liability for future years and could help reduce the underspend. There would be a reduced 'optimism bias' for future forecasting, allowing overprogramming, noting that any overspend would not be possible, and careful forecasting would be needed.

5.5 Mark Rolfe commended LAs for the work they had done to bring down the number of businesses awaiting inspection but noted that the figure was still high. He asked about the impact this could have on businesses who were unable to sell through aggregator sites due to the lack of an FHRS rating. Maria said that this could cause businesses difficulty because they would not be able to access some platforms, though some platforms would show their business as "awaiting inspection". This created additional pressure on LAs to complete inspections.

5.6 Peter Price asked whether there was a list of items being budgeted for in the next year, which could be brought forward if necessary. Pam said this was done for 2021/22 and had resulted in additional spending on sampling and surveillance.

5.7 Fiona Gately asked about the difference between animals being processed without input on welfare and non-compliance. Simon said the 99.99% shown in the slides was the proportion of animals slaughtered without any animal welfare issues being found.

5.8 Lord Blencathra said the remaining 0.01%, represented a significant number of animals. The papers suggests that 76% of the non-compliances occurred during transit to the abattoir. He asked what more the FSA could do, acknowledging that this was not an area that the FSA was responsible for, to ensure safe transit for animals, deter malpractice and reduce the noncompliance figures. Simon explained the FSA was working with partner organisations to understand how and where the breaches occurred and what could be done to minimise them.

5.9 The Chair said the Board would like more detailed data on welfare breaches in the next P&R report.

Action 1 - **Director of Operations to review the animal welfare slide in its entirety to ensure we are capturing the right performance information at the right level of detail.**

5.10 The CE said welfare in transit was the remit of the Animal and Plant Health Agency (APHA), and information was shared with them and with LAs. Timothy Riley added it was often difficult to understand whether injuries had occurred in transit and whether it would have been avoidable. Mark noted that the information on breaches feeding back to LAs was useful in allowing them to prioritise farm visits. The Chair asked that consideration be given to how to close the loop to allow full information sharing around welfare breaches.

Action 2 - **Director of Operations to consider how to provide better clarity on the information FSA share with other competent authorities for enforcement purposes in relation to animal welfare breaches occurring in transit.**

5.11 The Chair acknowledged the good work being demonstrated in the consumer confidence tracker and the report showed good progress over the period.

6. FSA Priorities and Budget for 2022/23 (FSA 22/03/13)

6.1 The Chair invited Pam Beadman to introduce the paper. Pam gave a summary of issues covered in the paper including the first budget plans for 2022/23, categories of priority; and proposed areas for spend.

6.2 Ruth Hussey noted an apparent reduction in the surveillance and sampling budget, noting that investment in this area would help to better inform business cases and target other areas for spend. Pam said that the budget had not reduced from previous years but appeared to be due to additional work done in the previous year to help address the underspend by bringing work forward. Rick Mumford added the figure was for the centralised surveillance budget and there was also sampling being done in Wales, as well as through the Regulatory Compliance Division (RCD), funded from Welsh Government and LAs respectively. There would also be investment in laboratories, which had come through the spending review. The CE said that a formal paper could be brought on this to a to a future meeting that would address these questions. The Chair suggested that this would likely be a paper for the Board rather than the Business Committee.

Action 3 - **FSA Executive to consider when to bring paper on surveillance and sampling spend to future Board meeting.**

6.3 Colm McKenna asked about the extent to which the rising costs of the delivery of controls had been factored into planning. Pam said that this was an emerging pressure and would increase the overprogramming. Discussions around this were ongoing with Treasury.

6.4 Colm asked when the Business Committee would see a three-year corporate plan. Pam acknowledged that a one-year business plan was not ideal and noted the three-year certainty that emerged from the Spending Review as well as the development of the new Strategy meant that a three-year plan could now be developed over the summer.

6.5 Colm asked about uncertainties around the Northern Ireland budget given possible scenarios that could follow the May elections. Pam explained that there was a process to gain authority to spend a portion of the money, even where it had not been formally voted, and this had been done for Northern Ireland, based on 45% of the previous year's budget. This would cover the resources required in the event of a prolonged absence of an Executive. Maria Jennings added that a bid, placed through Treasury to operationalise work

around the Northern Ireland Protocol had also been well received with no questions raised around the bid.

6.6 The Chair noted the Board were content with how the budget and priorities had been set; acknowledged and supported overprogramming; and noted the importance of the business planning to the successful operation of the Strategy.

7. Operational Transformation Programme Update (FSA 22/03/14)

7.1 The Chair invited Simon Tunnicliffe and Richard Wynn-Davies to introduce the next item. Simon gave an overview of issues covered in the paper including previous discussions on the components of the future delivery model; segmentation; innovation and the use of technology; digital solutions for the approvals process; modernisation of food chain and inspection data; stakeholder views; and divergence.

7.2 Margaret asked what was being done to maintain the trust of smaller abattoirs who had concerns they may not get as good a deal as larger businesses in terms of segmentation. Simon said that they had engaged with stakeholders to ensure they were aware of what was planned, and they had broadly accepted the approach.

7.3 Margaret asked about how the new technologies being introduced to increase efficiency in the process would be paid for and by whom, noting that they would not eliminate the need for in-person inspections. Simon said the in-person inspections remained a legal requirement in most cases and it was not intended for technology to replace this, but to create a blended model to increase efficiency. In terms of allocating resources, this was an internal system and, the allocation of resources were being considered internally. Richard added that there would be some technologies that would be used internally, and the FSA would resource those. Smart cameras and AI would be an industry investment and the FSA would act as a facilitator and could set up pilots to demonstrate the benefits of the technology where applicable.

7.4 Margaret asked how different sets of regulations for export and domestic production would be managed. Simon said that this question was an important part of the Discovery activity under the Dual Regime project.

7.5 Margaret asked what legal changes would be required for the proposed transformation and when they would be made. Simon said that the Chair's help would be sought at the appropriate time to create the necessary engagement with Ministers. It would be necessary first to fully understand any required legal changes. The Chair added that these discussions would fit with the conversations with Minsters around Brexit opportunities.

7.6 Peter Price said that WFAC had asked whether the risk-based approach to inspections, at abattoirs was likely to mean less Official Veterinarian (OV) presence. Richard said there was a need to focus resources where the risk was greatest and remove administrative burden from the role where possible.

7.7 Peter said WFAC had asked about what was being done to address weaknesses in the IT systems raised in the Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis and to ensure consistency in data recording. Richard said it was unsurprising that IT systems were raised as an issue in the (SWOT) analysis and the work around segmentation and digital tools mentioned in the paper are examples of work aimed at addressing that weakness.

7.8 Mark Rolfe said that if there was a dual regime for controls, there was a risk of creating a perception that food being sold to UK consumers was of a lower standard to that being exported. Colm McKenna added that this could occur within the UK market due to the need to differentiate for goods going into Northern Ireland under the Northern Ireland Protocol. Richard acknowledged the risk and said that work was underway to uncover the full risks and find appropriate mitigations.

7.9 Colm asked about the morale of field operations staff and the opportunities that the programme could offer them. Richard said that this was being looked at as part of the programme, with a focus on the roles of Meat Hygiene Inspectors (MHIs) and OVs and how legislation could help with flexibility around the tasks they complete to provide greater job enrichment and opportunities. This work was being communicated to the relevant staff to assure them that their concerns were being addressed.

7.10 The Chair said that the next time the programme came to the Committee they looked forward to seeing progress on how the segmentation had been operating, the use of remote audit technology, more work around the dual regime and forward planning on legislation.

8. Regulated Products Service: Regular Update to Business Committee (FSA 22/03/15)

8.1 The Chair welcomed Peter Quigley and Ruth Willis to the meeting and invited them to introduce the next item. Peter gave an overview of issues addressed in the paper explaining that the paper sought to provide a data-driven narrative and covered planning assumptions of the number of expected applications; the number of applications driven by Cannabidiol (CBD); and recommendations to Ministers.

8.2 Timothy Riley said that there would be in increasing demand for foodstuffs that claim a medicinal benefit but do not qualify as medicines. There would be an increasing need for discussion around how such products were assessed and for dialogue between the FSA and partner organisations such as the Medicines and Healthcare Products Regulatory Agency (MHRA) about how to address these issues. Rebecca Sudworth said it would be important to communicate to businesses that food not in general consumption before 1997, would be a novel food even where related to or derived from something that was already in use,

and authorised on the market, in order to help businesses. There were performance indicators for this that could be measured.

8.3 Ruth Hussey noted that the work around this would continue as new foods emerged and innovation took place and asked where the focus for improvement should be. Rebecca said this report contained a lot of data and one improvement that would be seen in later reports would be to provide a greater narrative, extracting key messages.

8.4 Ruth asked how an external review would inform the next steps. Rebecca said some indicators would be selected to provide metrics. An earlier paper focussing on quality of applications had identified ways to measure how much time was spent on which areas of the process. This could be begun ahead of the external review. If there were an external review it would help with benchmarking to develop the overall performance regime.

8.5 The CSA noted that while CBD accounted for more than half of applications received, it would be important to note that it was an outlier that was not typical of the types of regulated products that would need to be dealt with. Timothy said that it was an outlier for issues faced in the past but that it could become less exceptional, and resilience would be required. There was an opportunity to ensure the message that the FSA was enabling and encouraging innovation where it was legitimate was understood by businesses.

8.6 The Chair said that the Business Committee looked forward to seeing more about regulated products at the next meeting.

9. Any Other Business

9.1 No other business was raised, and the meeting was closed. The date of the next meeting was 15 June and would take place in Newcastle upon Tyne.