

Regulator Assessment: Qualifying Regulatory Provisions

Title of proposal	Introduction of Specific Approval for the Production of Burgers Intended to be Eaten Less Than Thoroughly Cooked (LTTC)
Lead Regulator	Food Standards Agency (FSA)
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Date of assessment	27 March 2017
Commencement date	28 February 2017
Origin	Domestic
Does this include implementation of a Cutting Red Tape review?	No
Which areas of the UK will be affected?	England, Wales and Northern Ireland

Brief outline of proposed new or amended regulatory activity

The sale and consumption of burgers served less than thoroughly cooked (LTTC) and pink in the middle is a trend that has been steadily increasing in the UK and a number of catering chains and outlets now offer this option to customers.

In 2015, the Food Standards Agency (FSA) commissioned Mintel to conduct research to identify potential supply and demand side factors influencing trends in the UK gourmet burger restaurant sector. This project follows the FSA's concern about the growing trend of burgers being served rare in food service outlets, especially among niche gourmet burger restaurants.

The aforementioned trend relates to the retail end of the market, an area of the food chain where the FSA does not grant approval. Restaurants and catering settings who intend to serve LTTC burgers need to ensure that all reasonable steps have been taken to protect consumers. Therefore the safe production of LTTC burgers at catering establishments is likely to rely in part on controls and/or interventions applied at FSA approved establishments that supply burgers and patties intended to be eaten less than thoroughly cooked.

The Mintel produced "*Gourmet Burger Sector Report*" can be viewed at <https://www.food.gov.uk/science/research-reports/ssresearch/fsa10029>. Page 12 of the report provides information on the structure of the market.

On 28 February 2017, the FSA introduced a requirement for the specific approval for those approved establishments (cutting plants) located in England, Wales and Northern Ireland that supply burgers and patties to catering establishments serving LTTC burgers. The requirement for specific approval ensures that the activity is specifically addressed in the scope of an establishment's approval. In order to avoid a disruption to trade, those establishments known to be already undertaking this activity were visited prior to the implementation date and were granted approval once it had verified that the food business operator (FBO) had appropriate systems in place as part of the food safety management plan to minimise food safety risks associated with the production of burgers and patties intended to be eaten LTTC.

Any approved establishment in England (Wales and Northern Ireland) not currently producing burgers and patties intended to be less than thoroughly cooked but wishing to enter into this market will need to gain specific approval before production of this product can commence.

Which type of business will be affected? How many are estimated to be affected?

In England, Wales and Northern Ireland there are 1,184 establishments approved to produce minced meat and / or meat preparations (figures correct as at 1st March 2017 (see table below))

Country	No of Establishments Approved for Meat Preparations and / or Minced meat (FSA*/LA)
England	1002 (549* / 453)
Wales	107 (38* / 69)
Northern Ireland	75 (46* / 29)
Totals	1,184 (633* / 551)

In terms of the number of establishments affected by the introduction of specific approval, there are currently 3 FSA approved establishments¹ known to supply burgers intended to be eaten LTTC.

Summary of costs and benefits

Price base year	Implementation date	Duration of policy (years)	Net Present Value	Business Net Present Value	Net cost to business (EANDCB)	BIT score
2014	2017	10	- £0.0m	- £0.0m	£0.0m	£0.0m

Please set out the impact to business clearly with a breakdown of costs and benefits

The process of seeking prior approval for certain activities is routine for approved businesses that introduce new activities or change their existing activities. We are aware of three FSA approved establishments known to currently produce burgers to be eaten LTTC and we do not anticipate any significant cost burden to be borne by these businesses from incorporating this high risk activity into the approval process.

However, any costs associated with the requirement for specific approval will be for the time spent on carrying out the approval process. Advice sought and received from FSA Operational colleagues i.e. those undertaking the approval process, is that the assessment is quite technical and is likely to be undertaken in most cases in the larger establishments. An approval visit, allowing time to consider the FBOs paperwork and to look at the production area, takes on average 4 hours to complete. It takes 10 minutes for the FBO to complete the application form (i.e provide establishment details on the form and a tick the relevant box for rare burgers (they do not have to provide details of production methods etc)). . As such, these costs are:

Familiarisation costs to FBOs

There is an estimated one-off cost to FBOs of time spent by production managers/directors in becoming familiar with the approval process. This is assumed to take two hours. It is assumed that a production manager will undertake this task. The 2016 provisional ASHE hourly mean² wage rate for 'Production managers and directors' is used: £25.54³ and a mark-up of 20% (according to the Standard Cost model)⁴ is added resulting in a final wage rate of £30.65. The cost to the three FBOs is £184 (PV).

¹ Figure correct as at 1 March 2017.

² The median wage was not available.

³ <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/occupation4digitsoc2010ashtable14>

⁴ Standard Cost Model - <http://www.berr.gov.uk/files/file44503.pdf>
http://www.statistics.gov.uk/downloads/theme_labour/ASHE-2009/2009_occ4.pdf

Cost to FBOs of completing form and hosting the approval assessment

There is an estimated one-off cost to FBOs for completing the application form and carrying out hosting the approval assessment. Together, these are estimated to take four hours and ten minutes to complete (four hours for the assessment and ten minutes to complete the form). It is assumed that a production manager will undertake this task. The 2016 provisional ASHE hourly mean⁵ wage rate for 'Production managers and directors' is used: £25.54⁶ and a mark-up of 20% (according to the Standard Cost model) is added resulting in a final wage rate of £30.65. The cost to the three FBOs is £383 (PV)

Familiarisation costs to Enforcement

There is an estimated one-off cost to enforcement of time spent by Official Veterinarians (OVs) in becoming familiar with the approval process. This is assumed to take two hours. It is assumed that an OV will undertake this task. The hourly rate for an OV is £42.58 and a mark-up of 20% (according to the Standard Cost model) is added resulting in a final wage rate of £51.10. The cost to the three FBOs is £307 (PV).

The total cost to business will therefore be a one-off cost of £567. The associated EANDCB will be £0.0. This leads to a BIT score of 0.0.

Please provide any additional information (if required) that may assist the RPC to validate the BIT Score

N/A

⁵ The median wage was not available.

⁶<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/occupation4digitsoc2010ashtable14>