MINUTES OF THE FSA BOARD MEETING ON 11 MARCH 2020

Clive House, 70 Petty France, Westminster, London SW1H 9EX

Present:
Heather Hancock, Chair; David Brooks; Margaret Gilmore; Ruth Hussey; Colm McKenna; Mary Quicke Stuart Reid; Timothy Riley; Mark Rolfe.

Officials attending

Emily Miles	-	Chief Executive
Vanna Aldin	-	Head of Regulatory and Legislative Strategy Unit (for FSA 20/03/09)
Catherine Clarke	-	Head of Marketing Projects (for FSA 20/03/06)
Chris Hitchen	-	Director of Finance and Performance
Linden Jack	-	Food Policy and Science EU Exit Co-ordinator (for FSA 20/03/08)
Wendy Love	-	Local Authority Partnership Officer (for FSA 20/03/08)
Maria Jennings	-	Director of Regulatory Compliance, People and Northern Ireland (NI)
Paul Morrison	-	Director of Strategy, Legal & Governance
Rick Mumford	-	Deputy Director of Science
Michelle Patel	-	Head of Social Science (for FSA 20/03/13)
Julie Pierce	-	Director of Openness, Data & Digital and Wales
Steven Pollock	-	Director of Communications
Guy Poppy	-	Chief Scientific Adviser
Rebecca Sudworth	-	Director of Policy
Colin Sullivan	-	Chief Operating Officer

Guest Speakers

John O'Brien	-	Science Council Member (for FSA 20/03/08)

1. Welcome and Introductions

1.1 The Chair welcomed everyone to the meeting and invited Steven Pollock to read out the questions for the Board that had been received in advance of the meeting. A full list of the questions received ahead of the meeting, along with answers, would be published alongside the minutes of this meeting.

1.2 The Chair said that members of the public would also have the opportunity to raise questions at the end of the meeting. The Chair explained that no apologies had been received and asked Members if they wished to raise any other business. The Chair indicated that she did have one item she would like to raise.

2. Minutes of 21 January 2020 (FSA 20/03/01)

2.1 The Chair said that the minutes of the Board meeting of the 21 January had been circulated in draft to Board Members and asked if the Board were content that they represented an accurate account of the discussions at that meeting. The Board indicated that they were content, and the minutes were approved for publication.

2.2 The Chair mentioned that when the Board met in January, they had taken the unusual step to meet to discuss one item in closed session, which concerned the FSA's approach in providing advice on the UK's trade negotiations. She explained that the minutes of that discussion would also shortly be published on the website. She explained that the Board paper the discussions related to could not currently be published as it referenced material that the FSA was not authorised to publish.

3. Actions Arising (FSA 20/03/02)

3.1 The Chair asked Members if they had any comments on any of the actions. Mary Quicke explained that, while not noted as an action, she had asked a question at the previous meeting about the use of the word 'meat' and 'milk' for products, not of animal origin. She declared that she did have an interest in the subject as dairy farmer. She explained that she had since received some briefing from the teams about the legal definitions of the terms in question. The Chair suggested that the topic could be discussed further during the Chief Executive's (CE's) report. The Chair suggested that the briefing that Mary had received should be circulated to all Board Members.

Action 1 - **Secretariat to circulate briefing received by Mary Quicke on the legal definitions of the words 'meat' and 'milk' to all Board Members.**

3.2 Julie Pierce explained that one action involved a meeting with Mark Rolfe to provide additional detail on the gathering and sharing of information with Local Authorities (LAs). She explained that this meeting had now taken place and the action was complete.

Action 2 - **Board Secretariat to update Actions Arising list to show Action 3 from 20 January as complete.**

4. Chair's Report

4.1 The Chair explained that a full list of engagements she had undertaken in the period since the last meeting had been published on the FSA's website and highlighted her attendance at the Allergy Symposium. She said that she and the CE had met with the Secretary of State for Environment, Food and Rural Affairs, George Eustice MP, to discuss issues around the Northern Ireland

protocol. She suggested that the Board discuss any issues relating to that during discussion of the item on EU Exit.

4.2 She explained that the Board's position on proposals emerging from the National Farmers' Union (NFU) for the establishment of a new Food and Farming Council had been communicated to the Secretary of State for Environment, Food and Rural Affairs . She said that he had a good understanding of the statutory remit of the FSA and why the FSA believed the proposals would duplicate these statutory functions She said this would create the risk of conflicting advice being received by Ministers, undermining trust among consumers and risking the UK's reputation for high food standards among other countries.

4.3 The Chair told Board Members that the period for submitting applications for the position of FSA Board Member for Wales had now closed and that consideration of the applications received was now underway.

4.4 She explained that she and the CE, with a colleague from the FSA's Science Division and Sir Patrick Vallance, the Government's Chief Scientific Adviser, were engaged in a process led by the Civil Service Commissioner to find a successor to Guy Poppy as the FSA's Chief Scientific Adviser (CSA) in light of his retirement later in the year.

4.5 The Chair also mentioned the science stakeholder event which had the Board had attended the previous afternoon. She said the Board were able to hear from, and to thank, the many independent scientists who have played a critical part in risk analysis, sustaining public trust in the FSA, and in maintaining the FSA's international reputation. She said that it had been a really worthwhile event and a lot of feedback had been gathered. The event provided a reminder of the commitment to public protection and public health that motivated people to make that additional, highly valued, contribution.

5. Chief Executive's Report to the Board (FSA 20/03/03)

5.1 The CE noted that although it had been a short time since the January Board meeting, it had been a particularly busy period for the FSA. She highlighted the elements of her report that related to the Northern Ireland protocol, to be discussed during the following item on EU Exit. She highlighted paragraph eight of the report, referring to the risk analysis process, and drew attention to the view that the role of the Advisory Forum for Food and Feed (AFFF) would be specifically for addressing particularly contentious issues.

5.2 On the issue of the Food and Farming Council mooted by the NFU, she added to the Chair's comments that following discussions across government, it was clear that the FSA's new responsibilities after Brexit were not well understood. She said that domestic responsibilities that the FSA was taking on from EFSA and the Commission, for example authorising regulated products, frequently required explanation even to those close to EU exit issues; and that this could

be one of the reasons why the proposed Council has been put forward in the way that it had.

5.3 She mentioned the section of her report that related to online aggregators and online food sales, saying that this was an area where the FSA had a clear mission, to ensure that food is safe, and flexibility had been demonstrated in how that was delivered by the FSA. She said that she appreciated the partnership role that the online aggregators were displaying as they had a key role to play in driving compliance among take-away food businesses, where Food Hygiene Rating Scheme (FHRS) scores tended to be low.

5.4 The CE expressed thanks to those who had contributed to the success of various events over the period including the publication of the FSA's foodborne disease estimates, the announcements on Cannabidiol (CBD) and the FSA's regulatory approach, the Allergy Symposium, and those who had assisted with incidents that had taken place including the FSA's response to COVID-19 and pathogens in oysters.

5.5 The Chair thanked the CE for the update and said she wanted to reinforce the point about the common understanding around what it was that the FSA did, with particular reference to the role the FSA would play outside the EU. She suggested that there was an impression that the FSA had a similar role to EFSA but that it was not understood that the FSA's remit also incorporated elements parallel to the role of the European Commission. The FSA was not only responsible for generating the science but also for implementing it according to consumers' wider interests in food. The CE asked Rebecca Sudworth to address Mary's question relating to the legal definitions of the terms "meat" and "milk".

5.6 Rebecca explained that the use of the terms was regulated and generally referred to animal products with the exception of some instances specifically stipulated in the regulations. She mentioned that the foods in question, like lab-grown meat, would also have to go through a novel foods authorisation process, which would carry requirements for labelling and the claims that producers were able to make about the products. She mentioned that one of the questions received ahead of the meeting related to plant-based foods and the relevant authorisations. She confirmed that the risk analysis process was in place for the FSA to take on new responsibilities from January 2021. She confirmed that the briefing provided to Mary would be circulated to all Board Members following the meeting.

5.7 Colm McKenna asked a question about the Food and Farm Council highlighting the importance of discussions across government on the role of the FSA. He said that he was interested about what level of engagement there had been with the NFU and whether they were aware of the implications of what they were proposing. The CE explained that Rebecca had attended the NFU conference two weeks previously and was able to talk to a number of people at the NFU about this. She added that she was expecting to meet with the NFU soon to discuss the matter.

5.8 The Chair said that meetings with the NFU to discuss this had been requested and it was unclear why there appeared to be resistance from them to meet. She said that it was not known whether Food Standards Scotland (FSS) had become involved because the issue would also affect them. She highlighted the need for those advocating these proposals to meet with the FSA and understand its role. She said that many of the concerns were understandable and it was known that consumers had similar concerns. She said the FSA should be seen as a means to alleviating or surfacing some of those concerns. Colm said that he suspected the FSA's role had been misunderstood and that when the UK had finished the transition period for leaving the EU, it would be important that the role of the FSA was fully understood to avoid potential confusion for the consumer.

5.9 Mark Rolfe noted the level of activity that had taken place since the last Board meeting. He expressed discomfort with the FSA position in relation to CBD, acknowledging the competing pressures in that area and the need for proportionality. He said he was concerned about allowing non-compliance with the law for any period of time. He asked for assurance that if the evidence changed during the period where these products were being considered, the FSA's position would also change, and that the FSA would review the background to the situation to ensure it would not be repeated.

5.10 The CE explained that many CBD manufacturers had not sought approval for their products under the novel foods process before placing them on to the market, and the market had developed rapidly. She said that from a recent visit to the US it was clear that regulators around the world were seeking proportionate solutions to this situation, which was widespread, which balanced consumer interest and market innovation and made sure that people were kept safe and that food is what it says it is. The FSA had decided to bring producers into line with the law and given a time period for that to happen. The key question was whether this could happen again for another industry innovating at pace and putting products on the market before the regulator had been able to catch up. She invited Maria Jennings to explain the food standards model being introduced. The Chair said a further complexity for CBD arose from the spectrum of products, from foods to medicinal products to narcotics, making it a matter that several departments of government would have to respond to, which meant that the FSA had taken a little longer to act than it otherwise might.

5.11 The Chair added that the FSA continued to urge Public Health Ministers, particularly in England, to find a mechanism where issues crossed various departmental interests and had a food related component to allow leadership and a cross-government approach to be brought together quickly. She noted a similar issue with DNP, where the National Food Crime Unit (NFCU) was dealing with DNP cases yet DNP was not a food. Rebecca said there was now a renewed determination to work together across government arising from the work that had taken place around CBD.

5.12 Maria Jennings explained that the pilot for the food standards model being introduced with 10 local authorities, would move away from an establishment-

based inspection programme to an intelligence led approach, providing evidence to find these products as they emerged onto the market.

5.13 The CE addressed Mark's question about whether, if the evidence changed, the FSA would change its advice and said that it would. She said that based on known evidence, the advice to consumers was a maximum of 70mgs a day for a healthy adult and that vulnerable consumers should not take it or to do so only with professional medical advice. If evidence emerged that there was more harm than that, the FSA would change its advice immediately. The Chair suggested the Board receive an update at the halfway point in the 12-month period.

Action 3 - **Director of Policy to provide an update on evidence relating to CBD and consumer safety at the halfway point in the 12-month period.**

5.14 Mary Quicke noted a report from the Zero Waste Group, which had raised concerns over the impact on consumers of chemicals in food contact packaging. She asked what the FSA was doing to understand the risks and to assure the safety of customers with reference to food contact packing materials.

5.15 The CE explained this was an area of concern noting that, in the context of the climate crisis food must be kept safe. She asked Rick Mumford to say more. Rick explained that it was a very complicated area, and that as the report said, there were many chemical compounds found in food contact materials. He said there was an existing regulatory framework, which was under review with a report due this summer. He highlighted the risk of unintended consequences of changing part of the system to solve one problem and creating another. He acknowledged the scale of the problem of plastic pollution and highlighted the need to balance the vital role packaging played in terms of preventing food contamination, microbial damage, and food waste. He also highlighted issues around recycling where a virgin material becomes mixed and possible contaminants introduced.

5.16 The Chair thanked Rick and the CE for that clarification and also thanked the CE for the assurance in her report about the AFFF and its focus on contentious and significant issues.

6. EU Exit Impacts and Consequences (FSA 20/03/04)

6.1 The Chair invited Paul Morrison to introduce the paper. Paul gave an overview of issues in the paper including the start of the transition period; resources for expert and technical input to support the Government's negotiations; requirements to ensure readiness for the end of the transition period; moving from shadow to live running of the risk analysis process; and the Chancellor's comments around import controls.

6.2 Paul said the Northern Ireland protocol was a key area of focus for activity and invited Maria Jennings to say more.

6.3 Maria explained that the Northern Ireland protocol presented the FSA with a series of unique challenges. She said that it was expected that the Northern Ireland protocol would be implemented on the 1st January 2021 regardless of the trade deal that was reached and noted four main areas of focus. The first was how checks would take place between GB and Northern Ireland; the second was about unfettered access from Northern Ireland to GB. The third and fourth concerned cross-border movement of goods on the island of Ireland in both directions. She explained that where Northern Ireland remained aligned with EU legislation, it was expected that it would apply directly, and this would be taken into account in the FSA's decision making.

6.4 She also mentioned the four-country approach with colleagues in FSS, explaining that FSA teams in Northern Ireland and England were involved in all of the key cross-government groups and in the discussions that were taking place regarding the requirements of the Northern Ireland protocol.

6.5 The Chair invited questions from the Board. Colm McKenna asked a question about the FSA's responsibilities and whether they were clearly understood by partners in government and also about engagement at both a devolved and UK Government level. He also asked about the Northern Ireland protocol and the extent to which the challenges were understood, not just by the FSA, and in Northern Ireland, but by partners in government and what discussions were taking place with those partners outside of central government, such as Port Health Authorities.

6.6 David Brooks noted the risk of potential duplication of activity for businesses working with both the FSA and the EU saying that this presented a risk for issues to fall through the cracks. He asked about planning for any potential capacity issues that may emerge, particularly with respect to ports and LAs. David also asked about planning for equivalent outcomes and how those outcomes could be created, and the appropriate assurance processes developed.

6.7 Maria explained that in relation to the wider government conversations, the FSA was involved with the Department for the Environment, Food and Rural Affairs (Defra) Borders and Boundaries Board which had oversight of the protocol issues. She said that in relation to understanding the Northern Ireland protocol, there had been a need to start this work in-house through work across teams in the FSA. She explained that since then, the FSA had been in detailed conversations with Port Health Authorities and Councils in Northern Ireland who would be affected by the Northern Ireland protocol.

6.8 On capacity building, Maria explained that this was going to be difficult to achieve, stressing the need to think carefully about how the FSA worked to ensure nothing was missed without creating an overly cumbersome process.

6.9 The CE explained that there were dependencies on other government departments and their approach in international negotiations. She explained that the Department for International Trade (DIT) was the lead department for the rest of the world negotiations. She explained that the FSA had a good relationship with Defra. She explained that the FSA would be doing the same product authorisation process for domestic producers as it would for importers and a food preparation process that would be permitted for producers domestically would also apply to importers; so sometimes matters were relevant domestically, rather than for international negotiations. She explained that the question of equivalence was of some political debate, and it was playing out in the negotiations between the EU and the US. She said it had been interesting to learn about New Zealand and Australia at the Global Food Safety Initiative Conference in Seattle and how they had achieved equivalence.

6.10 Rebecca responded to David's question about possible duplication in the regulated products process, assuring the Board there was no duplication in the sense that during the transition period those approvals were through the European Commission and applications needed to be submitted to the Commission. After January 2021, the FSA would be taking on responsibility for approvals and the EU regulations would have been transposed into UK law. The process and requirements would be the same.

6.11 Mary Quicke asked about industry labour constraints and the impact on lower-wage employees. The CE explained that on resourcing, key professions were included on the occupation list that the Home Office used to give permission for people to come into the country. She said that the FSA were also, as the Royal College of Veterinary Surgeons advised, expecting recognition of equivalent qualifications. She acknowledged the relatively high number of non-UK, EU nationals that were working for the FSA either directly or through Eville & Jones. Elsewhere in the food sector, it could be speculated that issues around workers accessing the country may have an impact on issues such as food hygiene. The CE asked Colin Sullivan to comment further on FSA staffing.

6.12 Colin confirmed that the FSA was monitoring the figures around the employment of non-UK EU nationals and there had been no significant change since 2016. He added that this would continue to be monitored throughout the transition period.

6.13 Margaret Gilmore asked a question about trade negotiations and port capacity. She explained she had undertaken a visit to the London Thames Gateway. She expressed a concern around maintaining access to the rapid alert system, which was important when it came to risky foods arriving in ports. She asked whether the importance of retaining access to this was being understood in the negotiations. The Chair confirmed this was understood and had informed the FSA's discussions.

6.14 Ruth Hussey said many of the points about the Northern Ireland protocol would also have an impact on Welsh ports due to the traffic of food through Wales. She said she had assurance that the Welsh Government were involved in discussions around the impacts.

6.15 Paul explained that the Borders and Boundaries Board covered both the full range of government departments that needed to be involved including those within the devolved nations. He explained that many points around infrastructure, key for the FSA, would be delivered by other departments highlighting the need for close working relationships. Julie Pierce confirmed that the FSA teams in Wales were also engaging with Welsh Government and the Welsh ports. The CE explained that the capacity needed at Welsh ports to facilitate the Dublin to Holyhead route in particular, faced the same issues as that of the Calais to Dover route, and would be primarily about import controls. Ruth highlighted the need to ensure the possible unintended consequences of choices that were being made were understood.

6.16 Timothy Riley asked about product authorisation following the transition period, and whether there was scope for there to be different product authorisation decisions between Scotland and the rest of the UK.

6.17 The CE explained that the intention of our risk analysis process was that there would be a point where AFFF considered issues and consulted with other departments and FSS. If FSS were going to come to a different view from the FSA, the FSA would ensure the Board were fully aware before taking decisions. She added that conversations with FSS suggested that as they relied on the same evidence base as the FSA and considered the same risks, divergence seemed unlikely. She acknowledged there may be variances on risk management (as opposed to risk analysis) issues like rare burgers but that this was the same in respect of the FSA's current responsibilities to Ministers in Wales and Northern Ireland.

6.18 Rebecca said that as part of the ongoing preparations for life after the transition period, work was going on across government in a range of areas to embed the four-country approach. She explained there were opportunities for issues to be dealt with differently in the different administrations, and it would be important to maintain those strong relationships.

6.19 The CSA explained that one important aspect of the new risk analysis process was that by having an open and transparent system around scientific risk assessment and other interests and factors, different decisions could be made for different nations with an emphasis on the factors underpinning those decisions. That would put the FSA in a different space for some of the more controversial issues such as genetically modified foods. He said there could often be confusion around the rationale underpinning decisions which would invoke use of the precautionary principle.

6.20 Maria clarified that the four-country approach highlighted the importance of the Board's discussions on frameworks, because those were the formal mechanisms for the FSA to work through the processes.

6.21 The Chair summarised the discussion saying that the Board wanted to encourage the widest reach and influence of the FSA in looking at the Northern Ireland protocol and were reassured to hear about the strength of working

relationships with Department of Agriculture, Environment and Rural Affairs (DEARA) and Department for Environment, Food & Rural Affairs (Defra). There were concerns about capacity within the FSA and within LAs in this area and there was an absence of firm planning assumptions. There was also an anxiety about the resource consequences, noting that the position was not the same as it would have been for a no-deal exit.

6.22 The Board stressed the importance of understanding the challenges and the consequences there might be for the four nations of the UK and internal trade and relations between the four countries as a result of transition arrangements and getting to the end of the transition period. The Board noted the key delivery risks that the Executive were dealing with in a short period of time with considerable uncertainty, and suggested consideration of the what assurance the Board or the Business Committee could receive over how progress towards a new end date was being tracked and the risks mitigated.

Action 4 - **Director of Strategy, Legal and Governance to consider assurance for the Board on tracking of progress towards a new end date and the mitigation of risks.**

7. Strategic Risk Management (FSA 20/03/05)

7.1 The Chair invited Chris Hitchen , to introduce the paper. Chris gave an overview covering the various aspects of risk management for the FSA, including the FSA's leadership role in the food system; the various actors and their responsibilities within that system including food business operators; the global nature of the food system; how things would change as we left the EU; and the role of CODEX. He explained that he was asking the Board to confirm the outputs of discussions from the January retreat and that they were content that the corporate risk register had captured the right risks and mitigating actions.

7.2 Mary Quicke noted a reference to a recommendation from the National Audit Office's recent report about convening government departments involved in the food regulation system to assess the appetite for risk and to take decisions on the level of funding required to ensure that food is safe to eat and what it says it is. She explained that she was concerned that it was unclear how that would work and whether it lay outside the FSA's power to ensure that. The CE explained that it would be the NAO that would convene this group, not the FSA. Chris confirmed this explaining that the first meeting was arranged for 1 April at NAO's offices.

7.3 David Brooks said the strategic risk management policies and procedures were safe and gave good oversight of activity but noted that it was clear from the previous discussion on EU Exit, that the environment was increasingly dynamic and there would be greater scrutiny on the UK food system. He also noted the funding pressures for LAs. He suggested that these external factors may increase the risk likelihood and he encouraged the team to consider where early flags might arise to see whether some perceived issues for industry were

drifting into reality and putting the food system under further strain which could create risk.

7.4 The Chair said that with those comments, the Board was happy to endorse the conclusions of the paper.

8. Food Hypersensitivity Strategy (FSA 20/03/06)

8.1 The Chair invited Rebecca Sudworth to introduce the item. Rebecca gave a short overview of issues raised in the paper and provided an update on some key issues including progress on the new labelling legislation for Pre-Packed For Direct Sale (PPDS) items; the high demand from food businesses for more detailed guidance; the recent allergy symposium; and work towards an FHRS style scheme for allergens, clarifying that, this work was at an early stage and acknowledging that the FHRS scheme may not be the most suitable way in which to communicate with consumers how well a business was managing the risk to hypersensitive consumers.

8.2 Rebecca asked Catherine Clarke to describe the ongoing communications campaign. Catherine gave an overview of points raised by businesses and hypersensitive consumers and the approach outlined in the paper that these views had helped to inform.

8.3 The Chair said she was looking forward to seeing the campaign over the next few months. She outlined her observations on the Allergy Symposium, saying the sense of common purpose and collaboration was notable with concerns around precautionary allergen labelling being widely expressed. She said that the Board had similar concerns. Points about consistency of language, symbols, and discussions about things like reference doses and trace definitions were also heard at the event.

8.4 The Chair mentioned a consumer point of view she had heard at the symposium that the FSA could fall into the trap of considering business only in the form of large High Street chains and formulating solutions that applied only to that sector. She said that given the diversity of food businesses, a much more sophisticated set of measures and solutions would be needed. She mentioned useful myth-busting on allergens and comments about the difficulties in improving life for allergy sufferers and enabling businesses to get it right.

8.5 The Chair explained that concerns had been heard about the risk of industry stepping back from trying to meet the needs of food hypersensitive people and the fear factor from growing media attention on high-profile cases. The importance of customers declaring an allergy was also heard from LAs and food businesses. The Chair then invited comments from the Board.

8.6 Ruth Hussey declared an interest having received a diagnosis for an adult onset food allergy. She explained that the Welsh Food Advisory Committee (WFAC) had discussed the paper and were impressed with the progress and

the success of the recent campaigns. She asked about the forthcoming campaign saying there was an opportunity to normalise asking about allergy in schools and in higher education and further education establishments. Catherine confirmed that the team was working with partners within the 16-24 age range, particularly with regard to tertiary education.

8.7 Colm McKenna asked a question about how it could be judged when businesses were more prepared, rather than just better informed. He asked whether, in targeting younger people, consideration had been given to timing, asking if by summer, the paper also meant late summer. He explained that an effective time to do that could be when younger people and children were going back to school and university, coinciding with fresher's week.

8.8 Maria Jennings said that the intention was that summer would extend into fresher's week giving a longer process and more opportunities to engage. On the preparedness, she said the FSA were constantly monitoring data through the Small and Medium sized Enterprises (SME) tracker run by the FSA's Social Science team to consider insights and the feedback. Hits on the website and downloads of information were also included in the data being considered. Colm asked whether there was reassurance from that data to know what preparedness looked like. Maria said that in addition to the monitoring and engagement, there were underpinning research programmes tracking how businesses were responding.

8.9 Margaret Gilmore declared an interest as she had a son with severe allergies, who was also a student. She asked about the issue of ordering food online for delivery, which a lot of students did. She noted that some LAs took different views on the inclusion of whether allergy management should be part of the FHRS system. She suggested a need for more clarity and guidance to LAs. Rebecca explained that the team had been tasked to look particularly at this area. She explained that colleagues in the Regulatory Compliance Division (RCD) were updating advice to LAs on what current arrangements should be. She asked Maria to say more about this.

8.10 Maria said that the responsibility sat within the Trading Standards departments, separate from the Environmental Health teams. She acknowledged that consideration of whether or not the approach would work longer term and how those messages could be communicated through LA inspections would be required.

8.11 David Brooks asked two questions. Firstly, on the communications, he suggested there were two audiences to consider. One being 16 to 24-year-old age group and the other being food businesses of all sizes. He said that the use of some of the FSA's communication tools could provide easy reference to give a snapshot of the topic. Secondly, he said he had heard concerns around the reliability of testing, noting the challenge, particularly in heat treated proteins, of getting false positives when seeking extra assurance. He said this could encourage businesses to use precautionary labelling.

8.12 The Chair invited Rick Mumford to address the issue about testing reliability and false positives. Rick said he would look to see if there is something that can be done in terms of methodologies to improve the reliability of testing.

Action 5 - **Rick Mumford to give consideration to testing methodologies for heated proteins to reduce the possibility of false positives in allergy testing.**

8.13 The Chair said that she had heard concerns at the Allergy Symposium about certainty for reference levels and that there would be a need for clarity on what precautionary allergen labelling was good for and not good for. She acknowledged that it would not be possible to eliminate all risk but anxieties around giving either false assurance or causing severe consequences for businesses and consumers was understandable.

8.14 The CSA noted the connection to the risky foods programme and to COVID 19, in which there was a tendency to think about the likelihood of exposure, and less about vulnerability. He said that advice was often given to vulnerable communities without including that vulnerability in the risk assessment. This produced a situation where the same hazard could be highly risky to one group and of no risk to another. He noted advice from the Government's Chief Scientific Adviser, Sir Patrick Vallance, on how individuals should behave in relation to the vulnerable people they come into contact with. With regard to food hypersensitivity, communications should make clear to all consumers that it was not just about them, but vulnerable people they may come into contact within the short term afterwards.

8.15 The Chair said she was glad that had been raised as it was another issue she had heard at the symposium. The Chair also asked a question relating to gender and testing, asking whether the kinds of tests relied upon in terms of vulnerabilities or exposure levels were tested on men and women. She said that there was an issue about the safety protections in other sectors with treatments having been tested only on men or on males of other species and the outcomes for women could be fundamentally different, leading to side effects with drugs resulting from different levels of tolerances. Measures should be balanced across genders and gender taken account of when considering vulnerable groups.

8.16 Rebecca explained that ground-breaking experiments had been done about how changes in an individual's physiology affected the likelihood of having an allergic reaction, including whether an individual had been recently been exercising or unwell. She asked Rick to explain further. Rick said that a lot of detailed risk assessments would take into account a range of issues such as effects on infants and pregnant women, so a lot of these concerns were already accounted for. The Chair noted that it would be surprising if food safety had avoided this issue where medicines had not. She said she suspected that there would be differences to consider further.

8.17 The Chair said that in terms of monitoring and supporting the Executive and officials taking this forward, the next area of focus for the Board's meeting in

June would be around the FHRS type issues and responses to the consultation.

9. Annual Report from The Science Council Chair (FSA 20/03/07)

9.1 The Chair welcomed Professor John O'Brien from the FSA's Science Council to the meeting. Professor O'Brien thanked the Chair and explained that Sandy Thomas, who chairs the Science Council, had been unable to attend due to a prior, unavoidable business commitment. He delivered a presentation giving an overview of the annual report of the Science Council reviewing the last three years' work, current activity, risks, and opportunities new areas of focus. He also covered the use of data science in mapping mycotoxin risk against climate, activity on food hypersensitivity; horizon scanning, wider global risks including EU Exit, and the membership of the Science Council.

9.2 The Chair thanked Professor O'Brien for this update, emphasising that it was an important element of providing confidence in the science approach of the FSA. She asked for additional comments. The CE said that one of the things she was excited about at the FSA was the ability to tell the truth about food, and that science was necessary to being able to do this. She mentioned the research on food hypersensitivity noting a concern that the FSA was shouldering the burden of this research for the nation. She asked whether there had been any reflections on the extent to which other research interests were being honoured around allergy and intolerance as the issue did not relate solely to food but to public health more broadly.

9.3 The CE also asked about risk application with particular regard to the communication of advice to the public. She gave the example of it being difficult to communicate the relative risk of CBD. She said it would have been helpful to compare it to other more familiar substances so that the public had a sense of how to judge riskiness– for example, to caffeine, paracetamol, or morphine. She said it would be helpful to have more insight into how to make this sort of risk understandable by the general public.

9.4 Margaret Gilmore asked a question about allergens, noting that each allergen sufferer suffered to a different degree and that this that was a problem for producers. She asked whether enough research was being done in seeking cures, rather than mitigations, around allergies. The Chair cautioned that the Science Council had no specific function to commission its own work and that some of the questions should be addressed through the FSA's science teams who commission work from the Science Council.

9.5 Professor O'Brien explained that there was a lot of analysis and processing to do of the information that was being collected but that it was recognised that research was taking place in that area so it would be important not to invest where someone else was already investing. He also acknowledged that regulatory-driven research and investment in the area could have a huge impact. He said that he had been impressed by how the FSA's modest investment in the area had supported the development of hypotheses that had

fundamentally changed allergy research, citing adult onset allergy as one example. He said that this highlighted the FSA's catalytic role in giving the topic prominence. On risk communication Professor O'Brien said that the Science Council had given some insight in the advice delivered on uncertainty as part of the risk analysis process. He said that the move towards assigning risk, based on in-depth analysis, should improve risk communication. He acknowledged the challenge in ensuring that the message about risk was received appropriately by both other scientists and consumers to ensure they were aware of risks without causing unnecessary alarm.

9.6 In response to Margaret's point about prevention as opposed to acting after somebody has become sensitised, John said that he agreed with this but that the research was not necessarily only a problem for the FSA but across government departments.

9.7 The CSA said there was an opportunity to continue to build the strong partnerships with the research councils, who could bring a greater fundamental understanding of issues like adult onset allergy and why that was increasing. He said there was also an opportunity to build cross government interest through case history, which had been key for the UK Food System Project in attracting significant financial backing. For food hypersensitivity, the CSA said there was increasing interest in the effects of exposure to a range of environmental factors and an opportunity to bring a focus onto food that could possibly bring funding for research, the outputs of which would be relevant to the FSA.

9.8 The CSA also raised the issue of biosecurity, which was relevant with the COVID 19 situation. He also mentioned the challenge of drawing the focus of larger departments to consider pathogens relevant to ensuring food safety. A joint programme on biosecurity where the FSA offered some studies could ensure sure that money was invested in the right place.

9.9 Ruth Hussey emphasised the importance of the FSA's convenor role on hypersensitivity, allowing the FSA to set out the landscape to enable conversations ensuring the FSA did not shoulder the burden exclusively. She said that in the report to the Board, the bigger picture would help the FSA to focus on those things within its remit and demonstrate the need for a concerted collective effort. John said that he would pass this information on to Dr Paul Turner of Imperial College, who is leading the Science Council's work on food hypersensitivity.

9.10 Rebecca said this was the approach that would be taken to the strategy as a whole. She gave an analogy of a dart board, where there is the bullseye in the middle, representing areas for the FSA to take forward. The next level out would be where partnership working with others would be required to act and the outer ring was where the FSA needed to be informed and engaged and aware of what was happening.

9.11 The Chair said there was another element she wanted to mention. This was that the Board wanted the Science Council to advise the FSA on the quality and assurance threshold for third party science and evidence submitted to the FSA.

9.12 The Chair thanked John for attending and said she want to put on record the Board's thanks to Mark Woolhouse and Laura Green for their significant contribution to the work of the Science Council as they stepped down.

10. Beef Burgers Served Less Than Thoroughly Cooked: Update (FSA 20/03/08)

10.1 The Chair asked Rebecca Sudworth to introduce this item. Rebecca gave an overview of the paper covering the guidance for businesses; engagement events and consultations; and additional materials being considered to improve understanding of the issues among businesses. The Chair explained that the Board was being asked to consider whether there had been any material changes that should cause the Board to revisit the approach, and also to look at the proposed revision to the guidance, which was going out to consultation. She invited questions from the Board.

10.2 Stuart Reid declared an interest having previously published on this issue. He raised two points. Firstly, whether there was any data that might clarify the number of cases of infections associated with this food against the number of outbreaks outlined in the paper. He suggested that this could help to distinguish cases that have resulted from personal, consumer choice and those which resulted from a failure on behalf of the business. Secondly, he asked whether there was guidance for consumers as well as for businesses. Rebecca asked Rick Mumford to address the second point. Rick confirmed that there would be guidance for consumers also.

10.3 Wendy Love explained that there was consumer messaging that businesses must show to the consumer at the point of service, which said that there was a greater risk and advised certain categories of people not to have less than thoroughly cooked burgers. Rebecca added that it was the responsibility of food businesses to serve safe food and that burgers, because of the additional risks associated with mince, must be thoroughly cooked in order to be safe. If a consumer were to specifically request a burger that was less than thoroughly cooked, despite having been advised to the contrary, the food business needed to know how to do that safely and, if they were not following the guidelines, the burger would not be safe. She said the FSA had been looking into the issue through mystery shopping exercises and were satisfied the guidelines were proportionate and achievable and that many restaurants serving less than thoroughly cooked burgers were following the approach.

10.4 The CSA asked whether there was a mechanism where Public Health England (PHE) could collaborate to enable the detection of changes in behaviour or circumstances around less than thoroughly cooked burgers. He said it would be interesting to have an indication of what the size of change would be needed for the surveillance system to confidently detect it. Rick explained that

from the 2018 figures, there had been 15 cases in total, not just related to burgers. In terms of percentages, he explained that, a low percentage of that was attributed to burgers. He said the problem with the data was the attribution of E-Coli to the consumption of the product.

10.5 Ruth Hussey explained that the original discussions on the issue took place prior to her tenure but that Members of WFAC had discussed the issue at that time. She asked why the Welsh data was absent. She also noted that the FSA had taken views from LAs in terms of thinking about the refinement of the guidance. She asked what feedback had been received about enforcement issues. Ruth said that WFAC agreed with the position that there had not been a material change but highlighted that the previous WFAC position was to not support the ongoing retail sale of less than thoroughly cooked burgers.

10.6 Wendy said the review of the guidance had started with a stakeholder workshop in London in September 2019 to gather the views of businesses, LAs and other users of the guidance. She said feedback from the businesses had been that the guidance was technical and difficult to understand. They were also concerned about validating the cooking process to show a full log reduction in bacteria. Feedback had also been received from LAs who had expressed concerns about businesses' ability to achieve consistency in the cooking processes, and LA resources. She explained the guidance was being updated to take account the views of stakeholders and to make it less technical and easier to understand. She said it was expected that the consultation would open at the end of June allowing stakeholders a further opportunity to comment on the guidance.

10.7 The CSA asked about the enhanced surveillance system, Burger Watch. He asked how closely it aligned to Board interests in terms of enhanced surveillance of the increase in restaurants willing to provide burgers less than thoroughly cooked. He asked whether this enhanced surveillance would also pick up issues arising from summer barbecuing, which could require a different form of enhanced surveillance. Rick said that in terms of evidence gaps in the trend for less than thoroughly cooked burgers, there was anecdotal evidence that it had peaked and was declining. He said that there was a possibility that the question in the National Diet and Nutrition Survey could be changed to ask whether those types of foods are being eaten within food businesses or at home. He added that Burger Watch, had since been taken down due to a lack of evidence coming through it.

10.8 The Chair said that it was important for the Board to have confidence in the measures chosen, and in the triggers that would cause them to be revisited, and if it was not possible for this to be monitored, the Board would not want to wait three years to know that.

10.9 David Brooks said that the low level of incidents suggested the controls appeared to have been effective, but the risk associated with the products had not reduced. He said he was concerned that good news could elicit complacency among producers, consumers and LAs and there would be a

need to remind people that the risks had not changed because of the low incidence rate.

10.10 The Chair summarised the discussion saying the Board were content to go out to consultation with the guidance and would be interested to know the outcome of the consultation. The Chair said the Board looked forward to the additional level of assurance about the triggers, controls, and the ability to monitor and implement them.

Action 6 - **Director of Policy to provide update to Board Members on the outcome of the consultation on the proposed revision to the guidance on less than thoroughly cooked burgers and on the additional level of assurance about the triggers, controls, and the ability to monitor and implement them.**

10.11 She said the approach taken with raw drinking milk had been successful in enabling the FSA to work with all stakeholders involved in that sector and could set an example for this work. She said the Board did not see a material change that would give cause to revisit its advice and approach on the less than thoroughly cooked burgers.

11. The Burden of Foodborne Disease in the UK (FSA 20/03/09)

11.1 The Chair invited Rick Mumford and Vanna Aldin to introduce this item. Rick gave a brief overview of the issues in the paper including the development and publication of a ground-breaking new model; the terminology and the definitions used in the paper; headline figures from the model; areas of interest for using the model; and the use of the model, alongside other tools to assist with strategic prioritisation, risk management, and decision making in the FSA.

11.2 The Chair reiterated the message to Board Members that the model was constructed because it had been discussed in September and the outcomes of that discussion had been applied. She invited Board Members to comment. Timothy Riley said that the model represented a big step forward and would be important for demonstrating where resource should be targeted and showing the value and effectiveness of the FSA's interventions. He asked Rick if he could give any further detail on the timescales for being able to implement and achieve that. Rick explained that one of the challenges was the issue of norovirus, and whether more norovirus should have been attributed to food. He said this data could be used as to start a discussion with PHE on the issue of norovirus management taking into account the new science and evidence. The CE added that a practical example of how it was already impacting on thinking was the fact that Food Safety Week was taking norovirus as its theme. Timothy said his question was directed at the effectiveness of our interventions to demonstrate their value against the potential cost that could be experienced otherwise.

11.3 Stuart Reid welcomed the paper and said it was incumbent to remember the model that had been approved in September, which used a reporting pyramid

for gastro-intestinal disease and other pathogens which should not be overlooked. He said there was a need to set this report beside the previous one while also taking account of the data that was now available.

11.4 The Chair said that this had been a missing component of how priorities were judged and in assessing how much difference could be made as well as the cost of making a difference. She said that it was good that this could now be included.

11.5 David Brooks said that, as a non-scientist, he was grateful for this paper as it was accessible, encouraging and refreshing to read. He asked two questions. Firstly, he asked whether the low level of attribution mattered when considered in the context of the sample size. Secondly, he said it appeared that norovirus from lettuce was more burdensome to the UK economy than campylobacter from chicken. He asked therefore, how this could be used in a way that prevented a lay reading of the figures leading to wrong assumptions of what should be done.

11.6 Rick said a key element of this work would be about trying to do more on the attribution. In terms of the prioritisation, Rick explained that, in the context of a range of other data such as quality-adjusted life years (QALYs), when comparing norovirus against campylobacter, there was a simpler system and a simpler way of intervening. He explained that with norovirus, there were multiple foodborne pathways that made up a small percentage of the total and then a large range of non-food related sources. He explained that this meant that lettuce might only account for 4% of the total of all norovirus case and this would also help inform the priorities for intervention.

11.7 The CE added that this showed that even where it was possible to describe the problem, the relative priority of the response to it must also be assessed against a number of factors.

11.8 The CSA highlighted the issue of attribution which David had raised. He said that Chris Witty, the Chief Medical Officer for England, used an analogy of a triangle to guide him, where one side of the triangle represented the scale of the impact you were dealing with, the second was the cost of doing things or the social or political resistance to it, and the third side represented the scale of the evidence-base or the costs of generating evidence-base. In his experience in public health, it was when the sides were equal that the public health intervention tended to be the most successful. He explained that having an idea of how big one side of the triangle was, gave a good indication of how the other sides would need to look to determine interventions. For lettuce and campylobacter, the CSA suggested that sometimes the best framework still might not enable the desired judgment.

11.9 Julie Pierce made a comment to reinforce the CSA's point that there was a large amount of data that was collected by the FSA's Social Science team, particularly in relation to attitudes, which may be neither rational nor predictable.

11.10 Rebecca noted the CE's comments about needing to consider a wide range of factors. She said that earlier in the year, with Vanna's support she had had a series of conversations with external partners and agencies who were also using cost of illness type models. These conversations had been helpful to understand how the FSA could start to consider how the new information could be used in the FSA. She added that she wanted to highlight the importance of the model in framing the work on food hypersensitivity, which would be a key priority over the next year

11.11 Mary Quicke suggested also looking at unattributed foodborne illness and other pieces of work, noting that the United States tracked around 31 different pathogens rather than 13.

11.12 Vanna Aldin explained how the 13 pathogens were chosen for the cost of illness model. She said that they were the main pathogens for which data was available from hospitalisations and confirmed lab cases. She said that different countries had different prevalent pathogens and that it was likely that others would be considered in the future, particularly given potential changes to trading patterns. She explained that there were negotiations with the Department of Health and Social Care to consider the implications of importing or exporting different pathogens but there was no reason to believe that there were other pathogens currently circulating in the UK related to foodborne disease.

11.13 Ruth Hussey welcomed the paper. She acknowledged that the figures within the paper were averaged for the UK and could not be broken down too far but suggested it would be helpful to test it out through Welsh policies, working with Public Health Wales and Welsh Government. On norovirus, she asked whether the model factored in the disruptions in hospitals due to outbreaks from infected individuals leading to the closure of wards, and significant disruptions.

11.14 Ruth added that there was an opportunity to work, not just with Public Health England, but with the NHS more broadly, presenting benefits to them of containing norovirus would be substantial and beyond the cost in the model. She acknowledged that this was outside the FSA's core food role but within its leadership role.

11.15 Mark Rolfe noted that the Board was invited to accept or to agree that this was an accepted tool for considering priorities. He emphasised that the wording was "an accepted tool" not "the accepted tool" as there were a number of effective measures that were not related to this piece of work. He said it was an impressive and important tool, but he was cautious of other areas being neglected.

11.16 The Chair summed up the discussion, saying that the Board warmly welcomed and endorsed the research. She said that the paper was vitally important as it allowed a cost to be attributed to social and economic burdens of illness from food. She said it was a milestone for the FSA and a landmark moment building on two pieces of research published earlier in the year. She said that it was a significant step forward and the Board would like to

congratulate everybody in the FSA that helped bring it about. She said that in the Board's view, understanding the impacts of the different pathogens in ordinary language to help tackle foodborne illness was not the only outcome of the model, and it should not be used in isolation but would help to improve decision-making and evidence cost effectiveness in tackling public health. She added that the Board were keen to fully apply the model to food allergies and intolerances.

12. Report from the Chair of the Audit and Risk Assurance Committee (ARAC) (INFO 20/03/01)

12.1 The Chair asked Colm McKenna to deliver this report. Colm explained that ARAC had met the previous Tuesday. He said the financial audits were on track for the signing of the accounts. He said the Committee would meet again on 17 May by teleconference and on 10 June to finalise accounts. He explained that the consolidated and Westminster accounts were delayed last year because of a technical, pensions issue, and said it could not be guaranteed that it would not happen again this year, explaining that it was caused by a liability and asset revaluation. He said it was hoped that the Accounts would be ready before Parliament rose in July.

12.2 He said the Committee agreed to adopt the government standard on counter-fraud, corruption, and bribery measures, and to move as quickly as possible with nominating individuals. He said the FSA was in a good place but had no room for complacency. He said that ARAC had considered audit assurance plans, looking forward to a 3-year, rather than a 1-year, planning horizon. He added that ARAC had also considered a paper on managing the interests of Food Advisory Committee Members along similar lines as was done for the Scientific Advisory Committees and that a paper would come to the Board meeting in June to formally sign off.

12.3 Colm explained that all ARAC meetings would feature consideration of the corporate risk register and challenges of how risks were identified. He said there had been a discussion on LA audits across the three countries. He said there was a need for clarity with LAs and clear messaging on risk management so that they understood what the FSA needed them to be doing from the perspective of being the central competent authority.

12.4 The Chair asked about the pensions issue and whether the problem was specific to the FSA. Colm explained it was a small, cross-government pension scheme which covered a number of UK public sector bodies and that the FSA's exposure was small but that it did have the capacity to delay the laying of the accounts.

13. Reports from the Chairs of the Food Advisory Committees (FACs)

13.1 The Chair invited Ruth Hussey to give a report from WFAC. Ruth said that, in her role as WFAC Chair, she had been invited to attend the Welsh Food Law

Enforcement Liaison Committee which has continued to meet. She explained that this group had broadened its membership and would now be known as Safe Sustainable Authentic Food Wales. She said the meetings gave a good opportunity to get a much wider perspective and she was pleased to hear that the Chartered Institute for Environmental Health (CIEH) team in Wales had undertaken work considering the necessary workforce for public protection. She said the group helped with building strong partnerships for food safety in Wales and the expectation was that the WFAC Chair would continue to interact with that committee and attend as appropriate.

13.2 Ruth said that the Food Standards Agency in Wales had held a successful conference for people involved in food safety across the LAs in Wales. She said that Maria Jennings had attended to speak, and the conference had been another opportunity to build strong relationships.

13.3 Ruth said that WFAC would meet again in April and it would conclude work its around the food system in Wales. She said it was expected that that there would be presentations about the hospitality industry in Wales and food distribution.

13.4 The Chair asked Colm McKenna to provide a report from the Northern Ireland Food Advisory Committee (NIFAC). Colm explained that NIFAC had met by teleconference and discussed the papers for this Board meeting. He said NIFAC would also be refreshing its membership in the summertime and, in light of the requirements of the review of the Food Advisory Committees, letters would be drafted to go to the Northern Ireland Health Minister. He explained that the Chair would see those before they were sent. He said he would be attending the Ulster Farmers Union dinner at the end of March and that as with WFAC, NIFAC would meet on 21 April to finalise work on the Northern Ireland food system. He said they were expecting to hear from Michele Shirlow, CEO of Food NI, to hear a perspective NIFAC had yet to consider.

14. Any Other Business

14.1 The Chair explained that there was one additional item of business which was to confirm the dates for the Board's meetings for 2021. She explained that the dates were on the website and had been circulated to Board members. The Board indicated that they were content with the proposed dates. The Chair said that the next Board meeting was scheduled for Wednesday, 17 June in Exeter.