

## CHIEF EXECUTIVE'S REPORT TO THE BOARD

1. Since the Board last met on the 26 August, the FSA's priorities have been the on-going response to the coronavirus (COVID-19) pandemic, preparations for the end of the EU Transition Period, and preparations for the FSA's spending review bid to HM Treasury. COVID-19 winter planning, coupled with preparing for different scenarios in relation to the end of the Transition Period, have meant that we have not yet returned fully to our planned programme of work for 2020/21 including on hypersensitivity and on 'achieving business compliance' (the successor to the Regulating Our Future programme).
2. This report provides updates on: our Covid-19 response; our preparedness for the end of the EU exit transition period; the FSA's Campylobacter reduction programme; our work on Cannabidiol (CBD); and our work on DNP.
3. As the national lockdown eases, we are experiencing fewer issues requiring urgent action relating to **COVID-19**. As a result, we closed our emergency response at the end of August 2020 and moved residual work into 'business as usual' activities. While the crisis is not yet over, I would like to thank all our staff who worked so hard as part of the response to this extraordinary set of circumstances. Their efforts were a vital contribution to maintaining the supply of safe food to the public.
4. We are poised to stand our emergency response arrangements up again at any point, if needed. Earlier this month, we established a multi-disciplinary 'Winter Contingency Team' to plan for issues that may emerge towards the end of 2020 and the beginning of 2021. This encompasses COVID-19 risks, but also our preparations for the end of the Transition Period.
5. We continue to reverse, amend or embed the contingency measures previously implemented in response to the pandemic. Our response is closely aligned across England, Wales and Northern Ireland and will take into account different rates of recovery and actions by each nation.
6. The FSA also continues to build on existing relationships particularly with local authorities, devolved administrations and the food industry, to coordinate an effective approach to the delivery of food controls through the pandemic. For example, the FSA is part of the Wales CMOs Health Protection Advisory Group (HPAG) which provides the Welsh Government's central oversight to the COVID-19 response in Wales.
7. In the light of potential increased risk of food crime and adulteration, with fewer local authority controls, the FSA increased its sampling of foodstuffs in July and August, on a regional basis. The sampling focussed on meat, fish and herbs and

spices. This programme of sampling was informed by NFCU intelligence analysis and local authority insight, with approximately 120 samples taken in eight locations, expanding to national sampling this month. To date no serious non-compliances have been found.

8. The final areas to be sampled in the programme include basmati rice and durum wheat pasta for authenticity; dark chocolate, free-from confectionary, dairy replacement products for undeclared milk allergens. Sample collection and analysis for these began at the start of September. A paper will go to the November FSA Board meeting to provide an update on the FSA's sampling framework.
9. In September, we undertook surveys with local authorities in England, Wales and Northern Ireland to establish the impact of COVID-19 on the availability of resources for the delivery of food hygiene and food standards official controls and the impact this is having on planned interventions. The information gathered will be used to inform the next advice on any deviations from the requirements of the Food Law Codes of Practice, which we will be issuing prior to the current advice expiring on 30 September 2020. The survey also includes questions on the use of remote assessments by local authorities to inform on-site interventions and will help us understand how this approach is being used in practice. This data will also be used to inform selection of local authorities to be included in the formal evaluation of the use of remote assessment during the pandemic.
10. Supporting food businesses through the pandemic has been a priority for us and to help new or re-opening businesses, and those that have diversified during the lockdown, we recently launched the '**Here to help**' campaign. This launched in August in England, Wales and NI and will run until the end of September 2020.
11. The campaign was based on insight that told us businesses wanted practical and easy-to-understand advice in one place. Local authorities also identified risks, such as businesses diversifying and not adapting hygiene or allergen management systems in the process. There is a dedicated web page [www.food.gov.uk/heretohelp](http://www.food.gov.uk/heretohelp) which incorporates a series of cases studies to help bring the guidance to life.
12. We have had an excellent response from industry and local authorities. Following the campaign's launch on 10 August, the new business registration page received 10924 page views (correct at 24th Aug) , up 36% on the same period in 2019, and directed more than 3000 people to information on registering a new food business on GOV.UK, up 48% on the same period in 2019.
13. Our **EU Transition Programme** has a number of delivery projects and workstreams, most of which are well advanced, although there remain some areas of focus and risk.

14. Projects covering Incidents (including surveillance) and the National Food Crime Unit are well prepared as they have been working to increase their resilience over the last few years. We have recruited additional staff in these areas and developed and tested the new processes that will be required in January. The Risk Analysis project has developed and implemented most of the changes needed, with a paper on today's Board agenda covering the detail.
15. The areas with most remaining work are the changes stemming from the Northern Ireland Protocol (NIP) and the new Imports processes. Here we are working jointly with Defra and the devolved administrations and are reliant on decisions by central government. We are confident that the new processes for GB imports will be delivered on time (with the new IPAFFS system due to go live before the end of the year), but the implementation of the imports approach under the protocol process still requires design decisions to be made and so there are risks here to our delivery.
16. There is also a particular issue we are working to resolve in food labelling. In EU member states, health and identification marks are the oval marks that must be applied to certain food products of animal origin (POAO) to confirm they have been produced in an approved establishment in compliance with legislation, inspected by the competent authority where necessary, and are fit for human consumption. New marks will need to be applied from January 2021.
17. We have been working with other Government Departments to provide solutions to the challenges of applying new markings and labels to food, exploring options and flexibilities that would enable food businesses to deplete stocks of old UK/EC identification marks, such as pre-printed labels, wrapping and packaging and help manage the changeover to new labels. We expect to put recommendations to Ministers for their agreement imminently.
18. Government took the decision in June to introduce border controls on imports coming into GB from the EU in three stages up until 1<sup>st</sup> July 2021. For public health controls on food and feed from the EU and the rest of the world (RoW) this means that:
  - From January 2021 high-risk food and feed from RoW should be notified on Defra's new IPAFFS notification system. This is a change from the current process of notifying on the EU's TRACES system. Checks and controls will occur as they do now and no additional controls will be applied to EU food and feed at this time.
  - From April 2021, all products of animal origin (which are inherently high-risk products) from the EU will be notified on IPAFFS and will need to be accompanied by the relevant health documentation. This will provide the FSA

with the relevant information to manage a food safety incident involving such products should one occur.

- From July 2021, for all high-risk food and feed, there will be increased physical checks and controls introduced on a risk-basis. At what level these will be introduced and how they will be phased in is currently being agreed.

19. The FSA is embedded in the Defra IPAFFS build programme, project governance and business readiness efforts and we are confident that the system can be delivered as planned.
20. DAERA is the Competent Authority in Northern Ireland and it must decide which system it wants to use after the Transition Period in Northern Ireland – either IPAFFS or the EU's Traces NT. This decision is still to be made.
21. I am pleased to be able to give the Board its first update on the **Campylobacter Reduction Programme** since our meeting in September 2019. Cases have reduced since then, compared to 2018, and the total number has remained below the threshold agreed by the Board in June 2018. The FSA agreed to a temporary suspension of Campylobacter sampling by the major retailers between March and May, due to issues arising from COVID-19. All retailers re-commenced sampling by 1 June 2020.
22. Since 2017, the major retailers have sampled and tested chicken to an agreed common protocol developed by the FSA. Towards the end of 2019 the major retailers suggested ending their data sharing agreement with us. Following successful discussions with retailers, I am pleased to say the FSA has confirmed a new agreement. Retailers will continue to sample to the protocol, share their monitoring results with the FSA, and publish results on their individual websites for customers. Retailers' own data (September 2019 - March 2020) shows that Campylobacter levels have remained steady overall.
23. The FSA has continued to sample from the smaller retail outlets. This shows that the proportion of fresh whole chicken on retail sale that are contaminated with the highest level of Campylobacter has decreased from 2014, and further in the period from 2017 to 2019. We now intend to now focus on Campylobacter reductions in small to medium processors to reduce contamination levels supplied to these markets
24. The FSA system for collecting industry data to satisfy the new campylobacter process hygiene criteria verification requirement is being trialled. It will be rolled out to all broiler plants in England and Wales over the following three months.

25. An area of our work that continues to generate interest and discussion is regulation of **CBD** products. In August, the FSA held a joint webinar with the UK's Accreditation Service (UKAS) on the approval of CBD food products. The event was attended globally by more than 200 people from across the laboratory, government and CBD industry sectors. We presented our CBD advice to consumers and outlined how to apply for the authorisation of CBD products through the novel food authorisation process. This was followed by presentations from three laboratories: Fera, LGC and EuroFins. They outlined the current methods and associated challenges for testing CBD products. This helped to inform industry of the standards they should consider when undertaking testing as part of the novel food application process.
26. The FSA is working jointly with UKAS to develop a technical working group from attendees to further develop testing standards and methods for CBD products.
27. Efforts by **NFCU** officers to identify online sellers of **DNP**, the highly toxic substance marketed as a weight-loss aid, have resulted in three separate, unrelated arrests of suspects by police. Sadly, we are still seeing the impact of DNP on health. The inquest into the death of Vaidotas Gerbutavicius, who died in March 2018 aged 21 years, started on 8 September.
28. NFCU officers recently met with counterparts from the Home office and other Government departments, to improve cross-government working on DNP. They agreed to continue working collaboratively, particularly on interception at ports, and on public-facing communications around the dangers of DNP.