

MINUTES OF THE FSA BOARD MEETING ON 9 MARCH 2021

Via Zoom from the Chair's Residence, Liverpool

Present:

Ruth Hussey, Interim Chair; David Brooks; Margaret Gilmore; Colm McKenna; Peter Price; Timothy Riley; Mark Rolfe.

Officials Attending

Emily Miles	-	Chief Executive
Justin Everard	-	Director of Communications (For Questions for the Board)
Theo Hawkins	-	Head of EU Transition and Devolution (for FSA 21-03-05)
Chris Hitchen	-	Director of Finance and Performance
Maria Jennings	-	Director of Regulatory Compliance, People and Northern Ireland (NI)
Anjali Juneja	-	Deputy Director of EU Transition and International Unit (for FSA 21-03-05)
Professor Robin May	-	Chief Scientific Adviser (CSA)
Rick Mumford	-	Deputy Director of Science
Julie Pierce	-	Director Openness, Data, Digital, Science and Wales
Steven Pollock	-	Interim Director of Strategy, Legal, Communications and Governance
Rebecca Sudworth	-	Director of Policy
Colin Sullivan	-	Chief Operating Officer

Guest Speakers

Professor Sandy Thomas	-	Chair of the Science Council (for FSA 21-03-04)
Professor Peter Gregory	-	Science Council Member (for FSA 21-03-04)

1. Welcome and Introductions

1.1 The Chair welcomed everyone to the meeting and noted no apologies from Board Members. She explained that, if her internet connection to the meeting were to be lost, Margaret Gilmore would chair until the Chair was able to re-join. The Chair welcomed Steven Pollock as the Interim Director of Strategy, Legal, Communications and Governance. Board Members confirmed that they had no conflicts of interest related to the meeting agenda. The Chair raised two items of Any Other Business which were the dates for Board meetings in 2022 and farewell to David Brooks as this would be his final meeting as a Member of the FSA Board.

1.2 The Chair invited Justin Everard, Director of Communications, to read out the questions received from the public ahead of the meeting. A full list of the questions, with answers would be published on the FSA website.

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

- 2.1 The Chair asked the Board if they were content to accept the minutes of the 2 December 2020 meeting as an accurate record. Colm McKenna said that a reference to the Department for Environment, Food & Rural Affairs (Defra) in paragraph 5.12 should instead relate to the NI Department of Agriculture, Environment and Rural Affairs (DAERA). The correction was noted, and no further comments were raised.

Action 1 - Board Secretariat to amend Defra to DAERA in paragraph 5.12 of the minutes of the Board Meeting 2 December 2020.

3. Actions Arising (FSA 21/03/02)

- 3.1 The Chair asked if there were any comments on any of the Actions Arising. No comments were raised.

4. Chair's Report (Oral Report)

- 4.1 The Chair said that a list of her engagements since she had taken over as Interim Chair on 1 February had been published on the FSA website. She said she had been conducting a campaign to recruit new Board Members with interviews concluded on 8 March. Recommended candidates would be put forward to Health Ministers for agreement and should be appointed before the June Board meeting. The interviews for the new Chair had concluded and similarly, agreement from Health Ministers would be sought for the chosen candidate who would appear before the Health and Social Care Select Committee in April.

5. Chief Executive's Report to the Board (FSA 21/03/03)

- 5.1 The Chief Executive (CE) gave an overview of her report highlighting the following: the work that was done by staff to prepare for the end of the Transition Period during the COVID-19 pandemic; salmonella outbreaks; Qurbani and direct supply of meat to consumers from abattoirs during the Eid al-Adha festival; Cannabidiol (CBD) and regulated products; and Defra's gene editing (GE) consultation.
- 5.2 The Chief Scientific Adviser (CSA), explained some of the details around GE technologies, what they involved and how they differed from traditional genetic modification (GM).
- 5.3 The Chair said that the outcome of the consultation would be dependent on the decision of the Defra Secretary of State (SoS). The proposal to remove GE technologies from the definition of GM organisms was of interest to the FSA; we would want to ensure the future regulatory framework was fit for purpose

and would meet broader Government measures in protecting the food system and international trade.

- 5.4 The Chair said she would write to the Defra SoS, George Eustice, to emphasise the need for appropriate regulatory oversight and the importance of clear information to the consumer. She explained that the former Chair of the FSA, Heather Hancock, had also written to Ministers outlining similar points in advance of the consultation.
- 5.5 Margaret Gilmore highlighted the importance of supporting research and for clear messaging to explain the difference between gene edited and GM foods. The complexity of the issue would require the repetition of communications to explain whether the food was safe for consumers. The CE clarified that the FSA had not yet done a safety assessment of the technology and could not yet comment authoritatively on the safety for consumers. This would be a part of the risk assessment process and would need to happen before gene edited food would be allowed to enter the diet of UK consumers. The CE also noted that, even if the risk assessment found that gene edited foods were safe, consumers' broader interest in food could mean that there were other factors involved in how the FSA approached the issue.
- 5.6 The CE said that the risk assessment process was designed to consider other legitimate factors in relation to food in addition to food safety concerns. Rick Mumford added that the FSA was conducting work to examine consumer interest in this area and noted the complexity and diversity of views amongst consumers. It was hoped there would be a report on this research in the near future.
- 5.7 Rick Mumford said that because GM, as a technology had been around longer, people were more familiar with it, but there was a lack of knowledge, amongst consumers, around GE and this would need to be addressed.
- 5.8 Colm McKenna noted that a different set of regulations regarding GM and GE foods were in place in Northern Ireland as it was part of the EU single market.
- 5.9 Timothy Riley noted that GE technology had not been around for a long time and was likely to develop with research. He asked whether the precision of the technique gave sufficient confidence about the risks to allow for its use within animals intended for consumption. The CSA noted that risky products could be built with GE and it was important to look at the technology as a whole including the specific application for individual products.
- 5.10 Margaret asked what percentage of CBD products on shelves might not be licensed by the deadline. Rebecca Sudworth said there was a very large number of unregulated products currently available. It was impossible to know how many of those would pass forward to validation but it was encouraging that so many submissions had been received through the regulated products process; though not all of those would be suitable to go through to full validation.

- 5.11 David Brooks asked about the FSA's capacity to deal with the number of CBD applications expected and how enforcement would be coordinated. Rebecca said that there was a system in place to surge additional resources into parts of the risk analysis process to respond to increases in demand and the CBD authorisation process was included in this. She said that the FSA worked closely with Local Authorities (LAs) to provide additional information and guidance. When the FSA published its list of validated products that would form a key piece of information to inform LA decisions on enforcement. The CE said that the FSA was also working with retailers and online aggregators and stressed that it was the responsibility of food businesses to ensure compliance with regulations.
- 5.12 Mark Rolfe asked if there was confidence that there was capacity for scientific testing of the products to support enforcement authorities. Rebecca said that there was a number of laboratories for CBD testing and the FSA was supporting work through trials looking at how the process could be standardised. Rick said that the report from the trials was expected by the end of the month. The CE said that some of the additional resource for post EU Exit responsibilities from the Treasury would be going into recruiting additional scientific assessors.
- 5.13 Margaret asked about recent recalls relating to the salmonella outbreaks mentioned in the report and whether the risks were different for breaded chicken and raw chicken. Colin explained that the breaded chicken had been cooked but there was concern noted by social science colleagues that this affected how it would be treated by consumers as the need to still cook the product thoroughly at home was then less obvious.
- 5.14 David asked whether the FSA was comfortable that the salmonella issue was being effectively dealt with. The CE said that a huge amount had been done including a number of recalls and product withdrawals. She explained that the FSA had also conducted whole genome sequencing with Public Health England to trace the sources of two outbreaks affecting over 480 people, including one death. The source had been traced back to chicken from Poland that was frozen and used in the frozen products. The FSA had issued cooking advice to follow the instructions on the packet but stressed that the UK should not be receiving chicken with salmonella from Poland and had been in touch with the Polish authorities.
- 5.15 David asked if there was a specific trigger point that would necessitate a temporary prohibition on imports from the affected countries. The CE explained that until the end of December, the UK had been part of the Rapid Alert System for Food and Feed (RASFF) and would have received information through that. As soon as pre-notification information began to come through Defra's Import of Products, Animals, Food and Feed System (IPAFFS), more targeted sampling and the identification of particular consignments would be possible.
- 5.16 David asked about the FSA's plans to work with LAs to allow them to catch up on their audit backlog. The CE said that the Performance and Resources Q3 Report (FSA 21/03/09), on the agenda for the 10 March Business Committee

Meeting, would cover data of the Food Hygiene Rating Scheme (FHRS) but that there were ways of risk-assessing businesses and that many of those businesses in the LA backlogs were considered low-risk.

- 5.17 David asked whether the FSA was planning to respond to the Trade and Agriculture Commission report, reminding the Commission and relevant government departments that consumer interests and food standards sat within the FSA's remit. The CE said she had recently met with a Director from the Department of International Trade to talk about the next steps and had heard that the Government would issue a cross-departmental response to the report. She noted the FSA's commitment to provide an Annual Report on Food Standards, including the standards related to imported food and that Food Standards Scotland would also be involved in that report.
- 5.18 Mark asked how the necessary recruitment of additional officers was going to be funded. The CE said that there were some additional posts, particularly at Port Health Authorities, for which the FSA had received money from the Treasury and additional people were also being recruited.
- 5.19 The Chair thanked the CE for her helpful report and the Board for their comprehensive questioning on the important issues included in the report.

6. Annual Report from the Science Council Chair (FSA 21/03/04)

- 6.1 The Chair welcomed Professor Sandy Thomas, Chair of the Science Council and Professor Peter Gregory, Science Council Member, to the meeting. Professor Thomas gave an overview of the report covering data usage and digital technology; food hypersensitivity; and the evaluation of evidence commissioned from third parties. Professor Gregory gave a summary of how this evaluation had been conducted and the conclusions that were reached. Professor Thomas then outlined risks and opportunities and the future direction of the Science Council.
- 6.2 The CSA said that the work on third-party evidence gave an excellent example of how different types of evidence could be balanced whilst ensuring that they were equally robust.
- 6.3 Timothy Riley asked whether broader economic concerns and the impacts on production and the supply chain would feature in the work around carbon emission reduction. Peter Price asked if small businesses would be considered as a separate group in that work as the impacts could affect them in a different way than larger businesses. Professor Thomas agreed that small businesses were an important part of the food sector and particularly affected by the economic impact of work around carbon emission reduction. Investment in new infrastructure to meet new kinds of charges would be a challenge for smaller companies and this impact would need careful assessment. There was a meeting of the Science Council that week to discuss the topic.

- 6.4 The CSA noted the scale of the ambition to achieve net zero carbon and added that Defra was looking closely at land management and crop changes. He said his role was to enable the exchange of information with Chief Scientists at Defra and other government departments.
- 6.5 The Chair noted the importance of the work covered in the report and thanked Professor Thomas and Professor Gregory for the update.

7. FSA EU Transition Update (FSA 21/03/05)

- 7.1 The Chair invited Rebecca Sudworth, Anjali Juneja and Theo Hawkins to introduce the paper. Rebecca gave an update covering: cross-government working; border controls; the risk analysis process; support for businesses to understand the new environment; the Northern Ireland Protocol; and the INFOSAN network.
- 7.2 Mark Rolfe noted a comment in the report that no increased food safety risks on EU food imports had been recognised as a result of leaving the European Union and asked if there was an update on transit goods, which had passed through the EU but not been cleared by any authority there and were intended for the UK market. Rebecca said this highlighted the importance for the FSA of having pre-notifications on IPAFFS for food that was of higher risk.
- 7.3 Margaret Gilmore asked whether there was concern that staff were occupied with the logistics of facilitating new arrangements, such as the work around Export Health Certificates (EHCs), to the detriment of food safety work. The CE said that the safety of imported food was a central part of the FSA's work. There was some resource being allocated to supporting Defra with EHCs, but this was not overly demanding in terms of resource for FSA staff and was declining.
- 7.4 Margaret asked about grace periods for EHCs and whether there was a risk that these were simply delaying having to address problems and whether different procedures that might be more helpful were being developed. Rebecca said that grace periods were a well-accepted and useful tool, noting that they had to have been agreed by both parties. She highlighted that currently, the same standards were in place in the EU and the UK.
- 7.5 Colm McKenna noted the extension of the grace period stressing that eventually, it would have to come to an end. He asked if the FSA was ready to support officials in local government in Northern Ireland and DAERA for full implementation of the Northern Ireland Protocol. Rebecca said that the FSA had been working closely with colleagues across government, business, and industry. Some of the discussions being held were political and the FSA needed to work within the constraints of those decisions and be clear with stakeholders about that.
- 7.6 The Chair said that the Board: noted the development of a number of projects since the December 2020 Board paper; agreed that the steps being taken

were appropriate to manage the key planning challenges and risks; noted the ongoing activity for the EU Transition programme; and noted the wider regulatory change that would have an impact on the FSA's work and activity going forward.

8. Strategic Risk Management (FSA 21/03/06)

- 8.1 The Chair invited Chris Hitchen to introduce this item. Chris gave a summary highlighting key points of the paper including: key themes from the Board's annual risk workshop; the importance of risk management; the impact of COVID-19 on the FSA; EU Transition; seeking PACE powers for the National Food Crime Unit (NFCU); and the Food Hypersensitivity programme.
- 8.2 Colm McKenna asked about the risk appetite, noting that the Northern Ireland Protocol was not specifically mentioned as a risk area. Chris said that, whilst the paper was a summary, he was confident that the Executive were clear on the Board's risk appetite on the full range of items discussed at the Board's retreat. The CE said that risk appetite in relation to the FSA's budget would be discussed at the Business Committee meeting the following day.
- 8.3 Mark Rolfe said that there was a risk that when surveillance was led by intelligence, there was a risk of confirming only what was already known but not finding the things that were not known. Julie Pierce said that the approach was more intelligence led than it had been in the past but was not exclusively so; insight was being developed to establish what was going on, accepting that there were unknown unknowns to be discovered.
- 8.4 Mark asked whether the changes proposed by the Operational Transformation Programme (OTP) had been mapped out against the work of the Achieving Business Compliance (ABC) Programme to enable effective and consistent regulation by the FSA and its partners.
- 8.5 The CE said that a paper on the OTP for the Board had been delayed because government clearances were not obtained in time for this meeting. The FSA's commitment to the principles of the Programme remained steadfast. The CE stressed that the next step would be to set out a high-level set of principles about the way that the Programme would operate and cautioned that the detail that some stakeholders were waiting for was some months away. Colin Sullivan added that, in cross-government engagement around the Programme, there was a sense that what the FSA was proposing would be welcome.
- 8.6 On the relationship between the OTP Programme and ABC, the CE explained that these had previously been a part of the same Programme and that the two Programmes retained much in common; both Programmes used a segmentation approach to businesses and were data driven. The FSA's Portfolio Office ensured that dependencies and relationships were tracked, and there was consistency.

8.7 Margaret Gilmore asked what lessons had been learned from the COVID-19 pandemic and whether they would feed into risk analysis and risk management. Chris said that there was a focus on lessons learned which had already allowed some work within OTP to be accelerated. The CE noted that, as an example, our response to the pandemic had helped the FSA strengthen its capability by allowing for a more responsive approach to incidents and more work on long-term horizon scanning. The CE offered to share lessons learned with the Board and see if they also had any they wanted to offer.

Action 2 - CE to share lessons learned from the pandemic with, and invite input from, Board Members.

8.8 The Chair confirmed that the Board agreed the paper, noting comments made in the discussion.

9. Report from the Chair of Audit and Risk Assurance Committee (ARAC) (INFO 21/03/01)

9.1 Colm McKenna said that ARAC had met twice since the previous Board meeting. Firstly, in January, ARAC met to discuss the risk and assurance plans for the coming year and provide feedback for the Head of Audit Assurance. The plans were amended based on this feedback and discussed again at ARAC's meeting in February. Other items discussed in February included: information security; the draft governance statement; and the audit assurance progress reports. The Chair noted that she had stepped aside from ARAC while acting as Chair for the FSA.

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

10.1 Colm McKenna explained that the Northern Ireland Food Advisory Committee (NIFAC) had also met twice since the previous Board meeting. Firstly, in January when there had been a discussion around the impact of the COVID-19 pandemic on food poverty. NIFAC had met again in March when they had discussed the papers on the agenda for this Board meeting.

10.2 Colm then gave an update on recruitment to NIFAC saying that interviews had concluded, and recommendations made to the Health Minister Robin Swann. Three new members were due to start their appointments from 1 April with a further member to start on 1 August.

10.3 Colm then gave an overview of the forward work plan for NIFAC which would include discussions of how businesses in Northern Ireland were reacting to the Northern Ireland Protocol; food hypersensitivity; and Antimicrobial Resistance (AMR).

10.4 Peter Price gave an update on recruitment to the Welsh Food Advisory Committee (WFAC) explaining that four candidates had been notified by the

Health Minister of their appointment and an induction meeting was being planned for April.

10.5 Peter explained that WFAC had met the previous week to consider the Board papers and previously in February to discuss the Welsh food landscape and various issues had emerged from that discussion including delays at ports, border controls and sustainable LA funding. He explained that the work plan for WFAC would include a focus on issues relating to food poverty as well as AMR and food hypersensitivity.

11. Any Other Business

11.1 The Chair announced that the Board meeting dates for 2022 would be 9 March, 15 June, 14 September, and 7 December with venues to be confirmed.

11.2 The Chair noted that this was the final Board meeting within the tenure of Member David Brooks. She paid tribute to David's contribution to the Board since his appointment in 2016. The CE added the Executive's thanks for David's contributions. David thanked both of them for their words and said that being part of the FSA Board had provided him with a new perspective on the food industry and he encouraged anyone to consider public appointments.

11.3 No further business was raised, and the meeting was closed. The next meeting of the FSA Board was due to take place on 6 June 2021.