

# March 2021 Board Meeting - Questions



## Question 1

Please find below, questions for FSA board meeting.

### **Question submitted by Angeline Wolfe of MyCompliancePeople**

**Background:** There is now a 50% backlog in Local Authority food hygiene inspections and Environmental Health departments are continuing to have their limited resources directed to help manage the Covid pandemic challenge. Inevitably there will be an ongoing shortfall of inspections and a corresponding risk to the public health. There is a suggestion that FHRs scores may be “reset”, to take the pressure off Local Authorities. This could result in some food businesses **not** being inspected for up to 5 years, which could undermine the reputation of the FHRs scheme.

**Question1:** Has the FSA requested any financial assistance from the treasury to support Local Authorities taking on additional contract inspectors?

**Question2:** Is the FSA concerned about the erosion of consumer confidence in FHRs?

**Question3:** Does FSA believe this situation could impact timescales associated with the introduction of legislation to require compulsory display of FHRs stickers in England?

### Our response:

Throughout the pandemic, the FSA has been collaborating with MHCLG and other departments on work to support local authorities in managing the impact of COVID-19 on resources, recognising that addressing the pressure on local authorities requires a cross-Government approach.

The FSA has not requested financial assistance to support local authorities, however, we are aware that the government has provided, and continues to provide, significant additional funding to enable LAs to deal with the overall impact of COVID-19 on their resources.

In terms of the specific suggestion on use of contractors, anecdotal feedback we have received is that where local authorities have tried to secure additional resource through this route there have been issues around the availability of suitable contractors during this period.

We recognise that continued deferral of interventions over an extended period could undermine confidence in the FHRs - be that the statutory schemes in Wales and Northern Ireland or the voluntary scheme in England. This is one of the key factors we are taking into account in considering and setting our expectations of local authorities from 1 July onwards. In terms of introducing a statutory scheme in England, the case is with Ministers. Given the circumstances since it was submitted, they have not yet taken a view but we are hopeful that they will be supportive.

## **Question 2**

**Question submitted by Mike Wilson**

**Managing Director**

**Cascade Associates Ltd**

**Background:** There is clear evidence that the Local Authorities do not have the resource required to keep up with FHRs scheduled inspections. The failure to carry out scheduled FHRs inspections, may also undermine/delay the introduction of compulsory posting in England and damage the reputation of FHRs in the mind of the consumers. Precedents have been set in the food manufacturing (BRC) and agricultural (Red Tractor mark) sectors in which accredited Consultancies carry out certified inspections.

**Question:** Could the FSA Board indicate a time scale for a decision on allowing accredited Consultancies to carry out low risk FHRs inspections, to enable Local Authorities to focus increasingly on only high-risk sites?

### **Our response:**

The pandemic means that reform of the food hygiene delivery model, including the risk assessment scheme in the Food Law Code of Practice that drives planned intervention programmes and underpins the FHRs, has now become urgent.

This work will be progressed as part of our Achieving Business Compliance Programme. We intend to focus more on outcomes and will explore how best to reduce interventions in low risk establishments so that local authority resources can be better targeted at those presenting the greatest risk and are non-compliant. This is a substantial programme of reform, which we will start this year, with a view to consulting on changes in the course of 2022.

## **Question 3**

Question 1,

We have been given exemption under article 4 for our hemp tea, will there be an official document for this?

Question 2.

When will the CBD testing standard be ready to use?

Question 3.

The FSA will publish a list of successful CBD novel food applications however, we been made formally exempt by food regulated department. This would mean that we would not be on the approved list, so will there be list of exempt businesses or a formal document we can use to ease any concerns our retailers may have?

Kind regards

Adrian Sheppard

Operations Manager

Body and Mind Botanicals

Our response:

The novel food status of foods listed in the EU Novel Foods Catalogue before the end of the Transition Period are respected in UK law. With the end of the Transition Period, GB is responsible for decisions on novel food status. We are considering the best options for recording such decisions and making them public.

You indicated that your product is made without extracting CBD as an isolate, so as such is not a novel food. Local authorities are aware that hemp oil and related products are not novel (due to their suitable history of consumption). Our website states "Hemp and related products, such as cold-pressed oils, are not novel because there is evidence to show a history of consumption before May 1997. This is not the case for CBD extracts." This can be used to confirm with local authorities the status of your products. The text can be found at <https://www.food.gov.uk/business-guidance/cannabidiol-cbd>

**Question 4**

Dear FSA Board Members

Remote inspection technology is very well established and many thousands of inspections have been undertaken, included on certified food inspection schemes.

Ofsted are currently requiring that all their inspections must be conducted only remotely.

In Maria Jennings paper at the Business Committee meeting on 4 December 2020 it was stated:

30 March 2021

"remote assessment could be used to determine the need for an onsite visit to deal with public health risks".

The paper indicated an assessment to review the possibility of use by Local Authorities of using remote inspections to register official FHRs scores will be completed by mid February 2021.

**Question 1:** Assuming the assessment is now complete, in what timescales is a decision expected to be made to extend the use of Remote Assessments from, merely assessing the need for a physical inspection, to, (perhaps in some low-risk cases), allowing for full awarding of the official FHRs ratings?

**Question 2:** In the light of the global pandemic, might a more urgent temporary easing on this matter have perhaps helped avoid the huge backlog now faced by LA's, which has led to the need for a reset? Must LA's continue to wait for the final verdict, or (even at this late hour) might FSA grant some form of temporary easement, whilst the finer details of policy are still under consideration?

Looking forward hearing the Board's views.

Paul Hiscoe

Founder and Managing Director

[www.scoresonthedoors.org.uk](http://www.scoresonthedoors.org.uk)

### Our response:

Inspections for assessing compliance with food hygiene law are not directly comparable with the inspections that Ofsted undertake.

The evaluation of the use of remote assessment by local authorities during the pandemic has recently been completed and we are awaiting the final report. In the meantime, the findings will be presented at the FSA's International Food Regulatory Analysis (Virtual) Conference taking place this week.

The findings will help inform our advice to local authorities for the period from 1 July. They will also help us assess the need for any wider evaluation and/or trialling of their use, to help us build the evidence base for the use of remote assessments in the future.

Our current guidance and advice enables local authorities to take a targeted approach that ensures that available resources address the identified highest priority risks in the food system at this time which is consistent with the requirements of the Official Controls Regulation (EU) 2017/625. It also recognises the continued pressure across Government to minimise burdens on local authorities so that they can focus on controlling the spread of COVID-19.

The following two questions were submitted after the deadline for questions to be read out at the start of the March Board meeting; written responses were sent to the questioners.

### **Question 5**

I just noticed Robin May talking about genetically modified salmon. Has the FSA received any application to allow this sort of salmon to be sold in the UK?

The company, Aquabounty, is about to 'harvest' its first GM salmon in the USA. I just wondered if there has been any application to sell it here.

Thanks  
Sean Poulter  
Daily Mail

### **Our response:**

We haven't received any applications for food derived from GM animals, including GM salmon.

The UK prides itself on having high standards of food safety. There are strict controls on the authorisation of food derived from GM animals and containing GM ingredients which we at the FSA will continue to apply.

GM foods will only be permitted if they are judged to be safe to eat, not mislead consumers, and not have less nutritional value than what is already on the market.

### **Question 6**

We apologise for submitting this question late but we would like to raise some concerns about small abattoirs. In particular, we would like confirmation that the Operational Transformation work is going ahead and on track to be completed as soon as possible. We are particularly concerned because we know of a number of small abattoirs who are waiting for news on progress before making a decision about whether to stay in business. It is therefore imperative that we have some positive news for them as soon as possible or we may see more closures over the coming year.

We also would welcome the Food Standards Agency's support in explaining to Defra the important role that small abattoirs and local food systems play, particularly the fact that it is not simply a niche sector but an increasingly important one for resilience and food security.

We look forward to hearing from you on these issues.

Megan Perry  
Head of Communications

Sustainable Food Trust

## **Our response:**

The Operational Transformation Programme was initiated in December 2019 and is one of FSA's key strategic priorities. It is envisaged that full delivery of the programme will take up to five years given critical dependencies on new legislation and the roll-out of new technology. Unfortunately, progress in 2020 was hampered by FSA's need to re-direct resources to its Covid-19 pandemic response as well as critical EU Exit activities. However, the programme is now picking up pace again and we are working to present high-level proposals for a Future Delivery Model at the next open FSA Board meeting, with publication in advance as usual. Subject to agreement to proceed from the FSA Board, we would then be seeking written views and comments on these early proposals from stakeholders including consumers, industry bodies and other assurance organisations.

In addition to this specific transformation programme, and more generally, the FSA remains committed to working with small abattoirs to identify, pilot and implement process improvements that can reduce administrative burdens and associated financial cost within the framework of existing legislation. The FSA participates, alongside Defra, in the Small Abattoirs Working Group which includes representatives from the sector and from several government bodies. We are working together to focus on, and address, the challenges faced by small abattoirs.