

May 2021 Board Meeting - Questions



Question 1

Good afternoon

May I please submit the following question to the next FSA Board meeting with reference to the paper on future delivery of official controls.

“The FSA was set up to give independent advice on food safety and to monitor the delivery of official controls by other competent authorities. The Agency took on the delivery of official controls in fresh meat premises as a cost saving exercise by merging with the Meat Hygiene Service. In industry’s view that change of role, on which it was not consulted, was a mistake that has led to FSA focusing its limited resources on ante and post-mortem inspection, which according to EFSA adds little to food safety.

Shouldn’t the FSA, rather than embarking on yet another review of meat controls, concentrate on the roles given to it by Parliament and outsource inspection tasks at slaughterhouses to a delegated body or bodies. Such outsourcing is provided for by the Regulations, unlike the Agency’s current use of a delivery partner, and would be more efficient as it would remove costs resulting from the duplication of management that is inherent in the current system?”

Many thanks

Peter Hewson

Veterinary Director Association of Independent Meat Suppliers

Our response was:

The FSA delivers a range of controls in its designated role as food industry regulator including sampling, inspections, audits and enforcement action.

Like many service providers, the FSA is constantly looking at how to deploy its resources more efficiently and effectively in a rapidly changing production environment.

The Operational Transformation Programme will undertake a major review of the model for providing official controls by moving to a more risk-based approach based on data, science and evidence that acknowledges earned responsibility with industry. The Future Delivery Model will be based on an efficient and effective resourcing solution that allows the FSA to take a proportionate and flexible approach to regulatory activities based on the compliance and risk of each Food Business.

The FSA are undertaking a period of public consultation on the Future Delivery Model and will continue to engage business stakeholders throughout the Programme lifecycle and welcome all views to inform this important and phased programme of work.

Question 2

Good Afternoon

Can I please ask the Board the following question

BSi did over 110,000 remote audits last year. NSF did 35,000 in agriculture. If FSA is committed to embracing digital technology, will it now commit to an evaluation timetable, in order that awarding grades using remote can be part of the recovery programme?

Many Thanks

Justin Gleave-Baddeley

Environmental Health Technical Officer

Tendring District Council

Our response was:

FSA is committed to embracing the use of remote assessment within the official control delivery model and to make this a permanent feature of how official controls can be conducted where appropriate. We are currently exploring the circumstances and situations in which using remote assessment could be used across the assurance landscape, including in informing LA and FSA delivered official controls and other interventions and wider audit activities within the private sector. We will be building on the learning from the [recent evaluation of the use of remote assessment by LAs during the pandemic](#) and considering options for use of such approaches that are consistent with the legislative framework and the overarching priority to ensure consumer protection.

At this point in time it is not possible to commit to an evaluation timetable as we first have to establish where and when remote assessment would be appropriate, beyond where currently permitted, and then allow sufficient time for the approach to be tested before we could properly evaluate its use.

We are, however, committed to taking this work forward as quickly as possible.

Question 3

FSA Board

I write in respect of the FSAs most recent consultation on its Codes of Practice in England, Wales and Northern Ireland. I am interested in the difference in consultations in the countries and ask the Board the following:

1. Why 14 weeks was given to stakeholders in Wales to respond compared to 4 weeks in the other countries?

2. *I am told Welsh local authorities were paid to respond, were local authorities in the other countries also paid to respond?*
3. *Why Government guidance on consultations was not followed the same in each country?*
4. *Why were businesses who have been hard hit by the pandemic not supported to respond?*
5. *Are the people of Wales seen as being more important than other countries to be given more opportunities such as time and money to respond?*

This is a real concern and brings to question the fairness of FSAs consultations.

I eagerly await the answers.

Yours faithfully

Peter White

Our response was:

1. Why 14 weeks was given to stakeholders in Wales to respond compared to 4 weeks in the other countries?

Owing to the COVID-19 pandemic pressures on local authorities (LAs) in Wales, Directors of Public Protection in Wales wrote to the Food Standards Agency requesting the longest possible consultation period to enable them to provide a meaningful response. We considered their representations and the known resource pressures in Wales due to their involvement in the Welsh Government response to COVID-19 pandemic and Test, Trace, Protect, and agreed to issue the consultation in line with the Welsh Government consultation period guidance of 12 weeks which, owing to the Christmas period, commenced two weeks earlier. This plan will still enable the revised code to be published ahead of 30 June 2021, from which time LAs in Wales were considered to face compounding pressures in relation to import official controls.

It was necessary to proceed with a shorter period in England and Northern Ireland because of the challenges being faced in those countries regarding the lack of suitably qualified and competent people available to LAs to recruit and the impact of the end of the EU transition period. It is also important to note that prior to the 4-week consultation period in England and Northern Ireland there was a 4-week period of extensive engagement with local authorities.

2. I am told Welsh local authorities were paid to respond, were local authorities in the other countries also paid to respond?

Local authorities in Wales were not paid to respond nor were those in England or Northern Ireland. The Food Standards Agency in Wales was asked by Welsh Government to consider how it could assist the wider cross-government response to the pandemic. The FSA in Wales offered support to local authorities so that they could take on administrative resources and release competent food officers to focus on food controls and the COVID-19 pandemic response.

3. Why Government guidance on consultations was not followed the same in each country?

The government guidance on consultations is different across England, Wales and Northern Ireland and the relevant guidance was taken into consideration when determining the approach to, and length of, the consultation in each country.

4. Why were businesses who have been hard hit by the pandemic not supported to respond?

The role of the Food Law Code of Practice is to provide advice to local authorities who undertake official food controls and the proposed changes in this consultation are not directly relevant to businesses.

5. Are the people of Wales seen as being more important than other countries to be given more opportunities such as time and money to respond?

The FSA in Wales responded to the cross-government request to assist the response to the COVID-19 pandemic. The decision to follow the Welsh Government consultation period guidance was based on an assessment of the wider resource pressures faced by local authorities in Wales, and after seeking the views of the Welsh Government.

Question 4

I have a long-standing concern about the legally undisclosed use in foods and drinks of isolated phenylalanine (as in neotame - a derivative of aspartame, and in advantame - a mixture of aspartame and vanillin): Can you tell me please whether the FSA currently has any involvement in addressing the issue?

Unfortunately I will not be able to view the meeting on the 26th of May, but look forward to receiving a reply. Thank you.

Pamela Gardner
(Retired state registered dietitian, and health promotion specialist.)

Our response was:

The FSA leads on safety labelling requirements for food and drink as set out in the food information to consumers legislation – the retained EU Regulation (EU) No 1169/2011.

This includes how and when specific labelling on the presence of phenylalanine needs to be declared, which we know is particularly important for those suffering from Phenylketonuria (PKU) as they need to follow a low protein diet to manage their condition.

Whilst trace amounts of phenylalanine are present in neotame and advantame these are very low compared to its presence in aspartame. Consequently, based on risk assessments it is unlikely that this would provide a significant contribution to phenylalanine intake for consumers affected by PKU and specific labelling on its presence is not required.

Question 5

Dear Board Members

307 Local Authorities have now declared a Climate emergency.

The LA Recovery plan requires LA's to make physical on-site visits, the majority of which will likely require car journeys.

Are there any circumstances where FSA will allow them to undertake these visits remotely, or even, not at all?

Please explain the rationale behind any decision.

Regards
Marion O'Neill

Our response was:

Throughout the pandemic we have advised LAs that in certain circumstances they can use remote assessments to inform whether a visit needs to be undertaken to a business and/or what needs to be focused on during a visit. This advice will be retained during the period of the LA recovery plan but in many cases it will be necessary for physical visits to be undertaken to properly assess compliance with food law requirements and ensure that appropriate action is taken to protect consumers. We have extended this advice within the recovery plan to permit the use of remote assessment for Food Hygiene Rating Scheme revisits in England, where we have the flexibility to introduce this without contravening legal requirements.

We will be building on the [recent evaluation of the use of remote assessment by LAs during the pandemic](#) and the use of this approach more widely e.g. by FSA in establishments where we are responsible for enforcement and by 3rd party assurance schemes, to identify how remote assessment can be used on an ongoing basis in such a way that it does not compromise consumer safety or the legislative requirements for official controls.

It is envisaged that in due course that there will be some circumstances in which a physical visit by LAs will not be necessary and we are committed to taking this work forward as quickly as possible so that benefits to LAs, food businesses and the environment can be realised as soon as possible.

Received after the deadline

Question 6

Dear FSA Board,

Apologies for missing the deadline for submission but I hope you will consider the following questions.

I work on behalf of the Campaign for Local Abattoirs as well as the Abattoir Sector Group. One of the ongoing concerns we have is around simplifying regulation and paperwork. We would therefore like to know when derogations and exemptions for low capacity that are currently allowable by law but are not currently implemented, will be applied? This falls under work carried out by Paul Bache.

We also would welcome the FSA Board's view on whether they are in favour of having a network of small, local abattoirs across the UK and whether they would be in favour of regulating for the domestic and the export market separately?

Many thanks for any info you can provide and for all ongoing work to support this important sector.

Best wishes,

Megan Perry

Head of Communications

Sustainable Food Trust

Our response was:

Part of our Operational Transformation Programme is working on the assessment of practical changes that align with our strategic ambition and that can be implemented without legislation change and within the broader framework of international trade obligations. Derogations for low-capacity establishments, and the classification of low-capacity establishments, is one of the items currently under assessment. Industry bodies and other government departments are involved in these discussions which are yet to be concluded. In relation to small local abattoirs, whilst wanting to be fair and proportionate in how we regulate, the FSA does not have a view on how industry organises and innovates itself, so long as it is compliant. How the FSA regulates domestic production versus production for export will be assessed as part of the Operational Transformation Programme.

Question 7

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Can you advise, how we add a particular question to the board please. Mine would be: how do we benchmark food training, qualifications, competency, awareness and review for severe food allergies that cause anaphylaxis for Chefs and restaurant, food sellers/retailers?

Our response was:

A. Food labelling rules are in place to ensure consumers have easy access to information they need to make an informed choice, and all food business operators should declare the presence of any of the 14 major allergens in food. Any food ingredient could potentially cause severe anaphylaxis if someone has an allergy to it, but the 14 major allergens defined in legislation are currently the most common. It is important that all food businesses are aware of the legal obligations and good practice on the provision of allergen information and the management of allergens.

Food business operators are responsible for ensuring that consumers are provided with accurate and up to date information and for meeting the requirements set out in legislation. Food officers in local authorities will work with businesses to assist in this.

There is also a requirement for food business operators that supply food to other food business operators (i.e. business to business) to provide sufficient information to enable the other food business operator, where appropriate, to pass on allergen information to consumers.

To support food business operators and local authority officers and provide for a consistent approach, the FSA has published the following guidance and training resources on allergen management, including information on mandatory obligations:

- Guidance on [allergen information and best practice for handling allergens](#)
- Detailed [technical guidance](#) on allergen information and labelling for food business operators.
- Detailed guidance on how to manage allergens in the kitchen can be found in our [‘Safer food, better business’ information packs for caterers](#)
- General guidance on [food allergy and intolerance](#)
- A number of relevant e-learning courses: [Online Food Safety Training](#), and the FSA has recently updated the food allergy and intolerance online training [Food Allergy and Intolerance Online Training](#)