FSA 10/05/03 **11 MAY 2010**

CHIEF EXECUTIVE'S REPORT: MAY 2010

Campylobacter International Conference

1. On 30/31 March we hosted a very successful international meeting focussed on the reduction of campylobacter in chicken. The purpose of the meeting was to discuss strategies and interventions that have been effective in achieving this in other countries and to have a better understanding of the feasibility of interventions and any barriers to their implementation in the UK context.

2. There were approximately 25 international regulators and experts (including representatives from the European Commission and EFSA) from 13 different countries, 35 representatives from the UK poultry industry and retailers as well as scientific experts at the meeting.

3. A range of interventions at farm, slaughterhouse and retail were identified as feasible within the UK industry. These included specific bio security measures on farms, optimisation of effectiveness of evisceration and potential use of treatments to decrease carcass loading within the slaughterhouse, and retail interventions such as leak-proof and modified atmosphere packaging. Also highlighted by a number of international delegates was the important role that fiscal incentives and performance targets (both mandatory and voluntary) could have in improving the situation.

4. Following the meeting, consideration of the most promising interventions is being developed via the Joint Government/Industry Working Group on Campylobacter. The Group met on the 20 April to discuss the outcomes of the meeting and to begin development of an action plan to trial and/or implement these interventions.

5. Whilst optimistic that this plan will, over time, address the key themes, I will shortly be writing again to the CEOs of the UK's biggest retail chains to bring them up to date and repeat my challenge to them to provide incentives and penalties within their sourcing strategies linked to campylobacter levels.

Exercise Baneberry

6. At the July 2009 meeting, the Board considered the review of the dioxins in meat incident. The review recommended carrying out an incident exercise to rehearse the revised Incident Response Protocol. 'Exercise Baneberry', an internal all-FSA exercise, was held on 12 March 2010, to test our ability to respond to a high-level food incident in line with the revised Incident Response Protocol. This is one of a

series of exercises aimed at developing and strengthening our incident response capability.

7. To ensure full participation, the exercise scenario was written to include both UK-wide impact - all the devolved offices participated - and an EU perspective. A number of external players took part including trade associations, LACORS, other Government Departments and simulated media to ensure realism.

8. Overall the exercise was successful in meeting its aims. A report on the outcomes of the externally-assessed exercise has been prepared, and the recommendations contained in this will be considered by the FSA's Emergencies Group for further enhancements to the Incident Response Protocol and internal procedures. These will be implemented by the Incidents Unit. Further exercises will be held over the coming year which, in addition to events to rehearse our internal procedures, will include a large exercise involving active participation from a greater number of external partners.

Bisphenol A (BPA)

9. Over the last month or so, several articles have been published in the UK press on the continuing use of BPA in baby feeding bottles and concerns about links with hormone-disrupting effects in infants. Precautionary regulatory action has been taken by Denmark and France. Based on existing risk assessment from European Food Safety Authority (EFSA), the FSA considers the current level of consumer exposure to BPA from food contact materials does not represent a food safety risk for consumers. EFSA is currently assessing recent studies on BPA, including those on neuro-developmental effects, and is expected to publish its opinion in late May.

10. On 24 March 2010, the French Senate voted to ban the use of BPA in baby bottles. This decision needs to be ratified by the National Assembly before implementation. On 26 March the Danish Government announced a ban on BPA in food contact materials for use in products aimed at infants and children up to 3 years old as a "safeguard measure". EFSA have been asked to assess the justification of the Danish ban and a decision as to whether or not the proposed ban can remain in force needs to be made. If it is decided that it is not appropriate, then Denmark has to revoke its ban. If it is agreed, then the Commission could propose EU wide legislation.

11. The FSA considers it important to have an agreed position across the EU and continues to work closely with EFSA and the European Commission to ensure the safety of food contact products containing BPA. We see no basis on the evidence we have to date to press for tighter controls on the use of BPA or for a ban on its use.

12. We will study the EFSA opinion in May in detail and revise our position in line with it if it is considered necessary in the interests of consumer safety.

Recent Enforcement Actions

13. As part of my regular update on formal enforcement action, I can report that, since my update to the March Board meeting, convictions have been secured in three prosecutions taken against the food business operators of approved premises following enquiries undertaken by the FSA's Investigations Branch:

- At Haverfordwest Magistrates' Court on 15 March 2010, Mr Laurence Richard Harris, the operator of an approved dairy production holding in Pembrokeshire, pleaded guilty to one offence under the Food Hygiene (Wales) Regulations 2006. Mr Harris had been summonsed on three charges in relation to allegations that raw milk from animals that showed a positive reaction to tests for tuberculosis had been used for human consumption. At the initial hearing, Mr Harris offered to plead guilty to one charge of placing milk from his herd, which he knew contained a large number of TB reactor cattle, into the bulk milk tank for collection by his milk buyer. The plea was acceptable to the FSA. Mr Harris was fined £500 and ordered to pay prosecution costs of £3,500;

- Wishaw Abattoir Limited, the operator of a red meat slaughterhouse in Scotland, pleaded guilty to one charge under TSE legislation of failing to remove all Specified Risk Material (SRM) from a bovine carcase prior to post-mortem inspection. It was the company's second conviction for similar offences in the past two years and they were fined £3,000 at Hamilton Sheriff Court on 17 March;

- At Newcastle-under-Lyme Magistrates' Court on 19 March, Dennis Johnson, the operator of an approved dairy production holding in Staffordshire, was given a 12 month conditional discharge and ordered to pay prosecution costs of £3,260 after pleading guilty to an offence under the Food Hygiene (England) Regulations 2006 of hampering a dairy hygiene inspector in the execution of her duties.

Illegal slaughter and smokie production

14. I would also like to highlight a recent prosecution that demonstrates the support that we are able to provide local authorities in countering illegal activity and the benefits that can be gained from cross-agency working. The case concerns an investigation into illegal slaughter and smokie production in West Wales. Acting on intelligence, officers from the Welsh Food Fraud Co-ordination Unit, which is part-funded by the FSA, and Ceredigion County Council executed a warrant on farm premises in

Llandysul during December 2008. The farm is owned by a relative of Julian Jones, an individual who has previous convictions for animal cruelty, illegal slaughtering and the sale of unfit meat.

15. The officers concerned discovered a well established illegal slaughtering and smokie production operation. As well as slaughtering and cutting equipment, 109 smokie carcases were seized as evidence by the officers and placed in a freezer unit at Ceredigion County Council Depot. Over the following three weeks, the freezer unit was twice broken into with 40 carcases being removed on the first occasion. Fortunately, following the second break-in, the Police apprehended a vehicle containing Julian Jones and two associates in which they discovered a number of smokie carcases. All three were subsequently charged by the Police. In the following months, there were two further instances of smokies being discovered in vehicles linked to Jones and his associates.

16. As a result of this series of events, three sets of proceedings were initiated against Mr Jones and his associates. In September 2009, Mr Jones pleaded guilty to three offences brought by Ceredigion County Council in relation to the illegal slaughtering operation at Llandysul. The plea covered breaches of both food hygiene and animal by-products legislation. He subsequently pleaded guilty to theft charges brought by Dyfed Powys Police following the break-in at the Council Depot, as did his accomplices Gary Midgley and Christopher Tamlin. Finally, on 18 December 2009, Mr Jones pleaded guilty to offences relating to the discovery by South Wales Police of over 2.5 tonnes of smokies and offal in a van in Newport during February 2009. The prosecution was brought by Newport City Council.

17. Sentencing on all matters was combined and took place at Swansea Crown Court on 29 March 2010. Julian Jones was sentenced to a total of 15 months imprisonment (a term of 3 months for the food safety offences at Llandysul; 8 months imprisonment for the theft of the carcases and a further 4 months imprisonment for the possession of smokies seized in Newport). These sentences are to run consecutively. Mr Midgley and Mr Tamlin were each sentenced to a term of 4 months imprisonment for their role in the theft of the carcasses.

Prosecutions undertaken 2007/8 to 2009/10

18. At the last meeting, the Board requested information on the number and outcome of prosecutions undertaken by the FSA. The following table provides this information for the period 2007/08 to 2009/10. Prosecutions involving animal welfare, animal by-products etc ultimately undertaken by Defra or, in Scotland, the Procurator Fiscal Service following FSA investigation are shown for completeness in the “all” legislation line.

Prosecutions following investigations undertaken by the FSA 2007/08 to 2009/10

Year	Legislation	Prosecutions Taken	Convictions	Acquittals	Proceedings Stayed	Case Withdrawn	Fines £	Costs £
2007/08	All	41	36	2	2	1	169,620	123,872
	Food Hygiene / Safety only	20	17	1	2	0	102,950	62,977
2008/09	All	19	15	1	0	3	38,615	32,618
	Food Hygiene / Safety only	14	11	0	0	3	27,015	18,755
2009/10	All	25	21	0	0	4	56,240	34,012
	Food Hygiene / Safety only	22	18	0	0	4	51,710	29,085

Alleged animal welfare breaches

19. Covert filming by the animal rights group, Animal Aid of alleged animal welfare breaches have generated significant investigations. The filming has also led us to address alleged fraudulent behaviour at two plants: one where the food business operator claimed to be someone else to avoid his legal obligations; and a second one where a business claimed to be slaughtering on one day a week but was actually operating all week without veterinary supervision. It remains my belief that there is nothing to be feared and everything to be gained from installation of CCTV equipment at key points in abattoirs. This will be topic of discussion with all interested parties including the RSPCA and Animal Aid.

Proposed Arrangement for Approval of Meat Establishments: Update

20. Following the publication on our website on 13 January of the Review of Proposed Arrangements for the Approval of Meat Establishments (report by Jan Polley), I agreed to keep you updated on progress.

21. We have reviewed the proposed arrangement for approvals to operate UK meat establishments, taking account of recommendations made by Jan Polley and the formal merger of the MHS with the FSA to create the Operations Group from April this year. The attached table outlines the division of responsibilities and governance arrangements for meat establishment approvals (including the review of existing approvals) throughout the UK. It compares the arrangements in operation from April this year with those that operated prior to October 2009 and in the interim period between October 2009 and March this year.

22. The key principles of the new arrangements are;

- effective, UK-wide governance arrangements for approvals , with robust mechanisms in place to ensure consistency of decision-making across the UK;
- responsibility for policy on approvals retained by the Food Safety: Hygiene and Microbiology Division (HMD) Policy Unit, within the Food Policy Group (formerly Food Safety Group). The granting of approvals is an operational delivery matter and is the responsibility of the Operations Group;
- policy oversight at the appropriate level depending on the sensitivity or impact of the issue, with the FSA Board having clear sight of the operation of the approvals system, and strategic involvement of the Chief Executive or FSA Board if and when required ;
- clear accountability for approval decisions at the appropriate senior civil servant level within the Operations Group;

- complete separation of functions between the officials involved in assessments, recommendations and decisions on approvals and the officials responsible for routine official controls at the establishments concerned.

23. For financial year 2010/11, approval arrangements in Northern Ireland are bound by a Service Level Agreement (SLA) between us and their Department of Agriculture and Rural Development (DARD), under which DARD officials make approval recommendations and the FSA Director in Northern Ireland makes approvals decisions. The move to a UK-wide approach will therefore require a transitional period in NI to allow for consultation with DARD on the necessary changes to the SLA.

24. In order to achieve consistency of decision-making, a single Operations Group authorised official at SCS level is now responsible for all approval decisions throughout UK. That official will confer with the relevant FSA Director in relation to approval decisions in Wales, Scotland and NI, and the Veterinary Director in the case of England.

25. The new arrangement addresses a concern that there could be a potential for conflict of interest if the same official were involved in both day-to-day enforcement and decisions on approvals in relation to the same plant.

26. There is no potential for such a conflict under the new arrangements, because, as previously in both GB and NI, the officials responsible for controls at the plant are separate from those involved in approvals assessments, recommendations and decisions. To reinforce this separation in GB, it is imperative that the Veterinary Manager carrying out an approval assessment has no technical or professional oversight or management responsibility for the Lead Veterinarian (LV) in the area where the plant is situated. In NI, it is proposed that in future years the function of making the assessment and recommendation for approval should be carried out by an FSA Veterinary Manager (based either in York or Belfast) who will be separate from the DARD Veterinary Public Health Unit (VPHU) team that carries out day-to-day official controls in approved meat plants.

27. On a related matter, we consulted in November last year on proposals for a revised procedure for the review and, if necessary, suspension or withdrawal of approval of meat establishments. The key change proposed in the consultation was that the revised procedure would require one assessment visit to the plant instead of two. A single assessment visit, along with consideration of previous non-compliance with the hygiene legislation, would continue to provide an effective review process, but in a more timely and efficient way.

28. Some respondents to the consultation commented that it was not clear which officials would be responsible for reviewing an approval and the level at which a decision to withdraw or suspend an approval would be taken. We have withheld a response to the consultation until these matters could be clarified (in the attached table). One concern raised was that the independence of the reviewing official from the officials responsible for the controls in the plant concerned should be guaranteed. We can now give that assurance. Otherwise a majority of the respondents was supportive of the proposal. Following consideration of the consultation responses, we have concluded that all future approval reviews will be conducted according to the revised procedure. The response to the consultation has been published on our web site.

29. I will give the Board a further update in the autumn.

Ex-MHS Efficiencies

30. I thought it would be helpful to highlight to the Board, efficiencies delivered by the MHS before it was subsumed into the FSA. Over the past three years, the MHS Transformation Programme has delivered a wide range of efficiencies, including:

- Gross cost reduced by 26%
- MHS costs per livestock unit reduced by 22%
- Headcount reduced by 29%
- The cost of overtime reduced by 33% and contractual overtime hours reduced by 48%
- Non-chargeable hours (cover for sickness, leave, etc) reduced by 36%

31. Policy changes have contributed to efficiencies too. Changes to the level of checks on SRM and animals Over-Thirty Months old for human consumption have resulted in hourly reductions of 68% and 65% respectively.

32. These efficiencies are well in excess of the industry contraction that occurred over the same period – the average number of operational slaughterhouses in 2009/10 reduced by 7% compared to 2006/07, and livestock units fell by 4%. Transformation initiatives encapsulated in the Business Agreements delivered an average weekly reduction in chargeable hours per slaughterhouse of 4.5 hours. Inspection hours chargeable to industry fell by 12%.

33. The meat industry has clearly benefited from MHS Transformation, particularly in 'back office' areas through the reduction in managerial and administrative staff, the reduction in non-chargeable hours and reductions in overtime costs and contractual overtime hours.

EU Update

European Commission

34. There have been a number of changes to the personnel with whom we work most closely at the European Commission.

35. Robert Madelin, the well-regarded Director General at DG SANCO has left following a sudden, though not unexpected, reshuffle on 1 April. Robert has moved to DG INFO and has been succeeded by his deputy, Paula Testori Coggi, similarly well regarded by those of us who know her well.

36. At the same time the European Commission announced that Michael Scannell had been appointed as Head the Food and Veterinary Office (FVO) in Ireland. Michael replaces Michael Gaynor. Mr Scannell is also well known to FSA staff, most recently as head of the Commission's delegation to Codex meetings. I will be meeting Michael in Dublin on 4 June.

EFSA

37. EFSA's Executive Director, Catherine Geslain-Lanéelle, and her senior Directors visited Aviation House on 17 February. The meeting followed closely after EU Food Law published an interview I gave in which I discussed our interaction with EFSA. At the meeting we discussed the areas where we and EFSA had worked together effectively. We also discussed how we might work together to avoid duplication of effort and resource. EFSA colleagues were particularly interested in our open and transparent ways of working. We can take encouragement from the fact that we continue to inspire other organisations, such as EFSA, to improve in these areas.

AFSSA

38. In March, I met with France's national risk assessment body AFSSA (Agence Française de Sécurité Sanitaire des Aliments) when they were in London. The delegation was headed by their Director General, Marc Mortureux.

39. We had very productive discussions on the future challenges both our organisations face in the future. Like the FSA, AFFSA is also in the process of a merger. They are merging with their equivalents of the HSE and FERA (plant health).

40. We discussed risk assessments and, following on from my meeting with EFSA, how we can together make better use of Member State expertise and avoid duplication of effort.

Visit to the Netherlands

41. On the 14 April I met my counterpart in the Food and Consumer Product Safety Authority in the Netherlands (VWA). Like AFSSA, VWA is in the process of a major merging exercise. VWA is merging with the Dutch General Inspection Service (AID) and its Plant Protection Service (PD). It will be interesting to observe the progress this new organisation makes in the next couple of years and to learn from their experiences.

42. Whilst in the Netherlands I visited a Border Inspection Post which gave me an ideal opportunity to observe the VWA enforcement structure at first hand. Unlike the FSA, the VWA has responsibility for all delivery of official controls. It appeared a very organised and efficient system.

HPA Mini Summit

43. We held a mini-summit with the Health Protection Agency on 22 March 2010. We work together in many areas, particularly chemical or radiological food contamination and foodborne illness. The aim of the meeting was to further strengthen our working relationship.

44. We updated each other on our Strategic Plans and discussed the many and varied interactions between us. The meeting then examined two recent case studies where we have worked together: a *Salmonella Enteritidis* PT14b outbreak and norovirus in oysters. We agreed to hold a workshop to explore some of the issues further and develop working protocols.

Visit to the South West Region

45. On 12 April I spent a day with our South West Regional Team. They arranged a series of meetings for me with local stakeholders. My first meeting was with small rural businesses and their representative bodies in Somerset where I heard about their concerns in relation to food regulation. Although a positive meeting concerns remain with the amount of paperwork they need to complete for regulators including the FSA.

46. Later in the day I met members of the South West Regulators Forum (SweRF). They presented a report, Better Regulation in Food, which identified where burdens on small business could be reduced by adopting a more coordinated approach, and

which they are taking forward. I also heard positive reports on how early adopters of Scores on the Doors are getting on and how two local authorities are using innovative, alternative enforcement approaches to improve compliance levels.

47. The day ended with a meeting with representatives from the SW Regional Public Health Team and we discussed how they are working in partnership with the our Regional Team to deliver the food and health agenda.

Nutrition Study: Effects of fish oil Supplementation

48. On 21 April *American Journal of Clinical Nutrition* (AJCN) published the findings from an FSA funded research project, carried out by Alan Dangour at the London School of Hygiene & Tropical Medicine (LSHTM), into the effects of fish oil supplementation. There was media interest in the study, but due to the restricted period we refrained from comment.

49. The aim of this double-blind randomised placebo-controlled trial was to investigate if daily supplementation (for 2 years) with n-3 long-chain polyunsaturated fatty acids (found in oily fish), would slow the rate of cognitive decline for those aged 70 to 79. This was the largest research trial ever undertaken to test this hypothesis among healthy older people in the UK.

50. The study found no effect of fish oil supplements on cognitive health. This finding will help consumers to make informed choices about the benefits of fish oils in relation to cognitive health.

51. Further study findings, for example on visual function, are currently being considered for publication.

New York City Publishes Salt Targets

52. Following a public consultation in January 2010, the New York Department of Health and Mental Hygiene, who I met on my visit to the US last year, has published voluntary salt targets for 62 categories of pre-packed food and 25 categories of restaurant food to be achieved by 2012 and 2014 respectively. This is part of the National Salt Reduction Initiative – a US wide partnership that includes 17 national health organisations and 26 cities. As with our own salt targets, these will help to guide the US food industry on the levels of reduction that are needed to reduce consumers' intake of salt.

53. It is not possible to compare our salt targets with those set by New York City (NYC). Although many of the names of categories are similar, the range and type of products that make up the categories are very different. The overall aim of the salt

targets is for a gradual, stepwise reduction in the levels of salt in food of approximately 25% over five years which should result in a 20% reduction in salt intakes.

54. In addition to the salt targets, NYC published industry commitments (from those companies who have committed to at least one of the salt targets) and includes a wide range of companies such as the major US retailers, restaurants and a range of businesses of all sizes.

55. The US Institute of Medicine (IOM) recently published its recommendations for salt reduction, which included having a voluntary approach and a continued public private partnership. http://www.iom.edu/Reports/2010/Strategies-to-Reduce-Sodium-Intake-in-the-United-States.aspx

56. Following publication, the media suggested that the US Food and Drug Administration (FDA) would regulate salt levels by setting mandatory maximum limits for specific food categories. However, this was inaccurate reporting. The FDA is currently considering the findings of the IOM report.

Tim J Smith
Chief Executive
07 May 2010

NEW APPROVALS[1] & APPROVAL REVIEWS FOR MEAT PLANTS UNDER VETERINARY CONTROL: PROCESS & GOVERNANCE

	Pre-Oct 2009	GB Transitional Oct 2009 – March 2010[2]	**From 1 April 2010**
Responsibility for approvals policy	Hygiene & Microbiology Division (HMD) in consultation with devolved offices.	HMD in consultation with devolved offices.	HMD in consultation with devolved offices.
Responsibility for approvals delivery	HMD	Meat Hygiene Service (MHS)	Operations Group (Ops Group)
Separation of (i) routine official controls and (ii) approval assessment	YES – (i) Official Veterinarian (OV) (ii) as below	YES – (i) OV (ii) as below	YES – (i) OV (ii) as below
Approval assessment & recommendation	England: HMD Veterinary Meat Hygiene Adviser (VMHA) Wales: Welsh Assembly Government: VMHA Scotland: Scottish Government: VMHA Northern Ireland: Department of Agriculture and Rural Development Veterinary Public Health Unit (DARD VPHU)	England: MHS Veterinary Manager (VM) Wales: MHS VM Scotland: FSA Scotland VMHA	UK: Ops Group VM team[3]
Positive approval decisions	Recommendations for approval by VMHA/VPHU not subject to any further decision. Approvals processed by respective admin team in HMD or FSA Wales/Scotland/Northern Ireland.	Recommendations for approval by VM/VMHA not subject to any further decision. Approvals processed by MHS admin team with a sample checked for accuracy by MHS Veterinary & Technical Director.	UK: Operations Group authorised official (Senior Civil Service)[4]
Failing plant review assessment & recommendation	Great Britain: VMHA, Lead Veterinarian (LV) and VM Northern IrelandI: DARD VPHU	LV and VM	UK: Ops Group VM team[5]
Negative approval decisions[6]	England: HMD Veterinary Director. Wales/Scotland/Northern Ireland: FSA Director	Decision taken at case conference between MHS Veterinary & Technical Director. and appropriate director (England: HMD Veterinary Director). If	UK: Decision by Ops Group authorised official who will confer with HMD Veterinary Director (for England), FSA in Scotland Director, FSA in Wales Director or FSA in

[1] This table does not apply to the special arrangements for the re-approval of previously-licensed establishments and the approval as cutting plants of catering butchers under LA control that will be completed by mid-2010.
[2] Position in NI remained as in "pre-Oct 2009" column
[3] In NI, approval assessment and recommendation will continue to be carried out by DARD veterinary staff on a transitional basis during the 2010/11 financial year
[4] In NI, the FSA NI Director will continue to take positive approval decisions on a transitional basis during the 2010/11 financial year
[5] In NI failing plant assessment and recommendation will continue to be carried out by DARD veterinary staff on a transitional basis during the 2010/11 financial year
[6] Refusals to approve or suspension or withdrawal of current approvals

		disagreement, Agency Chief Executive decides.	Northern Ireland Director as appropriate.
Early notice of negative approval decisions to Agriculture Dept.	E: yes S: not routinely W: yes NI: no (DARD already aware)	E: yes S: not routinely W: yes	Yes: - HMD Veterinary Director (E) and S/W/NI Directors to provide
FBO right of appeal	As in national Official Feed and Food Controls legislation: Must appeal within 1 month of approval decision; Can operate until appeal is heard; Appeals heard by Magistrates Court in England, Wales & Northern Ireland & by Sheriff in Scotland	No change	No change on 1/4/10, but internal review is underway on entitlement to continue operating until appeal heard. It is not proposed to introduce a right of appeal to the FSA, given that a statutory right of appeal already exists and food business operators can make a complaint under the MHS/Ops Group Complaints Procedure.
Policy oversight by:	HMD via: re-approvals Project Board: FSA/MHS Service Level Agreement; and report to FSA Board	HMD via HMD/MHS Liaison meetings	HMD via Ops Group - arrangements to be agreed in line with governance arrangements agreed through Ops Group project+ FSA Audit Reporting to FSA Board via the regular routine reports to Board by Director Ops Group