

BUILDING ON THE STEP CHANGE IMPROVEMENT IN THE ENFORCEMENT OF IMPORTED FOOD CONTROLS IN THE UK - SUMMARY OF LOCAL AUTHORITY WORK CARRIED OUT 2004-5

AIM OF THIS REPORT

1.1 This report presents progress on the Step Change programme and Local Authorities' work during 2004-5, to improve the effectiveness of imported food controls.

1.2 Most of the data contained within this report has been drawn from the questionnaire sent out to Local Authorities (LAs) during March 2005. Comparison figures in this report are based on those LAs who responded to the questionnaires in both 2003-4 and 2004-5. They may therefore appear to differ from previous published results. The Annex to the report gives background at Annex A, the criteria used to measure the improvements made at Annex B and at Annex C is a summary of the comments and ideas made by LAs on the 2004/5 questionnaire.

CAPACITY BUILDING

Training

2.1 Approximately 900 officers have attended a national training programme for local authority enforcement between April 2004 and the end of March 2005. This included:

- courses for inland UK LAs on effective enforcement controls of illegal imports of food, supported by an in-depth resource pack
- update seminars for Border Inspection Post staff
- specific training for Official Fish Inspectors and
- pilot course on sampling for port health officers

2.2 LAs have been cascading this training to their colleagues. Our baseline survey show an additional 600 officers have received cascaded in house training in 2004-5.

2.3 The resource pack used to support the training on imported food was updated in May 2005 and is available on the Agency website:

www.food.gov.uk/enforcement/imports/enforce_authorities/resourcepack.

There will be further updates in early 2006 to include the changes arising from the implementation of the Official Feed and Food Control Regulations.

Authorisations

2.4 Baseline data for 2002-03 indicated that not all local authorities had authorised enforcement officers under relevant imported food legislation to enable them to take effective action on non-compliant foods. All inland local authorities have at least one officer authorised under the Food Safety Act 1990. There are still a significant number of LAs who do not have officers authorised under the specific regulations related to imported food, although numbers authorised have steadily increased over the last year (see table below). The information does not include County Councils. The Agency is working with LACORS to develop revised guidance on authorisations for officers to improve these numbers still further.

Percentage of LAs with at least one person authorised under:	2003-04	2004-05
Food Safety Act	100%	100%
Imported Food Regulations (Food Not of Animal Origin)	75%	85%
Products Of Animal Origin	62%	76%

Documented Procedures

2.5 The numbers of local authorities with documented enforcement procedures covering imported food controls continues to grow (see table below).

	2003-04	2004-05	% increase
Products of Animal Origin (POAO)	104	184	77%
Food Not of Animal Origin (FNAO)	98	171	74%

Imported Food Division Enquiry point

2.6 There has been an increase in the number of people given help and advice on imported food from the England and Wales Imported Food Enquiry Point as awareness of the Helpline has grown. All service response targets have been met – urgent enquiries are generally dealt with within 24 hours. Scotland and Northern Ireland deal with enquiries within their own countries. Contact details are in the table below.

Country	Telephone number	Email Address
England/Wales	0207 276 8018	imported.food@foodstandards.gsi.gov.uk
Scotland	01224 285 194	neil.leitch@foodstandards.gsi.gov.uk
Northern Ireland	028 9041 7710	jim.ross@foodstandards.gsi.gov.uk

Imported Food Website

- 2.7 The imported food section of the Agency website - www.food.gov.uk/imports - has been revised and extended to provide a more trade-focussed area. A new publicity leaflet is currently being finalised to help raise importers' awareness of necessary controls on imported food. The leaflet which has been developed with local authorities and trade input will be available in early 2006 for local authorities to use in the course of their routine activities to raise awareness in relevant food business.

CONTROLS

Enforcement Activity

- 3.1 Enforcement activity specifically related to imported food by inland LAs has continued to increase in 2004/05.

Enforcement activity by UK inland LAs (total numbers of Notices served, FNAO seizures, prosecutions and voluntary surrenders)	
2003/4	2004/5
235	301
28% increase	

Sampling and Surveillance

- 3.2 The increased sampling of imported food has been maintained following the significant rise in 2003/4 particularly seen at ports. There appears to be a slight fall in the numbers of Products of Animal Origin sampled but an increase in the sampling of Food not of Animal Origin.

IMPORTED FOOD SAMPLES OVER LAST TWO YEARS

Number of samples taken by those LAs who replied to surveys in both years					
2003/4			2004/5		
	Inland	Ports		Inland	Ports
POAO:	1,173	14,495	POAO:	1,444	11,982 ¹
FNAO:	1,862	9,490	FNAO:	3,334	10,657

3.3 The Agency has encouraged inland authorities to give greater emphasis to the sampling and surveillance of imported food as part of their routine programmes. During 2004/05 PHAs and local authorities were again invited to apply for additional funding for imported food sampling and surveillance. In 2004-05 £850,000 was provided to 146 authorities for food sampling and surveillance for imported food generally. The information collected will help to provide better data and assist in future targeting of enforcement and sampling programmes.

3.4 The FSA funded work was carried out between November 2004 and March 2005. In total 4806 samples were taken of which 19% failed examination or analysis. Of the 912 adverse results, 884 failed chemical analysis with the remaining 28 being microbiological failures.

3.5 The majority of failures related to labelling information - 71% of all failures. In some cases, this was considered a minor technical breach, but in others the information included on the labelling was deemed misleading to the customer. In some case serious chemical or microbiological contamination was identified. In total the exercise resulted in 52 products being removed from sale and destroyed. Formal enforcement action was taken in some cases but LAs have also used the opportunity to inform and advise businesses. A LACORS Co-ordinator has been looking at effectiveness of follow-up action pursued and a draft report has been circulated to participating LAs for comment.

CHECKS

Audit Programme

4.1 Action plans have been agreed with all of the 25 UK ports audited in 2003-04. In all cases these have been followed up to ensure improvements have been carried out. A further 6 audits were conducted during 2004/05 at small UK ports, and an examination of imported food controls now forms part of the standard FSA audit of all LAs.

¹ Reduction reflects the end of sampling for nitrofurans in chicken meat at ports under EU Decisions 2003/895/EC and 2004/629/EC

Heathrow

5.1 A three month public consultation exercise was carried out from July 2005 and proposed a single food authority for the airport; the introduction of a prior notification system to improve the information flow between the enforcement authorities and importers, and the appointment of an airport co-ordinator to liaison between the enforcement authorities. Responses to the consultation have been published on the Agency website (www.food.gov.uk). The FSA is currently considering responses to the recommendations.

GRAIL

5.2 The Agency continues to develop the GRAIL (Guidance and Regulatory Advice on Import Legislation) database which was piloted in Summer 2004. GRAIL summarises EU and domestic legislation and provides advice on the interpretation of this legislation. It has been made available on dedicated laptops to all the major ports of entry for food and is updated every week.

5.3 Legislation and guidance documents featured on GRAIL currently cover fish and fishery products and foods not of animal origin. By the end of 2005 the database should include information from Scotland, Wales, Northern Ireland as well as England. A browser based version of GRAIL with access for LAs generally and more data on products of animal origin is planned by the end of 2006.

Imported Food Trade Seminar

5.4 A trade seminar was held in February 2005 to raise trade awareness of necessary controls over imports and to highlight the FSA's work on improving the enforcement of imported food controls. The seminar included representatives from Defra, Her Majesty's Revenue and Customs and local authorities.

5.5 The seminar also highlighted forthcoming legislative changes arising from EU Regulations on hygiene and official feed and food controls, and included an open forum to encourage an exchange of views from the delegates present. The seminar was well received and a follow up seminar is planned for February 2006.

NEXT STEPS

6.1 The Agency is conscious not to place unnecessary burdens on local authorities and is therefore very grateful to all the LAs who helped us by providing information for the survey and also all the work improving the controls on imported food over the last few years. This information is helpful to highlight the work done by LAs and to help target future resources.

6.2 In March 2006 the Agency will be sending a further questionnaire to all LAs to assess the imported food activity for 2005/6 to see whether the significant step change improvements have been maintained and 2006 targets achieved.

Background

1. A 2002 Government review of the organisation of the controls on imported food recommended a step change improvement in the co-ordination and delivery of local authority enforcement of imported food controls. The Food Standards Agency (FSA) was tasked with taking this forward and was set success criteria to achieve within the first year of the step change (by March 2004). Ministers have since agreed that these evaluation criteria have been met and the FSA is continuing to monitor further progress.
2. Successful delivery of the Step Change was dependent on close liaison between the FSA, other government departments, enforcement bodies, the Association of Port Health Authorities (APHA) and the Local Authorities Co-ordinators of Regulatory Services (LACORS). There are particularly close links with the Government's Action Plan on Illegal Imports, run by Defra, and a stakeholder group was set up to inform the development of the work plan, help deliver the necessary changes, and to ensure a co-ordinated approach.
3. The FSA has the following target for 2005-10 in its Strategic Plan published earlier this year: "In particular we will, by 2006, secure increases over 2003 baselines for sampling checks (+25%) and checks at ports on non-animal food products (+50%). We will then set targets for further improvements."

Step Change evaluation criteria

STEP CHANGE CRITERIA

The following criteria were used to evaluate the success of the Step Change built on the key areas requiring improvement identified in the Cabinet Office.

Controls

- Local Authorities and Port Health Authorities increase sampling and surveillance levels in 2003-04 by 15% compared to pre-April 2003 levels, particularly on food products not of animal origin.
- Local Authorities and Port Health Authorities increase other enforcement activity (notices served, seizures etc) by 15% in 2003-04 compared to pre-April 2003 levels.

Capacity-building

- Enforcement officers improve awareness of imported food controls, as shown by:
 - 100% of Local Authorities have staff trained on imported food controls by 31 March 2004 and 90% of attendees rate the training courses as excellent
 - 100% of inland Local Authorities have at least one officer authorised to take action on illegal imports by 31 March 2004
 - FSA central enquiry point is available to all Local Authorities and queries are answered within a 5 working day target, leading to an increase in usage of the enquiry point to assist consistent enforcement.

Checks by FSA

- As a result of FSA audits at all main UK ports of entry for food, relevant enforcement authorities agree action plans with the FSA to improve arrangements for controls on imported food not of animal origin. All ports meet benchmark standards⁷ relevant to imported food when action plans are checked within 6 months of Agency audit.

⁷ Guides published in *Benchmarking the Port Health Function*, November 2002, produced by Syniad Benchmarking Centre.

Co-ordination

- FSA establishes a database prototype, by 31 March 2004, providing authoritative up to date technical information on imported food controls, initially to enforcement officers.

Majority of food importers/agents recognise that the Step Change has improved consistency and facilitates legitimate trade (as determined by a survey in April 2004).

Enhancing Imported Food Enforcement: Good Ideas From LAs

The following ideas are all taken from comments made by Local Authorities as part of the FSA's imported food questionnaire for 2004-05.

- Incorporate imported food issues into inspections by:
 - including section on imported food in report forms
 - using form to prompt officers to discuss traceability, personal imports and whether the business imports food
 - increasing surveillance of imported food products
 - checking health marks on POAO (using Europa website to verify details)
 - record action taken
 - record information on LA's computer system
- Identify ERTS in the area and monitor regularly
- Use phone and internet directories to identify potential food importers
- Raise awareness amongst businesses about imported food controls by:
 - using LA's own newsletter
 - holding an annual imported food week
 - targeting traders in a particular area over 1-2 days
 - holding a seminar aimed at ethnic food businesses.
- Regularly sample imported food from high risk importers and manufacturers that use imported ingredients
- Record whether samples taken are imported
- Work with the regional food liaison group to:
 - produce joint procedures on imported food control
 - carry out a joint sampling project
 - share expertise
 - keep imported food as a standing agenda item.
- Cascade training on imported food to others in the team
- Share information using the LACORS website
- Work closely with APHA and other ports to share knowledge.
- Report intelligence and seizure information to HMRC, Defra and FSA
- Bookmark the imported food website section on the FSA's website www.food.gov.uk/imports
- Add link to www.food.gov from LAs' own websites.

- Ask about imported food during food complaint and infectious disease investigations
- Include time allocation for imported food in the service plan for next year