

# Northern Ireland Food Advisory Committee (NIFAC) Update from Director of Regulatory Compliance, People and Northern Ireland to NIFAC 10th November 2022

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## 1. Executive Summary

Attached is the FSA in Northern Ireland Director's update to the Committee for November 2022.

1. No action by members is necessary. Contact: Jayne McGlaughlin ([Jayne.McGlaughlin@food.gov.uk](mailto:Jayne.McGlaughlin@food.gov.uk))

## 2. Food is Safe

### Food Safety Campaign

During September and October 2022, the team launched a new student food safety campaign highlighting the importance of food safety and hygiene and sought to educate students on how to cook, store and reheat food safely. This campaign ran on our Northern Ireland Facebook page with the content boosted to reach a wider audience. The team also engaged with local universities and higher education authorities to share on their social media and internal channels. The posts had a very positive engagement rate, reaching nearly 6,000 people.

### STEC Incident

The team is working collaboratively with colleagues in Food Standards Scotland, and the Public Health Authorities in all four UK nations to investigate a national

exceedance of Shiga toxin producing E. coli (STEC) in the UK. STEC infection causes more severe clinical outcomes than many other gastrointestinal pathogens. This exceedance was initially highlighted by the Gastrointestinal Bacteria Reference Unit in the UK Health Security Agency (UKHSA), who noticed during August and September 2022 that STEC levels exceeded expected background levels, when compared to data for previous years. This exceedance has been driven by the detection of a particular strain of STEC, and an outbreak declared.

As of mid-October, there have been a total of 250 outbreak cases of which 17 cases were in Northern Ireland (England 187, Wales 13, Scotland 33). However, numbers are now reducing.

The working hypothesis is that the outbreak was most likely a point source contamination event caused by a widely distributed food product.

The investigation is being led by UKHSA with support from the FSA in terms of food chain investigations. A case control study is being conducted, the results of which will help to direct the investigations further. UK authorities are also working closely with authorities in the Republic of Ireland, where an outbreak linked to the same organism has also been declared.

### **3. Gathering and Using Science, Evidence and Information**

#### **All-Island Food Poverty Network Conference**

The FSA and Safefood co-hosted this year's All-Island Food Poverty Network conference on 20th September, focusing on the cost-of-living crisis. The FSA presented data on household food security in Northern Ireland and the Public's Interests, Needs and Concerns Around Food, which highlighted some riskier food safety behaviours among those experiencing food insecurity. Other presentations focused on recent food poverty data as well as initiatives to support those experiencing food poverty, both in Northern Ireland and the Republic of Ireland. The event was opened by the Minister for Communities in Northern Ireland and closed by

the Minister of State with responsibility for Community Development and Charities in the Republic of Ireland. A recording of the conference is available [here](#).

#### **Children's Menus Survey and Nutritional Sampling of Children's Meals**

Earlier this year, the FSA and district councils surveyed restaurants and hotels across Northern Ireland to gather data on the foods available to children when eating out as well as the business's attitudes to providing healthier options. Completed surveys and menus have now been submitted to the FSA and are being analysed. The FSA has shared preliminary results with district councils and has put forward proposals for nutritional sampling of children's meals. If agreed, this will be conducted by district councils in Q4 (January – March 2023) and the results of the survey and nutritional sampling will be published by the FSA in 2023.

#### **Food and You 2 Wave 4 Report**

The FSA's Food and You 2 Wave 4 report was published in August 2022. Food and You 2 is a bi-annual survey which measures self-reported consumer knowledge, attitudes and behaviours related to food safety and other food issues amongst adults in England, Wales, and Northern Ireland. The fieldwork was conducted between October 2021 and January 2022, with a total of 5,796 adults from 4,026 households across England, Wales and Northern Ireland completing the survey.

The report covers a number of topics including: confidence in food safety, authenticity and the food supply chain; awareness, trust and confidence in the FSA; concerns about food; food security; eating at home; food allergies; food shopping and sustainable diets. The main findings and full report can be accessed [here](#).

## **Local Authority Recovery Plan**

The October temperature check survey opened on 1st October, with the deadline for returns for Local Authority (LA) data at the end of October. LAs in Northern Ireland are making good progress with the Recovery Plan and no concerns were raised

during the latest Northern Ireland Food Managers Group meeting. The FSA's expectations for those LAs that have achieved the milestones set out in the Recovery Plan to date are to:

- Carry out due interventions for establishments that are back in the routine programme of interventions in accordance with the frequencies set out in the Food Law Code of Practice. This is in line with the expectation in the Recovery Plan that establishments should revert to Code frequencies once subject to an intervention as part of the Plan
- Work towards realigning with the provisions set out in the Food Law Code of Practice from 1st April 2023 and
- Continue to exercise a risk-based approach to the provisions set out in the Code based on available resource.

The team is continuing to engage with and support LAs, taking a risk-based and pragmatic approach to performance management as we recognise that LAs have gone through a period of transition and prioritisation and note that a period of change to introduce the new food standards model will commence in 2023.

A further temperature check survey is scheduled for January 2023, which will be followed by a bespoke End of Year survey in April 2023. The FSA will not be returning to pre-pandemic Local Authority Enforcement Monitoring System (LAEMS) returns and are in the process of developing an approach to performance management for the post-recovery plan.

## **Precision Breeding**

We are conducting two phases of consumer research on consumer perceptions of Precision Breeding, building on our previous research in 2021. Phase one collected quantitative data and was completed in August 2022. The key findings are included in the Board paper from September 2022. Phase two focuses on gathering qualitative data via a citizens' forum approach. This work is now in the field with a

view to being completed before the end of the year. The research includes 'boosted' numbers for Northern Ireland consumers.

In addition, a series of stakeholder workshops were held in August and September with industry bodies, consumer interest and civil society organisations. A Northern Ireland specific workshop took place in September where we presented our thinking on the future regulatory framework for Precision Bred food and feed and discussed the progress of the Genetic Technology (Precision Breeding) Bill. This was an important opportunity for stakeholders to express their views and they welcomed the opportunity to discuss some of the key implications facing the food industry in Northern Ireland in relation to the introduction of this Bill.

During the workshop stakeholders raised wider issues on unintended consequences for Northern Ireland and wider UK food industry supply chains due to Precision Bred products being present in the England market. Stakeholders in Northern Ireland are open to future meetings and discussions in relation to this new policy area.

The FSA policy leads are sharing the outputs of the discussion with the relevant teams in the Department for Environment, Food and Rural Affairs (Defra). Policy teams across the FSA are also participating in four nation meetings under the provisional Common Framework on Food and Feed Safety and Hygiene to align policy discussions.

## **4. Empowering Consumers**

### **Food Hygiene Rating Scheme Online Display**

The consultation on the draft Food Hygiene Rating (Online Display) Regulations (Northern Ireland) 2023 closed on 9th September 2022. A total of 17 responses were received from a variety of stakeholders; these included aggregators, Northern Ireland districts councils, the Chartered Institute of Environmental Health, Environmental Health Northern Ireland, a trade association, a large supermarket chain and an individual working in the food industry. While the general aims and objectives of the legislation were welcomed across the board, the responses set out potential

implications and challenges for certain sectors and expressed reservations with certain aspects of the draft regulations.

We are considering each of these in detail and a summary of responses will be published on food.gov.uk within three months of the consultation closing date. As the draft statutory rule will follow the draft affirmative procedure, we note that further progress in line with planned timelines will not be possible in the absence of the Northern Ireland Executive. Interested parties/consultees will be updated as necessary.

### **Nutritional Standards Co-Creation Exercise with District Councils**

Following a successful nutritional standards pilot exercise with three district councils in Northern Ireland during 2019, the FSA has now drafted an amended set of nutritional standards for council catering, along with draft vending standards and procurement policy. The purpose of the nutritional standards is to provide a framework by which district councils can provide healthier food and drink to consumers through their catering and vending facilities.

Engagement with SOLACE NI resulted in the nomination of representatives from each of the eleven district councils to review the draft documents and participate in a co-creation exercise with the FSA. Representation has been secured from a variety of council departments including catering, procurement, leisure, facilities management, community planning and environmental health. The draft documents have been shared with the representatives with a request for feedback.

## **Green Light Recipes**

The Dietary Health and Communications teams worked together to produce a collection of consumer recipes low in fat, saturated fat, salt and sugar. The recipes were launched to coincide with World Food Day on 16th October and are available on the FSA website. The meat, poultry, fish and vegetarian dishes are straightforward to cook and have been created with a focus on nutrition and traffic-light labelling.

Feedback has been positive and monitoring shows that engagement with the recipe content is strong.

## **5. Being the Best Organisation We Can Be**

### **In Country Trade Visits**

This summer the FSA continued to promote and provide assurance in the robust systems of food safety control implemented in Northern Ireland by participating in a number of inward missions by third country Competent Authorities and industry trade delegations. Working collectively with the Department of Agriculture, Environment and Rural Affairs (DAERA), Invest NI and industry, the FSA delivered presentations evidencing the high level of public protection provided through the delivery of official controls within the Northern Ireland agri-food sector to visiting delegations. This has helped to support Northern Ireland agri-food interests in availing opportunities within export markets.

A joint Competent Authority and industry delegation from Mongolia visited in May which focused on poultry production. In June, an industry delegation from the United States of America visited and expressed an interest in understanding controls in respect of Genetically Modified Organisms and Precision Bred Organisms. Furthermore, an industry delegation from Saudi Arabia visited in August, focusing upon hygiene controls in respect of the dairy industry.

## **6. EU Transition**

### **Northern Ireland Protocol Bill**

The Northern Ireland Protocol Bill ('the Bill') has been progressing through the parliamentary scrutiny process over the summer period, and is now at Committee Stage within the House of Lords. The UK Government's aim is to secure Royal Assent for the Bill by early May 2023 at the latest.

The FSA has been working closely with Defra, DAERA, district councils and the Northern Ireland agri-food industry to consider the implications of this primary

legislation as well as contributing to the detailed policy development required for its proportionate implementation. The key areas of focus for the FSA are the Bill's proposals for a Dual Regulatory Regime (DRR), which would allow businesses to place UK and/or EU compliant products on the Northern Ireland market; and Trade Boundary Measures (TBM), intended to facilitate frictionless movement of agri-food goods into Northern Ireland from Great Britain (GB) by introducing 'Red' and 'Green' lanes at Northern Ireland Points of Entry, including a system, to assure that goods produced to UK standards are not at risk of entering the EU single market.

## **7. Legislation**

### **Retained EU Law (Revocation and Reform) Bill**

In September 2022, the UK Government introduced the Retained EU Law (Revocation and Reform) Bill, which aims to end the special status of all Retained EU Law (REUL) by the end of December 2023. In GB, all EU food laws were incorporated as REUL into domestic legislation at the end of the EU Transition Period. The Bill intends to automatically sunset this REUL at the end of 2023, which means those laws will be repealed unless Ministers agree to extend, preserve or replace them with reformed versions.

The FSA is in the process of reviewing food and feed safety REUL and identifying top legislative priorities. In respect to our labelling and composition policy in Northern Ireland, the FSA has engaged with relevant Departments across the UK on the interaction between the REUL Bill and Regulations within scope of the Nutrition Labelling, Composition and Standards and the Food Compositional Standards and Labelling Common Frameworks. From there, the FSA will decide how best to proceed and focus resources to ensure continuation of current food standards, ensuring consumer protection remains at the heart of UK food laws.

Under the terms of the Northern Ireland Protocol, EU law continues to be directly applicable in Northern Ireland, so the FSA in Northern Ireland is not impacted by the Bill in the same way. Consequently, the FSA in Northern Ireland will be working closely with colleagues across the UK to analyse the potential implications of the Bill

and its implementation, particularly for Northern Ireland so that any challenges are prioritised and considered early on in the policy development process.

## **Borders Target Operating Model**

The UK Government has instigated a programme of work to develop a modernised system of delivering proportionate, effective and efficient border controls for GB, including recognising the importance of frictionless movement of qualifying Northern Ireland goods to the rest of the UK. This is being referred to as the 'Borders Target Operating Model' (BTOM) and is intended to be based on enhanced assessments of risk and will harness the power of data and technology.

The FSA is committed to supporting the UK Government's ambitions for a new approach to regulating the movement of food and feed, as we recognise the need for proportionate and robust assurance from all countries exporting to the UK that goods meet our high food and feed safety standards. The FSA in Northern Ireland is therefore working closely on the development of the new model and detailed policy to ensure that we are in the best position possible to identify potential safety incidents.

Whilst the aim of the BTOM is the modernisation of the import control system in GB, the FSA is cognisant that any possible direct and indirect impact for Northern Ireland trade arising from implementation of the BTOM should be identified and considered during the detailed policy development.

## **8. Industry Engagement**

### **Food Industry Liaison Group**

The FSA Industry Liaison Group is an FSA chaired industry stakeholder group which meets twice a year to discuss developments in the supply chain, and on an ad hoc basis during significant food and feed incidents to act as a scoping group.

Due to competing pressures on stakeholders during EU Exit and COVID-19, the twice annual meetings were put on hold and superseded by the DAERA Agri-Food Forum, whilst ad hoc incident meetings remained in place. However, the team is

now making preparations to resume and refresh the twice annual meetings, beginning in Winter 2022.

### **Removal of Discounts for Enforcement Activity**

The FSA has launched a public consultation on a proposal to remove the current discounts on charges to Food Business Operators (FBOs) for time spent on enforcement activity. The consultation is taking place over 11 weeks from 19th October 2022 to 4th January 2023. This consultation is regarding charging policy applicable to FBOs in Northern Ireland and similar consultations are taking place for England and Wales. The principle of charging for enforcement activity is outside the scope of this consultation.

Approved slaughterhouses and game handling establishments are charged at a discounted rate for official activity and food safety/hygiene verification controls. Operators of approved cutting plants already pay full cost for these activities. However, due to the high level of compliance in meat establishments in Northern Ireland, the financial impact is low. FBOs can avoid these charges if they are compliant with the legislation.

In addition to the public consultation on the FSA website, the consultation documents have been circulated to all operators of FSA-approved meat establishments in Northern Ireland, meat sector representative bodies and other key stakeholders.

### **Consultation on proposed changes to the Food Law Code of Practice (Northern Ireland) to support the implementation of the new Food Standards Delivery Model**

In October, a 12-week public consultation on proposed amendments to the Food Law Code of Practice (Northern Ireland) to support the implementation of the new Food Standards Delivery Model was launched.

The new model intends to change the way district councils monitor and enforce compliance with food standards, and these changes will make the model more risk-based.

The key proposals for the Code within the consultation include:

- A new food standards delivery model which includes a risk assessment scheme that district council officers will use to evaluate the risks posed by a food business and
- A new decision matrix to determine the frequency at which food standards of-ficial controls should be delivered in line with the outcome of the risk assess-ment.

The findings of the pilots and the responses received from the consultation will contribute to any further refinement of the new model. The finalised food standards delivery model will be incorporated into the Code, currently scheduled for Spring 2023.

### **Regulated Product Authorisation Consultations**



In October the FSA launched two UK-wide public consultations on draft recommendations for the authorisation of various regulated products. The consultations include the FSA/Food Standards Scotland opinion including the proposed terms of authorisation. The consultations include:

- Genetically Modified Organisms (GMOs) consultation on eight GMOs for food and feed uses and for the change of authorisation holder details for fifty one authorised GMOs and
- Miscellaneous consultation on two novel food applications, one food additive application and one food flavouring application.

The Regulated Products included in these consultations are considered to be routine. The European Commission has already approved these products for use in the EU, through the EU's Regulated Products approval process. Therefore, these products are already approved for use in Northern Ireland, under the current terms of the Protocol on Ireland/Northern Ireland and these proposals and recommendations

will not cause any divergence with EU Regulations, already applicable in Northern Ireland.

### **Consultation on Amending the Bread and Flour Regulations 1998 and the Bread and Flour Regulations (Northern Ireland) 1998**

The FSA in Northern Ireland and Wales, along with Defra, and Food Standards Scotland have been jointly conducting a review of the Bread and Flour Regulations. This review also involved close working with Department of Health in Northern Ireland, DHSC, Scottish Government, and Welsh Government.

As part of the review, a 12-week public consultation has been launched, seeking views from stakeholders across the UK on proposals to amend the labelling and composition of bread and flour, including the introduction of mandatory folic acid fortification. The proposals aim to ensure that the regulations lead to improved public health, support UK industry, assist enforcement authorities and protect consumers.

Responses to the consultation will be used to help refine proposals and inform policy decisions on how the UK Government and Devolved Administrations proceed with any subsequent legislative changes.

Maria Jennings

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