

# Northern Ireland Food Advisory Committee (NIFAC) Update from Director of Regulatory Compliance, People and Northern Ireland to NIFAC 26th April 2023

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## 1. Executive Summary

Attached is the FSA in Northern Ireland Director's update to the Committee for April 2023.

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

## Evidence Generator

### EWCB Tracker Survey Wave 8

The 2022 Eating Well Choosing Better Tracker Survey (Wave 8) has been published. The survey collects information on Northern Ireland consumers' perceptions of healthy eating, healthier options and reformulation, the use of traffic light labels and knowledge and understanding of the recommended daily calorie intake. The survey findings have been shared with relevant stakeholders and industry representatives and will be used by the FSA to inform future policy development and provide an evidence base for further engagement with the Northern Ireland food industry on food product improvement.

The key findings include:

- Only 18% of male and 28% of female participants correctly identified the recommended daily calorie intake for their gender
- Around half of those surveyed are more likely to buy food reduced in saturated fat (51%), sugar (47%), and salt (42%) compared to the regular versions
- Consumers would like to see healthier options in settings such as take-aways (48%), fast food restaurants (46%) and food outlets in leisure facilities (37%)

## FSA Antimicrobial Resistance (AMR) Research and Evidence Programme Re-view

The team attended the FSA's AMR Research and Evidence Programme Review in March. The meeting brought together the FSA's research and surveillance partners, with other experts and funding organisations, to review progress against the FSA AMR Research and Evidence Programme to date and to consider ongoing gaps and future priorities, with a view to the development of the new UK AMR National Action Plan.

## **Food Hypersensitivity**

Colleagues attended a very informative study visit to the Food Safety Authority of Ireland (FSAI) in Dublin alongside the FSA's Director of Policy, Rebecca Sudworth, and colleagues from the central Food Hypersensitivity team. During the visit, attendees considered knowledge and experiences of the two differing policy approaches on food allergen labelling for loose foods. Presentations were provided by FSAI, Environmental Health Officers, the Restaurant Association of Ireland and two food consultants. Additionally, there were positive discussions with safefood and the Department of Health in Ireland. It was agreed that there is good value in keeping in communication.

The FSA is co funding research with safefood and FSAI on ensuring food allergen understanding and labelling compliance for non-prepacked foods in the catering and hospitality sector. This all-island research is currently out to tender and is expected to report by the end of 2023.

## **Policy Maker**

### **Nutritional Standards for Council Catering and Vending**

Following a co-creation exercise with local councils on the draft nutritional standards, a steering group has been set up with representatives from each of the 11 district councils as well as the regional council procurement group and leisure centre managers group.

The first meeting took place virtually in March with the next meeting taking place in person in June with an initial focus on finalising the nutritional criteria applicable to ambient drinks and snacks for sale in council vending machines. Following this, we were invited to update the Heads of Public Sector Procurement in Northern Ireland on the Nutritional Standards project in councils and Health and Social Care with a view to a wider public sector roll out of this project, beginning with a potential event on healthier and more sustainable vending in Autumn.

## **Retained EU Law Bill**

The Retained EU Law (Reform and Revocation) Bill is progressing through Parliament and is currently before the House of Lords. The FSA is continuing to prepare to implement its recommendation to preserve all impacted law in Northern Ireland in 2023, in line with the guiding principles agreed by the Board in December 2022.

### **Windsor Framework**

The UK Government and the EU have agreed the Windsor Framework, which will introduce new arrangements for food moving between Great Britain and Northern Ireland. The government will update its guidance in due course, giving businesses and ports time to prepare for any changes. In the meantime, businesses must continue to follow existing guidance. We are working with the Department for Environment, Food

and Rural Affairs (Defra), Department of Agriculture, Environment and Rural Affairs (DAERA) and other departments on the next steps.

### **Northern Ireland Food Exports**

The FSA's primary food safety focus means that we also have an essential role in providing assurance to prospective and existing trading partners on the robustness of our high standards. In conjunction with key delivery partners (DAERA/district councils), the FSA has been supporting Northern Ireland agri-food industry's ability to export, by explaining official controls and our role to third country regulators and traders. This has previously included delegates from Mongolia, United States of America, Saudi Arabia and Japan.

In March, the team supported Northern Ireland businesses through the registration process for exports to Hong Kong and Vietnam, including providing assurances that those businesses are compliant with relevant food safety standards following checks and official controls by the respective competent authority.

### **BTOM**

The UKG published its draft Border Target Operating Model (BTOM) on 5th April, which marks the beginning of a 6-week engagement period, led by Cabinet Office. The draft model aims to deliver a modernised border in GB that provides proportionate, effective and efficient border controls that protect consumers to high standards. These controls will be applied to both EU and rest of world imports into GB in a phased approach, with introduction of certification requirements for EU products from 31st October 2023 and documentary and risk-based ID and physical checks for EU products from 31st January 2024.

Whilst BTOM will not be implemented in Northern Ireland, the FSA has been supporting The Executive Office (TEO) led cross-departmental working group focusing on possible implications of the proposals for Northern Ireland. TEO is organising stakeholder engagement events, which we will be supporting, to ensure that Northern Ireland stakeholders have an opportunity to understand the draft model and feedback

any concerns or queries to UK Government departments. We remain involved in the further development of key elements which underpin the modernised model which may be finalised in June 2023.

## **Food Hygiene Delivery Model**

A public consultation was launched on 3rd April on proposed developments for a modernised food hygiene delivery model in Northern Ireland. The consultation seeks views from district councils, food business operators, third-party assurance organisations for food safety, professional awarding bodies for environmental health, trade unions and other interested groups. We have a planned engagement event with district councils in May 2023.

In September 2022, the FSA Board endorsed the headline policy and principles to evaluate success for a modernised model. We are now seeking stakeholders' views on the following proposed developments:

- A modernised food hygiene intervention rating scheme, including a decision matrix, to determine the appropriate frequency of food hygiene controls based on the risk posed by a food business establishment
- An updated risk-based approach to the timescales for initial official controls of new food establishments, and for undertaking due official controls
- Increased flexibility as to the methods and techniques of official controls that can be used to risk rate an establishment, including the appropriate use of remote assessment and
- Extending the activities that officers, such as Regulatory Support Officers, who do not hold a 'suitable qualification' for food hygiene can, if competent, undertake.

## **Regulator**

### **Charging for Meat Hygiene Official Controls**

A number of workstreams are ongoing relating to the implementation of the FSA meat charging policy:

- A public consultation was held to gather comments on the removal of discounts from charges associated with enforcement activities. Following this consultation exercise, any time spent by

DAERA officials on carrying out enforcement activities in approved slaughterhouses and game handling establishments will be charged to the food business at the full DAERA charge-out rate for the relevant grade of staff. All activities in approved cutting plants are already charged at full cost. Therefore, this goes some way to levelling the playing field. A similar consultation was carried out in England and Wales and the revised policy is being implemented across the three nations from the start of the 2023-24 financial year.

- A DAERA review of overheads has been completed and agreement on the revised DAERA hourly charge-out rates is imminent.

- Alongside this, an exercise is underway to assess the current amount of meat charging discount available to Northern Ireland food businesses. Once agreed, these decisions will be communicated to food business operators.

### **FSA/DAERA Service Level Agreement (SLA) Governance Meeting**

The FSA/DAERA SLA Governance meeting took place on 6th March. These meetings take place twice a year and provide senior oversight to the official control work that DAERA deliver under the SLA on the FSA's behalf. Routine matters around the risk register and finance controls were discussed and a number of specific issues were considered including: resourcing, oversight of post-mortem inspection, out of hours Official Veterinarian (OV) arrangements and compliance with Official Control Regulations diary hygiene requirements. The new Deputy Chief Veterinary Officer who has been appointed to oversee the branch that delivers on the SLA was also in attendance.

### **LA Recovery Plan Update**

We wrote to the Chief Executives of the 11 district councils setting out our intention to remove the LA Recovery Plan milestones from the end of March 2023 and asked district councils to work towards compliance with requirements as set out in the Food Law Code of Practice. This followed previous engagement with both the Northern Ireland Food Managers Group and Environmental Health Heads of Service. We recognise that it may take some time for district councils to get back fully to Code requirements and we will adopt a risk-based approach to our performance management function.?

### **Non-Routine Incident**

Incidents colleagues have been involved in the response for a non-routine incident that relates to Operation Hawk. Operation Hawk is a criminal investigation by the FSA's National Food Crime Unit (NFCU) into the alleged misrepresentation in 2021 of pre-packed sliced meats and deli items supplied to a UK (GB) retailer. The investigation has revealed that the supplier under investigation

has been selling meat products sourced from South America and Europe as British. The FSA has not released the names of the supplier and retailer, in line with College of Policing guidance, to avoid prejudicing any prosecution. There is currently no evidence to suggest there are any food safety issues but this is being kept under review.

## **Renewal of FSA Fish and Shellfish Official Control Contracts**

The Local Authority Policy and Delivery Team have renewed several contracts associated with the delivery of the Northern Ireland shellfish official control (OC) monitoring programme.

The contracts include: collection of OC samples from Belfast and Larne Loughs; sanitary surveys and analysis of wild fish OC samples. The team are in the final stages of completing the contract associated with biotoxin and phytoplankton analysis of OC samples, it is expected that this will be completed by end of April 2023.

## **Sampling and Surveillance for Contaminants in Food**

New EU Regulations (Commission Delegated Regulation 2022/931 and Commission Implementing Regulation 2022/932) laying down rules for the sampling of contaminants in food and came into force in January 2023. They outline changes to commodity testing, including new commodities and additional contaminants tested; control plan; and sampling strategy. The commodities included cover products of animal origin (POAO), food not of animal origin (FNAO) and food of animal origin entering the Union (imported food). The Regulations require a control plan to be submitted to the Commission by 31st March each year, and data to be transmitted to EFSA by 30th June each year (starting in June 2024).

The FSA holds policy responsibility for chemical contaminants in Northern Ireland, so we lead on the development of the requirements under the new Regulations. As there is a complex mix of responsibilities for official control delivery in Northern Ireland dependant on commodity type and place of sampling we have worked closely with DAERA and district councils on the implementation of the new requirements. Sampling plans for 2023/2024 were developed in consultation with experts from the competent authorities leading to the successful submission of the control plan to the Commission on 31st March 2023.

## **Convenor and Collaborator**

### **All Island Food Poverty Network**

The team chaired the first Northern Ireland focused meeting of the All Island Food Poverty Network Steering Group, with attendance from key government departments in Northern Ireland such as the Department of Health (DoH), Department for Communities and DAERA, as well as

other public sector and voluntary agencies involved in food poverty. The Northern Ireland Food Poverty Action Plan for 2023/24 was discussed and the Consumer Council presented findings from their latest research on household spending, buying behaviours and data from their food focus groups in Northern Ireland. The next Northern Ireland focused meeting is scheduled for May 2023.

## **Retail Forum**

We are due to host a Retail Forum meeting on 24th April 2023. Updates will be provided on the FSA's dietary health policy work, the new obesity strategy for Northern Ireland, the FSA's Food Incidents reporting procedure and the Windsor Framework. Representatives from different retailers across the UK and Ireland, as well as the British Retail Consortium and DoH will be in attendance.

## **Calorie Wise**

The team delivered a Calorie Wise workshop in partnership with Environmental Health Officers at Newry Mourne and Down District Council. The workshop was attended by local food businesses in the out of home sector interested in calorie labelling. They were introduced to the Calorie Wise scheme, how it works, how it supports healthier catering and how it can support profitability for a business. Tips on healthier catering were discussed and the support available to businesses applying for the Calorie Wise award. The workshop included a practical exercise on MenuCal, the FSA's online tool to support business with calorie labelling. This in person event gave the team an opportunity to engage with the businesses directly and discuss the challenges and opportunities that Calorie Wise could offer.

## **Focus on Food Conference 2023**

We promoted MenuCal, Calorie Wise and our healthier catering guides at the Focus on Food conference organised by Belfast City Council in partnership with Tourism NI and DAERA. The event brought together food producers, restaurateurs, chefs, food educators and public sector organisations to discuss how Northern Ireland can achieve further success as a culinary tourist destination. Improving sustainability in the out of home sector was one of the key themes discussed at the event. The team has registered to join a new Food and Drink Tourism Network established by Belfast City Council following the event.

## **Resource to Support Food Businesses with Reformulation**

In partnership with Invest NI, we have developed a resource highlighting the sources of funding available in Northern Ireland to support small and medium sized food businesses with reformulation to reduce the calories, sugar, saturated fat and salt in the

food they produce. The resource will be shared with industry stakeholders and relevant government and academic partners and widely promoted on relevant social media platforms.

### **FSA-DAERA Seminar**

We co-funded a seminar on 25th March which was arranged for DAERA officials carrying out frontline official controls for FSA in the meat, dairy, egg and primary production hygiene work areas. The seminar was entitled 'Emerging Together' which was a reference to the significant changes and challenges that the FSA and DAERA have faced together since the previous seminar in 2017. These challenges included EU Exit, Covid restrictions and OV resourcing issues. The event was attended by approximately 80 DAERA staff and management and included presentations from FSA, DAERA, the Department of Agriculture, Food and the Marine and Vet Support Northern Ireland on a variety of topics ranging from coping with mental health to official controls. The event also provided an invaluable net-working opportunity for new DAERA staff who have completed training as Official Auxiliaries over the past five years. Positive feedback was received from several attendees on the day.

### **Public Health Agency (PHA) Engagement**

The PHA is the lead organisation in Northern Ireland for gastrointestinal infections and outbreaks. During Covid many of our key contacts in PHA were diverted to work on the pandemic response so we have been re-establishing our engagement. We had a very fruitful meeting on 7th March with the gastrointestinal team in PHA, including the lead public health consultant, discussing samples being sent for whole genome sequencing, providing updates on outbreaks and infectious disease trends and updating on our advice to consumers around Listeria. We hold these meetings quarterly.

### **MLA Roundtable Discussion**

The Chair invited Health Spokespeople from each of the main parties to a round table discussion on 4th April. While only the Alliance Health Spokesperson, Paula Bradshaw MLA, was able to attend, there was a very useful discussion and the Chair took the opportunity to update on the work that the FSA is doing particularly in relation to incidents, REUL and Dietary Health. There will be follow up offer to those who were unable to attend to meet online.

Andy Cole

**Director for Northern Ireland**