

# Chief Executive's Report To The Board

FSA 23-09-03

## Borders Target Operating Model

1. Since my last report in June, The Border Target Operating Model (TOM) was published on 29 August. Implementation will commence from January 2024 with controls on EU commodities coming into force. This represents a further three-month delay in implementation of these controls which had been due to start in October this year.

2. We were pleased that there is now a confirmed date when these controls will come into effect but know the Board will be disappointed that another delay was necessary. We hope there are no further delays in bringing in these controls which will be a key element in helping assure the safety of the food and feed that we import. We have been encouraging businesses to maximise the use of this extra time to prepare for these changes in our import arrangements to ensure a smooth and efficient transition.

3. This leaves a further period during which controls will not be in place on EU imported food and feed: the FSA will continue to work to mitigate the risks that this poses to food safety and public health as we prepare to implement the TOM. The TOM represents the biggest change in how the UK manages our borders in many years and will remain a priority for the FSA as the new system is implemented and enhanced over time.

## CPTPP Section 42 Report

4. Following the UK's accession to the Comprehensive and Progressive Trans-Pacific Partnership (CPTPP) trade bloc, the Secretary of State for Business and Trade [commissioned](#) the Food Standards Agency and Food Standards Scotland (FSS) on Monday 17 July to contribute to the parliamentary scrutiny process by advising on the impact of the free trade agreement (FTA) on statutory protections for human health. In line with Section 42 of the Agriculture Act 2020, the commission from the Secretary of State directs the FSA and FSS to assess human health protections within the scope of our statutory remit. The FSA and FSS have been asked to return our advice by the deadline of 30 November. Our advice will address food safety and nutrition statutory protections, but not broader issues such as environmental or animal welfare protections which, for the purposes of this exercise, are being assessed separately by the Trade and Agriculture Commission. To help inform our advice, the FSA and FSS launched an open call for evidence on 24 July to gather stakeholders' views. This closed on 10 September.

## Caffeine/Protein Powder Recall

5. Our Incidents and Resilience Unit recently coordinated an incident involving extremely high levels of caffeine in a protein powder product. We undertook a risk assessment (RA) which indicated the caffeine levels present in the product could be fatal. Our communications strategy targeted those who were likely to purchase these products. We published two product recall information notices (PRINs) and secured national media coverage by linking our news story to topical coverage of caffeine levels in 'Prime' energy drinks, which provided opportunities for our Chief Scientific Adviser, Professor Robin May, to speak on LBC's drivetime show.

6. Our approach enabled our messages to reach multiple audiences including those with an interest in health and fitness and our normal channels via several platforms, including paid-for adverts on social media to minimise the impact of consumer concern. On X (formally Twitter), our alert posts received 703,000 views (compared to an alert average of 6,064) and on Facebook were viewed 73,000 times (compared to an average of 9,937). The content was shared by several major national gyms, fitness club chains and school/student associations.

## **Cannabidiol (CBD)**

7. Over the last 6 months we have made significant progress in understanding the safety of CBD, based on the data provided by those applying for authorisation. A dedicated scientific sub-committee has been set up to assess the toxicology data submitted for CBD applications. Applications have been divided into three groups for consideration by the sub-committee:

- Group A: high purity products such as synthetically produced CBD - defined as those where the CBD used as a raw ingredient is over 98% pure;
- Group B: where the CBD purity is 80 - 98%;
- Group C: where the CBD purity is less than 80%.

8. The sub-committee will be publishing its first conclusions on the safety of ongoing CBD exposure in October, based on the assessment of 'Group A' applications. The FSA will release updated consumer advice alongside this independent scientific assessment, to ensure consumers have the best information available to make informed choices. We will also be engaging with industry, to inform any changes that are required to products available to consumers via the CBD public list.

9. In addition, this assessment of Group A applications has allowed the FSA to build a fuller picture of the quality of the applications in our system. Over the next quarter, this will allow us to make decisions on which applications can move forward in their assessment by our scientific committees, and which are not of sufficient quality to proceed.

## **Revised Guidance on Smoked Fish**

10. The FSA and FSS commissioned a joint risk assessment in response to an ongoing outbreak of *Listeria monocytogenes* linked to ready-to-eat (RTE) smoked fish. The RA found that while the risk of contracting listeriosis in higher-risk individuals from cold-smoked fish is low, the severity of the illness is high, particularly for certain high-risk groups. In July 2023, both the FSA and FSS advised pregnant women and consumers with a weakened immune system to avoid eating RTE cold-smoked or cured fish (products include smoked salmon, smoked trout and gravlax). As the risk of serious illness from listeriosis increases with age, the FSA and FSS are also advising that older people should be aware of the risks associated with eating cold-smoked and cured fish and consider taking steps to reduce the risk of listeria infection. These steps include:

- eating foods before the use by dates;
- ensuring the product is kept refrigerated (below 5°C) and
- consider using safer alternatives which have been outlined on the smoked fish section of the [Listeria page](#) of our website (e.g., thorough cooking and consumption of commercially tinned smoked fish).??

11. There has been regular engagement with stakeholders throughout the policy development phase, to ensure the developments were communicated to key groups. A toolkit was also issued to stakeholders to help them communicate this message to higher risk groups. The toolkit comprises of the new [FSA Explains Listeria Video](#) and social media content and assets (in English and Welsh).

## Glycerol in Slush Ice Drinks

12. Following two incidents in the UK where children were hospitalised after consuming excessive slush ice drinks, the FSA has issued [voluntary industry guidelines](#) to help prevent future incidents like this.

13. Glycerol is an approved food additive and performs a technical function to stop the slush freezing solid. The new guidance sets out that these drinks are unsuitable for children under four and that free refills should not be provided to children under 10 years of age. There has been constructive engagement with industry on the implementation of these guidelines, resulting in reformulations to reduce the amount of glycerol in these products.

## Food and You 2

14. On 26 July we published [Wave 6](#) of our flagship Food and You 2 consumer survey. Latest figures indicate that 25% of households across England, Wales and Northern Ireland are now classified as food insecure, an increase from 16% in 2020 (when the first wave of the study was conducted). This research also revealed that food prices are now the top food-related concern for people (65%, up from 44% in 2020). Food waste (62%), the quality of food (61%), and the amount of food packaging (56%) also feature amongst the most common concerns when prompted with a list of food-related issues. Public confidence in food safety (93%), food authenticity (87%) and the FSA protecting the public from food-related risks (82%) remains high.

## Kitchen Life 2

15. The FSA's Kitchen Life 2 project, was cited as a success story for driving innovation in analysis, in the Government [Analysis Function Annual Report 2022-2023](#).

## Food Standards Delivery Model in Wales

17. The Pilot of the proposed Food Standards Delivery Model in Wales commenced on 1 September 2023 and will run for 6 full calendar months until 29 February 2024. The evaluation of the pilot will be undertaken soon after and a review of the model undertaken before a consultation of any proposed changes to the Food Law Code of Practice (Wales) and advice being provided to Welsh Ministers for agreement.

## Food Standards Delivery Model (England/Northern Ireland)

18. The revised Food Law Code of Practice reflecting the changes required to enable us to implement the new food standards delivery model was published on 8 June 2023. Following publication, officials have continued to take the necessary steps to prepare for implementation of the new approach across the 156 authorities delivering food standards official controls in England and Northern Ireland. This a significant undertaking, the biggest change to official control delivery in over 30 years, and one that needs to be delivered in a way that manages the burden on both the FSA and LAs and ensures an effective outcome. As a result, we will be adopting a phased implementation plan with the authorities grouped into a number of distinct cohorts. The first cohort is scheduled to implement the model from January 2024, and it is hoped that all LAs (E/NI) will have implemented the model by the end of March 2025 at the latest. LAs will be fully supported through the process. Officials will now be working with LAs and their MIS (LA Management Information System) providers to finalise the schedule.

19. We are also looking at how to fund both direct costs to the FSA, for example in relation to development and delivery of training, and those incurred by LAs in England as a result of the changes, such as costs related to familiarisation, which the FSA is required to fund in line with the Westminster Government's New Burdens Doctrine.

## Engagements

20. Since my last report to the Board, in June 2023, I have carried out engagements with leaders outside of central government: Andrew Lightfoot, CEO at Greater Manchester Combined Authority; Jo Maher, Principal and CEO at Loughborough College; and Lorand Bartels, Chair of the Trade and Agriculture Commission.

21. In June, I attended the Institute for Government's Summer Party and had follow up conversations with them. I also gave the keynote speech on the challenges ahead for food standards and regulation at the Society Of Food Hygiene & Technology Summer Lecture.

22. I was delighted to attend the Royal Welsh Show in July where I met representatives from the NFU Cymru, Dunbia Food Group, Food 7 Cymru and Cywain. I attended a lunchtime reception with the First Minister, the Rt Hon Mark Drakeford and joined the Chair in a meeting with Katrina Godfrey, DAERA Permanent Secretary.

23. Veterinary resourcing remained a focus for my engagement over the quarter and, in July, I met UK Chief Veterinary Officer, Christine Middlemiss, as well as colleagues from Defra and the Animal and Plant Health Agency.

24. With the Chief Scientific Adviser, I met Lord Deben to discuss the REUL Bill and Ultra-Processed Foods.

25. In July, I presented The Whitehall & Industry Group lunchtime briefing on strategic issues impacting the FSA. I also chaired a panel run by the Public Chairs' Forum & Association of Chief Executives, held at the Institute for Government looking at arm's length bodies.

26. I attended the Food and Drink Federation's (FDF) Summer Parliamentary Reception and separately met Karen Betts, FDF CEO.

27. I continue to hold regular meetings with the Food Standards Scotland CEO, and I have had meetings with cross-government colleagues from a number of departments.

28. I joined the Chair at our Consumer Stakeholder Forum; met Ben Goldsmith to discuss sustainability; and attended a meeting for patrons ahead of the campaign launch for Women in Westminster awards 2024. I am a patron of that, this year.

29. In August I met with Professor Chris Hodges and Tanuj Jain of the Regulatory Horizons Council to discuss the regulation and innovation landscape and consider collaborative working.

30. In early September I gave a speech at the annual Association of Meat Inspectors Seminar. I also chaired the quarterly CEO of Safety Regulators meeting and met meat industry stakeholders.