

Welsh Food Advisory Committee Directors Report February 2022

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Paper FSAW 22/02/03

For discussion

Update from Director

Executive Summary

1. The attached paper signposts to issues introduced by the Chief Executive at the last Board meeting which was held on 8 December 2021. The complete minutes from the Board meeting are available on the FSA's website at www.food.gov.uk. The paper also provides an update on issues of relevance to Wales and forms the basis of the update to the Welsh Food Advisory Committee (WFAC).

2. The Director for FSA in Wales will supplement the information provided in this report with an oral update where necessary.

3. Members are invited to:

- note the update
- invite the Director to expand on any issues for further discussion

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Update from Director

1. Summary of Chief Executive's Report to Open Board Meeting 8 December 2021

1.1. The Board received the written report (FSA 21/12/03) of the Chief Executive (CE): <https://www.food.gov.uk/sites/default/files/media/document/FSA%2021-12-03%20-%20CE%20Report%20to%20Board.pdf>

2. Director for Wales' Report on Matters Pertaining to Wales

External Engagement

2.1. I have been involved in the following engagement opportunities since WFAC's last themed meeting on 21 October 2021. Note that engagement was reduced during this period in order to focus on planning for impact of the Omicron variant:

- 10 November – Meeting with Local Authorities from the South East Wales Region

- 25 November – Trading Standards Wales Business Planning meeting
- 9 December – FSA in Wales Theatre in Education visit to Ton-yr-Ywen primary school with Emily Miles, CEO
- 16 December – FSA in Wales and Welsh Government Quarterly Liaison meeting
- 24 January – Meeting of Safe Sustainable Authentic Food Wales
- 25 January – Introductory meeting with the Welsh Government’s Deputy Director for Public Health Improvement, Prevention & Promotion

COVID-19 update

2.2 The FSA has continued to keep the advice and guidance to local authorities regarding the implementation of the recovery plan under review. In December 2021 we wrote out to local authorities as the number of cases of Covid-19 were increasing and restrictions in Wales were being tightened. Local authorities were advised to continue to follow the recovery plan where they could as resources were diverted and to take account of Welsh Government, Public Health Wales advice as well as local risk assessments. We have written to local authorities on 02 February 2022 now that restrictions have returned to level 0 and advised that as resources are returning to official food controls local authorities should be resuming planned interventions in accordance with the phase 2 milestones set in the Recovery Plan as well as undertaking the other controls and activities specified.

Food Standards Annual Report

2.3 FSA in Wales are continuing to input into the Annual Report. The report is due to be laid in the summer.

Import controls

2.4 On 19 January 2022, Vaughan Gething, Minister for Economy issued a [written statement](#) giving an update on Border Controls Infrastructure. FSA are continuing to work with Welsh Government officials.

Consultations

Less than thoroughly cooked burgers

2.5 The less than thoroughly cooked beef burger guidance has been reviewed and updated and a 12-week consultation was launched on 27 January 2022. The changes to the guidance have been designed to make it clearer and easier to understand which will benefit businesses and LA officers. We have also asked stakeholders to consider whether the term ‘less than thoroughly cooked’ should be replaced by a simpler term such as rare, pink or lightly cooked. We aim to publish our responses to the feedback within three months of the consultation closing.

Regulated Products

2.6 Nine GMOs have been submitted for authorisation in England, Scotland and Wales, where the decision on authorisation will be made by the respective Ministers for each GB nation. This is a function that was previously carried out at an EU level. Since the end of the transition period, assessing food and animal feed safety in the UK has been the responsibility of the FSA and FSS and the authorisation of regulated products is the responsibility of the relevant appropriate authority of each nation. The consultation launched on 25 November 2021 and closed on 25 January 2022. The finalised FSA/FSS opinions, and the views gathered through this consultation, will be considered and included alongside those of Officials of the Devolved Governments in Northern Ireland, Scotland and Wales, and UK Government Departments other than the FSA to

inform Ministers' decision making on whether to authorise the individual GMOs for use in England, Scotland and Wales.

2.7 Six Novel Foods (NFs) have been submitted for authorisation in each nation of Great Britain (GB), where the decision on authorisation is made by the respective Ministers in England, Scotland and Wales. This is a function that was previously carried out at an EU level. Since the end of the transition period, assessing food and animal feed safety in the UK is the responsibility of FSA/FSS and the authorisation of NFs is the responsibility of the relevant appropriate authority of each of the nations of GB. The consultation is open between 17 December 2021 – 11 February 2022. The finalised FSA/FSS opinions, and the views gathered through this consultation, will be considered and included alongside those of Officials of the Devolved Governments in Northern Ireland, Scotland and Wales, and UK Government Departments other than the FSA to inform Ministers' decision making on whether to authorise the individual NFs for use in England, Scotland and Wales.

Precautionary Allergen Labelling (PAL): The 'may contain' consultation

2.8 This consultation which runs from 6 December 2021 – 14 March 2022 is to obtain information and views relating to the provision of precautionary allergen labelling and precautionary allergen information. Current labelling legislation requires that food products should indicate the presence of any of the 14 main allergens used as an ingredient or processing aid. However, in cases where there is a risk of unintentional allergen cross-contamination (for example where multiple foods are prepared in the same kitchen), and the food business has established the risk cannot be sufficiently controlled, it is best practice for a precautionary allergen label statement to be used to communicate this risk. Feedback will assist the FSA in considering potential approaches for precautionary allergen labelling for prepacked foods and precautionary allergen information for non-prepacked foods, so that the information is:

- communicated more clearly and consistently, in an understandable and meaningful way to consumers, in terms of the form and content of the information
- based on a proportionate and standardised processes for assessing, managing, and communicating the risk of allergen cross-contamination by food businesses

Review of retained Regulation 2016/6 on importing food from Japan following the Fukushima nuclear accident

2.9 [Regulation 2016/6](#) was retained in Great Britain following the UK's exit from the European Union (EU) and applies enhanced controls on certain food imported from Japan as a result of the Fukushima nuclear accident in March 2011. This was an emergency measure to protect consumers from imported food which may have become contaminated with radioactive material released following the nuclear accident. Retained Regulation 2016/6 applies maximum levels of radioactive caesium on food and feed from Japan. However, the majority of foods from Japan can already be imported into the UK without any enhanced controls as levels of radioactivity are very low and well below these maximum levels. The enhanced controls apply to a limited number of foods including certain species of fish, wild mushrooms and foraged Japanese vegetables on which enhanced controls remain in place. These products are only imported into the UK in small quantities primarily catering for restaurants specialising in Japanese food and consumers of traditional Japanese foods. The consultation launched on 10 December 2021 and will close on 11 February 2022.

Food (Wales) Bill

2.10 Proposals by Member of the Senedd Peter Fox, MS to introduce a new Food (Wales) Bill was supported by a vote in the Senedd on 17 November 2021. The Bill would establish a more

sustainable food system in Wales to strengthen food security, improve Wales's socioeconomic well-being, and enhance consumer choice. Peter Fox MS now has 13 months (starting from November 2021) to prepare the details and formally introduce the Bill to the Senedd. Senedd Members will vote on the proposals, and if successful, the Food (Wales) Bill will move through the stages of Senedd scrutiny.

NFCU Powers Update

2.3 The FSA has for some time been seeking to equip its National Food Crime Unit (NFCU) with the appropriate legal powers necessary to lead investigations effectively and to bring cases of serious, organised, and complex food crime to prosecutors independently. The issue has recently been considered in the House of Lords with a successful amendment (tabled by Lord Rooker) to the Police, Crime, Sentencing and Courts Bill that would enable the NFCU to obtain powers. The Bill will be debated further as it progresses through Parliament.

Funding

2.5 We are working with the Welsh Government on the process that confirms of our funding for 2022/23 along with any areas of focus to be requested by the Deputy Minister. This process should complete by the end of March 2022, although this is subject to the Welsh Government's budget setting process through Senedd Cymru.

3. Forward Look for Director for Wales

3.1 Between now and the next themed meeting of the WFAC on 21 April 2022, I have made the following commitments of relevance to the FSA in Wales:

- 17 February – FSA/Welsh Government liaison meeting
- 10 March – FSA in Wales Staff Away Day
- 5 April – Meeting of Health Protection Advisory Group
- Date TBC – meeting with members of the Directors for Public Protection, Welsh Government and WLGA to discuss how we can jointly continue to strengthen collaborative working.

Nathan Barnhouse
Director, FSA in Wales
February 2022