

## **Chief Executive's Report to the Board**

1. The Board last met on 21 January, less than two months ago, so this report covers a shorter period than usual. In that period I have prioritised the following: work to prepare two major announcements from the FSA (on our regulatory approach to Cannabidiol (CBD) and our revised estimates on foodborne disease levels); discussions with colleagues in other Government departments about the FSA's post-EU exit role in authorisations of products and food preparation processes; the finalisation of the FSA's proposed business plan for 2020-21; and work with the senior team to generate a more specific vision for the organisation over the next period. This last effort builds on steers from the Board in January on our strategic priorities and regulatory principles.
2. In this period, I did two major trips: one to London Gateway Port, kindly hosted by the City of London Port Health Authority, to look at import control arrangements; and one to the USA. With Steve Wearne, Julie Pierce and Mike O'Neill, and Geoff Ogle, the Chief Executive of Food Standards Scotland (FSS), I spent four days at the Global Food Safety Initiative conference in Seattle at the end of February. While there, I was able to meet a number of stakeholders, major businesses, and other national regulators. Both Julie and Steve addressed the whole conference. The UK's work to use data to predict food risks got a high profile, and regulators were interested in our recent announcements on CBD. I joined a workshop on e-commerce where Amazon and Instakart gave presentations and New Zealand talked about the issue of the [Daigou trade](#) to China. I also met a representative of a large chicken farming business, and the Washington State food safety regulator, to find out more about how meat hygiene controls operate in the USA.
3. Throughout this period, I have been grateful for my knowledgeable and good-humoured colleagues, whose commitment and passion for their work is tangible.

## **Chief Executive's Round up**

4. **EU Exit.** Since the Board last met, the UK has left the European Union. The terms of the transition period mean that arrangements for food businesses and consumers remain largely unchanged domestically: market access continues on current terms, and EU food laws continue to apply. In contrast, the UK is now legally able to negotiate trade deals, which means that formal steps can now be taken on the UK's future relationship with the EU, and on new free trade deals with countries like the USA. On 27 February the Government [published its objectives](#) for the EU negotiation. On 2 March it published its [approach to a trade deal](#) with the US. FSA colleagues have offered technical advice to colleagues in Department for International Trade (DIT) and Department for Environment, Food and Rural Affairs (Defra), and elsewhere,

on the content of these documents.

5. The **Northern Ireland Protocol (NIP)** will come into force on 1 January 2021 if the UK and EU fail to agree a free trade agreement. It was developed to address the challenges presented by having a land border between the UK and the EU on the island of Ireland. The FSA needs to develop our regulatory regime, given that some EU food and feed safety rules will continue to apply in Northern Ireland under certain conditions, while Great Britain will have freedom to diverge. We are also considering what arrangements to put in place given Northern Ireland's position as part of the UK's customs territory. These arrangements are to ensure unfettered market access for goods, including food and feed, moving from Northern Ireland to Great Britain, while taking into account any requirements for sanitary and phytosanitary (SPS) checks.
6. There have also been developments in relation to **imported goods** to Great Britain from the EU. On 10 February the Chancellor of the Duchy of Lancaster [announced](#) that at the end of the transition period all UK exports to, and imports from, the EU would be treated equally. This could mean (subject to negotiations) that traders in the EU and GB will have to submit customs declarations and be liable to goods' checks. At the same time, he confirmed that the policy easements on import checks, put in place for a potential no deal exit, would not be reintroduced. The FSA is working to ensure that port health authorities and local authorities can meet these expectations on import controls. This represents a significant change to previous planning assumptions.
7. **Risk analysis process** In January 2020 the Board received an update on the progress we are making to implement the risk analysis process (which includes the process by which the FSA offers advice to Ministers on regulated products' authorisations) in the FSA as part of our preparedness for EU Exit. The process will move from shadow form to live operation by the end of the transition period.
8. Following Board discussions, we are developing a triage approach to ensure the level of assurance is appropriate to the nature and complexity of the issue under consideration, the process operates efficiently, and resources are effectively deployed. For example, we would expect only to use the time of the Advisory Forum on Food and Feed (an advisory committee that the FSA can consult, which includes FSS and other government departments) on those more significant or contentious issues including those which will require consideration by the FSA Board.
9. On the more technical side, examples of the types of issues that will go through the FSA's risk analysis process include applications for approval of regulated products such as food and feed additives, enzymes, flavourings, and novel foods.

10. The FSA would also apply rigorous risk analysis to any request to authorise a new substance. An example of this would be anything other than the current practice of using only potable water for the removal of surface contamination from poultry carcasses.
11. The FSA is aware of the proposal from the National Farmers Union (NFU) for a **Food and Farming Council** to advise Government on maintaining food standards following the end of the transition period. This would include advice on food safety, animal welfare and environmental standards, with a particular focus on international trade. As the Board discussed in January, the FSA has a statutory duty to provide advice to public bodies, and others, on the wider consumer interest in relation to food. There is a risk of overlapping mandates. I and others are working with Defra and the NFU so that the FSA's role is well-understood.
12. Since I updated you in January, we have continued to work with the main **online aggregators**: Just Eat, Uber Eats and Deliveroo. The FSA has now produced an initial draft of a guidance document that sets out a risk-based and proportionate regulatory approach to ensuring that food supplied via these digital platforms is safe and what it says it is. We are on track to begin a wider and more formal consultation with stakeholders at the end of March.
13. I and colleagues met with Just Eat in early February. Just Eat has 37,500 restaurant partners across the UK. They have a number of measures in place to incentivise their restaurant partners to take food safety seriously and to enable their customers to make informed choices. This includes: a requirement for new partners to have a food hygiene rating of 3 or above before they can be listed; publication of ratings on their platform; and a food safety investment programme to support businesses that have registered before the change to the requirements, that do not have an FHSR rating above 3. They have access to a large number of small and micro food businesses. They remain committed to working with us to disseminate food safety messages to a group of businesses that we often find hard to reach.
14. My colleagues have had similarly constructive discussions with the other two main platform suppliers, Deliveroo and Uber Eats. I am pleased to report that, like Just Eat, these platform providers have programmes of work in place to improve the food safety of their restaurant partners, and to ensure customers can access information on hygiene standards. For example, Deliveroo, like Just Eat, sets a minimum ratings requirement for business partners to be listed with them and Uber Eats has removed all 0 and 1 rated businesses. All three of the main aggregators are working with us on a project to develop and refine digital badges for displaying ratings online.
15. The discussions and comments from all of the businesses we have spoken to about online aggregators are being used to inform and develop our guidance.
16. Staying with the online theme, in February we issued a warning about food sales on **Facebook Marketplace**. This followed a BBC investigation into

people using the website to sell food from their own homes. FSA Chair, Heather Hancock, was interviewed by the BBC about the story. Our advice was that everyone involved in online marketplace selling, from the host platforms to the home cook, must meet their responsibilities to ensure food is safe and what it says it is. Anyone selling food online in an organised and regular basis must be registered as a food business with their local authority.

17. Julie Pierce gave evidence at the **All-Party Parliamentary Group on Blockchain** Agriculture & Food/Manufacturing, on 11 February. The group is chaired by Martin Docherty-Hughes MP. Other contributors were from the tech industry and academia. The opportunities that blockchain technology offers were shared and there was an increasing number of implementations. The challenges were, as we have found in the FSA, in interoperability standards, governance and trust.
18. **Foodborne disease estimates.** FSA science was in the news in February, with widespread media coverage of our ground-breaking five-year study into the extent of norovirus in food. The final report of the FSA-funded **NoVAS project**, published on 20 February, did not indicate an increase in total gastro-intestinal illness, or any new risk to public health. Instead, it provided a better estimate of the proportion of infectious intestinal disease that is due to food. The overall estimate for this type of illness, from all sources, remains the same, at around 18 million cases each year in the UK.
19. This research has given us a much better idea of the role of food in the spread of all infectious intestinal disease in the UK. A thorough internal review of the model developed during the project was conducted before it was used to update the FSA's estimates of total foodborne disease. A report on the internal review and a paper describing the resulting update to the FSA's foodborne disease estimates were published at the same time as the final report of the project. The resulting foodborne disease estimates have been used to update the cost-of-illness estimates prepared by the FSA's economics team and these will be discussed later in the meeting.
20. **CBD.** I updated the Board on CBD at our January meeting. Further to that discussion, the FSA published advice on the regulatory approach for CBD to local authorities on 12 February, and offered consumer advice, informed by our Committee on Toxicity, about maximum levels and vulnerable consumers. I was interviewed on BBC Breakfast and the announcement received widespread coverage.
21. For some months, the FSA has worked with Home Office, Department of Health and Social Care (DHSC), including the previous and current Chief Medical Officer (CMO), Medicines and Healthcare products Regulatory Agency (MHRA) and others to clarify roles across government and agree a coordinated approach. Our approach does not affect the consideration of CBD or cannabis for medicinal use.

22. Only novel CBD products that are linked to a validated application will be allowed to stay on the market after the end of March 2021. We are recommending industry to submit their applications via their usual route, while also sending their applications to us. From January 2021, the FSA will take on the application process from the EU and can legally assess whether businesses meet the required standards.
23. We also issued consumer safety information, including limited precautionary levels, based on considerations taken by the Committee of Toxicity in January. We recommended consumers think carefully before taking any CBD products. Until we have further information, as a precaution, we did not recommend CBD for those who were pregnant, breastfeeding, or taking any medication. For healthy adults we recommended no more than 70mg a day, which is about 28 drops of 5% CBD, unless a doctor agrees. This approach was welcomed by Professor Boobis, Chair of the Committee on Toxicity. I believe we are the first food regulator in the world to offer consumer advice on CBD of this nature.
24. The first FSA **Food Allergy Symposium** was held on 25 February. The event was opened by the FSA Chair, Heather Hancock, and saw over 100 delegates from key food industry sectors, local authority enforcement, clinical allergists and allergy consumer groups. The aim was to gather and galvanise partners from both inside and outside government to showcase best practice, raise awareness and deliver change that would improve the lives of the food hypersensitive consumer.
25. Delegates heard first-hand experiences from people living with or caring for those with food allergy. Experts spoke on a range of subjects including understanding the causes and diagnosis of allergies, the importance of reporting and acting on incidents to keep people safe, how to manage allergen information, and the enforcement of allergen control.
26. The FSA will use the insights from the day to inform the development of the Food Hypersensitivity Strategy. More information is available on the FSA website at: <https://www.food.gov.uk/news-alerts/news/food-allergy-symposium-brings-industry-enforcement-and-consumers-together-for-the-first-time>.
27. **Oysters and foodborne illness.** The FSA and FSS have been involved in a **multi-agency outbreak team** investigating several cases of illness potentially linked to the consumption of oysters. Supply chain investigations have not identified a source or harvesting area, but investigations are continuing. We are advising food business operators and local authorities to ensure shellfish is handled and prepared safely.
28. **International organisations.** The UK's changing relationship with the EU, and our developing partnerships with the rest of the world, mean it has never been more important to play an active role in the international organisations that are shaping global food safety policy. I am pleased to report that in February the FSA

coordinated the UK's support for a resolution at the **World Health Organisation's Executive Board meeting in Geneva**. The resolution sets out an ambitious global food safety agenda, aimed at improving national food safety systems, including benefits for UK consumers through safer imported foods.

29. The proposed resolution, entitled "Strengthening Efforts on Food Safety", is supported by 42 countries including the UK. The FSA coordinated input from across Whitehall and fed into the exercise through the UK Mission in Geneva. We expect the 73<sup>rd</sup> World Health Assembly to formally adopt the resolution when it meets in May. The resolution will be led by the World Health Organisation, with support from other relevant international organisations, including the Codex Alimentarius Commission where FSA Director Steve Wearne is a vice-Chair.
30. Today the Board were expecting to receive a paper on the **FSA's Enforcement Strategy** following a paper that came to the Board in June 2019 (FSA 19-06-10<sup>1</sup>). My apologies that this work has not been concluded because of other pressures.

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<sup>1</sup> [https://www.food.gov.uk/sites/default/files/media/document/fsa-19-06-10-fsa-approach-to-regulatory-enforcement-and-sanctions\\_0.pdf](https://www.food.gov.uk/sites/default/files/media/document/fsa-19-06-10-fsa-approach-to-regulatory-enforcement-and-sanctions_0.pdf)