

MINUTES OF THE FSA BOARD MEETING ON 2 DECEMBER 2020

Via Zoom from the Chair's Residence, Cambridge

Present:

Heather Hancock, Chair; Ruth Hussey, Deputy Chair; David Brooks; Margaret Gilmore; Colm McKenna; Peter Price; Timothy Riley; Mark Rolfe.

Attending

Emily Miles	-	Chief Executive
Sushma Acharya	-	Head of Policy & Strategy for Food Hypersensitivity (For FSA 20/12/04)
Catherine Bowles	-	Deputy Director of EU Transition and International Unit (For FSA 20/12/03)
Theo Hawkins	-	Head of EU Transition and Devolution (For FSA 20/12/03)
Chris Hitchen	-	Director of Finance and Performance
Maria Jennings	-	Director of Regulatory Compliance, People and Northern Ireland (NI)
Anjali Juneja	-	Deputy Director of EU Transition and International Unit (For FSA 20/12/03)
Professor Robin May	-	Chief Scientific Adviser (CSA)
Paul Morrison	-	Director of Strategy, Legal, Communications and Governance
Rick Mumford	-	Deputy Director of Science
Julie Pierce	-	Director Openness, Data, Digital, Science and Wales
Steven Pollock	-	Director of Communications
Rebecca Sudworth	-	Director of Policy
Colin Sullivan	-	Chief Operating Officer

1. Welcome and Introductions

1.1 The Chair welcomed everyone to the meeting and noted no conflicts of interest nor matters of any other business from Board Members adding that she had one item to raise at the end of the meeting. She invited Steven Pollock to read out the questions received ahead of the meeting. A full list of those questions as well as the answers would be published on the FSA website.

2. Minutes of The FSA Board Meeting On 18 November 2020 (FSA 20/12/01)

2.1 The Chair noted that the Board accepted the minutes as an accurate account of the 18 November Board meeting.

3. Actions Arising (FSA 20/12/02)

3.1 The Chair noted that the Board were content with the Actions Arising.

4. Chair's Report (Oral Report)

- 4.1 The Chair had had no engagements in the fortnight since the previous Board meeting. This was to be the Chair's last scheduled Board Meeting. The process to recruit a successor had still not begun formally, even though it was December 2019 when she had given, in the three countries, notice of leaving. She expected an Interim Chair to be appointed soon and was confident that the Board would be in good hands on an interim basis.

5. FSA EU Transition Update (FSA 20/12/03)

- 5.1 The Chair invited Rebecca Sudworth, Catherine Bowles, Anjali Juneja and Theo Hawkins to introduce this item and noted that this would also be Catherine's last meeting before her retirement. Rebecca gave an overview of the paper highlighting the focus on support for business; imports, exports and the implementation of border controls; and cross-government working.
- 5.2 Catherine gave an overview of the FSA's preparedness for the end of the EU Exit transition period, noting the reliance in some areas on the work of other government departments; the testing of the Risk Analysis Process; incident handling; progress on health and ID marks; challenges of the NI protocol; negotiations on Free Trade Agreements (FTAs); and UK Frameworks.
- 5.3 The Chief Executive (CE) said that, in terms of the FSA's overall readiness there would be things that were unexpected and could not be prepared for due to the significant change to the economic model which would occur overnight at the end of transition. Being agile in the months ahead would therefore be as important as the preparatory work that had taken place.
- 5.4 The issue of export health certificates had emerged in the Department for Environment, Food & Rural Affairs (Defra) and required a quick resolution. Defra had made a request to the FSA and to the Animal and Plant Health Agency (APHA) for help from FSA vets and Meat Hygiene Inspectors (MHIs) for signing off export health certificates to improve capacity. The FSA had offered to train a number of internal Official Vets (OVs) and were offering to train over 100 MHIs to do some certification support taking care not to undermine the FSA's official controls work. The arrangements would be reviewed at the end of January and if the FSA could not continue that support, it would be stopped to give priority to official controls work.
- 5.5 Margaret Gilmore asked whether there was confidence that the Import of Products, Animals, Food and Feed System (IPAFFS) would be ready in time. The Chair noted that the Board had consistently expressed a higher level of tolerance for when controls would be introduced on imports from the EU as the regime on day one after transition would not be higher risk or less safe. Rebecca Sudworth accepted that there was not much time to get assurance that IPAFFS would deliver what was required from it but stressed that the FSA was part of a wider cross government effort, working with Defra and other partners, to ensure that all the required systems were in place. She added that

there was one part of IPAFFS that was now available for live use and would shortly be activated.

- 5.6 Margaret asked if there would be any risk based checks and controls on incoming high risk food and feed between January and July 2021. Rebecca said that the FSA had been clear about its responsibility for risk based controls and that this was also part of a broader system of checks and controls that was still under negotiation. She was satisfied that there was no additional risk to the proposed approach. Catherine said that in relation to high-risk food, not of animal origin, full checks would still apply for commodities coming from third countries. She added that the FSA was also enhancing its surveillance activities.
- 5.7 Margaret asked about the work that meat inspectors and vets had previously been doing and whether it would leave any gaps if they were transferring to help with export health certificates. Colin Sullivan said the vets being made available to Defra were people that had been used as a pressure valve for the COVID-19 response. Having dealt with the COVID-19 pressures, those managerial vets and MHIs would be available but on the basis that it would not be a long term solution and only to cope with a possible surge in January.
- 5.8 Timothy Riley said that there could be issues in relation to divergence and asked whether there was an understanding of the scale of the impact there could be on the FSA and what the strategy was for dealing with it. Rebecca said that the FSA was aware of its responsibility to ensure that the requirements for business were clear and from January all of the requirements of European legislation would be taken into UK law so everyone would understand the starting point. If divergence did occur, the FSA would have a responsibility to be clear about what was required in the UK and to ensure businesses understood that. There would also be a role to understand the impact of any changes in regulation on trade agreements and the ability to export, which was one of the FSA's roles. The CE added that for products coming from GB into Northern Ireland, the certificates and standards those products needed to meet was still unclear because negotiation between the EU and the UK had not yet concluded.
- 5.9 Peter Price noted the potential demand for further effort on an agreement with the EU in coming months if issues were left unresolved due to the need to reach a substantive agreement. It could then be that further work was going to have to be carried out, highlighting the need for flexibility and agility in responding to how things develop. Rebecca acknowledged the need for agility adding that not all of the challenges that could emerge could be predicted, but there would be a need to ensure that the skills, systems and processes were in place to deal with them as they did.
- 5.10 Peter said that at a recent meeting of the Welsh Food Advisory Committee (WFAC), concerns were raised about the problems facing the port of Holyhead, where a lot of exports to Ireland passed through. This included difficulties with checking loads that had been grouped and also the potential for food fraud and crime associated with pre-notification, enabling controls to be circumvented.

Rebecca said that the FSA was very closely involved in the cross-government working on issues around grouped consignments and was alive to those issues.

- 5.11 Peter said WFAC had also heard concerns about how lamb exports from Wales would operate in terms of tariffs and delays, which could have a huge impact on that aspect of the Welsh economy. Rebecca said that the FSA was working closely with meat industry stakeholders and that some of the issues at hand were ones where the FSA was part of a broader Government system. The CE reminded the Board that the question of exports sat with Defra; the FSA was responsible primarily for food consumed inside the UK and the safety of that food.
- 5.12 Colm McKenna asked about the FSA's stakeholder engagement in Northern Ireland and how ready Food Business Operators were for what was coming after the first of January. Rebecca said that stakeholder engagement in Northern Ireland had been extensive across food businesses. Maria Jennings said that the FSA had been participating in DAERA led industry workshops, most recently last week, attended by around 500 businesses, including businesses from Northern Ireland, the Republic of Ireland and GB. The meeting generated an extensive Q&A that would be published. Two further webinars were planned for the coming weeks.
- 5.13 Colm asked about access to the Rapid Alert System for Food and Feed (RASFF) for Northern Ireland and whether there was confidence that this could be achieved. Maria said that the FSA were involved in official level conversations with the EU Commission around access to RASFF and were confident of resolving remaining issues to allow a mechanism for Northern Ireland to access the information on the RASFF system.
- 5.14 Colm asked about food coming from the Republic of Ireland into Northern Ireland and on into the rest of the UK. He asked about a definition for Northern Ireland qualifying goods to address concern from a food crime perspective and a food safety perspective about food coming across the border. Maria explained that Northern Ireland qualifying goods were subject to the same negotiations as goods, transported into Northern Ireland from GB and the definitions were still to be resolved. Theo Hawkins said that the UK Government had laid the Statutory Instrument in Parliament setting out the definition for a Northern Ireland qualifying good and offered to circulate the link to that.

Action 1 - Theo Hawkins to circulate link to Statutory Instrument setting out the definition of a Northern Ireland qualifying good.

- 5.15 Theo said that priority had been to avoid disruption and ensure continuity at the end of the transition period for traders in Northern Ireland, reflecting the broader approach taken for the first half of 2021 for EU trade. It provided for unfettered access for goods for free circulation in Northern Ireland. Effectively this would mean if goods were coming from Northern Ireland into Great Britain they would qualify as Northern Ireland qualifying goods. This definition would apply in the

short term to form a bridge to a longer lasting regime being developed with Northern Ireland businesses and the Northern Ireland Executive. He explained that the FSA was part of the conversations to develop that definition.

- 5.16 Ruth Hussey asked whether there were sufficient links and intelligence sharing across each of the nations of the UK, and with Food Standards Scotland (FSS) in particular to know where risks were emerging. The CE said that these links could always improve but measures were in place to ensure that the FSA was talking to the right people. She explained that FSS attended the daily meeting of the FSA's briefing cell and the FSA attended Defra's food resilience forum. There had also been a lot of individual stakeholder engagement such as a recent meeting she had held with Pamela Byrne, the CE of the Food Safety Authority of Ireland (FSAI).
- 5.17 The Chair noted the Board's approval of the proposals set out in the paper. She recognised the demands that the situation was placing on staff and expressed appreciation for the efforts being made. She noted the Board's confidence in the leadership team and staff to do what they could to ease the end of the transition period, recognising dependencies on other actors, and that the FSA would work with industry to ensure that the consumer interest and public health was protected. She extended particular thanks to Catherine and wished her a happy retirement.

6. Food Hypersensitivity Programme Update (FSA 20/12/04)

- 6.1 The Chair invited Rebecca Sudworth and Sushma Acharya to introduce the Food Hypersensitivity Programme Update. Sushma gave an overview of the paper covering the four-country approach; progress on Pre-Packed for Direct Sales (PPDS) products; the communications strategy; the impacts of the pandemic; progress towards a food allergy safety scheme; work with Codex Alimentarius; overarching principles; and the use of Precautionary Allergen Labelling (PAL).
- 6.2 The Chair said the Board would be reassured by the amount of work taken forward during COVID-19 amidst the pressures on the FSA. Margaret Gilmore endorsed the overarching principles. She suggested the team undertake a Deep Dive on PAL due to the dangers of complacency that could emerge from overuse. Peter Price added that he was reassured by the work done by the FSA, and through international co-operation, to avoid overuse of PAL. Colm said that the Northern Ireland Food Advisory Committee (NIFAC) shared concerns about the rise in the use of PAL and wondered if this was consistent internationally.
- 6.3 Margaret welcomed the return of a campaign aimed at 18-21 year olds and suggested the inclusion of information on who to contact if not satisfied with an outlet's information provision. On the development of a food allergy safety scheme, Margaret emphasised the need for firm evidence due to the subjective nature of consumer feedback.

- 6.4 David Brooks asked if there was a danger of over-complicating information to consumers with an additional scheme and whether the Food Hygiene Rating Scheme (FHRS) could represent a better vehicle to build in allergen cross contamination management and information provision. Colm said that he welcomed the apparent move away from that position toward a stand-alone scheme as the inclusion of allergen control could risk undermining the FHRS's primary function to indicate hygiene legislation compliance levels. Sushma explained that all options, including FHRS were being considered but that the FHRS scheme was a hygiene scheme and allergens work was concerned mainly with food standards. She explained that it was not necessarily the case that the scheme would have to start from scratch and there were existing schemes which could be useful to learn from. Colm mentioned the use of the MenuCal tool that was used in Northern Ireland and in Scotland and carried some allergen information, suggesting that this tool also be looked at.
- 6.5 David asked about the impact on the work of the outcomes of the Comprehensive Spending Review (CSR) given the announcement the previous week. The CE said that the FSA had been given more funding than it had spent the previous year but not as much as was sought. Therefore, programmes such as food hypersensitivity would not have the resources to deliver the entire plan for the coming year. She explained that the FSA was in a period of business planning and would review plans and consider how resource should best be allocated.
- 6.6 Timothy Riley noted that the case for funding work around food hypersensitivity would be strengthened if incremental benefits, including public health interventional benefits, for the current cost burden were considered. The Chair mentioned the work carried out in this area around the cost of illness, including for food hypersensitivity, and the significance of these measures to the economy: this data was used in the FSA's submission for the CSR.
- 6.7 Peter endorsed the overarching principles outlined in the paper. He asked a question about the accessibility of the information to those who were digitally excluded and whether the scheme information would also be available in the Welsh language. Sushma explained the team were attuned with the accessibility needs of those who were not digitally able as well as those who were younger or more technologically experienced.
- 6.8 Peter also asked about the consumer information presented in Annex 3 of the paper and asked whether any of it had been gathered in Wales. He explained that higher levels of both poverty and digital exclusion in Wales meant that information gathered elsewhere might not be directly applicable. Sushma said that she could not say whether any interviewees were from Wales but would ensure the researchers were aware of the issues raised.
- 6.9 The Chair said that the Board endorsed the approach to taking forward the work on the food allergy safety scheme and Precautionary Allergen Labelling and was pleased with the progress made.

7. Reports from the Chairs of the Food Advisory Committees (Oral Reports)

- 7.1 Colm McKenna said that NIFAC had met twice in the period since the last update. Firstly, in an open session where they were joined by Joy Alexander of the Department of Agriculture, Environment and Rural Affairs (DAERA) and once, in a closed session to discuss the content of the papers for this meeting. He explained that NIFAC were currently undertaking recruitment and sought to replace three members, whose terms would expire on 1 April and an additional member whose second term would expire in July. Pressures on health departments across the UK with the pandemic meant that the NI Health Minister was not able to appoint a representative for the panel but had indicated that he was content for the process to proceed.
- 7.2 Peter Price said that WFAC were also in the process of recruiting, seeking four new members with effect from 1 April. He said that WFAC had also met to consider the papers for this meeting and additionally, would be meeting in open session to consider the food landscape in Wales on 4 February, assessing the impacts of COVID-19 and of the end of the transition period.
- 7.3 Peter said that as the new Chair of WFAC, he had also attended some online events run by food industry bodies and noted significant changes under way, particularly in terms of the difficulty of accessing EU markets.
- 7.4 The Chair thanked Colm and Peter for these updates and urged anyone watching the meeting to consider applying to join NIFAC and WFAC.

8. Any Other Business

- 8.1 The Chair made some farewell remarks to the Board and Executive as this would be her final Board meeting as Chair of the FSA. She noted the significant changes that had occurred since the start of her Chairmanship in 2016. She felt privileged to have been able to contribute to ensuring that public trust in food was warranted and sustained. The Chair commented on some key achievements over the five year period including: the increased visibility and central use of science in the work of the FSA; the establishment of the National Food Crime Unit, noting that Ministers were still not forthcoming about the provision of PACE powers for the Unit; successfully making the case for compulsory CCTV in abattoirs; gaining Government support for mandatory display of FHRS ratings; and reshaping the regulatory regime.
- 8.2 She considered it fitting that the two items on her last Board meeting agenda were EU Transition and Food Hypersensitivity. She hoped that consumers, businesses and politicians would appreciate and value the replacement regulatory systems that had been built for Brexit. The Chair commented that she was proud to leave the FSA with its highest ever sustained levels of public trust and noted the Dutch proverb which she had held to throughout her chairmanship: "Trust arrives on foot and leaves on horseback."

- 8.3 Ruth Hussey thanked the Chair for her leadership of the FSA. The ambition for the FSA to be a modern, effective regulator had been clear from the outset. The added challenge of leaving the EU and designing new systems had required a huge amount of strategic leadership at which the Chair had excelled. She wished the Chair well in her new role as Master of St John's College in Cambridge and said she had left the FSA across England, Wales and Northern Ireland in a stronger place.
- 8.4 The Chair thanked Ruth and said there would be a meeting of the FSA Business Committee on Tuesday 8 December by Zoom. The next FSA Board meeting would take place on Tuesday, 9 March from 9.30am, again, via Zoom.