

## **MINUTES OF THE FSA OPEN BOARD MEETING HELD ON 04 JUNE 2013 AT AVIATION HOUSE, LONDON, FROM 13.00 TO 17.00**

### **Present:**

Jeff Rooker, Chair; Tim Bennett, Deputy Chair; Margaret Gilmore; Jeff Halliwell; Jim Wildgoose; Liz Breckenridge; Henrietta Campbell; Sue Atkinson; Roland Salmon

### **Officials attending:**

Catherine Brown, Chief Executive  
Andrew Wadge, Chief Scientist  
Andrew Rhodes, Director of Operations  
Steve Wearne, FSA Interim Director of Food Safety  
Charles Milne, FSA Director Scotland  
Rod Ainsworth, FSA Director of Legal Services  
Chris Thomas, FSA, Radiological & Residues Team  
Paul Tossell, FSA Head Of Radiological & Residues Team  
Sarah Appleby, FSA Head of Enforcement & Local Authority Delivery  
Sandy Lawrie, FSA Head of Novel Foods Unit  
Siân Thomas, FSA Joint Head of Social Science Research Unit  
Joanna Disson, FSA Joint Head of Social Science Research Unit  
Pippa Brown, FSA Board Secretary  
Sital Patel, FSA, Interim Head of Secretariat

### **Also attending:**

Professor Pat Troop, External Reviewer

## **WELCOME AND ANNOUNCEMENTS**

1. The Chair welcomed everyone to the meeting including observers both in the room and online. He also welcomed Roland Salmon in his new appointment. Paul Wiles' apology for his absence was noted.
2. The Chair reminded Board Members to declare any relevant conflicts of interest before discussions. No interests were declared.
3. Board Members were invited to propose items for Any Other Business. None were proposed.

## **MINUTES OF MEETING HELD ON 17 APRIL 2013 (FSA 13/06/01)**

4. The Minutes of the Open Board meeting on 17 April 2013 were agreed.

## **ACTIONS ARISING (FSA 13/06/02)**

5. The actions arising from the 17 April 2013 Open Board Meeting were accepted with no changes.

## CHAIR'S ORAL REPORT

6. The Chair reported that since the last Open Board meeting:
  - He visited Southampton Port and Border Inspection together with another Board member on 25 April 2013. He explained that there were four major ports for importing food into the UK which represents 85% of the foods imported via these ports (Tilbury, Heathrow, Felixstowe and Southampton) and he had during his term now visited all four ports.
  - He visited Eurofins a leading laboratory for food testing in Wolverhampton on 7 May 2013. He commented that Eurofins was a large facility with incredible operational capacity for issues relating to food safety.
  - He met the Wolverhampton Council Leadership on 7 May 2013 to discuss the Council's final arrangements to join the Food Hygiene Rating Scheme.
  - He attended the Environment Food & Rural Affairs Select Committee on 14 May 2013 together with the Chief Executive.
7. The Chair read out his oral statement stating that the Open Board meeting in July 2013 would be his last meeting as his four year term serving as Chair of the Board ends on 26 July 2013.
8. As Chair of a Non-Executive Board he explained that he did not have an executive role other than line managing the Chief Executive and that he or the Deputy Chair were the lead responsible for signing off any Freedom of Information requests that had been declined under Section 36 of the Freedom of Information Act 2000 (regarding prejudice to effective conduct of public affairs). Since December 2004 this had been the Board policy.
9. He did not routinely have sight of draft responses to Parliamentary Questions but had requested greater briefing during the horsemeat incident which had been the largest incident the FSA has dealt with. When he commented on draft responses to Ministers he urged for greater information to be given to Parliament to ensure that the responses were as helpful and comprehensive as possible. He explained that he did not have sight of submissions to Ministers nor did he provide clearance for such submissions. He explained that he saw the submissions as Ministers received them including the ones that were classified as "sensitive".
10. The Chair explained that the Parliamentary Select Committees had increasingly started to hold senior civil servants and those appointed to public office to be accountable for the decisions made during the term of their appointment. Until his appointment ended the Chair said that he expected to be kept fully informed of all relevant issues and papers and any circulation must also include Tim Bennett.
11. The Chair stated that he was not aware of the arrangements for the appointment of his successor and that his successor may not be in the post by 27 July 2013. Therefore, until a successor to the Chair commenced their term, the Deputy Chair appointed, like the Chair, by all four UK administrations, would lead the Board.

12. When a successor to the Chair was appointed the Deputy Chair would play a critical link of continuity and knowledge transfer. The Chair said that he had taken a few additional measures to assist this process and help ensure better continuity for the FSA. The Chair announced that following this Open Board meeting and the Business Meeting on 5 June 2013, the Deputy Chair would be handling any outstanding and new Freedom of Information requests/Parliamentary Questions.
13. The Deputy Chair would also be attending the Cabinet Committee on Regulation where he would represent the FSA Board as the Chair was unable to attend on the proposed date. The Chair would remain the lead contact for Ministers until the end of his term. However, he would invite Board members to Ministerial meetings in order to ensure continuity and in order to assist his successor. In this respect he had arranged as far as practically possible for the Deputy Chair to accompany him to as many scheduled Ministerial engagements as possible.

### **CHIEF EXECUTIVE'S REPORT FSA 13/06/03**

#### Post Horsemeat Incident – Intelligence Sharing:

14. The Chief Executive explained that there would be a substantive discussion today on Professor Troop's initial findings and so she would not go into detail on the work that the FSA had been doing as it would be discussed later. However, she reported that work was ongoing on both the investigations and the future arrangements for risk identification and intelligence sharing which was also a strategic opportunity for the FSA. She was pleased to confirm that levels of collaboration with industry remained generally positive.
15. Since she wrote her report she had two positive discussions with the British Retail Consortium on future arrangements for surveillance and intelligence sharing and they had been very constructive and other industry players had been participating actively in discussions. She explained that the FSA was going to set up a meeting to agree a suitable infrastructure for intelligence sharing going forward.
16. However, unfortunately this responsible and collaborative approach on the part of industry was not universally and consistently the case and she needed to inform the board of a disappointing incident with the Association of Independent Meat Suppliers (AIMS). She explained that AIMS had informed her and Andrew Rhodes at a recent meeting that they had been informed that a Food Business Operator (FBO) had discovered low levels of horse meat contamination in a beef shipment product. The FBO had told AIMS that they had destroyed the material and taken steps to secure their supply chain and therefore there was no risk to the consumer or cause for anyone to be concerned. The Chief Executive found it very disappointing that AIMS was not prepared to share the specific intelligence involved with the FSA and take steps to protect the consumer. This is despite the fact that the FSA has ways of protecting the anonymity of those that report to it. This is so that the information provided cannot be traced back to a particular source. However, despite pressing on the Chief Executive's part, AIMS failed to inform the FSA. She assured the Board that this intelligence had been passed on to the police for further investigation. The FSA were doing everything they could to target investigations in light of the very limited information AIMS had made available.

The Food Hygiene Rating Scheme (FHRS):

17. The Chief Executive mentioned that in a recent report by Which? that three quarters of the public would choose not to eat in an outlet with a rating less than 3. In terms of driving consumer behaviour she found this finding very encouraging. 95% of the public surveyed supported mandatory display of FHRS ratings. She noted that consideration would need to be given to this consumer intelligence and that it was something the FSA would need to reflect on when considering future priorities for FHRS in England.

The GM Incident:

18. The Chief Executive provided a short update on a GM incident in the United States. The US Department of Agriculture announced on 29 May 2013 that a small number of genetically modified wheat plants had been discovered in a farm in Oregon. The US Authorities were investigating how that happened and how widespread this might be. There was nothing to suggest that anything had found its way into commercial shipments or been exported. The US Department of Agriculture had stressed that there was no food safety issue. The particular strain of GM was evaluated in 2004 and was found to be equally safe as non GM wheat. She explained that the FSA was monitoring developments and the situation was due to be discussed by the Member States of the EU in Brussels the following week.
19. The Chief Executive welcomed questions from the Board members.
20. A Board Member wanted to know if the Chief Executive had any response from industry on the EU Commission's draft proposal in paragraph 4.1 on Official Controls, as they would bear the financial burden, and what the timetable for implementation was. The Chief Executive explained that in terms of timescales on the changes to Official Controls – this was not a speedy process. The FSA anticipates that negotiations were likely to go on until 2015 and then there would be a transitional period which could last a couple of years more.
21. A Board member explained that in respect of the FHRS she attended an interesting Food Advisory Committee meeting in Hampshire where the Trading Standards and the Environmental Health and other frontline food safety enforcement officers unanimously agreed that they would find it useful to have mandatory display as opposed to voluntary as it currently was. She had promised to pass this message on to the FSA Board and staff to make them aware of the kind of messages received during the Board member's visits.
22. The Chief Executive responded by thanking the Board member and reassuring her that this intelligence together with other pieces of intelligence would be taken into consideration during the review of FHRS and the strategic next steps.
23. Another Board member observed that at recent FHIS events in Scotland he had noted significant public support and this should be built on as there was a fair amount of interest and momentum.
24. Two Board members commented on the critical importance of industry collaboration during and between incidents.

25. The Chair of the Scottish Food Advisory Committee (SFAC) referred to paragraph 7.1 of the report on the point about information regarding the New Food Body. It was explained that the FSA deliberately took the position not to submit a response paper to the Consultation. However, SFAC did put in a response but it was specifically not badged as an FSA response. This would appear at some point in the future once the consultation papers were published. He promised to circulate the paper to the Board.

**Action: Head of Secretariat**

26. A Board member referred to the last point on page 13 of the operations report in respect of, compliance by FBOs. There had been a considerable deterioration in all three elements compared to the base period of 2011. He observed that the slaughter house and cutting plant figures were reducing. He asked if the FSA was doing anything about the downward trend in the three baseline periods.
27. The Chief Executive thanked the Board for their support and said that she completely agreed that collaboration with industry was not a passing thing. In the discussions about lessons learned she would take forward these points in the FSA's approach to horizons scanning and incidents handling. She explained that this was a theme to return to in the future. As she had mentioned in her report the FSA was still experiencing good levels of collaboration. However, she was mindful of the risk mentioned and would work intensely to get the outcome to build on existing collaboration.
28. Andrew Rhodes recognised the importance of the compliance issue. There was a large upward shift in compliance from October 2009 onwards. In the last few months particularly there had been downward trend and this may be through some business operators cutting corners. The active compliance category was shrinking.
29. Andrew Rhodes explained that they were in the process of commissioning an economic analysis of what was happening in the industry and what was happening to compliance to help with new strategies. However, he assured Board members that the FSA would continue to address this issue. He explained that the FSA was taking very robust enforcement action where appropriate. We were taking prosecutions and where businesses were not complying were dealing with FBOs firmly. He explained that the concern was what this meant in holistic terms of what was happening within industry. In cutting plants the FSA had audited several hundred plants, turning up unannounced with a very wide range of programs and in the next quarterly report he would show the key findings from these audit visits. He said that the Board member was right to raise a concern about this and it was being actively dealt with.
30. A Board member expressed his delight to hear that the Chair was able to make representations to Rutland County Council to join the FHRS. He hoped that the people and businesses of Rutland would be able to take advantage of this excellent scheme.
31. A Board member welcomed the stakeholder initiative for healthy choices in Scotland which the FSA in Scotland is participating in. He wanted to know what involvement there has been from the retailers in Scotland. Charles Milne, Director of FSA Scotland stated that the FSA had been in engagement with industry all the way through the

development of the document. There was a draft document and the FSA was awaiting comments and all the major players were involved.

32. A Board member welcomed this important initiative and looked forward to feedback on this in the future. She explained that she had spent a few months in New York looking at food policies and picking up on nutrition and learnt how important it was to work with industry and definitely the importance on working from a robust independent evidence base and ensuring that the initiatives that take place were in that category was very important even when working in partnerships. That was a very strong principle that the FSA needed to carry forward. She commented that it would be interesting to see what happens with that in the future.
33. A Board member asked whether there was further work to be added to Professor Troop's report before the report was published. She commented that Professor Troop had not yet had any conversations with the Board. The Chief Executive said this could be picked up with Professor Troop later in the meeting.
34. A Board member referred to the report on prosecutions that have been brought and she reported that in her discussions with local authorities that they think long and hard about following up a prosecution particularly if it was a big business operator with deep pockets. The Chief Executive agreed that we needed to keep the incidence of prosecutions under review as although enforcement action is only a part of our compliance strategy it is an important part.
35. A Board member referred to outcome 1 and the impact indicators on Campylobacter and welcomed the priority that the FSA gave it. The trends in salmonella and listeria were modest but encouraging but he highlighted that for the E coli O157 statistics 2011 was a notable year because there was large GB wide outbreak. He hoped that the 2012 figure represented a decline on 2010 and not 2011 that was 20-25% above the norm.

**ACTION: Director of Operations to confirm baseline**

#### **RADIOACTIVITY IN FOOD MONITORING (FSA 13/06/04)**

36. Steve Wearne, FSA Interim Director of Food Safety, Paul Tossell, FSA Head Of Radiological & Residues Team and Chris Thomas, FSA Radiological & Residues Team were welcomed to the table. Steve Wearne explained that the report sought the Board's views on proposals for our future approach to monitoring of radioactivity in food, which had been the subject of formal consultation and extensive engagement with interested consumers and others.
37. Steve Wearne said that the programme consisted of two elements. An element of monitoring that is conducted to meet statutory and treaty obligations, including the monitoring of foods in the vicinity of nuclear sites, and some monitoring of foods and around coasts that were distant from these sites. Then there was an element of discretionary monitoring, which further extended the numbers of samples taken both in the vicinity of and distant from nuclear sites. The proposals for change were based on an assessment of risk and not driven by cost savings. There was a clear and robust scientific consensus that the risks to consumers from radioactivity in food were very low. The views of stakeholders to a formal consultation were taken into consideration

in preparing these recommendations to the Board. Some stakeholders consider that the FSA should continue to fund a programme of monitoring that went beyond that which would be justified in terms of the risk assessment, in order to underpin consumer confidence.

38. Steve Wearne explained that the preferred option proposed reducing the scale of the programme to one that was more proportionate to the risk. That would mean continuing to take sufficient samples in order to make robust assessment of the risk to consumers from consumption of food produced in the vicinity of nuclear sites. The monitoring of food produced distant from nuclear sites would continue, but only to the extent required to fulfil treaty obligations. This was consistent with the levels monitored in foods away from nuclear sites being very low and often below limits of detection. The need for additional surveys every 5 to 10 years would be reviewed, and a scalable response capability to deal with the food chain effects on any unintentional releases from nuclear sites would be maintained. Each site would continue to be assessed whenever there were changes to the activities on that site, which would identify whether and when to increase the level of routine monitoring for that site.
39. The paper asked the Board to consider the principles that should underpin the FSA's future approach, and the weight to give to the views of stakeholders.
40. The Board was also asked to take a view on whether the FSA should continue to make a financial contribution to monitoring programmes in the Isle of Man and Channel Islands, noting that continuing this support would not be consistent with our preferred approach of a smaller future monitoring programme that was proportionate to risk.
41. The FSA is notified if there are any unplanned releases or if there was a possibility of a site releasing more than their original authorisation and in those situations we undertake an assessment as to whether that increases the level of risk and whether we need to carry out further monitoring and that will continue.
42. In 2011 the highest dose recorded in the UK which was directly attributable to food consumption was 0.16 mSv/yr, that was 16% of the European limits, which is set at 1 mSv/yr. That was the highest dose recorded in our Report. The dose recorded for the majority of consumers was far lower and for many nuclear sites the levels were below our reporting limits of 0.005 mSv/yr.
43. He explained that the FSA worked closely with environment agencies to assess the impact of any applications for changes to the activities on the nuclear sites and would continue to have flexibility in our programme to adjust the level of monitoring..
44. A Board member expressed the view that having read through the evidence of risk and what was proportionate, it was clear that Option 1 was the preferred option. They reflected that there was a quandary in terms of consumer confidence so the issue for the Board members was how to address this and education work was needed. She wanted to understand the implications of Option 1.
45. Paul Tossell explained that every year the FSA reviews the individual sites to consider the detailed programme for that year. The proposed 5 year review would be a fundamental review of whether the programme as a whole was still required and

whether it remained proportionate to the risk.

46. The Chair asked if the results were given to the Board every year and it was confirmed that they are included in their circulation for information only.
47. A Board member queried the definition of “optimised” but agreed that the reduced programme outlined in Option 1 seemed proportionate.
48. In answer to a query, Paul Tossell explained that there are border controls in place at the major ports to ensure imported food is not a risk.
49. Andrew Wadge reassured members of the Board that if anything unusual did crop up the FSA could respond very rapidly. He mentioned the Fukushima Nuclear Power accident as an example of just how rapidly the FSA could respond. He explained that in his view one of the issues here was that the FSA was maintaining flexibility to ramp up its response if anything unusual happened and he was confident that the answer was that the FSA was flexible and quick to respond to such issues.
50. The Chair summed up that Option 1 of the paper was agreed as the favoured option by the Board. It was also agreed that the FSA should no longer financially support the monitoring in the Channel Islands and Isle of Man but would make arrangements so that the FSA’s contracted labs could accept samples from these governments under separate commercial agreements. Finally, it was agreed that an information paper would be provided to the Board in mid to late 2015 giving the Board a review on the first full year of the agreed programme.

**Action: Director of Food Safety**

#### **FOOD AUTHENTICITY (FSA 13/06/05)**

51. The Board welcomed Andrew Rhodes, Director of Operations and Sarah Appleby Head of Enforcement & Local Authority Delivery to the table.
52. Andrew Rhodes explained that his paper had not benefited from the review that Professor Troop had conducted so in some ways it was out of context. However, the paper attempted to set out the context and status quo as to what authenticity was; what had been happening; and had set out some of the things that were already changing; and how the system works.
53. He said that the paper highlighted the pressures that Local Authorities (LAs) were facing but despite that there had been increases in the level of enforcement taking place. Inspections were becoming more risk based and targeted.
54. The UK-wide authenticity steering group led by DEFRA looked at the research programme for authenticity work.
55. There were proposals to have a joint DEFRA/FSA secretariat committee steering group and to develop the work that they do further at coordination, intelligence sharing, and enforcement activity to help target enforcement work.

56. A Board member said they were glad to see the paper coming to the Board and identified two further significant considerations. The first point was touched upon in sections 2.4 and 2.5 – it was confusing for consumer that the machinery of government changes fragmented responsibility. The second point was dealt with in 4.6 and the Board member welcomed the intention to explore with industry how concerns can be addressed to allow the sharing of intelligence and collective identification of risks. It had been very interesting to see that the recognition that started to come from the food industry with a number of senior figures reflecting the fact that the culture within the food industry had been probably to drive down cost to the effective exclusion of other considerations.
57. It would be very helpful for the FSA in addressing this to be able to deal at a senior level Board to Board basis with major players within the food industry to ensure that this collective identification of risks and steps to make sure that this did not happen again were addressed culturally within the major food players/retailers.
58. There was a discussion of paragraph 4.7 and the overlap on food safety, authenticity, and labelling and the Board agreed that there may be an argument for aligning responsibility with that of food fraud.
59. The Board members noted that the current patchwork of responsibilities between the government departments was unhelpful and confusing and complicated as to who did what. It was further pointed out that this complicated and fragmented government structure was not beneficial to the consumer in any way.
60. The Chair noted paragraph 4.7 of the paper and reiterated the point that there would be benefits to consumer confidence in this approach and to industry to make it clear that the government department responsible for authenticity is tasked above all with placing the consumer first and it did not have a primary responsibility in sponsoring the industry. He also noted that there were resource implications in this area of work. In particular, outside the FSA responsibility is the on-going issue of laboratory capacity and capability for analytical work, which benefit from indirect funding through grants to the LAs.
61. The Chair said that the Government Chief Scientist and others with responsibility for laboratory capacity should put together a plan to address the issue of resource capacity and capability. It was agreed the FSA had an interest in ensuring this issue was addressed by those with responsibility for laboratory capacity
62. The Chair summed up by stating that the Board's collective view was that it would be better for one government department to handle authenticity issues alongside fraud and safety issues. This would ensure greater clarity and that decisions were taken in an open and transparent way.

#### **FSA ROLE IN RELATION TO CONTAMINATION OF HALAL FOOD (FSA 13/06/06)**

63. The Director of Legal Services, Rod Ainsworth was welcomed to the table. Rod Ainsworth presented the paper on the FSA's role in relation to contamination of Halal food.

64. He explained that this was a complex issue as there were a number of certifying bodies but no agreed uniform set standard of what constitutes Halal meat. He informed the Board that whilst this specific matter was not for the FSA to determine, it can move forward the related issues of authenticity that arose during the horsemeat incident, where there had been deliberate adulteration of meat.
65. He recommended that the FSA should continue to seek to support greater consistency in enforcement by local authorities through updating the FSA guidance. He also recommended that the FSA should continue to publish information for the benefit of consumers whenever instances of contamination of Halal labelled food come to light. Knowledge and information sharing with the Muslim Halal certifying organisations should continue.
66. The Board thanked him for his clear paper and agreed that the recommendations presented in the paper should be taken forward.

#### **ANNUAL REPORT OF THE AUDIT COMMITTEE (FSA 13/06/07)**

67. The Chair of the FSA Audit Committee, Henrietta Campbell, made a brief report
68. She explained that over the reporting year there had been no significant control issues arising from the internal or external audit. An increasing proportion of audit reports had been classified as substantial. However, she reassured the Board that the Committee would not be complacent. The Board were therefore asked to note the work that had been undertaken by the Audit Committee during the 2012/13 financial year and to note that the report has been agreed by members of the Committee.
69. She said that her written report was brief and clear and welcomed any questions. A small editorial comment was made by a Board member who referred to page 7 of the report, specifically to the reference, "Statement on Internal Control (SIC)", which in his opinion should be changed to "Governance Statement".
70. The Chair of the Board observed that from the substance of the annual audit report all was well but that the Audit Committee should not be complacent. He stressed that a function of the FSA as a public body was to look after public monies.

#### **ANNUAL REPORT OF THE RISK COMMITTEE (FSA 13/06/08)**

71. The Chair of the FSA Risk Committee, Margaret Gilmore, thanked staff and the supporting secretariat. She explained that the Chair of the Risk Committee was responsible for assuring the Board on all aspects of the FSA's risk management policies and procedures and ensuring that they were effective and appropriate.
72. She stated that the Risk Committee was very satisfied with the progress made by the FSA in 2012/13 in enhancing its approach to risk management but recognised that there was no room for complacency. The Risk Committee had asked for extra work not mentioned in the report on the effectiveness of the high level risk register and on risk analysis, so that both the Committee and the Board can get the assurances they need on risk.

73. She reported that the Risk Committee have followed up a number of risks which have emerged from internal and external audits and the Committee reports regularly to the Board either through various meetings or directly at the Open Board meeting.
74. The high level risk register was circulated quarterly to the Board after it had been considered by the Risk Committee. She assured the Board that the Risk Committee will always escalate something to the Board if it thinks that it is more appropriate for Board discussion.

**Action: Head of Secretariat**

#### **UPDATE BY EXTERNAL REVIEWER OF THE HORSEMEAT INCIDENT**

75. Professor Pat Troop, who had led the independent review commissioned by the Board into the Horsemeat incident, was welcomed to the table.
76. Professor Troop introduced the preliminary findings of her report which were presented to the Board as published on the FSA website together with the other papers discussed during this Open Board meeting.
77. The Board were informed that this was a short and sharp review following the horsemeat incident. This was to ensure that the lessons that came out of this incident were quickly captured whilst fresh in the memory of all involved in the incident. Professor Troop confirmed that she had full access to all staff and to any piece of information she requested during her review.
78. In conducting the review she had a lot of interviews with people both internal and external to the FSA. Those that were interviewed were assured that their comments would not be attributable to them encouraging an open discussion.
79. Before reporting her preliminary observations to the Board she wanted first to stress that she was impressed by how hard staff in the FSA worked on this incident. Staff worked very long hours and weekends on this incident.
80. Professor Troop presented her report and discussed the method of her review which she explained involved collation of a large amount of data from a lot of paper and around 10 days of interviewing people involved in the incident (around 35 interviews to c.50 people). She spoke to a large number of staff within the FSA and to external colleagues from DEFRA, Cabinet Office, the Food Safety Authority of Ireland, trade bodies and local authorities. The review involved interviewing a wide cross section of those involved in the incident to get an informed view of the way in which the incident was handled.
81. She explained her findings of “prior Intelligence” in terms of whether anyone should have or had spotted this incident before it occurred, for instance, via its emerging risk or notification programme. In her opinion this incident was not anticipated and this was not unreasonable given available intelligence.
82. In terms of the Professor’s findings in respect of the FSA’s response it was clear to the FSA from early on that its Incident Handling Protocol would need changes to reflect the nature of the incident. She confirmed that the required changes to the protocol were

quickly and appropriately made, although the reasons for the changes could have been better communicated internally.

83. Professor Troop noted that although the FSA leadership team were quick to take a lead on the incident there were some within the organisation who were unclear of the FSA's role if the incident was not one of food safety.
84. Overall Professor Troop identified the need for better internal communication in the early stages of the incident, but she confirmed that this gap had been recognised and addressed in the course of the incident.
85. She flagged the need to consider capacity and identify and train cover for all the key roles in an incident.
86. The external communications was managed well. The FSA understood the importance of social media and managed to get across key messages very quickly via these forms of communication. The media was handled by the respective Directors of the respective countries and this was well received by key stakeholders.
87. Professor Troop shared feedback on the external website which she felt could have been more effectively kept up to date as a simple source of facts. This appeared to be due to capacity issues and it may be worth considering how other colleagues across the FSA or wider Government could have been called upon to assist.
88. Professor Troop reported that in terms of discussions with stakeholders, the feedback was positive. The Local Authorities worked well on the sampling and surveillance. Other bodies expressed that they would have been able to take some of the pressure off the FSA if they had been involved earlier. On the whole the message was that the FSA had done well in its handling of the incident.
89. In terms of the FSA's powers its ability to act relied upon the cooperation and goodwill to manage the incident. Professor Troop noted that the FSA did not have an overriding statutory power to require testing or receive information. She explained that the FSA may wish to consider other alternatives to increase its power to handle such incidents, other than legal powers, such as Codes of Conduct and a Framework Agreement.
90. Finally, Professor Troop concluded her presentation by highlighting four key points for the Board to consider: (i) improved intelligence systems across the sector; (ii) a development of Major incident Plan (in terms of training, stakeholder management, communications capacity); (iii) greater clarity of respective roles; and (iv) a review of the FSA's powers. All of which required collaborative working.
91. The Chair, on behalf of the Board, thanked Professor Troop for her preliminary feedback and said that he appreciated her comment about the efforts and hard work of the FSA staff during this incident.
92. The Board members agreed that there were some lessons to be learned from this incident and that there was some more long term work to be done. They found the presentation interesting and constructive in that it brought out, via an independent person, a lot of the good work done by the FSA as well as areas for improvement. They

welcomed Professor Troops observations and in particular, focus on the incident plan, intelligence gathering and the lack of clarity surrounding roles and responsibilities and taking a collaborative approach.

93. Professor Troop explained that by taking a collaborative approach and drawing on other bodies this did not mean the FSA would lose its independence. Strong bodies can collaborate without compromising their independence.
94. The Chief Executive thanked Professor Troop for her helpful report and said that together with the Chair she had agreed that the Incident Handling Protocol would need to be strengthened and this work had started when she commenced her role, six months ago. She explained that the FSA has moved forward in a number of areas in terms of strategic command and having a standard list of people that attend the bird table meetings. She suggested an initial action plan in response to the areas for improvement to be brought to the next meeting.

**ACTION: Chief Executive**

### **GENETICALLY MODIFIED-FREE LABELLING OF FOOD (FSA 13/06/09)**

95. The Interim Director of Food Safety, Steve Wearne and Sandy Lawrie, Head of Novel Foods Unit, Siân Thomas Secretary to the Social Science Research Committee and Joint Head of the Social Science Research Unit and Joanna Disson, Head of Profession for Social Research and Joint Head of the Social Science Research Unit were welcomed to the table. Steve Wearne explained that the report sought a steer from the Board on the advice to give to Ministers with regard to future EU discussions anticipated on GM-free labelling. He said that this advice might include, for example, a view on whether there was a need to intervene whether by regulation or through providing guidance, the wording of any GM-free claims, and criteria for making claims.
96. He explained that the current regime for labelling GM foods has been in place since 2004. Food and animal feed that contained GM ingredients must be labelled as such. However, there was no requirement for animal products such as meat, milk, eggs and fish to be labelled to identify whether animals have eaten GM feed. Current legislation did not prohibit voluntary labelling to indicate the avoidance of GM materials in the production of a food. In recent years, some Member States had introduced national rules that set formal criteria for making such voluntary claims. Other Member States had resisted such moves, arguing it was better to give consumers information on what was present in a food, rather than what was absent.
97. The FSA advice to date had been that such labelling was acceptable provided it was accurate and not misleading – essentially a restatement of the current legal position, as set out in general labelling legislation.
98. The European Commission was now considering whether it was necessary to introduce a single EU-wide scheme for this type of labelling. A review of the issue was expected to be published in the next few weeks and this was likely to initiate discussions between the Commission and Member States. It was therefore timely that the Board considered what advice the FSA might give to Ministers in the development of a UK position as these discussions unfolded.

99. He welcomed the Board members' views. There was considerable discussion amongst the Board about the other Member States and their national criteria and the parameters of the consumer communication. For the labels to be meaningful and not misleading, terms like "GM Free" and "Non GM" should be avoided where production involves significant exemptions for the use of some GM materials. Any framework for making such claims should describe how their accuracy is to be validated and enforced.
100. While the paper found no evidence of an urgent need, from the UK's perspective, for the EU to develop a formal criteria for foods produced without GM technology, harmonised criteria might be useful for producers who need to supply "GM-free" products to several countries, The Agency agreed to consider further the relative merits of maintaining the status quo versus developing a single EU-wide framework, so that the Board could return to the question at a future meeting.

#### **REPORTS FROM THE CHAIRS OF THE FOOD ADVISORY COMMITTEES (INFO 13/03/01-03)**

101. The Board accepted, without discussion, the reports from the Chairs of the NIFAC, SFAC and WFAC.

#### **ANY OTHER BUSINESS**

102. There was no other business to report.

#### **DATE OF NEXT MEETING**

103. The next Open Board meeting of the FSA Board would be held on 16 July 2013 in London.