

**MINUTES OF THE FSA OPEN BOARD MEETING HELD ON 21
JANUARY 2014 AT AVIATION HOUSE, FROM 13:00-17:40**

Present:

Tim Bennett, Chair; Henrietta Campbell, Deputy Chair; Liz Breckenridge; Margaret Gilmore; Jeff Halliwell; Roland Salmon; Jim Wildgoose; Paul Wiles

Officials attending:

Catherine Brown, FSA Chief Executive
Steve Wearne, Director of Policy
Will Creswell, Head of Consumer Protection and Commercial Support
John Barnes, Head of Local Delivery
Patrick Miller, Head of Science Strategy and Governance
Andrew Rhodes, Chief Operating Officer
Stephen Humphreys, Director of Communications
Liz Olney, Head of Operations Assurance
Charles Milne, Director of Scotland
Rebecca Merritt, Head of Private Office

Also attending for the item on Innovation:

Dr Craig Leadley (Innovative Process Technologies Section Manager, Campden BRI)
Professor John Petre (Grocery Technical and Innovation Director, Premier Foods)
Professor Peter Gregory (Chair Advisory Committee on Novel Foods and Processes - ACNFP)

Also attending for the item on Audit:

Richard Griffiths (British Poultry Council)

WELCOME AND ANNOUNCEMENTS

1. The Chair welcomed everyone to the meeting including observers both in the room and online.
2. The Chair reminded all Board Members to declare any relevant conflicts of interest before discussions.
3. No items for Any Other Business were raised.

MINUTES OF MEETING HELD ON 5 NOVEMBER 2013 (FSA 14/01/01)

4. There were no amendments to the minutes and these were accepted as an accurate record of the 5 November meeting.

ACTIONS ARISING (FSA 14/01/02)

5. The Chair noted that the Board had agreed at their meeting on 5 November to hold an open seminar on the development of BSE and TSE controls and the underpinning science.
6. Subject to the above addition, the Board accepted the actions arising.

Action: Secretariat to add the Seminar to the Board forward agenda

CHAIR'S REPORT

7. The Chair reminded the Board that the process for recruiting a new Chief Scientific Advisor was in its latter stages and reassured the Board that although there was no Chief Scientist at the Board today, the same procedures and checks on science governance, which the Board agreed in July 2012 continued to be applied, and that this would provide the basis for assurance on the use of science in papers brought to the Board in the interim before the appointment.
8. The Chair updated the Board on engagements he had attended since the last Board meeting, these included:
 - A meeting with George Eustice, Parliamentary Under Secretary of State for farming, food and marine environment. Accompanied by the Chief Executive, topics discussed had included Campylobacter, desinewed meat (DSM), TSE controls, charging for Official Controls and the Elliott Review.
 - A Ministerial Reducing Regulation Committee meeting to discuss the FSA's progress regarding the Red Tape Challenge.
 - A meeting with Professor Elliot to discuss interim findings of the Elliott Review. The Chair said that Professor Elliott would be invited to an Open Board meeting, once his final report has been published. Action : Board Secretariat to add to the Board forward agenda.
 - A tour of Tulip Spalding abattoir to meet the FSA's Meat Hygiene Inspectors and a meeting with the British Pig Executive.
9. The Chair informed the Board that his appointment as Interim Chair of the FSA and Henrietta Campbell's appointment as Interim Deputy Chair had been extended by the Secretary of State for Health in consultation with Ministers in

Scotland, Wales and Northern Ireland. The Chair also congratulated Jim Wildgoose on his reappointment as a Board Member and Chair of SFAC.

10. The Chair said he had asked Paul Wiles to be Chair of the Risk Committee, replacing Margaret Gilmore whose term of appointment as a member of the FSA Board ends on 28 February. The Chair thanked Margaret for her stewardship of the FSA Risk Committee.

CHIEF EXECUTIVE'S REPORT (FSA 14/01/03)

11. The Chief Executive referred the Board to her report covering the period since the 5 November Board meeting and invited questions from the Board. The Chief Executive mentioned that she would soon be carrying out follow up visits to Bernard Matthews to hear about progress on rapid surface chilling and to a member of SNACMA – the European Snack Manufacturers Association and that any interested Board member will be welcome to join her on either of these visits.
12. The Chief Executive said that the FSA would be releasing the 3rd quarterly report on horsemeat testing with more than 8.000 further test results later this week.
13. One Board member commented that he welcomed the Chief Executive's continuing proactive engagement with industry to work towards the effective control of Campylobacter. It was important that this momentum was maintained if a step change in the control of campylobacter was to be achieved. The Board welcomed the opportunity to hear and discuss progress at their March Board meeting.
14. A Board member noted the current work using stable isotope analysis to check the origin of a range of foods claiming to be from the UK. Clarification was sought on whether it was the FSA's intention to take responsibility for assuring provenance claims or whether industry should undertake this analysis to confirm the origin of foods. The Chief Executive said that it remained the responsibility of industry to ensure that provenance claims are correct and that stable isotope analysis was just one in a battery of methods available to industry to check the origin of foods. The FSA will continue however to carry out independent checks on areas that are considered to be of possible risk of causing consumer detriment.
15. The work outlined in section 4 of the Chief Executive's report on antimicrobial resistance was welcomed and a Board Member asked to be kept informed of progress with the study.
16. A Board member sought clarification on the FSA's position with the EU Commission on the difference in definition of DSM. The Chief Executive confirmed there was currently no change and that the FSA continued to work towards clarification.
17. The Chair of NIFAC reported that NIFAC had briefly discussed the allegations of milk smuggling from the Republic of Ireland to Northern Ireland. The prompt

measures put in place by FSA NI and DARD in collaboration with the police and industry had received positive feedback.

SETTING A THRESHOLD FOR CONTAMINATION OF PROCESSED MEAT PRODUCTS WITH UNDECLARED MEAT SPECIES (FSA 14/01/04)

18. The Chair welcomed Patrick Miller, Head of Science, Strategy and Governance and John Barnes, Head of Local Delivery to the table. Steve Wearne introduced the paper.
19. Steve explained that early in the horsemeat incident last year Defra and FSA agreed a pragmatic threshold of 1% to distinguish between adventitious contamination and gross adulteration. This paper brought together strands of evidence that FSA and Defra have commissioned over the past year, with input from the independent expert Analytical Methodology Working Group. Steve thanked industry for their input which helped ensure that the research on carry-over reflected the realities of industry practice.
20. Steve made reference to the findings of research on consumer acceptability of this type of contamination, included in the paper and noted that the FSA recognised the particular interests of faith groups that relate to the issue of contamination of processed meat products with undeclared meat species, and that these interests were not specifically covered by this research. Halal and Kosher certification bodies set their own standards for the use of these descriptions on food.
21. Board members asked if further work was needed with laboratories to develop and validate the analytical methods for detection and quantification of horsemeat in meat products to 0.1% threshold. The Board were informed that there were no fundamental issues in the laboratories doing this work or in the additional validation that was required to detect levels at 0.1%. Further work was now needed to validate the analytical method across a range of laboratories in a collaborative trial.
22. Board members were content with the proposals for results which showed no presence of undeclared species at a level of 0.1% and for results which showed a presence of more than 1%. They were concerned about the proposals for handling products that showed a content of between 0.1% - 1% of undeclared meat species, questioning why the threshold should be set at 1% for enforcement action, if the FSA were confident that it had robust analytical methods for testing to a level of 0.1%.
23. Steve explained that it was not unusual to adopt two levels – one for action and one for enforcement. The expectation would be laid out in guidance that given that it is possible to achieve no presence at the 0.1% level then appropriate company controls should be consistently in place to make sure this is achieved. Should these controls ever lapse to a level where presence was detected at the 0.1% level then it would be the responsibility of the company to take corrective action and ensure that the cross contamination is eliminated. A company that

had recurrent cases of contamination at this level, albeit lower than the 1% threshold, should expect to face enforcement action.

24. It was explained that local authorities would find it very difficult to justify taking legal action against a company at the 0.1% level unless there was evidence of recurrent failures and therefore a failure on the part of the company to have taken appropriate corrective action.
25. There was also discussion about the principle that consumers should be made aware of companies that failed to meet the requirement to achieve no cross contamination at the 0.1% level.
26. Board members agreed that the Citizen's forum research was very helpful in understanding consumers' viewpoints in terms of levels of trace contamination in meat product with DNA from undeclared species.
27. One Board member asked whether labelling would give consumers greater transparency and reassurance that trace carryover would be minimised. A Board member also asked whether this was appropriate given the potential to be allergic to specific meats. Steve said that labelling is triggered when there is a conscious or deliberate addition to food and that in this instance could set a precedent and have unintended consequences on future labelling requirements. There was no evidence that he was aware of to suggest an allergy risk of the type suggested.
28. The Board emphasised that it was important that controls also applied to imported products and were reassured that the same level of testing could be applied and requirements imposed.
29. In summing up, the Chair said the Board agreed bullet points 1 and 3 at section 5 of the paper. He said that in the short term the Board agreed with point 2 of section 5 but this was subject to Steve returning to the Board meeting in March with a developed proposal for handling those samples that show a content of undeclared meat species that is equivalent to between 0.1% and 1%, clarifying what enforcement action would be expected in these cases and what communication would be made by whom to consumers on breaches. The Chair thanked Steve and his team for their excellent and substantial work to bring forward a strongly evidenced set of proposals.

Action: Board Secretariat to add to the forward Board agenda

UPDATE ON POST-HORSEMEAT REVIEWS AND ACTION PLANS (FSA 14/01/05)

30. The Chair welcomed Will Creswell, Head of Consumer Protection. Andrew Rhodes introduced the paper.
30. Andrew reminded the Board that this was a further update of progress against the actions from Professor Troop's report that had been presented at the Board

meeting on 16 July. An oral update had been provided in November. Andrew also referred to a number of other reviews that have now been published including, the National Audit Office Value for money report on food safety and authenticity; the report published by the Expert Advisory Group to the Scottish Government; and Professor Elliott's interim review in to the integrity and assurance of food supply networks. Andrew said the recommendations of the finalised reports had been drawn together and there were now 63 recommendations in the action plan. The recommendations included a lot that the FSA were already doing. It was also noted that a number of the recommendations were common to more than one of the reviews.

31. Board members said they were reassured to see the action that was being taken. They were pleased at the pace and progress of the FSA response to recommendations, including those highlighted in more recent reviews. Board members commented that not all the reports were for the FSA and it was important that the FSA continued to work collaboratively with other departments and partners in taking forward the recommendation in other reviews.
32. One Board member asked if there had been a step change in the approach by the major retailers to sharing intelligence and information with the FSA since the horsemeat incident. Will said there was still some reluctance to share information as the FSA were subject to Freedom of Information legislation. However, work was underway to put in place a mechanism for this to happen and at present it looked likely that this would be in the form of a 'safe space', handled through a third party and funded by industry.
33. A Board member commented that the Board had not met with any major retailers in the last year. It was agreed it would be helpful to arrange for the Board to meet with some of the non-executives from the major retailers. This would complement the relations at executive level.
34. A Board member sought reassurance on the actions arising to reduce the reliance on trust in the food chain and what more was being done to ensure that the traceability and provenance of meat was something that could be checked. Andrew mentioned the FSA work on checking provenance referred to in the Chief Executive's report as an example of new mechanisms for checking on claims, and reemphasised that retailers and others in the food chain were also required to have robust systems of checking in place that keep up to date with the changing profile of risk.
35. A Board member asked about FSA presence at cutting plants and cold stores. Andrew confirmed that the FSA did not have a full time presence and this had been the case for some time. There had however been a significant increase in the level of unannounced audits.

36. Board members sought clarification on the current level of sampling. Andrew noted that the level of sampling by Local Authorities was patchy and in some areas had almost ceased. This is an issue that the FSA has had growing concerns about and would undoubtedly be further discussed at the Board in the context of strategy development, strategic risk and ongoing results from LAEMS37. Board members welcomed Professor Elliott's report and thanked him for making an interim report available for people to comment on. The Board member noted that the report recognised that the food industry was susceptible to fraud and food crime and that further work would be needed to gain a greater understanding of the scale of fraud and the nature of the risks. The Board member also noted that the report made reference to the establishment of a police force to tackle food fraud within the FSA. Concern was expressed about the resourcing and practicality of this approach, although there was a recognition of the importance of increased expertise and intelligence sharing in this area. The increasing involvement of the National Crime Agency in the area of food crime was noted and welcomed. .
37. The Chair of WFAC thank the Welsh Food Fraud Co-ordination Unit for their work on food fraud.
38. A Board member referred to various areas in the plan that suggested detailed projects were being developed, e.g. IT integration and asked that Board Members with an interest in specific areas have an opportunity to learn more about these. This was agreed.

Action: Secretariat to put this in place.

39. In summing up, the Chair thanked Andrew and Will and said the Board noted the progress made against the Troop recommendations, as set out in the action plan; agreed the FSA's response to the additional recommendation included in the action plan and noted progress made against these, and had provided preliminary comments on Professor Elliott's' interim report. The Chair also reiterated that Professor Elliot would be invited to an Open Board meeting when his final report was published.

INNOVATION IN THE FOOD INDUSTRY AND THE REGULATOR'S ROLE (FSA 14/01/06)

40. The Chair welcomed Dr Craig Leadley (Innovative Process Technologies Section Manager, Campden BRI), Professor John Petre (Grocery Technical and Innovation Director, Premier Foods) and Peter Gregory (Chair - Advisory Committee on Novel Foods and Processes) ACNFP) to the table.

41. Steve Wearne reminded the Board that the item was on the agenda at their request to help them understand how the introduction of new products and processes was being monitored, managed and regulated.
42. The paper explained that there are a number of areas where the use of new materials and processes are subject to specific, detailed regulation, so that the innovations may be evaluated and approved before they can be introduced into the food production chain. The most obvious was the novel food regulation which was described in detail. The system for novel foods operated at the level of individual member states and the FSA was supported by the advice of experts on the ACNFP and the Chair, Peter Gregory, was also present to contribute to the discussion and to answer any questions.
43. There was specific legislation, in some other areas, such as food additives.
44. Some types of innovation are not specifically regulated. Here the industry needed to exercise due diligence to ensure that new recipes or procedures did not result in any harm to the consumer.
45. Steve also explained that there were several mechanisms for maintaining awareness of new products but that it remained important to make sure that the regulations remained relevant to technological advances, as well as ensure that there was sufficient scientific knowledge to assess new products as they came forward.
46. Finally, the legal framework for novel foods was about to be updated. Discussions and negotiations had not yet started but the Board would be kept informed and views sought on any specific issues that required a strategic steer.
47. Steve then introduced two short presentations. Craig Leadley, Camden BRI, gave an overview of the drivers for innovation and John Petre, Premier Foods, explained how food manufacturers manage the process of developing and introducing new products and processes.
48. Board Members raised a number of questions including at what stage consumer acceptability was considered in the process. John Petre responded that consumer acceptability was important at the uniqueness and relevance stages of the process and that they were always keen to explore further whenever consumers were concerned about technology.
49. Further discussion took place about the regulatory aspects of innovation in the food industry and whether the current regulatory framework met the needs of industry and whether the consumer had confidence in the process. John Petre felt that the regulation worked well but the challenge remained over advocacy and where the responsibility lay to seek to persuade the consumer of the benefits of new technologies.

50. Peter Gregory advised the Board that most of the approvals by his committee related to specific ingredients rather than novel technologies, In answer to a question he explained that while it was rare for an application to be refused outright there were many occasions on which companies were required to carry out further research and provide further evidence of some aspects of their proposals relating to safety, and that was part of the reason why many proposals take years to clear through the approval process.
51. In summing up, the Chair said the Board noted the information in the paper and had discussed and agreed the strategic steer. He also said the Board appreciated the insight that the external speakers had provided and thanked them for their presentations and input.

CONSUMER ENGAGEMENT – HOW WE LISTEN TO AND COMMUNICATE WITH CUSTOMERS (FSA 14/01/07)

52. The Chair welcomed Stephen Humphreys, Director of Communications to the table.
53. Stephen introduced the paper and mentioned that the communications team continue to work collaboratively with the social science team to make sure that consumer insight is shared and appropriate techniques applied..
54. Discussion took place about the central importance of consumer engagement to the FSA, the opportunity to be more focused in our segmentation, and more hard-edged in some of our messaging.
55. It was felt that partnership targeting with retailers and others with strong communication links to consumers could play a significant role in the future as well as consideration of innovation in current research techniques and better intelligence gathering. The growing use of social media offered opportunities to engage in different ways with some groups of consumers and the FSA continues to develop capability through social media channels as well as exploring other partnership channels.
56. Stephen responded that there is work underway looking at deeper consumer engagement and that it was important that the FSA maintained its corporate reputation and ability to understand and influence consumers.
57. The Chief Executive also commented that the issue of engaging with and empowering consumers was central to the development of the 2015-2020 strategy, and would continue to absorb a large amount of executive and board focus as part of that process.

58. In closing the discussion the Chair said that the paper and the areas for further focus were agreed and thanked Stephen and the team for their work.

REVIEW OF AUDIT ARRANGEMENTS IN FSA APPROVED MEAT ESTABLISHMENTS WITHIN THE UK (FSA 14/01/08)

59. The Chair welcomed Liz Olney, Head of Operations Assurance and Richard Griffiths, Director of Food Policy, British Poultry Council, to the table.

60. Liz outlined the paper and advised that she was seeking views on the proposals for change in relation to risk ratings, use of evidence and audit outcomes and frequencies.

61. Richard Griffiths summarised the statement that was tabled for Board Members which had been signed by The British Meat Processors Association (BMPA), the British Poultry Council (BPC), the Association of Independent Meat Suppliers (AIMS) and the Scottish Association of Meat Wholesalers (SAMW). He advised that the collaborative and constructive work undertaken to achieve an effective and improved audit system was welcome. Industry believe these proposals will encourage lower performers to “up their game”. The statement has been published on the FSA website.

62. Board Members emphasised the importance of an effective audit system that protects consumers and focuses resource on lower performing units. They were also keen to emphasise the importance of clear transparent labelling that consumers could understand, and asked that consideration be given to harmonising on a single set of labels to describe performance In paras.5.7 and 5.11

63. In terms of follow up of problems identified at audit it was also considered that there should be a different timescale for response to issues requiring “improvement” and “urgent improvement”

64. There was some discussion of the principle that all the audit information available for a particular company should be considered, and that for example, in the future, the outcomes of BRC audits could become part of the evidence taken into account in assessing the risk and appropriate audit frequency of particular businesses.

65. Another Board Member enquired about who it is intended should carry out the audits and emphasised the importance of para.5.1 that the audit findings are “accepted and trusted”. Andrew Rhodes responded that work is underway to consider Auditors being separate from plant based staff so as to provide an element of independent review and a more robust system.

66. The Chair reported that he was pleased with the progress that has been made in recent months with Industry support. It was agreed to take the proposals forward to consultation and to push on with implementation in the light of the results of the consultation and taking account of the comments made by the Board in their discussion. The Board requested an update following the consultation later in 2014.

Action: Chief Operating Officer

AN ORAL UPDATE ON A DRAFT FRAMEWORK FOR VOLUNTARY ACTION BY THE FOOD AND DRINK INDUSTRY TO IMPROVE SCOTLAND'S DIETARY HEALTH

67. The Chair welcomed Charles Milne, Director of Scotland, to the table.

68. Charles advised the Board that the draft voluntary framework of the document contained actions to reduce calories and other nutrients of most public health concern (salt, saturated fat, fat and sugar). Working in partnership with the food and drink industry, the aim had been not to limit consumer choice but to support them to make healthier food and drink choices. This was an initial approach, drafted by Government, which aimed to build on industry progress by ramping up the pace to address the pressing need for dietary change.

69. Since the launch in May 2013, there has been a process of collating information and feedback. Once the findings are available, there will then be engagement with the Scottish Public Health Minister to agree a timetable and start the finalisation process for the documents. A revised working document should be available in spring 2014.

70. Jim Wildgoose also reported that the Scottish Food Advisory Committee (SFAC) had been heavily involved in the early document planning and that SFAC were very interested to see how Industry would respond.

71. The Chair thanked Charles for the update.

CONTINUOUS IMPROVEMENT REVIEW OF GOVERNANCE – TOWARDS AN EVER MORE OPEN FSA (FSA 14/01/09)

72. The Chair introduced the paper and reminded the Board of the Capability Review carried out previously which recommended a review of existing Governance arrangements for the FSA.

i) The Chair emphasised that The FSA's principle of openness and transparency meant that the FSA should seek to build on its historic practice and continue

- to identify more of its business that could usefully be conducted in the open. He said that the legislation that established the FSA was a clear underpinning to our work and approach and there was no need to make any change to it at this stage
- ii) He suggested that the proposal to produce an annual report to each of the four parliaments through the relevant select committees was an enhancement of our current practice and would offer the opportunity for more scrutiny and engagement
 - iii) The Chair also said that in response to feedback from a Board member he was happy to clarify that overall responsibility for strategic risk and risk appetite would remain with the Board under the new terms of reference

73. One Board Member pointed out that there should be an inclusion within the Terms of Reference regarding Devolution. The following was suggested. *“The FSA is a UK-wide body. The interests of Scotland, Wales and Northern Ireland are taken into account in Board decisions and deliberations through advice from the Food Advisory Committees of these countries. Board papers are normally the subject of FAC consideration prior to their consideration in the Board.”* It was suggested that the wording be added to the opening indents of the Terms of Reference of the Board

Action: Chair & Secretariat

74. Further discussion took place between Board Members. The majority felt that it was clear that the recommendations of the Steering Group would improve the existing Governance and reaffirm the commitment to openness and transparency. It was also agreed that the paper was consistent with the objectives set out in the Statement of General Objectives and Practices.
75. One Board Member remained unconvinced of the benefits of the proposals and felt that there was a risk of duplication and increased cost and reduced clarity and transparency as a result of the changes. .
76. The Chief Executive advised that, as Accounting Officer for the FSA, she was happy with the outcome in terms of value for money and governance. The continuous improvement programme would also allow the FSA to review and make any necessary adjustments accordingly.
77. The Board approved and agreed the recommended proposals including the commitment to a regular two yearly review and the principle of continuous improvement between times.

REPORTS FROM THE CHAIRS OF THE FOOD ADVISORY COMMITTEES (INFO 14/01/01-03)

78. Roland Salmon, Chair Welsh Advisory Committee (WFAC) reported that the Committee will wish to raise a number of comments on the Welsh Government Consultation document 2014/15 and this will be taken forward in liaison with officials and the Chair.
79. Roland Salmon highlighted that, in its discussion on the proposed EU changes to regulatory procedures for novel foods, WFAC enquired whether this might provide opportunities to take forward the issue of cooked skin-on-sheep meat
80. The Board accepted the reports from the Chairs of the NIFAC, SFAC and WFAC.

ANNUAL REPORT FROM THE CHAIR OF THE SUCCESSION & DEVELOPMENT COMMITTEE (INFO 14/01/04)

81. Liz Breckenridge, Chair of the S&D Committee, thanked Lynne Bywater, HR Director, and colleagues on the work to refine the Board induction programme. This had now been designed to be more outward looking with stakeholders and partners involvement.
82. A Board Member commented that under section four (Programme of work for 2014) there was no mention of development of the Board. Liz responded that this had been discussed and would be considered as part of the Appraisal process.

ANY OTHER BUSINESS

83. There was no other business to report, however, the Chair took the opportunity to thank Margaret Gilmore both personally and on behalf of the Board for her work for the FSA as this was her last Open Board; he wished her well for the future.

DATE OF NEXT MEETING

84. The next meeting of the FSA Board will take place on Wednesday 5 March 2014 in London.