Summary

During this pandemic, the FSA has remained committed to ensuring food is safe and is what it says it is and to make sure that consumer interests are protected in this uncertain time. In achieving this aim, the department has set out a strategic intent (see Annex A) in handling the pandemic that protects consumer interests and the supply of safe food, while taking a proportionate and risk-based approach for critical FSA and local authority/port health authority functions. The FSA’s work in helping to reduce any shocks to the food system has also benefitted from a robust round of winter planning, that has not only taken into account the increasing transmission of COVID-19, but also how this interplays with other risks that might impact on the food supply as a result of the negotiations with the EU and the end of the transition period.

Since July 2020, the FSA has made the following observations:

Food safety and food crime

- Though we continue to do robust work on science and evidence relating to COVID-19, we have not seen any food safety issues, and the National Food Crime Unit has not seen any increasing prevalence of food crime, relating to the pandemic.

Staffing

- While the FSA has continued to deliver Official Controls in all abattoirs, which is essential to the supply of food of animal origin, we are mindful of the impact the latest lockdown and higher levels of transmissibility from strains of SARS-CoV-2 may have on frontline staff that carry out this function.

- The end of the transition period has put further resource pressure on our frontline staff, as we support Defra in issuing Export Health Certificates for the movement of goods to Northern Ireland or the EU.

Food supply and trade
• The FSA acknowledges frustrations from industry, who stated that government was slow to act in offering advice and guidance at the start of the pandemic. The FSA has since developed a rigorous approach to engagement with industry, delivery partners and other parts of government.

• Certain emergency contingencies that we had to introduce at the beginning of the pandemic to help support the food supply chain, such as easements on general food labelling, have not been necessary now. This points to showing that the food supply chain is much more robust in this lockdown, than it was in the first.

• While Port Health Authorities are reporting that the implementation of COVID-19 controls is not having a negative impact on food imports, the phasing in of checks for high risk food into Great Britain from the EU, from April, may cause some disruption. The FSA will continue to monitor the situation.

• During the first lockdown, businesses that had to produce, process or package their goods in another establishment, due to COVID pressures – under exceptional circumstances – were allowed flexibility in the application of ID marks. With the end of the transition period, this flexibility is no longer permissible, which could impact on the flow of food from Great Britain to Northern Ireland and the EU, as any ID mark flexibilities may make goods not compliant with Regulation (EC) No. 853/2004 and they may be rejected.

Consumer interests

• The FSA continues to gather the experiences of consumers in relation to COVID-19 through our tracker. While it reports some positive outcomes, such as increased trust in food businesses, there is a worrying trend with regard to food insecurity, especially for younger age groups. The FSA believes that the Government needs to do more to act in the consumer interest and help avert such a damaging outcome.

How the pandemic and the Government’s response to it have affected food supply since July 2020

The FSA’s response since July 2020 has built on its work at the start of the pandemic to assure the food supply by minimising the impact from COVID-19 on production. We have done this through focusing on:

• Continuing to work across government and with our delivery partners to ensure food supply has not been affected;

• continuing to build our robust science and evidence base to inform management of the pandemic;

• working to ensure the ongoing safety and availability of skilled front-line resources to maintain the availability of food supplies; and,
delivering tailored support and guidance to industry to support their response to the pandemic.

The science and evidence that the FSA has continued to gather since the outbreak continues to be an important resource, both for government and for industry and consumers. Central to food supply has been the effect of potential transmissibility of SARS-CoV-2 via food or food packaging. Following our qualitative risk assessment\(^1\) in June we have conducted further reviews of the evidence available. For example, we agree with the international opinion\(^2\) published by the ICMSF in September that the discovery of genetic traces of SARS-CoV-2 on food do not necessarily indicate any risk to consumers. This sustains our assessment that the overarching level of risk is very low, and it is very unlikely that people will catch Covid-19 from food. Our assurance of the low risk of this has minimised extra resources that need to be used in the production of food to keep it COVID-19 safe.

We have worked quickly to ensure the safety of the FSA’s inspectors and official veterinarians in meat plants, and this helps maintain food supply. We continue to be involved in discussions with HSE, Defra and PHE on projects led by those departments and agencies to investigate transmission in the workplace, develop innovative approaches for workforce infection surveillance, and assess the risk mitigation potential of controls such as face coverings, visors and ventilation.

Our response to change for food businesses was also swift, making sure their supply chains are not adversely affected to new ways of operating. Established business models have changed fast, with wholesalers opening online retail operations, restaurants converting to takeaways, or shutting for the duration. Supermarkets started to sell products destined for restaurants, while demand for local food boxes such as fruit and vegetable schemes sold from farms direct to the consumer soared. An example of our commitment to food businesses has been the launch, in August 2020, of our “Here to Help” campaign. This provides tailored guidance for small businesses to support them in adopting to new hygiene processes that are required by COVID-19, especially as they develop new ways of operating in response to wider restrictions and resulted in 14,440 referrals of food businesses to the business registration portal.

What impact the current lockdown is having on food supply

So far, the current lockdown is having limited effect on food supplies. In contrast the first lockdown in March, where a number of food items (morning goods, pasta, rice) did run short in specific parts of the UK, we believe the supply situation is now healthier.

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Delivery of Official Controls

An immediate concern for the FSA is a possible disruption to meat and poultry supplies caused by illness at key plants to both our staff and FBO employees. Both scenarios could result in shortages in the meat and poultry supply chain.

The FSA has around 950 directly employed or contracted staff who ensure official controls to protect public health are delivered at the frontline. Without FSA personnel working in meat processing plants, these plants are unable to lawfully place product on the market.

Whilst the latest national lockdown has provided challenges to all in the food industry, the Food Standards Agency has continued to deliver Official Controls in all abattoirs, with no service failures since the onset of the COVID-19 pandemic. As a result, normal volumes of food supplied from abattoirs have been maintained.

The FSA continues to monitor outbreaks in these premises, working alongside HSE and PHE, and we are corresponding individually with FBOs to understand how they are managing ventilation at their sites where FSA staff maintain a permanent presence. We have robust contingencies in place to maintain resource levels and the continuation of the work of meat hygiene inspectors (MHI) and Official Veterinarians (OV), through a four-tiered approach endorsed by the FSA Board:

- **Stage 1**: Prioritisation of current activity, redeployment of officials and recruitment of additional OV / MHI capacity.
- **Stage 2**: Utilisation of the existing Official Controls legislative framework and associated implementing regulations to support a reduced workforce;
- **Stage 3**: Additional measures under new Implementing Regulation (EU) 2020/466 (authorisation of persons, designation of laboratories, official controls by distance communication), and;
- **Stage 4**: Further Contingency planning enabling FSA / FSS to continue to keep these measures under review and consider and plan for any further contingency arrangements that may be necessary.

However, these mitigation measures may become insufficient given the greater transmissibility of the virus and the support FSA veterinarians are providing to assist Defra in the issuing of Export Health Certificates (EHCs). Defra and the Animal & Plant Health Agency (APHA) lead on EHCs – official documents that confirm exports meet the health requirements of the destination country – although the FSA holds competencies which empowers it to issue EHCs. With the commencement of the new UK/EU Trade and Co-operation agreement, Defra anticipated a significant additional requirement by meat plants for EHCs for meat exports to EU Members States. As a result, the FSA agreed to do all that it could to assist Defra, whilst recognising that to enable the completion of these EHCs, as well as assure the domestic supply of meat, we need to complete our Official Control duties as a priority activity. As of Monday 25th January, the FSA had received 72 requests to complete EHC work, of which 24 (33%) had been fully or partially accepted and 6 (8%) were
under review at the time of writing. Resource has not yet been required for surge capacity (where APHA will approach FSA when an FSA approved business cannot source a certifier) and activity such as the FSA’s audit activity has not been impacted so far.

The absence levels of FSA and contractor staff have averaged around 8% through January, compared to 14% at the peak of the first lockdown last April. We currently have around 50 staff shielding as a result of restrictions being reintroduced in January 2021.

Impact on other areas
While the initial outbreak and lockdown created significant issues for the food supply chain, the FSA’s experience of this lockdown is that important lessons have been learnt and implemented, and the increased planning has led to a much calmer outlook regarding shocks to our food supply. For example, the National Food Crime Unit has noted that while there has been a change of demand for food commodities for commercial outlets – adapting their operation to serve customers in line with restrictions – there is no evidence to suggest a rise in food crime. Port Health Authorities are not reporting any disruption with the implementation of COVID-19 measures, with the import of high-risk food and feed through the UK having been maintained. The general labelling easements, which we reported on in our original submission to the EFRA Committee (see Annex B), are no longer required, following a review in July 2020.

However, the FSA – in collaboration with OGDs and delivery partners – also continues to monitor the situation regarding the movement of goods between Great Britain, Northern Ireland, and the EU, following the end of the transition period, and there are two risks in particular that may impact on the food supply:

- In April and July 2021, import controls will be phased in for high risk food and feed products imported into GB from the EU. This will increase the number of checks carried out on imported high risk food and feed products from the EU. Any escalation in the COVID-19 pandemic, such as increased infectivity has the potential to reduce GB Port Health capacity to undertake such checks, disrupting the supply of imported food and feed into GB.
- There is potential risk regarding labelling flexibilities of ID marking for businesses, who, during the initial outbreak, may have had to temporarily have their product produced, processed, wrapped or packaged in another approved establishment. This practice was permitted under certain, exceptional circumstances and these flexibilities were withdrawn as of 7 December 2020, in preparation for the end of the transition period. Following the end of the transition period, and with the introduction of checks on goods moving from Great Britain to Northern Ireland or the EU, retaining any flexibility around the application of ID marks presents a particular risk to any business moving products through these check points, as they will not be compliant with Regulation (EC) No. 853/2004 and may be rejected. This could
have wide implications for exporting businesses and wider UK trade agreements.

Finally, our social research provides robust and timely data on the impact on consumers for the National Food Strategy, and currently used by PHE to monitor the impact of the pandemic, particularly on household food insecurity. While consumer trust in food businesses has strengthened during the pandemic, levels of food insecurity continue to be a cause for concern. 1 in 5 respondents to our ongoing Covid-19 tracker reported cutting down on meals for financial reasons. The issue seems particularly acute with younger age groups as 38% of 16 - 24 year olds experienced food insecurity in November, up from 22% in August.

What further actions the Government, public bodies and industry need to take

The EFRA Committee noted in its conclusions on food security in its report from July that responsibility for food is spread across multiple departments. The same is true between Westminster and the devolved administrations, which can create a complex combination of responsibilities. For example, in England, the FSA does not have responsibility for compositional labelling (though it does in Wales and Northern Ireland) and it does not have responsibility for nutrition (which it does in Northern Ireland, but not in Wales). To tackle this complexity, we believe that parts of government can and should cooperate more effectively together.

There are clear lessons from our response to the pandemic about the much greater outcomes that government can deliver when we work outside of our traditional departmental silos and responsibilities. We believe that much greater cross governmental working can deliver better outcomes for consumers and support business more effectively. For the public to have trust in the food that they eat, Government needs to fully understand and reflect upon consumers' experience of the food system, especially during a time of crisis. There needs to be a strong consumer voice to inform decisions about the food system as a whole. We look forward to seeing the recommendations within the National Food Strategy and supporting the drafting of the subsequent Defra White Paper. We believe that this will set a challenging and ambitious role for government and the FSA looks forward to developing our role to further deliver benefits to consumer and the UK food industry.

The FSA has liaised closely with Defra on food supply issues to determine any direct or indirect impacts on food safety. Our Food Chain Intelligence Cell, originally established in March in conjunction with Food Standards Scotland (FSS), was re-established for the second wave in November. It continues to be a source of information for FSA incident response with expertise covering policy, communications, social science, strategic surveillance and data, and across the UK’s four nations. The intelligence includes external information from industry, other government departments, local authorities, and other countries’ Competent Authorities.

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3 https://www.food.gov.uk/research/research-projects/the-covid-19-consumer-research
This is part of broader external engagement, and we have enhanced our relationships and ways of working with industry to best respond to COVID-19. Our Field Operations personnel are leading an Account Management process, meeting regularly with the largest meat Food Business Operators. At a more strategic level we participate in meetings and engage with industry and other government departments to discuss wider concerns relevant to the industry, including the Food Resilience Intelligence Forum, the Food Chain Emergency Liaison Group and the Food and Drink Federation Round Table.

More generally, we are continuing to engage with local authorities and feedback from the two national local authority focus groups (food hygiene and food labelling and information), as recently as the 21 January. The impact of COVID-19 on local authorities has been significant, and in August last year we conducted a survey which illustrated that while the impact of the pandemic across local authorities varied, 46% of local authorities in England reported having to redeploy at least half of their food team staff to COVID-19 related activities. At the beginning of the current lockdown we wrote to local authorities on 7 January to reiterate that the FSA’s advice issued at the beginning of July remains in place. We also recently issued the latest version (version 14a) of a COVID-19 specific Q&A for local authorities.

We believe that this rigorous partnership approach to planning and engagement means that the FSA and its delivery partners are better prepared for shocks to the food system, which means that the regulatory regime can better (and safely) flex to support the food supply chain and offer support to both consumers and industry. We intend to take this rigorous approach to engagement and apply it to other areas of the FSA’s remit, aside from COVID-19 planning.

Finally, we remain of the view that food legislation needs to be more flexible. One of the key difficulties the FSA faced was obtaining rapid legal adjustments to quickly mitigate the effects of the crisis due to the constraints of EU law (as well as the variation of responsibility between the four nations). Now the transition period has ended, there will be opportunities to institute a more flexible legal arrangement that better allows for temporary easements in situations such as this, without compromising food safety or traceability.
1. To protect consumers interests and support the supply of safe food by taking a proportionate risk-based approach to ensure that critical FSA and local authority / port health authority functions and their supporting services remain operational and appropriately resourced.

2. To prioritise the effective implementation of official controls in food plants thereby assuring food safety is maintained whilst supporting government and trade in facilitating the generation of export health certification to keep food supplies flowing.

3. To provide duty of care guidance and support to FSA staff in protecting themselves and others as the EU transition period ends taking into account concurrent winter risks such as that presented by the Covid-19 pandemic.

4. To ensure the FSA remains prepared with an adaptable, effective and timely winter emergency response plan to manage simultaneous risks arising from the end of EU exit transition period, the Covid-19 pandemic and other seasonal factors.

5. To embed opportunities presented during our winter response into our ways of working in the ‘new normality’ so that the FSA’s role in food safety resilience is defined and the interests of our stakeholders are fully represented.
Summary

The Food Standards Agency (FSA) is a non-ministerial Government department, established by an Act of Parliament in 2000 to protect the public's health and consumer interests in relation to food. As the national authority responsible for food safety, we set the regulations that food businesses are obliged to follow, and work with local authorities across England, Wales and Northern Ireland to make sure those regulations are enforced.

Ensuring the safe and sustainable supply of food is a key objective for the Government during the COVID-19 outbreak and the FSA has an important and varied role to play in responding to the incident. The FSA has had to take informed judgements to adjust priorities and activities to keep pace with the emerging challenges.

The UK food system has responded well to the sudden shocks caused by COVID-19. Importantly, the FSA does not believe there has yet been any specific challenge to food safety as a result of the pandemic. Furthermore, we do not believe that the robustness of the food supply chain has so far been compromised by any regulatory actions the FSA has taken, which have been both outcome-based and risk-based, ensuring a high degree of flexibility in trying to ensure that we target those aspects of the pandemic that pose the greatest risk.

The evidence we are providing to the committee outlines the measures the FSA has taken in response to COVID-19, including:

- Timely guidance for the food industry.
- Useful advice and communications for consumers.
- Detailed risk assessments on the transmissibility of COVID-19 in relation to food, based on the latest science and evidence.
- A proportionate and risk-based approach to regulation that balances food supply and food safety.
- Support for Local Authorities and Port Health Authorities to manage the impact of COVID-19 on the delivery of official feed and food controls.
- Horizon scanning and effective surveillance to identify issues and risks as the incident develops.

It has been many decades since the UK has faced such a major incident where food supply has been so significantly affected by a non-food related problem. This has put
significant demands on FSA personnel to run a 24/7 incident response. Our staff have been superb, as have people working across the food system.

Our EU Exit 'no deal' planning helped; as did the FSA’s extensive flexible and home-working patterns, adopted before the pandemic (informed by both good digital support, and recently-improved practices for how to work remotely under a culture change programme the FSA ran over the last three years); and robust contingency planning for our operations. This has meant there were scarcely any interruptions to business continuity.

We have identified four main areas where the response could have been improved. We share these in a spirit of openness and learning. This was an unprecedented situation and hindsight has shed more clarity on it. We will continue to consider lessons learned as the situation evolves.

**Approaches to contingency planning**

The FSA had robust contingency planning in place particularly for staff shortages, but the nature of the pandemic shifted over time. For example, in the early stages of the outbreak businesses were not asked to enforce social distancing, as it was assumed staff with symptoms would stay home. UK policy at that stage was focussed on containing the outbreak and not delaying it. In late March, however, it became clear that social distancing, or other preventative measures, needed to be implemented in food processing factories. We worked with the meat industry, where we have staff in meat plants, to do this very quickly. This represented a lot of effort in a short space of time and in hindsight we and the meat industry could have started preparing for this earlier.

**Embedding better information about consumers’ experience of the food system into Government**

For the public to have trust in the food that they eat, Government needs to fully understand and reflect upon consumers’ experience of the food system, especially during a time of crisis. While the FSA, as part of wider Government, has quickly identified issues with food businesses to support the supply of food, Government could better and more quickly understand pressures relating to the demand of food, and the insight provided by different consumer groups. The FSA cares deeply about the consumer interest and, despite resource challenges in recent years, has sustained its consumer survey and evidence gathering about sentiment, need and behaviour. More granular and real-time information would help the Government be more responsive.

**A more joined up approach across the four UK countries**

Most of the response to food supply issues has shown the very best of a cross-Government response, but there have been some cases, for example on questions of food labelling, where the responsibilities sit across all UK Governments and several Government departments. This is challenging during a large-scale incident such as this pandemic, when decisions have had to be made quickly. This was apparent during the introduction of easements to food labelling rules, to ensure the
robustness of the food supply chain. These touched on Defra, FSA and devolved administration competence. We could improve the way multiple Government organisations work across a devolved landscape when responding to future incidents.

**Food legislation needs to be more flexible**

In March, we looked to flex certain official controls on meat hygiene, and on labelling. We found that the rules – unlike, say, competition law – were not designed with ‘safety valves’ where certain less important practices could be suspended or amended for short periods and for the right reasons. On official controls, in the end, we were able to take advantage of an emergency European Union regulation. On labelling, where we introduced some easements, we recognise what we have done carries some legal risk. Following the end of the transition period, we think the four governments of the UK could examine the design of some food legislation to make it more flexible, without compromising safety, integrity, traceability and health. This also reinforces the need for a joined-up approach across Government departments and the four nations of the UK.
Question 1:

- Have the measures announced by the Government to mitigate the disruptions to the food supply chain caused by the pandemic been proportionate, effective and timely?

Throughout the COVID-19 pandemic, the FSA’s core responsibility has been to ensure that food supplied to consumers is safe, while supporting wider Government efforts to maintain the robustness of the food supply chain. The following information illustrates what measures have been taken by the FSA to help the Government deliver a proportionate, effective and timely response to an unprecedented set of circumstances.

The FSA’s main areas of activity have been:

- providing timely advice to businesses and consumers about COVID-19 and its relationship with food;
- helping food businesses to continue operating in line with wider Government guidance;
- taking steps to ensure that food safety and authenticity are not compromised;
- minimising disruption to business and helping maintain the food supply chain, through the introduction of flexibilities in the delivery of Official Controls legislation, by local authorities and port health authorities;
- working on urgent policy issues to support the supply of food;
- focusing on the wider implications and the medium-term impact of the pandemic through our horizon scanning group; and
- looking after the health and wellbeing of our staff, and by extension those of our main contractor, Eville and Jones.

The FSA Chair outlined our response to the incident in more detail in a letter to Neil Parrish MP on the 3rd April 2020. This letter is included for information (see Annex 1).

Science and risk assessment

The FSA is a science-based organisation and, given the large-scale health impacts of COVID-19, it is essential that all of the department’s actions, as well as its communications with industry and consumers, are predicated on the best available evidence. This evidence is used as the basis for informed decisions on risk management, taking into account wider consumer interests such as accessibility and affordability of a healthy and varied diet.

Our scientific evidence and guidance on COVID-19 in relation to food was published on the 26th March for the food industry, and 17th April for consumers. It remains the case that the risk of transmission of COVID-19 through consumption or handling of food, or handling of packaging, is very low.

The FSA has drawn on the extensive expertise and support of our scientific advisory committees to ensure we are sighted on new evidence as it becomes available and that we are making the best use of our expert networks. For example, members of the FSA’s Advisory Committee on the Microbiological Safety of Food reviewed the
department’s risk assessment on the risk of food or food contact materials as a transmission route for SARS-CoV-2, the virus that causes COVID-19.

FSA risk assessments have been shared with the wider Science Advisory Group for Emergencies (SAGE), and our Chief Scientific Adviser (CSA), Professor Guy Poppy, has been working with the wider CSA network on emerging issues. For example, our CSA and the Government CSA have agreed that the FSA will look at the extent to which the Government messaging on hand washing and improved basic hygiene might have had a positive effect on the prevalence of foodborne diseases. Defra’s CSA has formed an expert food supply advisory group focussed on short and medium-term issues relating to COVID-19 and UK food security. Our CSA is a member of this group which will inform DEFRA's work on food supply and food security.

Our horizon scanning group, which includes FSA scientists and data analysts, supported by leads from across the organisation and an external panel of experts, is capturing intelligence and identifying potential issues, modelling impacts of changes to the food supply chain, and consumer or business behaviours. We continue to proactively undertake risk assessments in order to ensure the department can plan for potential impacts. This includes communicating with risk assessment teams within Defra and the Animal and Plant Health Agency (APHA) and Public Health England (PHE), as well as participating in relevant meetings of the Human Animal Infections and Risk Surveillance Group (HAIRS) and Advisory Committee on Dangerous Pathogens (ACDP).

The FSA is committed to providing advice and guidance as quickly as possible, whilst following Government protocols. Guidance has been made available on the FSA website on a range of food safety issues that have arisen during the pandemic including community cooking and food delivery. FSA scientists are keeping this under close review, and we will provide further guidance and advice if our evidence changes.

**Operational delivery**

In order to ensure that food safety is not compromised, the FSA has taken actions to support the continued supply of Official Veterinarians and Meat Hygiene Inspectors to deliver Official Controls at meat plants, through the FSA and its service delivery partner, Eville and Jones. Food legislation means that meat cannot leave these plants without the relevant Official Controls being carried out. Any disruption in staff availability would therefore have a significant impact on the safety or availability of meat to UK consumers.

As such, the FSA is focused on continuing to make sure that there are enough qualified personnel to fulfil this activity, to minimise any disruption to UK food supply and safety from a lack of resource availability, for example:
• From March (in line with PHE guidance), the FSA took steps to safeguard its field operations staff, such as implementing social distancing; taking vulnerable or at-risk staff out of front-line operations; and changes in overtime payment.

• The FSA also took the decision to focus our resources on the highest priority work (i.e. the delivery of Official Controls within slaughterhouses and abattoirs) to minimise disruption to UK food supply, and delay or defer non urgent work on a risk-based approach such as:
  o deferring scheduled meat plant audits for plants rated as generally satisfactory and good in their last audit; and
  o delivering our unannounced inspection system with a revised prioritisation programme.

• Increasing resilience, including recruitment of former Official Veterinarians and current veterinary students, as well as working across organisational boundaries with APHA veterinarians ready to be deployed.

Our regular engagement with industry has helped determine where possible food and feed supply chain disruption linked to COVID-19 might affect UK food safety or lead to food crime. It has helped determine where industry is facing the greatest challenges and allowed the FSA to develop potential temporary flexibilities, whilst maintaining the food safety focus. Our work with the meat industry on the implementation of social distancing is indicative of this approach.

In cooperation with Food Standards Scotland (FSS), as well as the Department for Agriculture, Environment and Rural Affairs in Northern Ireland, we have developed a hierarchy of steps and short-term adjustments in the event that our available staff numbers fall because of the virus. This will ensure we continue to resource the delivery of Official Controls in meat plants (see Annex 2).

**FSA as part of the Government wide response**

The FSA has been working closely with other Government departments, including through a new director-level COVID-19 cross-Government liaison group. For example, we developed guidance with Defra that allows local authorities to give food businesses temporary flexibility on certain rules on food labelling – due to food supply constraints some food businesses may need to implement minor deviations from the food label on their products – if this proved to be needed. This was to ensure the ongoing supply of food into the market was not delayed. The EC regulations for labelling are notoriously inflexible and caused departments significant difficulties in this area. In setting out Defra’s case for these flexibilities, the Defra Secretary of State endorsed the red lines set down by the FSA Board to ensure that speeding up the supply of food should not come at the expense of consumer safety or traceability (see Annex 3 for a detailed appraisal of the flexibilities introduced).

We were aware that sudden changes in food supply chains as a result of COVID-19 meant that food businesses have had to consider adopting different trading practices to ensure the ongoing supply of food. As circumstances change businesses may find it difficult and costly to manage the scale of labelling changes. We recognised the importance of maintaining a balance between reasonable and pragmatic requirements for businesses and managing risks to consumers, whilst ensuring the
ongoing provision of food throughout the supply chain. This provided a proportionate and risk-based approach that sought to maintain the food supply and protect consumer interests, whilst upholding core principles of food safety and traceability.

The FSA has also been working with the administrations in Wales and Northern Ireland, and Food Standards Scotland, to help deliver a four-country solution to the problems faced across the UK.

The FSA’s team in Northern Ireland has been fully integrated into the Covid-19 response across Northern Irish Government, with daily attendance and contributions into the Civil Contingencies Group chaired by the Head of the Northern Irish Civil Service. The FSA provides daily monitoring and reporting into the NI Hub for Command, Control and Communicate (C3). There has been strong collaborative working with the Department of Agriculture, Environment and Rural Affairs (DAERA) Minister, and Officials across a number of departments, through the Food and Feed Incident Management Group. This has enabled the FSA to meet with and provide advice and support to industry representatives on food supply across the food chain from farming, primary production, manufacturing, distribution to retail sales. This included strong partnership working with DAERA officials to develop practical and workable contingency plans that took account of industry concerns, to enable continuing delivery of official controls in all meat plants.

In Wales, the FSA has maintained regular briefings to the Welsh Ministers and is part of the public health co-ordination effort. The FSA is working closely with the local authority directors of public health, Welsh Government and Public Health Wales to ensure that any operational and delivery issues are identified and dealt with by the appropriate authority in a coordinated manner.
Question 3:

- What further impacts could the current pandemic have on the food supply chain, or individual elements of it, in the short to medium-term and what steps do industry, consumers and the Government need to take to mitigate them?

The FSA is managing a number of risks to food safety that may have increased due to COVID-19 and the restrictions on the UK food supply chain. As well as the actions outlined in question one, we are undertaking monitoring and management of specific risks across the wider food system, such as:

1. **Risk of substitution**

   There are concerns over shortages of supply of food products and ingredients from the UK and overseas in the coming months, which could increase the risk of adulteration and substitution.

   In response to this, the FSA is monitoring specific high-risk commodities using various tools that we have built for understanding trade patterns, trade routes, volumes for the commodities entering the country, along with pre-notification information. These tools use data from TRACES (TRAde Control and Expert System), HMRC and ComTrade.

2. **Risk of illegal, dangerous or deceptive food supplements**

   There are concerns over the online sale of illegal and potentially dangerous food supplements claiming to prevent or cure COVID-19. Competent authorities of several countries (e.g. Belgium, Finland, USA etc.) have already raised alerts in this regard. We are monitoring all such alerts, EU data sharing portals (e.g. through the Rapid Alert System for Food and Feed) and news websites (e.g. Food Safety News) through our Signal Prioritisation Dashboard. The tool monitors 43 different data sources to flag food, feed and food contact material related incidents being reported across the globe.

   We are leveraging our trade monitoring tools for identifying substitution indicators for high risk commodities. We are working with the food industry to learn about specifics around substitution of food ingredients due to difficulty in sourcing usual ingredients.

   The FSA's National Food Crime Unit (NFCU) is working to address these risks, working with partners such as local authorities.

To mitigate these risks the Government needs to be much better at understanding in real time, or even anticipating, market disrupters and the many differing requirements of consumers.

Regulation of the food system is complex. The food system itself is global in its nature, fast moving and reliant on 'just in time' supply chains. Closer working across Government consumer groups, industry and academia will help to make sure we are addressing this complexity effectively.
The FSA has sought to manage risks around food safety predominantly through ensuring the availability of staff to undertake Official Controls (as highlighted in our response to question one). This will make the most impact on the day-to-day safety of food.

We are working closely with international counterparts to better understand the potential impacts of the pandemic globally. The FSA is part of an international informal network of food regulators, and our Director for Global Affairs, Steve Wearne, is the Deputy Chair of the Codex Alimentarius Commission, the international food standards setting body. Through these formal and informal connections, the FSA is actively sharing and receiving important insight on the development of the pandemic. The UK will remain dependent on food imports so understanding the global fluctuations of COVID-19 and its impact on the food supply chain will remain important to assess the level of risk in products arriving from around the globe.

We are working on ways to improve the way the food supply chain works, so it can be more responsive to major shifts as well as more general day-to-day operations, by harnessing technological solutions, and increased data standards, that will enable real-time data and information to flow along the food supply chain, in a frictionless way.

**Food chain surveillance**

Responding to food incidents is an essential role of the FSA. Over the course of a year more than 2,000 incidents of food, feed and environmental contamination are reported to us. To date there has been no evidence that COVID-19 has caused any food incidents in the food chain, but we continue to monitor reports that we receive from industry, local authorities, and the public.

Although the medium-term impacts of COVID-19 are not fully known, the FSA is undertaking work, through our horizon scanning group, to understand the potential changes in the food system and how we may seek to address them. This may include an acceleration of the use of online platforms, food sharing apps and social media food selling, and potentially a more blended wholesale/retail model in some areas, all of this changing the landscape that the FSA regulates.

In addition, we are identifying future issues related to laboratories and sampling, food business compliance, food crime, vulnerable consumer groups, changes to how and where food is sold and cooked and preparing for the world after lockdown. This includes looking at new business models and seeing which changes to consumer behaviour will continue beyond this crisis, and how economic fluctuations will affect consumers and food businesses.
Question 4:

- How effectively has the Government worked with businesses and NGOs to share information on disruptions to the supply chain and other problems, and to develop and implement solutions? How effectively have these actions been communicated to the public?

In tackling food supply issues that have arisen from the pandemic, the FSA has worked closely with a variety of stakeholders, either directly issuing information or guidance, or helping partners in their own communication with industry or consumers. The risk assessments developed by the FSA on the relationship between COVID-19 and food not only inform the department’s policies but are also being used to co-develop communications with Public Health England.

**FSA communication with industry**

The FSA has been proactive in publishing guidance for the food industry. Areas covered include food hygiene, social distancing, and managing employee sickness. The guidance was published on the 26th March and as of 4th May has had 150k visits (131k unique). More than 1,200 organisations were carrying a link and driving traffic – including the BBC, Just Eat, change.org and various local authorities – which suggests a broad appetite for the guidance.

Where the FSA has had responsibility for the discharge of Official Controls in meat plants, we have directly engaged with the meat industry on a regular basis, to ensure the continued supply of meat and other products of animal origin to the nation. FSA senior officials have had daily meetings with key industry representatives – such as the British Poultry Council, British Meat Processing Association, and Association of Independent Meat Suppliers. The COVID-19 Incident Director met the meat industry on the 12th March, and the FSA Chair, CEO and COVID-19 Incident Director met industry on the 9th April, with subsequent fortnightly catchups, to discuss any issues that the meat industry may have about the food supply, and all steps that the FSA is taking. The FSA Chair and CEO have also held two meetings with retailers on the 20th March and 1st April to provide further updates to industry on issues relating to COVID-19 and discuss insights provided by industry officials.

The FSA issued an open letter to the meat industry and subsequently made a joint statement on the UK meat industry response to coronavirus. Both (see attached in Annexes 3 and 4) received positive coverage in the trade press.

**FSA communication with consumers**

In response to demand from consumers for further information on COVID-19 and food, the FSA produced additional guidance in relation to food shopping, food hygiene at home, takeaway food, and issues around food packaging on 17th April.
Additional guidance has also been made available on the FSA website on a range of food safety issues that have emerged in our engagement with consumers, including information on food delivery and community cooking.

We have continued to amplify central Government advice to the public on steps to take to minimise transmission of coronavirus. We have also pushed out more generic messaging for consumers around key issues such as food storage and food waste. Where possible this has been done jointly with consumer groups, such as Love Food Hate Waste, who have a wide public reach.

We have close links with the groups representing consumers with a food hypersensitivity and have kept them informed about the FSA/Defra labelling guidance that was issued to local authorities in response to sudden and potential changes in food supply chains, as a result of the pandemic. We were able to provide reassurance to this community that these flexibilities do not affect the allergy labelling rules or present any additional risk. We will continue to keep these groups informed about any potential impacts on people with a food hypersensitivity.

**Local authority communication and direction**

We are issuing regular guidance to local authorities who deliver Official Controls in the vast majority of feed and food businesses, such as restaurants and cafes. This covers the approach that should be taken in response to the COVID-19 pandemic in relation to these duties. The FSA has a dedicated platform, which hosts extensive content for local authorities and enables the two-way exchange of information, advice and requirements.

Currently, 70% of all individual queries from local authorities are being fed into the FSA Q&A guidance, for the benefit of all local authorities. As of 12th May the page that hosts the local authorities Q&A has received about 8,000 views since its launch mid-April and more than 1,200 for the guidance made available on 6th May. For this month so far (1-12th May) it has been the most popular resource on our local authority communication platform. We have since published an updated version of the guidance on 13th May.

On the 17th April in England and Northern Ireland, and on the 21st April in Wales, the FSA issued direction to local authorities, advising them not to undertake planned interventions of businesses until the 17th July. This direction stipulated that local authorities continue to undertake interventions with the most high-risk businesses, (such as greater use of remote assurance) to ensure that local authorities can focus their resources on areas of highest risk to the public, mitigating the overall risk to consumers. This will ensure that footfall in feed and food business establishments is kept to a minimum and the public protected. It will also enable local authorities to focus potentially diminished resources on urgent reactive work. We are keeping this position under close and regular review, and the direction given takes account of feedback received through the Food Hygiene and Food Standards Focus Groups (membership comprises of local authority representatives from England, Wales and Norther Ireland, with the secretariat provided by the FSA) and through the National Agriculture Panel and National Animal Feed at Ports Panel (these are run by the
Association of Chief Trading Standards Officers and National Trading Standards, with representation from England, Wales, Northern Ireland and Scotland).

To support Port Health Authorities across England, Wales and Northern Ireland during the pandemic, the FSA has been working closely with Defra and the Animal and Plant Health Agency (APHA) and have been holding daily meetings with representatives from Port Health Authorities and Border Control Posts to understand and collate emerging issues and where possible provide mitigations.

**FSA communication with parliamentarians**

The Chair of the FSA has written to all Westminster MPs updating them on the FSA’s response to COVID-19, and has also written separately to Neil Parish MP (as Chair of the EFRA Committee), the Rt Hon Matt Hancock MP (Secretary of State for Health and Social Care) and the Rt Hon George Eustice MP (Secretary of State for Environment, Food and Rural Affairs). We have not seen a significant increase in Parliamentary correspondence or enquiries. As the FSA covers Northern Ireland and Wales, the Chair has also written to Members of the Legislative Assembly and Senedd Members respectively.

**Learning lessons**

The unprecedented nature of this pandemic has meant that the FSA and Government have had to adapt quickly to emerging issues.

While the FSA had robust *contingency planning* in place for dealing with a loss of front-line staff that carry out official control checks in meat plants, planning assumptions did not take into account the need for social distancing measures, nor for a reduction in the volume of meat going through plants.

The situation has emphasised the importance of undertaking suitable scenario planning to better understand what long-term changes might be required for the regulatory regime, due to possible – and currently unrealised – secondary and tertiary impacts of the pandemic. One such example could be the movement of consumer demand between the retail and foodservice sectors.

The pandemic has also highlighted the need for there to be a *strong consumer voice* to inform better decision making across the food system as a whole. The FSA has worked hard to ensure that any support for maintaining or increasing the supply of food is not done at the expense of safety, so that all groups of consumers, including vulnerable groups, such as those with hypersensitivities, can continue to have trust in the food they eat. Our consumer research has revealed risks that consumers take to extend the life of food when under financial pressure, and our horizon-scanning work has identified potential risks from well-intentioned but inexperienced volunteers and community cooks.
In retrospect though, in our view, across Government there was insufficient real-time awareness and insight into consumers’ experience and needs of the food system, particularly around how to secure food, not just food safety. In the short-term, we have asked our horizon scanning group to take more interest in the real-time consumer experience of food. A well-resourced, active and influential consumer insight function, supporting all departments working on food issues might have prompted: earlier mitigation of the impact of COVID-19 on food availability to vulnerable or shielded consumers; predicted the increase in the purchase of non-perishable goods because of a deeper understanding of consumer behaviour around the world; offered clearer information in a timely way on food supply to minimise the likelihood and impact of ‘panic buying’; and brigaded advice, earlier on, for consumers so that they knew how to get delivery slots and particular retailers’ arrangements for vulnerable groups.

While the pandemic has brought Government departments closer – and such cooperation has been vital to respond to a fast-moving incident – there are still lessons we can learn about working across the UK during a crisis. Food safety and availability do not take account of internal Government responsibilities or the different governance across the four nations of the UK, with food safety being a devolved matter in Scotland, Wales and Northern Ireland. The ability to act in a joined-up way across these different administrations, including closely with Food Standards Scotland, is vital in responding quickly and effectively to this crisis. Maintaining, and improving upon, ways of cross-departmental working will be an invaluable benefit from this incident.

Finally, we believe that food legislation needs to be more flexible. One of the key difficulties the FSA has faced, has been obtaining rapid legal adjustments to quickly mitigate the effects of the crisis. There has been a lack of sufficient flexibility in the current legislation for a fast moving and all-encompassing incident such as this, with devolution adding further complexities. Our response to the crisis has been affected by the constraints of EU law, as in the example of labelling easements, where invoking domestic emergency legislation would have involved breaching EU law, creating the need to seek assurances from UK Ministers, and work at pace with similar food safety bodies in the EU, to find a suitable workaround. Securing the necessary easements has been further complicated by the division of responsibilities across the UK, with the FSA retaining compositional labelling responsibility in Wales and Northern Ireland, and Defra in England.

In May, EU regulations came into effect which provided additional flexibilities where there are serious difficulties in carrying out Official Controls. They cover the appointment of individuals to conduct Official Controls; the ability to designate laboratories other than official control laboratories to conduct analysis, testing and diagnoses; and the ability for certain Official Controls to be conducted remotely. The UK has to date made flexibilities under these provisions, allowing trainee Official Auxiliaries (OAs) to undertake certain low risk inspection tasks under supervision; OAs to conduct delayed post-mortem inspection of animals at low capacity establishments; and OAs who are members of the Royal College of Veterinary
Surgeons (MRCVS) to conduct ante-mortem inspections. We need to make sure domestic legislation has this capability after January 2020.

We feel that there should be flexibility in the application of food law, allowing for the appropriate and temporary flexing of controls to help deal with emergencies. This pandemic has not only highlighted the need for Government departments to rapidly work together to articulate the collection of legislative measures that may be required but has also shown the need for the availability of legislative vehicles to enact such legislation.
It was good to talk to you a few days ago, and thank you for finding time for that.

I thought you may welcome an update on the Food Standards Agency’s Covid-19 response, and the measures we are taking to ensure the continued safety of food produced in the UK and our frontline workers. I’ve included the key points here, but obviously I would be very happy to provide more detail or talk any element through with you.

We take a proportionate and risk-based approach to meeting our statutory purposes – protecting public health and consumer interests by ensuring that business provides food that is safe and what it says it is – and in itself this supports the wider Government objective of reducing pressure on the NHS. In terms of the demands and challenges of the current crisis, the FSA is focused on supporting the Government’s priority to secure the supply of safe food to the nation. We are taking pragmatic and proactive steps to achieve this, and the industry is being very collaborative and proactive itself in flagging issues we all need to address and resolve. Our main areas of activity are:

- Providing advice to business and consumers about Covid-19 and its relationship with food
- Ensuring meat plants can operate with fewer staff so that meat supply continues
- Supporting local authorities and port health authorities to operate with fewer staff and to reduce footfall and avoidable burdens in businesses
- Working on urgent policy issues to support the supply of food
- Looking after the health and wellbeing of our staff, and by extension those of our main contractor Eville and Jones

One final overarching point is that we will use the circumstances facing the food and feed sector to be innovative and trial new approaches, where the law allows, so that we can learn and move forward from the experience, coming out stronger as an organisation and in our relationships with industry and across other parts of Government.

Covid-19 and food

It remains the case that the risk of transmission of Covid-19 by food is very low. Our scientists are keeping this under close review, as you would expect. We have seen no evidence to date to cause us to revisit our judgment on the risk.

In the last week, we have published guidance on Covid-19 for the whole food industry. This guidance was developed by the FSA, and published by Public Health England on our behalf (so that all the advice for business is accessible in one place). It is of course also available on our website.

Abattoirs

As we discussed when we spoke, the meat sector is a particular concern and focus for the FSA. We have developed a hierarchy of steps we will take to ensure that we have the staff to cover the delivery of official controls in meat plants. Some of the measures we could need to take may have required legislation, but we hope that changes at the EU level deliver us the easements we need without creating additional legislative asks on official controls. And, for now, we are confident that the adjustments we have made, and are able to make, are sufficient to meet industry needs, albeit with a bit more flexibility needed on all sides. I am especially grateful to staff in the FSA who have agreed to return to the front line of official controls, where they have the appropriate expertise, and to colleagues who have delayed retirement or returned to work to support these efforts.

Our Covid-19 Incident Director wrote to the meat industry on Wednesday 25th March about measures to secure so far as practicable the 2-metre distancing rule for our staff and those of our contractors who are delivering official controls in abattoirs. As you will appreciate our staff are concerned about this, and we have a clear duty of care to them. We asked sites to put in place separation, social distancing or other appropriate measures, as appropriate. The industry responded very well to this, in tight timescales for which we are very grateful. There has been some disquiet about different interpretations of guidance in Scotland and Northern Ireland, where the FSA doesn’t provide the frontline staff, but we hope that speedy information sharing and
access to senior field operations leaders has helped to overcome these inevitable initial issues.

Of the 257 plants concerned, our local managers identified 35 sites who needed to make further progress over the last weekend. We wrote to them 27th and 28th March; 5 sites had not implemented any measures and we had significant concerns about our staff in relation to these five sites. I am very pleased that the majority have now taken action. There are now only one or two outliers where staff in plants continue to have concerns.

The protective equipment already available to staff in plants is in line with what has been recommended by PHE and Occupational Health. We are stressing that the health and wellbeing of our people is of the utmost importance, and it is critically important that advice on regular hand washing and not touching one’s face is strictly followed. Although there is no requirement to provide face masks and visors, we are concerned that without taking additional steps, our staff those of Evile and Jones (our contractors) will be unwilling to continue with front line duties. We are therefore looking to make visors available for all Meat Hygiene Inspectors. As a result, Personal Protective Equipment kits are in the process of being delivered to plants for the use of FSA staff and Evile and Jones contractors. We are developing a package of financial support to help Evile and Jones contractors continue to staff required roles within plants, such as veterinary staff.

The industry has raised significant concerns about the steps we are taking to provide this additional PPE for our staff, because of the potential knock-on expectations of their own employees. I understand their concerns, but our priority is to keep our staff protected and delivering official controls in support of the objective of meat plants continuing to operate. In our judgment, not to provide additional equipment risks our staff being unwilling to provide services, which in turn will jeopardise the operation of the plants. The wider media coverage today about the value of face masks will only heighten the issue, and unsurprisingly, employees of meat plants are raising the same concerns with their managers, as our staff are raising with us.

There are several meetings each week between our incident and field operations teams and meat industry leaders, and I am supplementing this with a meeting with the heads of the main industry groups next week.

**Local Authorities**

It is local authorities who deliver Official Controls in the vast majority of feed and food businesses. We have also issued advice to them on the approach that should be taken in response to the COVID-19 pandemic in relation to these duties.

We have advised that until 17th April 2020, (in the first instance) all planned feed, food hygiene, and food standards inspections, and other interventions should be deferred. This will ensure that footfall in feed and food business establishments is kept to a minimum and will enable local authorities to focus potentially diminished resources on urgent reactive work. This includes responding to other feed or food
incidents and investigating foodborne illness outbreaks. It also includes following up on intelligence of change in food business activities in response to the current situation which suggest a potential risk to public health. We are keeping this position under close and regular review.

We have published guidance and a Q&A document to support LAs with their response during this incident.

**Emerging issues**

Through our normal major incident procedures, we are in close touch across the food retail and manufacturing sectors. The flow of information is good, and everyone is in ‘problem solving’ mode, working at pace, and being supportive and collaborative.

A series of further issues are emerging, as one might expect, and we are working closely with Defra, the administrations in Wales and Northern Ireland, and colleagues in Food Standards Scotland. Some of these may be particularly difficult to resolve within the current legal framework, and we are working seven days a week to try to find routes through.

I hope this update is useful. Of course, I will keep you in touch with any significant developments over the coming days and weeks. We also intend to share a summary of our main actions with all Members of Parliament later this week, to help keep them informed of key issues and progress, and to help to manage the flow of correspondence on common questions coming into the department.

Mrs H.J. Hancock DL LVO
Annex 2 – FSA and FSS Contingency Planning for the delivery of Official Controls

In response to the unprecedented challenge faced as a result of COVID-19 the FSA has worked collaboratively with colleagues across the UK and with industry technical representatives to identify steps which will help support the meat industry to maintain safe food production and protect animal welfare, under increased resource pressure. In the spirit of collaborative working, we have shared our plans at a high level with industry technical representatives for their input via a Joint Technical Working Group and have kept industry informed of developments throughout.

The FSA and Food Standards Scotland (FSS) have developed a 4-stage approach to contingency planning, comprising:

- **Stage 1** - Prioritisation of current activity, redeployment of Officials and recruitment of additional Official Veterinarian (OV) / Meat Hygiene Inspector (MHI) capacity.

- **Stage 2** - Utilisation of the existing Official Controls legislative framework (Regulation (EU) 2017/62 and associated implementing regulations) to support a reduced workforce.

- **Stage 3** - Additional measures under new Implementing Regulation (EU) 2020/466 (authorisation of persons, designation of laboratories, official controls by distance communication)

- **Stage 4** – Further Contingency planning - FSA and FSS also continue to keep these measures under review and to consider and plan for further contingency arrangements which may require additional legislative mechanisms.

This is a deliberately staged and proportionate plan, to enable the FSA and FSS to take appropriate actions as required, in response to COVID-19. This impact differs from plant to plant, based on geography, staff availability and market demand.

- **Stage 1** measures have been available since the beginning of the COVID-19 response and are fully utilised, and actively pursued, as required.

- A limited number of **Stage 2** measures were made available w/c 13 April to assist in a small number of establishments.

- The remaining **Stage 2** measures and three **Stage 3** measures became available from 20 April. This follows a plan published on 7 April in England and 9 April in Wales by using existing legislation bolstered by the temporary legislation introduced by the European Commission following the outbreak. When deployed these measures will be used in exceptional circumstances as a result of a reduction of FSA resources and are not expected to apply in the majority of sites. Measures will be introduced on a strictly time-limited basis and will remain under review. (See annex 1).
We have deferred scheduled meat plant audits for plants rated as generally satisfactory and good in their last audit. Sites which received lower outcomes at their last audit will continue to be audited. Similarly, the unannounced inspection system will continue with a prioritisation programme in place. This will allow our staff to prioritise the carrying out of Official Controls if Field Ops are badly affected during the pandemic, with minimal risk to food safety and public health.
Annex 3 – Labelling flexibilities

1. Response and Mitigations – Labelling Flexibilities

1.1 Flexibilities will be decided on a case by case basis by local authorities, and there will be clear ‘red lines’ in place to protect food safety and traceability. Examples of the main mitigations that will be open to enforcement officers to exercise, and examples of the issues they will address, include:

i) **A minor ingredient listed on the label but temporarily unavailable.** For example, seeded bread containing both toasted and untoasted seeds, where a shortage of one type of seed leads to a change in the proportions in the recipe;

ii) **No change to ingredients, but sourcing of ingredient from a different country,** for example where the label declares 100% beef from a particular country but now contains 50% beef from an alternative source;

iii) **Shortage of a specific additive not related to food safety,** for example vitamins in fortified foods such as breakfast cereals;

iv) **Changes to the proportion of ingredients that do not affect food safety,** for example, a food containing cream, butter and milk – in that order – where a shortage of one element leads to a change in proportions;

v) **Substitution of different forms of an ingredient,** for example fresh milk for dried milk to avoid waste, or yellow rice for white rice in response to global supply disruption.

vi) **Using generic packaging that does not include the name and address of the retailer, but does include essential traceability information,** for example egg boxes not bearing supermarket brand name and address.

2. The Proposed Approach

2.1 To support businesses, and in recognition of the pressures currently being placed on the food industry, we are asking local authorities and Primary Authorities to work with businesses to agree, on a case-by-case basis, some temporary flexibility to the rules on labelling. Flexibility must only be applied when other alternative measures cannot be taken. Local authorities must give due consideration to the potential risk to consumers and Food Law Code of Practice requirements.
2.2 Any enforcement carried out should be proportionate and risk-based and to support this the FSA encourages a pragmatic approach during this period to enable businesses to make reasonable adjustments where necessary. This approach will also enable local authorities to make best use of enforcement resources whilst they are also under pressure.

2.3 Working in partnership with UK Governments we have agreed guidance for local authorities which suggests a set of ‘red lines’, fundamental principles that should be observed in order for a local authority to agree to a pragmatic approach to enforcement of labelling requirements with a Food Business Operator (FBO). These are as follows:

- Any deviations from legal requirements should only be agreed where there are exceptional circumstances, and the need to ensure the supply of food outweighs the proposed minor deviations;
- Mandatory food information display requirements must be adhered to as far as is practicable in all cases;
- Any requested deviations will be considered on a case-by-case basis and should only be agreed where they do not negatively impact the consumer’s ability to consume the food safely;
- When considering a request for regulatory easement, the local authority should satisfy itself that the traceability of the food can be assured to enable products to be effectively removed from the market if a food safety issue is identified;
- Whilst food safety and traceability are the key priority considerations when assessing a requested deviation from labelling requirements, local authorities should be mindful of the potential for labelling changes to mislead the consumer as to the nature, substance or quality of a food, and the potential for regulatory easements to be used to mask fraudulent activity or achieve unfair commercial gain by unscrupulous businesses;
- Any agreement of regulatory easement is temporary, and should be subject to ongoing review, with the expectation that the deviation will cease or be addressed by the food businesses in a matter of weeks, rather than months.

2.4 Where a business is having to deal with the consequence of a supply chain issue, the relevant local authority should ensure that the business has a **clear documented process in place, which specifies any deviations from current requirements** that have been agreed between the local authority and FBO, including the reason/s for and scope of the deviation/s, and any associated requirements (e.g. the provision of additional information through the use of a point of sale notice, agreed end date). The local authority must satisfy itself that this process is followed and that there is an acknowledgement that it is a temporary situation which will be regularly reviewed.

2.5 Government has discussed with industry what is possible within the existing regulations and how food businesses might provide the information consumers
need in a way that, although not fully compliant with labelling requirements, would ensure that consumers are not put at risk, misled or disadvantaged during these exceptional circumstances. For example, in the medium term, instore Point of Sale material could be used to better inform consumers about the measures being taken and how labels might be affected.

2.6 When determining the appropriate action to take, each case should be considered on its merits, however, consideration should be given as to whether the FBO can demonstrate that they have taken, or are taking, appropriate action to update their labelling to comply with legal requirements, and that any agreed discrepancy from the Regulations will be for as short a time as possible. Consumer safety is, of course, paramount and any pragmatic approach should not introduce an increased risk to safety. It is important that any such measures provide adequate assurance that consumers will not be misled or have their purchasing decisions prejudiced.

2.7 In each case where a local authority agrees to a pragmatic approach to enforcement the local authority will be expected to provide the FSA with relevant details of the product concerned, the flexibility agreed (including arrangements for ensuring that consumers are provided with the required information) and the duration of the easement.
Annex 4: FSA open letter to the meat industry

To those working in businesses across the meat industry in England

In these unprecedented times, we want to thank you all for working with the Food Standards Agency (FSA) to enable your meat processing and our meat inspection to continue in businesses up and down the country in the most challenging of circumstances.

The importance of the meat sector to the food supply chain has never been more apparent, and the vital role of those working in it has never been more evident.

We are hugely grateful for the co-operation from industry and individual businesses we have had in responding to the COVID-19 outbreak and this collaboration will be even more important in the coming weeks and months.

We want to set out the steps that the FSA has taken so far to protect consumer interests and animal welfare whilst supporting businesses to produce safe food.

Early and ongoing engagement with industry

Following the first COVID-19 planning summit with key industry bodies on 12 March, the FSA has been leading the ongoing co-ordination and engagement with industry and the Department for Environment, Food and Rural Affairs while subsequent high-level meetings have also been led by CEO Emily Miles.

Further engagement across the industry with key players will continue on a daily basis to address emerging issues and to ensure a consistent approach across the country. The FSA will also be leading the next industry summit on 7 April.

We have also published guidance for food businesses on COVID-19 as well as more specific advice for the meat industry in the letter of 25 March.

Being ready to provide the controls but with significant staff absence

Working with industry, we have already implemented a number of measures to minimise the impact on businesses which were outlined in a letter to businesses on 31 March. These follow clear principles to ensure they are temporary, are applied as consistently as possible, and will continue to protect food safety and animal welfare. They include:

- **Prioritising our activity**: including deferring scheduled audits for sites with higher audit outcomes (good and generally satisfactory) until the end of June to maximise resources.
- **Using existing legislation to support a reduced FSA workforce**: these include using other qualified individuals to carry out roles and extending some inspection deadlines to maximise resources. We have also identified authorised FSA staff who are able to return to the front line as well staff...
who can be redirected from other Government agencies, such as the Animal and Plant Health Agency.

- **Assessing additional measures under temporary legislation**: last week, the European Commission brought out new regulations which will allow us to be even more flexible about the way the FSA operates controls. We are currently developing proposals to take advantage of these flexibilities, should they be required.

We also wish to express my gratitude to those meat businesses that have risen to the significant challenge that social distancing presents at their sites, and who have been looking after the health and safety of the FSA workforce who are there.

There is no 'one size fits all' solution to this problem and we know each and every site will face different issues in how they implement these measures. We continue to work with sites to assist them to deliver these arrangements in the most practical way possible, to allow your staff and our staff to maintain food production and meat inspection at their premises.

These will continue to be challenging times for all staff working in the meat industry and our local Field Managers are always available for further discussion to ensure we meet the needs of businesses at this time.

We would like to thank the industry for the many acts of great co-operation so far in responding to this challenge.

Your sincerely,

Annex 5: Joint statement on UK meat industry response to coronavirus

**Joint statement on UK meat industry response to coronavirus**

The Food Standards Scotland, the Food Standards Agency and leaders of the UK’s meat industry, large and small, held a constructive meeting to keep track of our combined responses to the challenges created by the coronavirus (COVID-19) pandemic.

The coronavirus pandemic has caused unprecedented impacts on the everyday lives of people across the UK. The meat industry is bearing its share of the significant consequences.

As the country navigates the COVID-19 challenges, and the rapidly changing situation, we recognise the great disruption and uncertainty this emergency has created for many in the meat sector.

In particular, there are thousands of key food workers who selflessly continue to work every day on the front line. They have our deep and sincere thanks for their commitment to maintaining the
nation’s food supply. Together, we are taking steps to ensure they are kept as safe as possible whilst they undertake these vital roles.

As regulators and industry bodies, we share many common aims: being committed to producing safe food, protecting consumers, and ensuring high animal welfare standards.

Without the support and co-operation of individual meat businesses, large and small, up and down the country, and of key industry players over the last few weeks, it would not have been possible for us to achieve those aims. We are determined to continue with this spirit of co-operation. It will be vital in ensuring that we overcome the further challenges we will doubtless face over the coming weeks and months.

We remain committed to working together in a flexible, pragmatic and responsive way, to maintain the supply of safe food across all four nations during this time of crisis.

Notes

The meeting, between the Food Standards Agency, Food Standards Scotland and senior representatives of meat industry trade bodies took place on Thursday 9 April.

The joint statement has been agreed by:

Association of Independent Meat Suppliers (AIMS)
British Meat Processors Association (BMPA)
British Poultry Council (BPC)
Food Standards Agency
Food Standards Scotland
Hybu Cig Cymru – Meat Promotion Wales (HCC)
The International Meat Trade Association (IMTA)
National Craft Butchers
National Farmers Union
Northern Ireland Meat Exporters Association (NIMEA)
Provision Trade Federation
Scottish Association of Meat Wholesalers (SAMW)
Scottish Federation of Meat Traders Association

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