

Chief Executives Report

1. Covid-19 - Return to Pilgrim House

1.1 COVID 19 continues to impact on how we work however we are moving at pace to ensure our FSS Head Office is safe and ready for reoccupation and we are engaging with our Scottish Government (SG) Trade Union (TU) colleagues to ensure this is undertaken in line with SG guidance. To date we have undertaken two virtual interim COVID Risk Assessments of Pilgrim House with TU colleagues with a physical Risk Assessment planned for 22 September 2021. Feedback to date has been positive and we are working to implement further identified safety measures.

1.2 In order to support this, and review alternative ways of working, in June we established a short life Future Working Arrangements Group (FWAG). This group has representation from all FSS Branches, SG and FSS TUs, IT, HR, Health and Safety, Facilities and considers proposals, guidance and options on all elements concerned with a safe return to Pilgrim House and other SG buildings.

1.3 We continue to engage with our staff to ensure we keep them updated and engaged and previously undertook a Pulse survey, followed by Working Ways focus groups, both of which provided opportunities for staff to highlight their views about returning to office. In order to further shape our future model of office working Line Managers recently carried out 'wellbeing' discussions with staff to gain an understanding of what the reopening of offices meant to them and their own circumstances.

1.4 In order to consider all work and staff feedback to date our ELT met on the 1 September at Pilgrim House. The outputs from the information received, and this meeting, will help shape a future model of office working aimed at meeting our organisational and individual needs.

2. Meetings in Brief

On 9 June the Chair, CEO and DCEOs met with Maree Todd, the new Minister for Public Health, Women's Health and Sport, and were able to talk through priorities for FSS. It was good to hear that she is prepared to be bold in the area of diet and nutrition. The key areas we covered were:

(i) diet and nutrition;

(ii) embedding new functions as a result of EU Exit and regulatory assurance, and

(iii) the use of information, data and evidence and the importance of good communications to consumers.

2.1 Ms Todd has also agreed to speak at a future Board Seminar. A meeting had been arranged on 18 August 2021 but due to parliamentary business had to be cancelled.

2.2 A number of colleagues had a meeting with the SG Brussels office to discuss ongoing liaison. It confirmed that we are plugged in to a number of relevant fora, but again EU exit brings a different perspective and focus: for example, on how we keep up to speed with EU developments.

2.3 Geoff attends the SG Delivery Bodies meeting where there was an update on the HR transformation programme to help improve recruitment and the work ongoing on building re-occupancy. On the former, he made the point that we can't wait for transformation to bring improvement – it needs to be sooner. On the latter, it was assuring to note that the work Garry McEwan and the working group are doing is slightly ahead in terms of our thinking. Recruitment remains one of our most significant risks and is obviously having a direct impact on our budget underspend.

2.4 On 9 June Dr Gillian Purdon, our Head of Nutrition, made an appearance on STV's Scotland Tonight programme and made a compelling case for including calorie information on menus, as part of our wider recommendations for the out of home food environment.

3. Publication of our new Strategy – video

3.1 A new 'about us' video has been developed to align with the new strategy, giving a broad overview of FSS and our priorities. [Watch the video here.](#)

3.2 As well as the video in full, we also have shorter clips available that you may see being used on social media or other advertising.

4. SFCIU – Investigations Unit

4.1 At present we have a number of investigations ongoing including counterfeit alcohol, beef authenticity and other foodstuffs as well as a serious animal welfare case. Currently we now have 5 cases reported to the Crown Office and Procurator Fiscal Service. Three of these cases are being considered under petition procedure (the most serious) the remaining two under summary procedure consideration.

4.2 The investigations unit routinely works with local authorities, food industry partners and law enforcement agencies across Scotland, the UK and internationally. We have led or supported investigations into the importation of suspected counterfeit wines; herbal Viagra; zamzam water and other foodstuffs intercepted at Scottish seaports and airports, believed to be destined for illicit markets. Recent investigations include suspected food fraud involving illegal gathering and export of shellfish; authenticity of beef; adulteration of saffron; counterfeit confectionary and vodka, as well as enquiries into regulatory non-compliances at FSS approved premises. Our support and advice has been given across many partners and stakeholders including; poultry production, the red meat industry and also Police

Scotland in relation to the suspected use of excipients (food used to form pills and tablets) in the illicit manufacture of controlled drugs.

4.3 Examples of our multi-agency collaboration to address significant public safety and health concerns include the following:

- Through active participation in the Police Scotland Multi-Agency Tasking and Delivery Board, we continue to work with other law enforcement agencies in the national response against serious and organised crime. Following from our protracted DNP investigation, we recently assisted Police Scotland in an operation which led to the arrest of two men in Central Scotland for allegedly supplying 2,4-Dinitrophenol (DNP) and steroids via online forums to a global customer base. DNP is highly poisonous however is consumed as an illicit fat burner, mainly by bodybuilders and vulnerable people with body image issues, and is currently defined as food. We were able to advise the Home Office in support of a legislative review to re-classify DNP as a poison and establish more effective controls. Working with these partners, local authorities, NHS and Public Health Scotland, greater public awareness is being raised on the dangers of consuming DNP, a key component of the FSS community impact assessment.
- We are working with Police Scotland, Public Health Scotland and other partners to combat a disturbing new trend involving the production, online marketing and sale of so-called cannabis edibles by organised crime groups. These products contain irregular amounts of tetrahydrocannabinol (THC), which cause delayed onset psychoactive effects and can be highly toxic in large doses. It is an offence to possess and/or supply under the Misuse of Drugs Act 1971 and is distinct from cannabis products containing cannabidiol (CBD), which can legally be sold as a food supplement. Cannabis edibles are produced and packaged to mimic branded sweets and fizzy drinks, making it more likely to consume in large quantities and has led to a number of children around the UK being hospitalised. We are raising awareness in the food industry and the public to warn of the dangers and target harden the production, marketing and supply of cannabis edibles.

5. Risk Analysis and Regulated Products

5.1 One of the key areas of responsibility that FSS, along with FSA, adopted from the EU on 1 January 2021 is risk analysis. A joint Risk Analysis process has been developed for this purpose. Additional information in relation to the development and establishment of this process is provided in today's EU Exit – 8 months on paper. This has been a busy area and some of the high priority, non-routine issues we are working on include:

- a review of controls on imported food from Japan following the nuclear accident at Fukushima in 2011. This review is a requirement of retained EU Regulation 2016/6.

- risk analysis of bamboo composite food contact materials (FCMs). Bamboo is not considered to be an authorised additive in plastic FCMs in accordance with retained EU Regulation 10/2011, therefore a decision needs to be taken in respect of the GB market to consider the potential risks presented by plastic articles containing bamboo powder/fibre and how assessments may be conducted going forwards. This will help to inform the risk management approach to authorising such articles.
- alongside FSA, providing Defra with a risk assessment and supporting evidence for their Future Animal and Animal Products Imports Risk Review which informed Defra decisions on a single risk-based imports regime, which will provide the basis for an enduring import control regime for all imports of animals and animal products to GB.
- Titanium dioxide (E171). As you may be aware, on 6 May EFSA published a new opinion concluding that Titanium Dioxide (E171) is no longer safe, despite uncertainty associated with some of the findings in its evaluation. Titanium Dioxide is a permitted food colour used in a range of products to give them a white colour, including food, medicines and cosmetics such as toothpaste. We will put the EFSA opinion through the risk analysis process.
- at the request of Defra, an assessment of risk on imported chilled meat preparations (all species), chilled minced meat (bovine, porcine, ovine and caprine) and minced meat (poultry). The risk assessment considers whether it would be proportionate to remove or retain prohibitions and restrictions on these goods imported from the EU. The risk assessment has been provided to Defra in order to inform its development of risk management policy recommendations for ministers.

5.2 The review of controls on imported food from Japan is well progressed. A risk assessment has been undertaken and independently reviewed by the Committee on Medical Aspects of Radiation in the Environment (COMARE). FSS and FSA intend to launch a public consultation on our risk management proposals in the very near future. As a non-routine issue, the outcome of the public consultation and risk analysis will subsequently be presented to the Board for consideration before making a recommendation to Ministers on the controls.

5.3 Products which require an authorisation under retained EU law are known collectively as regulated products and include food and feed additives, genetically modified food and feed, novel food and food contact materials amongst others. There are three stages for the regulated products process: the validation stage which assesses whether the necessary information has been provided for the application to progress; the risk assessment stage which involves assessing the safety of a product; and then, finally, the risk management stage where recommendations are formed for Ministerial decisions. As of end-July, approximately 400 applications are currently being progressed across a range of regulated product regimes, including over 80 feed additive applications. The majority of these applications are going through validation checks (i.e. to assess whether the application is sufficiently comprehensive). Whilst the process is lengthy, a first tranche of applications

(applications which have already been submitted to EU before we left at end of 2020 and where a European Food Safety Authority (EFSA) opinion has already been published) are making their way quickly through the process. Applications have got to risk management stage on the basis of a quality assurance by FSA risk assessors of existing EFSA Opinions (i.e. risk assessments) on the products in question.

5.4 A [register of risk analysis issues](#) and a [register of regulated product applications](#) have been published, providing information about issues that are being considered through the risk analysis process. The registers provide a public summary of each regulated product application or risk analysis issue, and its status.

6. Prepacked for Direct Sale (PPDS) Campaign

6.1 We have launched a [PPDS \(Prepacked for Direct Sale\)](#) campaign this week, with the aim of informing businesses that sell PPDS products, that the law on labelling is changing from October 1st.

6.2 The changes mean businesses will have to include full ingredient labelling and highlight allergens.

6.3 Adverts will appear on radio, social media, trade press titles, and online from now until October 1st. If you see any of the adverts on social media, please do like, share or comment on them so we can reach even more people.

7. Ongoing Recruitment Challenges

7.1 FSS and SGHR having been working hard over the last quarter to try and expedite the recruitment and on-boarding processes to ensure vacancies are filled timeously. Whilst delays are still very much apparent SG are in the process of rolling out an automated IT system which initiatives 24/7 updates to all transactional activities that would otherwise have held up recruitment further. Once live and fully rolled out later this year it is expected that delays will be reduced to a more manageable level.

7.2 From a budgeted establishment of 340 FSS currently have 290 posts filled with the others all at some stage in the recruitment process.

7.3 On a positive note, in recent weeks FSS have seen the introduction of staff into business critical roles namely Head of Incidents; Head of Enforcement Delivery and Head of Communications.

8. Chair Recruitment

8.1 Ross Finnie's term as FSS Chair is due to come to an end 31st March 2022 and an appointment round is currently underway for his replacement. The advertisement for the FSS Chair position is live on the Public Appointment Team [website](#) until 22nd September 2021.

9. SG and Green Draft Shared Policy Programme

9.1. The Board may have seen proposals in the SG and Green Draft Shared Policy Programme which refers to the consideration of a statutory Food Commission and Good Food Nation Bill. SG has also commissioned an update to the Milne Review on proposals for a Scottish Veterinary Service which may also have implications for FSS. The Chair has written to Cabinet Secretary for Rural Affairs and the Islands raising a number of points about the proposals. No response has been received and the Executive continues to engage with SG officials on these proposals.

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