



# FSA and FSS Consultation - Guidance on Food Traceability, Withdrawals and Recalls within the UK Food Industry

Response by CIEH

February 2019

## **About the Chartered Institute of Environmental Health (CIEH):**

CIEH is the professional voice for environmental health representing over 8,000 members working in the public, private and non-profit sectors. It ensures the highest standards of professional competence in its members, in the belief that through environmental health action people's health can be improved.

Environmental health has an important and unique contribution to make to improving public health and reducing health inequalities. CIEH campaigns to ensure that government policy addresses the needs of communities and business in achieving and maintaining improvements to health and health protection.

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## Key points:

1. The CIEH is grateful for the opportunity to comment on this newly developed Guidance on Food Traceability, Withdrawals and Recalls within the UK Food Industry and commends the FSA on the collaborative approach taken in its development.
2. To inform its response, the CIEH has drawn on the expertise of its Food Advisory Panel.
3. Whilst the Guidance is clear and easy to read, the estimated familiarisation costs for food businesses and regulators, as set out in the impact assessment have almost certainly been underestimated given the size of the document.
4. The Guidance states that competent authorities should *verify that food businesses have carried out a review to determine the cause of the food safety incident and have implemented corrective actions that are shared with FSA/FSS*. It would be useful if the Guidance could more clearly set out the expectations of competent authorities. For example, can this verification take place during the next programmed official control visit or should it be within a specified timescale? Also, to ensure consistency, it would be helpful to set out the expectations of competent authorities where corrective actions are either not identified by a food business or are not implemented.
5. The Guidance would benefit from the inclusion of more detailed information for food businesses on root cause analysis. Some worked examples or case studies would be useful.

### **Q1: What are your views on FSA's assessment regarding the costs associated with implementing the guidance and is it reflective of practice?**

The costs of familiarisation for businesses and regulators have almost certainly been underestimated given the size of the Guidance. The cost of competent authority verification visits (as necessary) in respect of root cause analysis have not been included.

### **Q2: Are there any other impacts or considerations (financial or otherwise) that have not been identified in this consultation? Please provide details.**

Reference is made throughout the Guidance to EU legislation. The merit of referencing EU legislation is questioned given the UK will shortly be leaving the EU.

To ensure a consistent approach is adopted by competent authorities, further guidance on the action that should be taken by competent authorities in instances where food businesses fail to carry out a root cause analysis, identify or implement corrective actions would be useful.

### **Q3: Does the guidance clearly distinguish between the legal requirements and best practice advice? Please provide details.**

Yes

**Q4: What, if any, barriers do you foresee in implementing the guidance? Please provide details.**

Small businesses, particularly where English is not their first language may experience difficulties understanding the Guidance. Further, they may not have access to the resources or expertise required to implement it.

**Q5: What changes to your business will implementation of this guidance require you to make, if any?**

We have no comments to make in response to this question.

**Q6: What effect will this guidance have on your ability to deal with food withdrawals and recalls?**

We have no comments to make in response to this question.

**Q7: What are your views on the best practice advice and supporting templates provided in the guidance? In particular, we welcome your views on:**

**- Is it reasonable for FBOs to keep traceability records of pre-packed foods for the shelf life of the product plus 12 months?**

Yes

**- Is the risk assessment advice and points to consider helpful for businesses?**

We have no comments to make in response to this question.

**- Is the food business recall notice template helpful and easy to complete and will it accurately and effectively inform consumers? If not, please provide details and recommendations for improvement.**

Yes

**- Will you use the consumer recall notice template? If not, please explain why. - Are the key principles for consumer recall notifications achievable?**

We have no comments to make in response to this question.

**- Are there any other factors that should be considered when communicating food recalls with consumers?**

No

**- Would you like to see two different consumer recall notice templates – one for food recalls and one for allergy alerts? If so, how would you like these distinguished?**

We have no comments to make in response to this question.

**Q8: What additional tools will assist you in effectively implementing the guidance?**

We have no comments to make in response to this question.

**Q9: What information would you like to see in a 'Quick Reference Guide' summary document, which accompanies the guidance, and how would you like it presented?**

We have no comments to make in response to this question.

**Q10: Will implementing this guidance provide greater assurances that UK businesses can effectively manage withdrawals and recalls?**

Almost certainly yes but the CIEH view is that there should be a formal evaluation of the impact of this Guidance in approximately 12 months. This could be the subject of a focused FSA audit.

**Stakeholders are welcome to provide any other comments.**

Further comments

- In several places the Guidance advises businesses to seek advice from their third party consultant for assurance that a system is compliant. Many small/medium businesses do not have a third party consultant. It is recommended that businesses are advised, as an alternative, to seek advice from their competent authority.
- The term 'out of home' is used throughout the Guidance. This is potentially confusing as home caterers could produce products which need to be subsequently withdrawn/ recalled.
- Wording on the flow chart on page 18 should be consistent with wording in paragraph 20 i.e. if a food is non-compliant then the text in the last box should read 'should' consult with the Enforcement Authority not 'may wish' to consult...
- On page 34, paragraph 67, it is suggested that 'FBOs **should** seek agreement from their enforcement authority before any food that has been previously recalled or withdrawn is re-worked or re-labelled' is replaced with 'FBOs **must** seek agreement from their enforcement authority before any food that has been previously recalled or withdrawn is re-worked or re-labelled'.