

## Response ID ANON-H1N4-B867-2

Submitted to **The Food Standards and Food Hygiene (Miscellaneous Amendments) (Scotland) Regulations 2019**

Submitted on **2018-12-17 14:11:51**

### Introduction

**1 Please note that Food Standards Scotland may publish details that you supply in legitimate pursuit of the functions of the organisation. Do you agree to the publication of your personal details and response?**

Yes, all of my response and name/organisation can be published

**2 What is your name?**

**Name:**

Natasha Medhurst and John Points

**3 What is your email address?**

**Email:**

n.medhurst@ifst.org

**4 What is your organisation?**

**Organisation:**

Institute of Food Science and Technology (IFST)

**5 Regulation (EU) No 2017/2158 sets out the sampling and analysis requirements for manufacturers and franchises. The estimated cost of sampling and analysis for acrylamide levels is £230 per sample. We would welcome further information from industry on costs associated with these obligations.**

**Please type response here:**

The view of IFST is that there is no cost differential between 'Option 1' (do nothing) and 'Option 2' (to write 2017/2158 into Scottish legislation). Most of those involved in the Scottish food manufacturing industry, for whom acrylamide is an concern, are already following Regulation 2017/2158, irrespective of whether it is enacted into national legislation or not. On the other hand, most small and micro businesses, in the food service sector, are unaware of acrylamide and the 2017/2158 requirements, however IFST expect their awareness to grow. This would be driven by: educational campaigns, coverage of acrylamide in literature and training (eg HACCP Level 3), as well as the cascade of best practice within the larger food service operators. Hence, the same cost is therefore incurred under both Options.

The £230 estimated cost of sampling and analysis is based upon a quantitative chemical test for acrylamide. Sampling and analysis plans must be risk-based, and there are other methods that meet the 2017/2158 requirement for sampling and analysis, other than chemical testing. Scaling up the £230 unit cost, to assume a chemical test is carried out on each occasion, is likely therefore to over estimate the cost to industry. For example, a risk-based plan for a pie manufacturer might involve chemical testing of all of their products, in order to determine the worst case scenario (in terms of acrylamide concentration), along with initial testing to calibrate acrylamide concentration against cooking times and temperatures, and against pastry colour. Then pastry colour measurements could be made as the routine 'sampling and analysis' tool, cross-checked against a quantitative chemical analysis, once every few months. Lower risk products may then have a less frequent chemical analysis schedule.

For each business the risk based plan will be different making it very difficult to estimate a total cost. It is likely that the Pareto Principle will apply, with the bulk of the industry cost being incurred by large food manufacturing businesses, or large chains of food service outlets.

The FSS could estimate the industry-wide cost, based upon the consultation responses from a small number of these larger businesses.

**6 We invite stakeholders to comment on whether the figures regarding familiarisation costs to businesses and enforcement authorities outlined in the partial BRIA are realistic estimates?**

**Please type response here:**

A discussion, lasting about 20 minutes, between an EHO and a micro-business seems to be a realistic estimate, but the total familiarisation cost should also include follow-up activities undertaken by the businesses. A significant proportion of impacted businesses (e.g. fish and chip shops) should carry out further research and may choose to undertake some basic managerial training, the cost of which would probably be modelled. Larger businesses may introduce policies or codes of practice, backed up by internal audits or inspections, and the cost of these could also be modelled.

**7 We invite stakeholders who feel they may be impacted by the Food Standards and Food Hygiene (Miscellaneous Amendments) (Scotland) Regulations 2019 to comment on the associated key proposals.**

**Please type response here:**

No comment

**8 Do you have any further comments?**

**Additional comments:**

IFST support FSS's preferred option of enacting the listed EU regulations into Scottish national law. We believe it is important to maintain a consistent regulatory and enforcement framework, for food safety law across the United Kingdom.

Additionally the process should be proportionate and based on sound risk assessment, i.e. all parts of the industry will not be the same, hence the need to focus on higher risk products

## **Consultation Feedback Questionnaire**

### **9 How did you become aware of this consultation?**

**Please type response here:**

From FSS via IFST Scientific Policy Director

### **10 Do you feel you were given enough time to respond to the issues/proposals in the consultation?**

**Please select from the options below :**

Yes

### **11 Do you have any suggestions on how the consultation package could have been improved?**

**Please type response here:**

The ability to download a version, whilst in progress, to enable a collaborative submission, would have been appreciated.

### **12 If you received this consultation direct, were the contact and address details correct? If not, please kindly provide the correct contact details for us to use in the future.**

**Please type response here:**

No issue.

### **13 Do you still wish to remain on our consultation list?**

**Please select from the options below :**

Yes

### **14 Are there any other subject areas on which you would be interested in receiving future consultations?**

**Please type response here:**

All food related consultations