



**FALMOUTH AND TRURO
PORT HEALTH AUTHORITY**

**SAMPLING POLICY
FOR THE MICROBIOLOGICAL
EXAMINATION OF FOOD**



FALMOUTH AND TRURO PORT HEALTH AUTHORITY

SAMPLING POLICY FOR THE MICROBIOLOGICAL EXAMINATION OF FOOD

Introduction

- Microbiological food sampling makes an important contribution to the protection of public health and food law enforcement functions of Falmouth and Truro Port Health Authority.
- It is used as part of a planned approach to gather information about the microbiological quality and possible presence of harmful micro-organisms in particular foods which are produced and/or sold/used locally. Based on this information appropriate action can be taken to protect the customer.
- All Food Authorities in England are required to prepare and publish a sampling policy and make it available to businesses and customers.
- This policy sets out the authority's general approach to food sampling and its approach to specific situations.
- In addition, the Falmouth and Truro Port Health Authority is required to prepare a sampling programme that details this authority's intended food sampling priorities.
- This policy and programme have been prepared in consultation with the food examiner/public analyst via the local food liaison group as required by Code of Practice No. 7.
- The sampling policy will be reviewed by consultation annually, and the sampling programme also determined on an annual basis.
- The authority's sampling policy and programme have been prepared with due regard to the guidance provided in the Food Safety Act 1990: Code of Practice No. 7 (revised October 2000) and LACORS Guidance on Food Sampling for Microbiological Examination (January 2002).

Glossary of Terms

Authorised Officer: A person who is authorised in writing by the Falmouth and Truro Port Health Authority through the Chief Port Health Officer to act in matters arising under the Food Safety Act 1990 and associated regulations.

CEFAS: The Centre for Environment Fisheries and Aqua Culture Science is a central government agency with a laboratory at Weymouth having specialist experience in the examination of shellfish.

Food Standards Agency: An independent body set up by central government with the power to set standards and rules to ensure food is safe to eat and of a high quality.

HA/HACCP: Hazard Analysis/Hazard Analysis and Critical Control Points is a systematic approach to ensuring food is safe to eat required by the Food Safety (General Food Hygiene) Regulations 1995, or similar hygiene regulations.

Home/Originating Authority: A Home Authority is a local authority which has agreed to act as a coordinating centre for enforcement issues for companies operating in several local authority areas. An Originating Authority is a local authority in whose area a company operates e.g. retailer/manufacturer.

LACOTS: Local Authority Coordinating Body on Food and Trading Standards, now known as LACORS (Local Authority Coordinators of Regulatory Services), is a local government central body created by the UK Local Government Associations to support local authority regulatory and related services.

Pathogenic bacteria: Micro-organisms capable of causing disease in people consuming contaminated food or drink, e.g. Salmonella.

PHLS: The Public Health Laboratory Services is a central government laboratory service providing a comprehensive microbiology service to local authorities via local laboratories.

Public Analyst: This is a person appointed by a local authority to carry out the examination of food required by the Food Safety Act 1990. This person will possess qualifications prescribed by central government.

Sacrificial Sample: This is a food sample, which by the process of examination at the point of sampling, cannot be used for laboratory analysis, e.g. vacuum packed cooked meat which is pierced to take a probe thermometer reading.

Toxins: Chemical compounds produced by some micro-organisms which are capable of causing disease if consumed in contaminated food or drink, e.g. E.coli O157 toxin.

UKAS Accredited: The United Kingdom Accreditation Service is an arm of central government which assesses and accredits official laboratories to meet agreed EU standards of procedures for testing food.

Food Law Enforcement

This policy takes account of the following activities related to the authority's food law enforcement responsibilities for protecting the consumer:

- Investigation of food contamination and food poisoning incidents
- Complaints
- Imported food responsibilities (particularly third country imports)
- Home/originating authority responsibilities (e.g. in relation to product and critical control point monitoring)
- Avoiding unnecessary duplication with Home Authorities
- Food sampling defined by statute (e.g. shellfish)
- The use of sampling as part of a food hygiene inspection (to help assess hygiene standards and procedures)
- Participation in the LACOTS/PHLS voluntary co-ordinated sampling programme
- Co-ordinated programmed surveillance sampling with other local authorities
- Sampling related to local products/events/initiatives concerning an issue particularly relevant within the authority; and
- This authority's obligations under the framework agreement of the Food Standards Agency.

Aims and Objectives of Sampling

This policy also takes into account the following aims and objectives for microbiological examination of foods:

- Protect the consumer through the enforcement of food legislation and the encouragement of fair trading;
- Identify foods that could pose a hazard to the consumer because they may contain significant levels of pathogenic bacteria and/or associated toxins;
- Identify any contraventions of food safety legislation e.g. Food Safety Act 1990, Section 8 (food which is unfit or food which is so contaminated) or Section 14 (food not of the quality);
- To help evaluate temperature control, food handling and processing practices at food premises in relation to hazard analysis (and where relevant HACCP) requirements;
- To help determine whether advice or enforcement action would be appropriate where it is suspected that poor practices and procedures exist;
- Give advice and guidance, if appropriate, on food hygiene matters;

- Assess the microbiological quality of food manufactured, distributed or retailed in an authority's area.

Authorisations

All officers undertaking formal sampling as laid down in the Food Safety Act 1990 Code of Practice No. 7 will be qualified and trained in accordance with Code of Practice No. 19 (paragraphs 18, 19 or 34).

Any officer not possessing these qualifications will only sample on an informal basis.

All food and raw shellfish (to monitor compliance with the Hygiene Directive) samples will be examined at the Public Health Laboratory Service, Truro. This establishment is a UKAS accredited laboratory for microbiological tests on foodstuffs.

Live mollusc samples will also be analysed by CEFAS central government laboratories at Weymouth for algal biotoxins.

Sampling Programme of the Falmouth & Truro Port Health Authority

This food authority will endeavour to meet its sampling obligations as laid down by EC Directives and UK Regulations in as much as:

- Wherever possible it shall sample seawater and shellfish within its district at the prescribed frequency and using the appropriate techniques to monitor the presence of Marine Biotoxins.
- It shall endeavour to classify appropriate bivalve mollusc production areas under the Hygiene Regulations.
- It shall consider Food Safety Agency (FSA) guidance when deciding the appropriate sampling regime for shellfish purification centres.
- It shall sample freshwater from both land based and other sources following risk assessment.
- It shall sample food production within the district based on a risk assessment approach.
- It will follow guidance issued by DEFRA and the FSA when deciding the appropriate sampling regime to monitor the quality of Intra-community food trade and Imports from Third Countries through the Border Inspection Post.
- When appropriate to do so it will join in National, regional and local co-ordinated sampling programmes.
- When appropriate to do so it will follow Code of Practice No. 7 (revised October 2000).
- It shall sample appropriately following receipt of a food complaint or notification of food poisoning.
- Where necessary, advise will be sort from PHLS, Cornwall and Isles of Scilly Health Authority and other relevant bodies before deciding on the appropriate course of action in any given situation.
- This policy will be available on the Authorities website and will be reviewed periodically.

Sampling Procedure

There are several factors influencing when and how sampling takes place which will be taken into consideration as follows:

- Whether further processing of the food by caterers or consumers will reduce or eliminate micro-organisms prior to consumption.
- The role that HACCP or hazard analysis may have played in the production of the food and whether a detailed investigation of this linked to sampling of particular ingredients rather than the end product might be the most useful approach.
- The statistical confidence that could be drawn from the result, e.g. the heterogeneous distribution of micro-organisms in food can result in misleading interpretations being drawn, particularly by the proprietors.
- The sample is not contaminated personally by the Sampling Officer, by any tools used by the Sampling Officer, sample containers, or the environment generally whether at the time of sampling or at any time during subsequent transport to the laboratory.
- The conditions during sampling (and more particularly during subsequent transport to the laboratory) should not result in the death or growth of micro-organisms.
- Sampling equipment or containers that come into direct contact with food will be sterile.
- The size of samples taken will be appropriate to enable the laboratory to undertake all the necessary examinations and in most cases will be at least 100g of a product.
- The owner of the food, the proprietor of the premises, or their representative will be given the opportunity to observe the sampling process unless a sample is taken anonymously as required by a particular protocol.
- For products which are not stable at ambient temperatures, the air temperature of the cabinet or area in which the food has been stored will be taken where possible from a sacrificial sample to avoid later questions/doubts that the probe used caused contamination of the sample or of the food remaining at the premises.
- The sampling approach to avoid contamination may vary depending on how the food is being stored/displayed, whether any containers used for the food are already wrapped or sealed and how the food is served in the case of retail sale.

In carrying out the above considerations due regard will be had to the guidance and advice provided in LACOTS Guidance on Food Sampling for Microbiological Examination in January 2002. All food sampling activities will comply with the requirements of the Regulation of Investigatory Powers Act 2000.

Follow-up

When the results of a laboratory examination of the sample(s) are received, the authorised officers will decide appropriate follow-up action. Due regard will be had to the expert advice from the food examiner, this authority's enforcement policy and any liaison with the Home or Originating Authority if appropriate. Most sampling results will be categorised by the laboratory as being satisfactory, acceptable or unsatisfactory. This will result in follow-up action as follows:

Satisfactory Results

Within 7 days of receiving a satisfactory result, the Sampling Officer will notify the proprietor/manager of the food business of the result and interpretation in writing.

Acceptable Results

This category indicates the sample was at the level of borderline microbiological quality. Within 7 days of receipt the Sampling Officer will notify the proprietor/manager of the food business with the results and interpretation in writing. This letter advises that the result was borderline and that improvements should be made. In some cases a resample may be taken.

Unsatisfactory Result

This category indicates that the food sample did not meet the acceptable microbiological standard. Resampling will be considered in the following circumstances:

- Where the premises sampled from has a good record of compliance
- Where, in the view of the food examiner, the result obtained does not render the food unfit but raises concerns about hygiene practices followed
- Where other similar batches within the same consignment need investigation to gain statistical information about the rest of the consignment
- Where the sample taken was taken anonymously and the proprietor was not subsequently notified
- Where the laboratory who examined the first sample recorded relevant details on the basis that the result would not be relied on for supporting legal action

Where resampling is to be undertaken the business will be visited by a Food Safety Officer and the proprietor/manager informed of the result and possible cause(s), means of improvement and also that a resample will be taken. Should a satisfactory or acceptable result be obtained on resampling the proprietor/manager will be notified, as in satisfactory and acceptable categories above.

Should a further unsatisfactory result be obtained, an assessment by the Authorised Officer (and if necessary the laboratory) will be made to determine further action and may result in formal action. In those cases where an arrangement exists for Home and Originating Authority referrals, the appropriate authorities will be notified of unsatisfactory results. Formal action leading to legal proceedings will be considered in the following circumstances:

- A poor previous history of compliance at a particular premises
- Observation of poor practices at the premises concerned

- Poor compliance with hazard analysis of HACCP requirements
- Evidence of poor temperature control relating to the food sampled
- Where adverse previous sampling results have been obtained. Initiation of legal proceedings will be in accordance with the authority's Enforcement Policy. A copy of the laboratory report will be provided to a business on request.

Review

The Sampling Policy will be reviewed annually and amended as necessary.

Falmouth and Truro Port Health Authority
 Port Health Building
 The Docks
 Falmouth
 Cornwall
 TR11 4NR

Telephone: 01326 211581
 Facsimile: 01326 211548
 Email: fal@cieh.org.uk
 www.falandtruropha.co.uk

References

- Food Safety Act 1990
- Food Safety Act 1990: Code of Practice No. 7, Sampling for Analysis and Examination (Revised October 2000)
- Food Safety Act 1990: Code of Practice No. 19, Qualifications and Experience of Authorised Officers (Revised October 2000)
- Food Safety (Sampling and Qualifications) Regulations 1990 as amended
- Food Standards Agency: Framework Agreement on Local Authority Food Law Enforcement (September 2000) as amended
- Local Authorities Co-ordinating Body on Food and Trading Standards (LACOTS): Guidance of Food Sampling for Microbiological Examination (January 2000)
- Regulation if Investigatory Powers Act 2000
- Falmouth and Truro Port Health Authority Enforcement Policy.