



## **Uttlesford District Council**

# **Sampling Policy for the Microbiological Examination and Analysis of Food**

## **ENVIRONMENTAL HEALTH**

# FOOD SAMPLING POLICY

## 1. Introduction

- Food sampling makes an important contribution to the protection of public health and food law enforcement functions of Uttlesford District Council.
- It is used as part of a planned approach to gather information about the safety, 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 consumer.
- Food authorities such as Uttlesford District Council are required to prepare and publish a sampling policy and make it available to businesses and consumers.
- This policy sets out this authority's general approach to food sampling and its approach to specific situations.
- In addition, Uttlesford District Council 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 the Food Standards Agency Code of Practice 2008.
- The sampling policy will be reviewed by consultation annually, and the sampling programme also determined on an annual basis.
- A leaflet summarising the food sampling policy will be made available to all food business stakeholders and the public.

## 2. Glossary of Terms

Authorised Officer: A person who is authorised in writing by Uttlesford District Council to act in matters arising under the Food Safety Act 1990 and associated regulations.

FNAO – Foods of Non Animal Origin eg. high risk foods including fruit and vegetables imported via the cargo sheds

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.

Formal food sample: one taken in accordance with the Food Safety Act 1990, associated legislation and codes of practice in particular FSA Code of Practice and which may result in legal proceedings if an adverse report is received following examination.

HA/HACCP: Hazard Analysis/Hazard Analysis & 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 eg retailer/manufacturer.

Informal food sample: All samples of food where it is decided that a result will not be required to be relied on for legal proceedings.

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.

Food Examiner – HPA: The HPA Food, Water and Environmental Laboratory service provides a comprehensive microbiology service to local authorities based at Broomfield Hospital tel 01245 514045

POAO – Products of Animal Origin imported via the Border Inspection Po at Stansted Airport.

Public Analyst: This is a person appointed by a local authority to carry out the examination of food as 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 then be used for laboratory analysis e.g. a 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 0157 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 on procedures for testing food.

### **3. Food Law Enforcement**

This policy takes account of the following activities related to Uttlesford District Council'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 other Port Health or 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 EU co-ordinated control programmes
- Participation in the LACORS/HPA voluntary co-ordinated sampling programme
- Co-ordinated programmed surveillance sampling with other Essex 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

### **4. Aims and Objectives of Sampling**

This policy also takes into account the following aims and objectives for analysis and 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

- 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.

## **5. Authorisations**

### **Authorised Officers**

Formal Samples - All officers undertaking formal sampling will be qualified and trained in accordance with the FSA Code of Practice 2008 requirements

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

### **Food Examiner - HPA**

The majority of samples will be examined at the HPA Laboratory, Chelmsford. This establishment is a UKAS accredited laboratory for microbiological tests on foodstuffs.

### **Public Analyst**

Formal samples will be analysed by an appointed Public Analyst. Uttlesford District Council has appointed Public Analysts to carry out examinations and analysis of food samples as satisfying the Food Safety (Sampling and Qualifications) Regulations 1990 and as a UKAS accredited laboratory for microbiological tests on foodstuffs (see Appendix 1).

## **6. Sampling Programme**

This authority will prepare an annual sampling programme having regard to the factors listed in Sections 3 and 4 above. This programme will therefore consist of the following components:

### Statutory Requirements

- i. Product specific sampling

Premises approved under this legislation will be sampled for routine monitoring and surveillance purposes. These types of premises include fish products premises, dairies, and meat product producers

Imported food sampling for POAO and FNAO

#### National/Local Sampling Programmes

ii. LACORS/HPA Co-ordinated Food Liaison Group Sampling Programme

This nationally organised programme requires sampling from a variety of premises and foodstuffs between two to four times a year.

iii. Other National Programmes

From time to time we are invited to participate in special surveys co-ordinated by the Food Standards Agency.

iv. Essex and Eastern Region Survey Sampling Programme

This locally organised programme focuses on issues of importance to Essex Food Authorities and requires sampling from a variety of premises and foodstuffs on a monthly basis.

#### Other Sources

v. Monitoring/surveillance sampling of other high-risk food business products in addition to above.

vi. Formal sampling as a result of a food premises inspection or detention/seizure of foodstuffs.

vii. Sampling as a result of a food complaint or suspected food-poisoning outbreak.

viii. Sampling on request of a food business e.g. new product and/or processes

ix. Imported food sampling at inland retail and catering premises and at Stansted Airport.

#### Sample Numbers

The council receives an annual allocation of sampling credits from the HPA service of 14750 credits which equates to approximately 300 food or water samples per year.

## 7. 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 results e.g. the heterogeneous distribution of micro-organisms in food can result in misleading interpretations being drawn, particularly by 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 either 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.
- Section 12 of the Food Hygiene (England) Regulations 2006 authorises officers to purchase or take samples of food or substances capable of being used in the preparation of food. We will generally seek to obtain samples by voluntary agreement or purchase (where obtained anonymously). Samples for enforcement purposes may however be taken without payment from the premises as necessary.
- 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 and recorded. If the food temperature is required it will

if possible be taken from a sacrificial sample to avoid later questions/doubts that the probe used caused contamination of the sample, or of 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.
- If enforcement action is anticipated following microbiological examination, the Sampling Officer shall follow the formal sampling procedure given in WP 16. All other sampling will be carried out following the informal sampling protocol given in WP 16.

In carrying out the above considerations due regard will be had to the guidance and advice provided in LACORS Guidance on Food Sampling for Microbiological Examination January 2002 (revised 2006).

## **8. Follow-up**

When the results of a laboratory examination of the sample(s) are received, the district EHO will decide the 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 14 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 14 days of receipt the Sampling Officer will notify the proprietor/manager of the food business of the results and interpretation in writing. This letter advises that the result was borderline and that improvements should be made and an appropriate advisory leaflet may be enclosed e.g. safe handling of ice, cooked meats guidance, ice-cream etc.

In some cases a resample may be taken.



## Unsatisfactory results

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 hygienic 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 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 causes(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 district EHO (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 or 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 Uttlesford District Council's Environmental Health Enforcement Policy.

A copy of a laboratory report will be provided to a business on request.

## **9. Complaints and Appeal**

Any person wishing to complain about the service they have received or appeal against any decisions that affect them will be provided with information on how to do this in accordance with the Uttlesford District Council's Environmental Health Enforcement Policy.

## **10. Review**

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

Uttlesford District Council, Environmental Health, Council Offices, London Road  
Saffron Walden, Essex CB11 4ER

Telephone: 01799 510510

Fax: 01799 501379

e-mail: [environmentalhealth@uttlesford.gov.uk](mailto:environmentalhealth@uttlesford.gov.uk)

[www.uttlesford.org](http://www.uttlesford.org)

July 2010

## **REFERENCES**

- Food Safety Act 1990 as amended
- FSA Code of Practice 2008
- Food Safety (Sampling and Qualifications) Regulations 1990 as amended
- LACORS: Guidance of Food Sampling for Microbiological Examination 2002 (revised 2006)
- Uttlesford District Council: Environmental Health Enforcement Policy and Procedures