



Imported Food Sampling Policy

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1. INTRODUCTION

- 1.1. This document has been produced as a requirement of the Food Standards Agency (FSA) Framework Agreement on Local Authority Food Law Enforcement, which requires food authorities to set up, maintain and implement a food sampling policy and programme. The programme is reviewed and set up each service year within the Service Plan, which is brought before the Councils Overview and Scrutiny Committee, Cabinet and full Council. The Port Health internal Service Plan refers to the annual update of this policy.
- 1.2. This policy lays out SCPHA's general approach to imported food sampling as well as more specific situations in which this authority may become involved.
- 1.3. This policy document is implemented and supported by the Councils Enforcement Policy, Internal Service Plan and ISO procedures covering this activity.
- 1.4. SCPHA will undertake a programme of sampling of imported food to ensure that it protects public and animal health. The imported food sampling programme aims to proactively detect foods, which may be a danger to public health and to ensure compliance with food standards and relevant legislation. Where funding is made available through the annual National coordinated risk based food and feed sampling programmes to undertake additional sampling, full use of this grant will be made to enhance the work carried out by SCPHA. Representative inspection and sampling is made throughout consignments in compliance with specific legislative requirements with details recorded in a legally robust format.
- 1.5. Whilst liaison arrangements remain in place between SCPHA and Suffolk County Council Trading Standards Department an agreed programme of feed sampling will be undertaken to detect any feed which may pose a danger to the feed / food chain to ensure compliance with feed standards and relevant legislation.
- 1.6. SCPHA has agreements in place to deliver imported food control controls for Ipswich Borough Council covering the Port of Ipswich and Tendring District Council covering Harwich International Port, Harwich Navyard and Mistletoe Quay. These organisations have separate food sampling policies covering activities at these ports and are not covered by this policy.

2. GOOD ENFORCEMENT ACTION

2.1. To support consistency and good enforcement practice, officers will undertake sampling in accordance with:

- FSA Code of Practice issued under the Food Safety Act 1990;
- The Food Safety (Sampling and Qualifications) Regulations 1990;
- The Official Feed and Food Control (England) Regulations 2009
- The Trade in Animals and Related Products Regulations 2011
- All relevant and applicable EU Commission Decisions, Directives Regulations and guidance

National guidance issued by

- The Food Standards Agency (FSA)
- The Department of Environment, Food & Rural Affairs (DEFRA)
- The Department of Health
- The Health Protection Agency (HPA)

Guidance issued from our designated, appointed Public Analysts.

2.2. Our commitment to fair, practical and consistent enforcement can be found in our Enforcement Policy which is available from the Councils website

<http://www.suffolkcoastal.gov.uk/assets/Documents/Council/Policies/EnforcementPolicy.pdf>

3. OFFICERS COMMITMENT TO THE POLICY

3.1. SCPHA will ensure that all officers carrying out sampling activities will be suitably and adequately trained and fully acquainted with the requirements of the policy. Both the Imported Food Sampling Policy and the Enforcement Policy will be referred to when deciding on what enforcement action to take. Any deviation from these Policies will require authorisation from a Technical Manager.

4. QUALIFICATIONS OF SAMPLING OFFICERS

4.1. Only officers authorised by the Suffolk Coastal District Council / Suffolk County Council will be permitted to carry out sampling work, which will be carried out in accordance with FSA Codes of Practice, EU legislation and any subsequent amendments or replacements.

4.2. Authorised officers carrying out sampling work will be suitably trained in accordance with the SCPHA Food Sampling Protocols. They will carry out sampling using the appropriate techniques and will be deemed competent in carrying out sampling activities prior to them being assigned to them.

5. FOOD SAMPLING PROGRAMME

5.1. The Sampling Programme will specify the foodstuffs/ products/ consignments that should be targeted for examination and sampling for analysis each year, based on:-

- European Directives/Decisions/Regulations
- Centrally issued guidance and national enforcement priorities
- Rapid Alert System for Food and Feed notifications (RASFFs)
- Food Hazard Warnings (from the FSA)
- Trends identified from the previous years results
- Emerging contaminants

Deviations from the sampling protocol are permitted in order to take account of a history of non-compliance with legislative requirements, previous adverse sample results, and intelligence received. Routine monitoring sampling will also be carried out, on a random basis, in addition to the requirements of the sampling protocol.

5.2. SCPHA will carry out sampling work in response to information from the following sources:

- Food Standards Agency
- Department of Environment, Food & Rural Affairs
- The European Commission (FVO / RASFF)
- Department of Health /HPA
- Association of Port Health Authorities
- Suffolk Food Liaison Group

6. FORMAL AND INFORMAL SAMPLES

6.1. Samples will either be taken formally or informally, depending on the reason for sampling and the advice given in the protocol. However, **formal samples** will be taken in the following circumstances:

- Where there is a history of an importers/exporters non-compliance with legal requirements;
- Where samples are taken in response to legal requirements where release is subject to satisfactory results;
- Where samples are taken as a result of a complaint
- Any food samples taken as a result of a food poisoning outbreak;
- Where the sampling officer discovers offences whilst examining a product which may result in legal proceedings;
- Where previous sample results have been unsatisfactory;

6.2. All formal samples for microbiological examination will be submitted to a food examiner of the Health Protection Agency laboratories.

- 6.3. All formal samples for composition, labelling, chemical or foreign body contamination analysis will be submitted to the Public Analysts appointed by SCPHA.
- 6.4. All formal samples for radiation monitoring will be submitted to CEFAS
- 6.5. Where statutory requirements require a type of analysis not currently being undertaken, SCPHA will evaluate which laboratory is best placed to deliver the service and standard required, taking into account laboratory accreditations for that test.
- 6.6. SCPHA will ensure that the appointed Public Analysts and the Food Examiner are consulted in writing when drawing up a sampling programme.

7. INTERPRETATION OF RESULTS

- 7.1. The Food Examiner will report on formally taken samples. The current guidelines published by the Health Protection Agency for the microbiological quality of ready to eat foods together with microcriteria Regulation (EC) No 2073/2005 will be used as a basis for the interpretation of the results of microbiological tests.
- 7.2. The Public Analyst will give an expert scientific opinion by report which will be used by SCPHA to determine action to be taken in respect of any offences discovered in relation to chemical contaminants. Non compliance of legislative limits (EU / National) will be specified in the report.
- 7.3. The food business will be informed of any formal or informal sample results in particular those that do not comply with statutory or recommended standards.
- 7.4. The Enforcement Policy will be followed in deciding the level of any formal enforcement action.
- 7.5. All sampling activity will be recorded electronically which will be accessible to all food law enforcement officers. Monitoring data may be extracted from the system for statistical returns and for periodical review by management.

8. CONTESTED RESULTS

- 8.1. Results may be contested in line with FSA Code of Practice procedures.
- 8.2. Importer sample results may only be considered valid where analysis is conducted at a laboratory accredited to conduct the specified test.

- 8.3. Where the importer sample result is in conflict with the enforcement sample result the importer has the option to submit the arbitration sample to the Laboratory of the Government Chemist. This will be subject to a shared cost basis. The arbitration sample result is final.

9. REVIEW

- 9.1. The Food Sampling Policy will be reviewed on an annual basis, and when there are any significant changes in legislation, codes of practice or guidance issued by the FSA, DEFRA, HPA, the Commission, BRDO or other central government agency

Last review – 14 August 2012