

BIRMINGHAM REGULATORY SERVICES

FOOD AND WATER SAMPLING PROTOCOL

1 Purpose of the Protocol

- 1.1 Regulatory Services, Environmental Health Section, currently has a separate budget for food and water sampling to ensure that food and water produced or supplied in the City is safe and meets legal and recommended compositional standards. This protocol outlines the various elements of the food and water sampling undertaken by officers in the Food Safety Team, District Services Teams and Trading Standards Teams.
- 1.2 The Food Safety Team Manager has responsibility for ensuring that the sampling programme is drawn up and discharged and will monitor the programme to ensure that appropriate action is taken whenever necessary

2 Food Sampling

2.1 Compositional Sampling

- 2.1.1 Most of the compositional food sampling is analysed by Birmingham City Laboratories (BCL) and most of the sampling budget is spent by sending samples to BCL. Three Public Analysts are appointed at Worcestershire, Leicestershire and Staffordshire Scientific Services and will carry out formal sampling and other analysis as appropriate. The Analyst's Certificate forms the basis for any legal proceedings taken as a result of analysis carried out. The Public Analyst is formally appointed as the Agricultural Analyst under the provisions of part IV of The Agriculture Act 1970.
- 2.1.2 A compositional sampling programme will be drawn up in April each year by the Food Safety Team Manager, Food Safety Team Leader, Principal Scientific Officer, and Head of Trading Standards. The programme will be flexible in order to respond to the needs of the service. Choice of surveys may be influenced by current issues, food hazard warnings, emerging food issues etc. Most of the compositional surveys will be carried out by Enforcement Officers in the Food Safety Team with some being done by Trading Standards Officers and District Services Officers.

2.2 Microbiological Sampling

- 2.2.1 Microbiological food sampling is analysed by the Food Examiner at the Health Protection Agency Laboratory at Heartlands Hospital (HPA).
- 2.2.2 A microbiological sampling programme will be drawn up in April each year by the Consultant Microbiologist at HPA, Food Safety Team

Manager and Food Safety Team Leader. Other surveys to respond to the needs of the service will be carried out by agreement although as there is generally no charge made to the Department these will depend on the resource availability of HPA. Choice of surveys may be influenced by current issues, food alerts, emerging food issues etc. Most of the microbiological surveys will be carried out by Enforcement Officers in the Food Safety Team, with some being done by Environmental Health Officers in both the Food Safety Team and District Services Teams.

2.3 Accreditation of Laboratories

2.3.1 The Public Analysts and HPA laboratories meet all legal requirements and are properly accredited. All officers who carry out food and water sampling are authorised to do so and have relevant training and experience.

3 Results of Samples

3.1 Food businesses will be informed of any unsatisfactory results. Information on the selection of samples, sampling method and method of examination or analysis will be provided if requested.

3.2 The Food Safety Team Manager will ensure that appropriate action is taken in respect of all samples where unsatisfactory results are obtained. This may include further sampling, inspection of the process or premises, referral to the home or originating authority if the product is manufactured outside Birmingham, product recall, issue of a food hazard warning, verbal or written advice to the business, or legal action such as issue of a formal caution, prosecution or emergency prohibition. Any decision on the instigation of legal action will be taken in accordance with the Enforcement Policy.

4 Co-ordination of the Sampling Programme

4.1 Where possible, surveys will be co-ordinated with other organisations, in particular the West Midlands Food Liaison Group, LACORS (Local Authority Co-ordinating body on Food and Regulatory Standards) and Centsa Group. The Department will take part in joint LACORS/ HPA sampling programmes, those organised by Centsa and national surveys such as those organised by the Food Standards Agency.

4.2 Most of the compositional and microbiological surveys will be carried out by Enforcement Officers in the Food Safety Team, although District Services and Trading Standards Officers may identify specific programmes which they wish to undertake and these should be agreed in advance with the Food Safety Team Manager.

4.3 Officers are encouraged to take food samples during programmed food hygiene inspections of food manufacturers and premises approved

under product specific legislation. They may wish to take food samples when they are carrying out programmed food hygiene inspections of other types of food premises. Generally, the latter will not be done as a matter of routine but where the officer identifies a particular problem which he/ she feels needs further investigation. The Food Safety Team Manager should be advised where samples have been submitted for analysis.

- 4.4 The Department will undertake specific sampling surveys each year in relation to certain types of manufacturers operating in the City.
- 4.5 Food complaints which are investigated by Enforcement Officers on the Food Safety Team will be submitted if necessary to HPA, BCL, Public Analyst or other laboratory as appropriate.
- 4.6 The Department has a service level agreement with the Birmingham City Laboratories who are required to analyse samples within set time periods and to provide results in writing. The service level agreement sets out the means by which results that indicate a significant risk to public health can be notified without delay.

5 Home Authority Principle

- 5.1 The Department supports and endorses the LACORS Home Authority Principle and has formal Home Authority Partnerships with relevant food manufacturers in the City. The Department acts as Originating Authority to all other food manufacturers based in the City.
- 5.2 When sampling as an Enforcement Authority or when dealing with a food complaint, the appropriate Home or Originating Authority will be contacted and informed of the results of any unsatisfactory samples.

6 Informal Samples

- 6.1 Samples taken for compositional and microbiological surveys may be taken as informal samples as part of the planned monitoring and surveillance programme. Samples that are submitted for expert opinion, pest identification etc are classed as informal samples, as are samples taken in their own right e.g. food beyond its use-by date.

7 Formal Samples

- 7.1 All formal samples will be taken in accordance with the Food Law Code of Practice. All samples which may result in enforcement action if an adverse report is received following analysis or examination must be obtained in accordance with the Code.

8 Water Sampling

8.1 Private Water Supplies

These will be sampled by Enforcement Officers on the Food Safety Team in accordance with the Private Water Supplies Regulations. The Enforcement Officers will draw up a programme at the beginning of each calendar year showing the days on which sampling will take place for each private water supply in their area and identifying which parameters will be included. They will ensure that appropriate action is taken where the results of the sampling indicate problems with a private water supply if necessary liaising with the Food Safety Team Leader or Manager and/or OFWAT. The Food Safety Team Manager will arrange for each supplier to be charged for this sampling on an annual basis in line with the charges laid down in the Regulations.

- 8.2 For those private water suppliers who wish to carry out their own sampling, and where this has been agreed with the Local Authority, the Environmental Health officer with responsibility for inspecting those premises will ensure that this sampling is carried out, that results are received by the Department and that any necessary action is taken should the results prove to be unsatisfactory.
- 8.3 Copies of all results must be placed on the public register located at 21 – 22 Calthorpe Road, Edgbaston.

9 Public Water Supplies

- 9.1 The Department does not carry out routine sampling of public water supplies, but receives results of samples taken by the two water undertakers who provide water in Birmingham: South Staffordshire Water and Severn Trent Water. The Food Safety Team Manager will act as the Local Authority's liaison officer with the water undertakers to ensure that any problems are dealt with appropriately.
- 9.2 From time to time, notifications will be received from the water undertakers concerning planned maintenance works in specific areas of the City. The District Environmental Health officer and Food Safety Team Enforcement Officer will be advised of these notifications and where necessary the Weekend Duty Officer.
- 9.3 Requests for Assistance may be received from time to time concerning public water supplies. These will be dealt with by the Food Safety Team Enforcement Officers and may involve submission of samples and liaison with the appropriate Statutory Water Undertaker.

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