

David Gray  
Food safety: Hygiene and  
Microbiology  
Food Standards Agency  
Room 3C  
Aviation House  
125 Kingsway  
WC2B 6NH

7 July 2010

## **Food Hygiene (England) (Amendment) (No.2) Regulations 2010**

Dear David,

This response is on behalf of the Seafish Food Legislation Expert Group, a cross-sectoral group composed of representatives from the various trade organisations of the UK seafood industry, from catchers through to retailers.

Thank you for the opportunity to respond to this consultation on proposal to introduce amendments to the Food Hygiene Regulations to enforce changes made to the EU Hygiene Regulations in 2008.

We shall only be responding to questions relating to the amendments that could have an impact on the seafood industry.

*1. The amendment to allow food business operators to continue to use 'clean' water when handling fishery products as a permanent measure. This is currently allowed under a transitional measure. As the quality of the water used may vary businesses will be expected adequately control risks.*

### **Q.1 Are stakeholders aware of any land based establishments currently using clean water to wash whole and prepared fishery products?**

We were not aware of any at the time of the regulations publication in the Official Journal in 2008.

### **Q.2 Do stakeholders agree with this assessment?**

Yes we agree with the assessment that although the Agency is not aware of any land based establishments currently using clean water to wash whole fishery products, it should be retained for future use should a business require it. In such cases risks can be adequately controlled using HACCP procedures.

*2. The amendment to allow competent authorities to classify LBM production areas as class B as long as 90% of samples do not exceed E.coli 4600 limit, and the remaining 10% do not exceed this limit on a permanent basis.*

This is currently a transitional measure following its accidental omission from the EU Hygiene Regulations in 2006. Reinstating this will mean legislative certainty for stakeholders.

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**Q.1 Can stakeholders provide any evidence that the new limit introduced for the 10% of samples for class B areas will impact on the supply of LBMs available from class B areas.**

Most Class B beds would become Class C beds.

**Q2. What would be the effect of downgrading from class B to class C? Do stakeholders consider there would be any loss in revenue?**

If as predicted in the impact assessment all class B beds were downgraded to class C beds this could close the market for live sales which in autumn 2009 was valued at approximately £35 million.

*3. The amendment to clarify which establishments can apply ID marks*

This will change the requirement from the identification mark must be applied before the product leaves the establishment to it being required to be applied before the product leaves the establishment of production. This will ensure that the approval mark reflects where the product was manufactured.

**Q Do you agree with our impact assessment of the benefits?**

Yes this will improve food traceability and safety by ensuring that the ID mark refers to the last establishment where actual production took place, and not to a registered establishment that handled packaged product.

Yours Sincerely

Fiona Wright

**Food Standards Officer**

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Origin Way, Europarc, Grimsby DN32 9TZ

t: 01472 252300 f: 01472 268792 e: [seafish@seafish.co.uk](mailto:seafish@seafish.co.uk) w: [www.seafish.org](http://www.seafish.org) SIN: <http://sin.seafish.org>