

Chill-out time for retailers

Next month new food safety regulations will be put in place to take effect in a year's time. But will they be a boost or a burden to food retailers? Andrew Don reports.



Richard Mann

It is the only piece of European law which Clare Cheney, assistant director of the British Retail Consortium, welcomes in its entirety. And it is several years overdue, as far as she is concerned.

Next month the Department of Health expects to finalise The Food Safety (General Food Hygiene) Regulations 1994, which will implement the EC Food Hygiene Directive.

But Cheney, and others in the retail trade, have reservations about its enforcement. They are concerned about whether environmental health officers (EHOs) will be up to the job and be able to operate a level playing field. It is an age-old complaint.

But, given that the Government describes the regulations as deregulatory, isn't something not quite right? "We will probably have trouble initially with the small rural authorities," admits Dr Albert Rooms, CRS national environmental health and safety manager.

Bob Mitchell, technical manager for international food with Marks & Spencer, says retailers will need to work more in partnership with enforcement agents "rather than the old cops and robbers approach".

"There will inevitably be local problems but the industry codes of practice will help to

avoid the worst situations," he says.

The directive will place the responsibility on food businesses to assess where hygiene risks exist, and to take measures to rectify them – an approach known as Hazard Analysis and Critical Control Points (HACCP).

Even the enforcers admit there could be problems, and this came through from trade comments during the consultation period on the regulations, which ended last month.

David Statham, chairman of the Food and General Health Council at the Institution of Environmental Health Officers, wrote in response to the consultation document: "If

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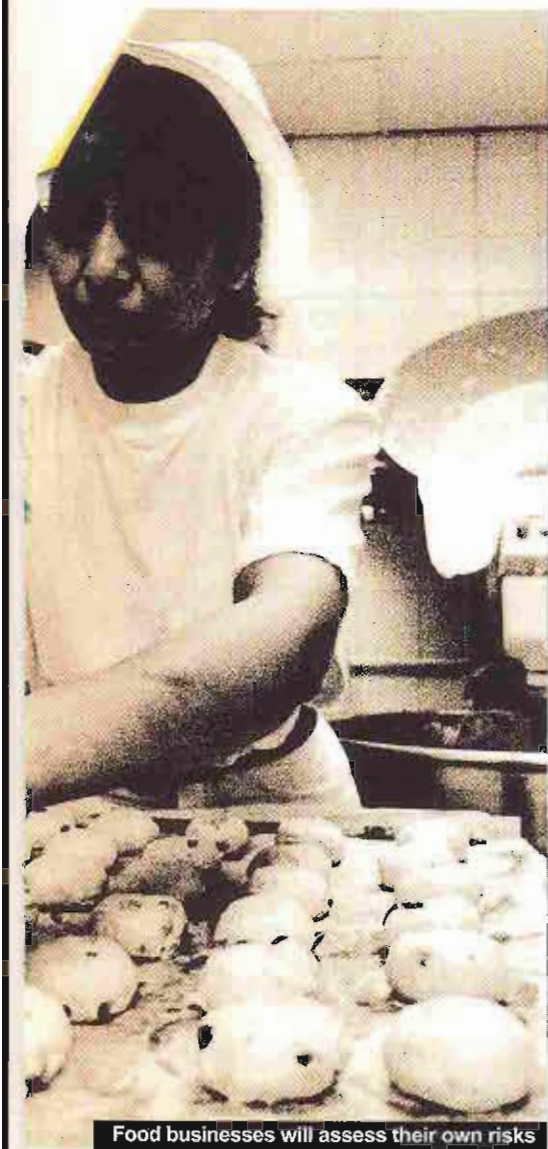
hazard analysis is to work then a good deal more thought must go into the scale and nature of the activities to which it is applicable, otherwise both those enforcing the law and the food industry will be subjected to prolonged chaos and inconsistency."

The BRC highlighted two major concerns in its response. One was that the guides to good hygiene practice would not have any impact where they were most needed – in the small food businesses which were not members of trade associations and might not be aware of the guides or take any interest in them.

The other concern was whether EHOs would be sufficiently trained to do their job properly. "... the larger food companies have far more expertise in this area (hazard analysis) than local authorities; but smaller businesses will need advice ... Unless EHOs are properly trained to fulfil this role it will be a case of the blind leading the blind," wrote Cheney.

She argues that problems arose in the past when under-qualified technical staff were used by authorities working to a rigid enforcement plan without the capacity to interpret their findings and make reasonable judgements.

However, general, less prescriptive legislation is a breeze of fresh air from a Europe



Food businesses will assess their own risks

Industry views

"We have been doing all the things the Directive requires for some time. We welcome the introduction of guides to good hygiene practice which will allow the business community to collectively determine how to improve practices" – John Longworth, divisional director, consumer protection, Tesco

"I have no doubt there will be problems in some areas (with EHIOs) but I do not think it is anything we cannot overcome... we will be looking to work with them rather than against them" – Dennis Cumming, director of quality assurance, Safeway

"The majority of retailers outside of the multiples see the food hygiene inspection as an annual MOT that is in the hands of EHOs or trading standards officers. The directive says you shall assess your own business for any potential risk, and what you discover you do something about" – David Yates, food safety manager, Spar.

which has become infamous for its penchant for vertical or product-specific legislation in which all but the colour of one's underwear is prescribed.

General legislation could well be the style of things to come, and could stave off more specific regulations in the future.

The EC is currently looking at the relationship between vertical and horizontal directives. Many would like to see the vertical directives subsumed by the horizontal, but Cheney thinks that may be "pie in the sky".

For the big supermarkets, hazard analysis is not the uncharted territory it is for the smaller independently-owned outlets, and most say they do not need to do anything new. Asda says it will roll out its in-house food hygiene training programme to all food handlers.

Most supermarkets also have the necessary equipment, as well as the systems, in place, especially in the area of temperature control.

"Much progress has been made in understanding how equipment performs and the variation of temperature within the equipment," Dr Mark Woolfe of the food science division at

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the Ministry of Agriculture, Fisheries and Food told a conference recently at Leatherhead Food Research Association.

He points out that better, cheaper information systems can only help with hazard analysis. "More intelligent integrated control systems are emerging where the data collected can be instantly acted on by the computer to optimise the system. This is the true aim of HACCP, and as computer power becomes cheaper, so will the sophistication of such systems increase."

Another future trend in temperature control will be to move away from collecting a lot of data to record only exemption data, according to Woolfe. "Many types of monitoring equipment will now give the time that air or product temperatures remain outside certain limits," he told the conference.

"Other systems may not give any temperature readings, but simply show an alarm when the air temperature moves outside pre-set limits for a certain length of time. Only the alarm periods and the remedial action taken are recorded. This is obviously an important step for many large multiples which have huge amounts of monitoring data to handle daily."

It has not yet been decided whether the new regulations would include proposals for new temperature controls. Plans to replace the 5degC and 8degC bands for different chilled products with a single 8degC could form part of The Food Safety (General Food Hygiene) Regulations 1994, or stand as a separate piece of legislation, to be implemented at the same time – in July 1995.

Food safety: facing the facts

The regulations designed to implement the Food Hygiene Directive will replace and simplify food hygiene regulations which are more than 20 years old, argues the Department of Health.

Ministers first announced last December that regulations to implement the EC Food Hygiene Directive should be made in the summer of 1994, to be brought into force 12 months later. The consultation period with the trade over the new regulations ended on May 18.

The regulations place the responsibility on food businesses to assess where hygiene risks exist, and take measures to rectify them. The same sort of approach, known as HACCP (Hazard Analysis and Critical Control Points), is commonly used in food manufacturing, but there are many different systems which can be operated and which are more suitable for retailing.

Hazard analysis involves: identifying the potential food hazards; deciding which of the points identified are critical to ensuring food safety; and effectively controlling and monitoring procedures at those points.

The BRC is currently compiling a guide for the food industry to aid compliance. These voluntary guides for industry are supposed to promote both co-operation between the food industry and enforcers and greater uniformity of food hygiene enforcement.

The regulations specify a general requirement to carry out food preparations in a hygienic way, and introduce a new requirement for food hygiene training. Proprietors must ensure that all food handlers are supervised and trained in food hygiene as far as it is relevant to their work.

The idea is that the approach to inspection and enforcement will vary depending on whether the business has adequate controls on potential food hazards.

Conviction on indictment leads to a limitless fine, imprisonment for a maximum of two years, or both.

Millions of pounds were spent across the industry on upgrading refrigeration when the two temperature bands came in under the Food Hygiene (Amendment) Regulations 1990. So it would be understandable if the industry was now a bit rattled.

But Spar's food safety manager David Yates says money spent on temperature controls is never wasted. Dennis Cumming, director of quality assurance with Safeway, agrees: "We want the best shelf-life for our products. Minimum industry standards would not necessarily be what we would keep to." ■