

**Long Term Classification of Designated Shellfish
Harvesting Areas in England and Wales**

**Guidance on Local Action Groups and Local Action
Plans**

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1 - INTRODUCTION

European legislation since 1991 requires Member States across the EU to operate a programme for monitoring and classifying their shellfish harvesting areas. In the UK this was first fully achieved in 1993 and continues to be reviewed on an annual basis. Although hygiene legislation has recently undergone major structural change, the requirement and criteria for a classification programme has not changed greatly. The new consolidated Regulations on hygiene legislation for foodstuffs came into effect in the UK on 1 January 2006.

In 2002, with the existing and proposed new hygiene legislation in mind the Food Standards Agency instigated a review of the way shellfish classification in England and Wales was achieved. One issue that emerged was a system for long term classification (LTC) of shellfish beds to replace the yearly approach. In August 2004 a fully developed proposal was ready, which was then sent out for consultation in England and Wales. Unlike the existing programme the new proposal includes a system of 'Action States' to facilitate a more risk-managed approach when high contamination results occur. Additionally it was observed that LTC would provide the shellfish industry with a more stable approach to maintaining and setting classification levels.

LTC is to be implemented in England and Wales in May 2006 and the FSA has produced this document to provide guidance on Local Action Groups and Local Action Plans that are a fundamental element of these proposals in achieving the aims of LTC.

2 - LONG TERM CLASSIFICATION¹

Brief Description.

The proposed LTC system has been designed as the first stage of an on-going process. LTC will initially apply only to Class B harvesting beds with 5 years worth of compliance data. Currently none of the Class A beds in England and Wales have 5 years of stable data and would therefore not be included. However, as Class B beds constitute over 85% of the harvesting areas in England and Wales, applying LTC to these would be most beneficial for public health, as well as giving industry the increased stability they have been seeking. The LTC system would operate over a five-year period but, as it may be possible to add other beds before the end of the 5 years. FSA plans a formal review of the system two years after implementation is planned. All Class A and Class C beds and those ineligible Class B beds would continue to be classified on an annual basis but this would be regarded as temporary within the LTC programme.

The current arrangements do not normally have set procedures for LAs actions in response to high results of *E. coli*. The proposed LTC would incorporate a graduated, rapid response facility when *E.coli* levels exceed pre-defined trigger levels. Three tiers of response would be implemented, depending on the level of the sampling result. These would range from minor investigations to more extensive formal investigations and ultimately to a full 'Action State' where investigations would be accompanied by official temporary downgrade/closure of the affected harvesting area, due to the potential increased risk to public health. To actively manage these states and make positive use of local knowledge of the area the FSA has proposed the introduction of Local Action Groups and the development of Local Action Plans by food authorities.

¹ For a more comprehensive description please refer to the consultation papers issued in August 2004 and available on the FSA web-site.

Under the second and third tier of response Local Action Groups (LAGs) would be involved and would comprise of a number of representative as set down in the guidance that follows. These LAGs will be established to provide LAs with assistance in investigations of unusually high E.coli results as well as fulfilling a primary function to act as a conduit for effective and timely information exchange and data contribution. Each LAG would be responsible for developing a local action plan (LAP) and for laying down investigation procedures. They would also be involved in activities such as gathering data pertinent to local factors or conditions that may affect test results (See 1.6 above).

3 - LOCAL ACTION GROUPS AND PLANS

Role of Local Action Groups (LAGs)

With the introduction of a tiered system of investigations and associated public health control measures it becomes necessary to have in place a management mechanism to ensure that information flows freely between stakeholders, and access to the source of relevant local expertise is provided. In situations where the specified level of *E.coli* has been exceeded and investigation of high results is required a conduit for timely information exchange and data contribution is essential when making decisions and applying appropriate health measures.

The introduction of LAGs with comprehensively defined Local Action Plans (LAPs) is seen as the best way to provide the required information, but in a manageable and practical way. It is envisaged that Local Action Groups will consist of representatives from local authority (LA), the Centre for Environment, Fisheries and Aquaculture Science (CEFAS – Weymouth), the Environment Agency (EA), Marine Fisheries Agency (MFA), Water Authorities, members of local industry and the FSA. Other interests would be welcome. As the exchange of information is to be on an electronic basis the impact of LAGs is expected to be very small in relation to resources while providing maximum information and expertise in considering the potential public health risks following high *E .coli* results in local shellfish beds.

The FSA has written to LAs requesting they put in place an email address specifically for dealing with LTC investigation matters under the tiered system. LAs will have responsibility for developing the local aspects of the action plan based on the requirements of LTC.

4 - CRITERIA FOR SETTING UP LAGS AND LAPS

Establishing a Local Action Group.

All relevant Local Authorities with classified shellfish beds need to establish a Local Action Group and plan as all beds will be subject to an 'Action State' if results exceed 18000 E.coli.

Local Authorities will need to consider whether they wish to be part of a regional LAG, covered by their regional Shellfish Liaison Group, or whether to form an LAG specifically for the beds under their area of responsibility. The latter of these may mean that a Shellfish Liaison Group could be a member of more than one LAG. This issue should be considered carefully as the Group should not be too large so as to become unwieldy or providing too numerous messages, which could be burdensome.

It may seem optimistic to envisage that a LAG with more than one Local Authority as a member can function in an unambiguous and orderly manner. However, in areas where there is a combined responsibility for harvesting waters, or where the Environmental Agency or Shellfish Liaison representatives are associated with more than one Local Authority, this option may provide a more efficient way of handling resources and local data. For advice on setting up regionally based LAGs the FSA or CEFAS can be contacted.

The LAG function is only that of a conduit for information exchange. After the group is established all communication and notification of events can be made electronically. Section 6 offers a number of options.

Formulating a Local Action Plan.

The Local Action Plan should be formulated to clarify the process of data collection, identify what control measures are to be put in place or removed when an 'Action State occurs. A template 'Action Plan' is provided in the Section A of the Annex.

The effectiveness of an Action Plan relies on it being tailored to specific local needs so as to enhance existing measures of public health protection. All members of the LAG should therefore be involved in the development of the LAP, and be aware of its function and scope within the three tiers of investigation described in Section 4. The intention is that LAs will not need to delay or improvise the control measures required when high results occur.

The following are recommendations on the formulation and application of LAPs:

- LAPs must be ready for use prior to contamination events occurring. They should cover all monitoring points and beds over which the Authority has responsibility.
- LAPs should be sent to the FSA and/or CEFAS and indicate the Food Authority's responsibilities as co-ordinator.
- LAPs should be brought into operation immediately a third tier state is triggered.
- The LAP should facilitate swift actions by fully detailing methods and scope of communication.
- The LAP should allow for shared responsibilities with other Authorities while giving a clear indication of who takes the lead as co-ordinator.
- The LAP should indicate who should receive information, gleaned by investigation, external to the LAG.
- The LAP should clarify when and how information should be fed back to CEFAS for analysis and further advice.
- Criteria for the lifting of control measures, ending of investigations and a time-scale for reporting of preliminary results should be laid down.

Checklist for the establishment of LAGs and LAPs

1. Note request from the FSA to form an LAG
2. Contact Shellfish Liaison Group and EA representatives to discuss preferences and identify other authorities.
3. Decide on regional or single authority LAG.
4. Invite relevant local industry or trade associations with vested interests to be member of LAG.
5. Formulate Local Action Plan based on template and recommendations in conjunction with members of the LAG.
6. Notify and agree plans with FSA and CEFAS, who should be included in the plan at relevant points.

Actuation – *Summary of Investigation States*

This section provides a summary of the investigation states defined in the LTC proposal. Where necessary the use of Local Authority Groups and implementation of Action Plans have been highlighted².

Trigger values for the three tiers of investigations are:

- Class A – above 230 E.coli/100g of flesh.
- Class B – above 18000 E.coli/100g of flesh.
- Class C – above 46000 E.coli/100g of flesh.

First Tier – Initial investigations

A sample from a Class B bed giving a result between 4600 and 10000 E.coli per 100g of flesh would trigger the first tier of investigations.

² Further details can be found in Section 6 and Annex 2 of the consultation proposal.

Verification of the result followed by a statistical assessment to determine whether a significant change in the general level of contamination has occurred will be required. CEFAS would be responsible for carrying out any statistical analyses.

The Local Authority and Environment Agency would carry out the investigation into the cause of the high results. **No assistance from the Local Action Group will be necessary.**

Should CEFAS consider that the underlying quality of water has changed then further action may be considered. However, under this level of investigation closure or downgrading or increased sampling would not be expected.

Second Tier – Formal Investigations

A sample from a Class B bed giving a result between 10000 and 18000 E.coli per 100g of flesh would trigger the second tier of investigations.

A formal investigation to identify the cause of the contamination would be initiated and **assistance from the Local Authority Group (LAG) under its LAP would be expected.** CEFAS would again carry out a statistical analysis to determine if underlying change in water quality had occurred.

This tier does not trigger an action state (see tier three) but the Local Authority will still be required to decide what control measures are needed. Again, it is unlikely that these measures will involve closures or downgrades, or an increase in sampling.

Third Tier – Formal investigations leading to an Action State.

A sample from a Class B bed giving a result above 18000 E.coli per 100g of flesh would trigger the third tier of investigations.

Under this tier an **Action State** is activated by the Local Authority who notify the relevant Local Authority Group (LAG). A template message is attached in Section E of the Annex.

The LAG implements the Local Action Plan (LAP) to assist the Local Authority provide appropriate control measures. Unlike the previous tiered response closures and downgrades may be applied and extra sampling should be carried out to monitor and determine the cause of the high results as set out in the proposal document.

Control measures put in place by the Local Authority will continue while investigations into the cause are carried out.

This action state can last for a maximum of 3 months. After this time normal monitoring will be used to assess the status of the bed. This will be the only sampling undertaken. Should results remain high the bed will not be open for fishing, but as soon as levels of *E. coli* fall below legal limits, as set out in the proposal document, the bed will be opened and fishing allowed to re-commence. In extreme cases beds may lose their long-term status prior to the annual review, but normally LTC beds will be statistically assessed to establish whether there is a downward trend in water quality.

5. ELECTRONIC COMMUNICATION AND STANDARD DOCUMENTS.

The swift implementation of actions under the Local Action Plans is of prime importance for the protection of public health. As the form of communication will influence speed of response the choice of method between LAG members is critical. In setting out the Long-Term Classification proposal it was agreed that electronic communication will form the basis of liaison between the members of LAGs. The FSA has already requested LAs to open a dedicated mailbox for LTC where all pieces of communication will be accessible by all LAG members.

The FSA think it would facilitate clear unambiguous communication by the use of standard documents for notifying LAG members of the occurrence of a contamination event and the type of control measures to be implemented. Templates in the Annex are provided as possible formats.

ANNEX

A. Local Action Plan Template.

Long – Term Classification of Shellfish Harvesting Beds in England And Wales

Agreed LOCAL ACTION PLAN for the Local Action Group covering the [**Local Authority Area or Region**]

Members of the Local Action Group

Local Authority/ies

Environment Agency

Local Industry/ies

HPA/Testing Lab

Water Authority

Marine Fisheries Agency

Sea Fishery Committee Member

Cefas

FSA

Scope of Plan

This plan covers the following shellfish Harvesting Areas:

Species fished from this area are ...

Conditions for operation of the plan

This plan will come into operation when notification reveals

- a) levels of E.coli are found to exceed 18000 per 100g of flesh ('Action State')
- b) the LAG will be notified of all results between 10000 and 18000 but this will not trigger an 'Action State'

ANNEX

Communication and Notification.

All members of the Local Action Group will be notified that the plan is in operation. Details of the conditions and an indication of which part of the plan is to be followed should be given.

The co-ordinating Local Authority/ies will notify the LAG immediately the plan is in operation, giving an indication of the control measures being considered or activated.

Communication will be by the dedicated LA email address in the relevant LA.

ANNEX

B. Procedures To Be Followed For Second Tier Investigation.

1. Local Authority receives notification from HPA that result from test of classification sample shows *E.coli* levels are between 10000 and 18000 per 100g.
2. LAG notified that the procedures for a second tier investigation are to be implemented. CEFAS to advise LAG on statistical assessment of water quality where appropriate.
3. LAG informed that an investigation is to be carried out. Details of affected area including results sent to members.
4. Local Authority to consider any further available information from LAG members to help with investigation and to request further assistance if necessary.
5. After 7 days Local Authority to consider whether the cause poses an increased risk to public health. Temporary downgrade or closure of affected area not to be considered until investigation indicates whether there is a potential risk to public health.
6. LAG notified of any decisions and analysis made.
7. Standard monthly monitoring to continue and data to be re-evaluated.
8. If contamination levels drop below 10000 *E.coli* per 100g then move to tier one investigation.
9. LAG to be kept informed of any change of status and investigative findings.

ANNEX

C. Procedures To Be Followed For Third Tier Investigation And Action State.

1. Local Authority receives notification that *E.coli* levels are above 18000 per 100g.
2. LAG notified that the procedures for a third tier investigation and 'Action State' have been implemented. CEFAS to advise on statistical assessment of water quality.
3. LAG informed of investigation and control measures to be carried out. Details of affected area including results and short-term measures sent to members. These should include temporary downgrade or closure measures and if a Closure Notice has been issued.
4. Local Authority to consider any further available information from LAG members to help with investigation and to request further assistance in contacting stakeholders. Any messages fed in by members should be by the dedicated email address and should be sent to all members of the LAG.
4. LAG notified of any decisions and analysis made to establish cause.
5. Additional sampling dates to be identified and notified to the Group
6. Standard monthly monitoring to continue in conjunction with additional sampling to determine cause of increased levels. Data to be re-evaluated until levels become acceptable and bed can be opened.
7. If contamination levels drop between 10000 and 18000 *E.coli* per 100g for two consecutive weeks, then move to second tier of investigation to be considered. Change of status to be discussed with LAG and beds opened if agreement with LAG reached. Local Authority has final responsibility for lifting any restrictions in place and for lifting the 'Action State'.
8. LAG to be kept informed of change of status and investigative findings.

ANNEX

D. Template Of Standard Notification Message For Second Tier Result.

Standard notification of an event and activation of Local Action Plan may take the form of the following template using the letter heading of the co-ordinating authority:

To all members of the Local Action Group for [... Area]

Dear Member

*We have received notification that the level of E.coli for the classification sample for **[Shellfish Bed(s)]**, is **[numerical level]**. As co-ordinating authority for the LAG this message is notification that the Local Action Plan for our group has been activated. In accordance with the plan we would refer members to the procedures on page **[No.] for Second Tier actions** and request any information relating to the affected area and offers of further assistance should an investigation into the increased contamination be initiated.*

*Our initial response will be to **[MEASURES TO BE TAKEN]** the shellfish beds in question and assess in conjunction with the FSA and CEFAS the overall water quality of the shellfish area. Additional sampling to the monthly monitoring programme will {be/not be} required but any data from stakeholders will be considered in our future assessment of the incident.*

We will inform the LAG as soon as possible on any developments.

Many thanks for any assistance or comment you wish to offer.

ANNEX

E. Template Of Standard Notification Message For Third Tier Result.

Standard notification of an event and activation of Local Action Plan may take the form of the following template using the letter heading of the co-ordinating authority:

To all members of the Local Action Group for[...Area]

Dear Member

*We have received notification that the level of E.coli for the classification sample for **[Shellfish Bed(s)]**, is **[numerical level]**. As co-ordinating authority for the LAG this message is notification that the Local Action Plan for our group has been activated. In accordance with the plan we would refer members to the procedures on page **[No.] for Third Tier actions** and request any information relating to the affected area and any further assistance available for carrying out an investigation into the increased contamination.*

*Our initial response will be to **[MEASURES TO BE TAKEN]** the shellfish beds in question and assess in conjunction with the FSA and CEFAS the overall water quality of the shellfish area. Additional sampling to the monthly monitoring programme will {be/not be} required but any data from stakeholders will be considered in our future assessment of the incident.*

We will inform the LAG as soon as possible on any developments.

Many thanks for any assistance or comment you wish to offer.

ANNEX

CONTACTS

Circulation list for LAG.

FSA contact

CEFAS contacts

Industry Representatives

Shellfish Liaison Contact

Other Local Authority Contacts.