

Rationalisation of official control shellfish biotoxin and phytoplankton monitoring points in Carlingford Lough

Launch date: 21st April 2021

Respond by: 2nd June 2021

This consultation will be of most interest to

Carlingford Lough shellfish harvesters, enforcement authorities, official control sampling officers, official control testing laboratories and other interested stakeholders.

Consultation subject

A proposal by the Food Standards Agency (FSA) to rationalise the number of official control monitoring points for biotoxin and phytoplankton monitoring in Carlingford Lough and introduce Representative Monitoring Points (RMPs) and Associated Harvesting Areas (AHAs) .

Purpose of the consultation

To seek comments from industry, enforcement authorities, and other interested stakeholders on the proposed rationalisation of biotoxin and phytoplankton monitoring in Carlingford Lough and the implementation of RMPs and AHAs.

How to respond

Responses to this consultation should be sent to:

Email:	executive.support@food.gov.uk
Division/Branch:	Food Standards Agency in Northern Ireland Executive Support Unit
Postal address:	10a-c Clarendon Road, Belfast Co Antrim BT1 3GB

Details of consultation

Introduction

Background

1. Commission Implementing Regulation (EU) No. 2019/627 requires the Food Standards Agency (FSA), as the UK competent authority, to classify shellfish production areas and establish a monitoring programme for such areas. These areas should be periodically monitored to check:
 - The microbiological quality of live bivalve molluscs;
 - For the presence of toxin-producing plankton in production waters (phytoplankton);
 - For the presence of marine biotoxins in live bivalve molluscs and
 - For the presence of chemical contamination.
2. This Implementing Regulation also requires that a sanitary survey is carried out on classified production areas. This survey encompasses an extensive pollution assessment of the production area alongside a review of the water circulation effect on microbiological pollutants within the production area. As a result, the survey recommends a microbiological monitoring regime in the production area, including representative monitoring points (RMPs) and sampling frequency.
3. The sanitary survey of Carlingford Lough was completed and the associated microbiological monitoring programme implemented in 2011, where official control samples are collected from RMPs on a monthly basis for *E.coli* analysis.
4. Following a risk assessment, official control monitoring within Carlingford Lough for chemical contamination is also conducted at a set frequency (annually) from RMPs.

Biotoxin and Phytoplankton monitoring

5. Currently official control biotoxin monitoring within Carlingford Lough is carried out monthly from all individual classified sites, when commercial harvesting is taking place. Water samples are collected from all sites on a fortnightly basis for phytoplankton analysis, when commercial harvesting is taking place.
6. In July 2019, FSA consulted with shellfish stakeholders on a revised risk based approach to biotoxin monitoring in NI (<https://www.food.gov.uk/news-alerts/consultations/proposed-risk-based-approach-for-the-biotoxin-monitoring-programme-in-northern-ireland>) where sampling frequencies would no longer be set at regular intervals throughout the year, but rather influenced by variables such as location, past exceedance and toxin type. Since January 2020, FSA has implemented this risk based monitoring regime across a number of NI shellfish production areas in a phased approach. Currently, the revised biotoxin monitoring has been implemented in six of the seven production areas in NI. Unfortunately, due to the impacts of the COVID19 pandemic, we were unable to progress its implementation in Carlingford Lough.

Proposal

- FSA has considered the responses to the above consultation and has explored ways in which the risk based biotoxin monitoring can be implemented in Carlingford Lough. In line with biotoxin and phytoplankton monitoring programmes in other NI production areas, and in fact across the UK and ROI, FSA is proposing to rationalise the number of monitoring points in Carlingford Lough and introduce RMPs for these parameters.
- Earlier in the year FSA conducted a statistical assessment of official control data from the biotoxin and phytoplankton monitoring programmes within Carlingford Lough. This assessment, alongside the sanitary survey information was considered in proposing the following risk-based RMPs:

Representative Monitoring Points (RMPs)	Sampling location	Species	Associated harvesting areas (AHAs)	Species
1	Narrow Water wild fishery	Mussels	N/A	
2	C1	Mussels	N/A	
3	C15	Oysters	C7, C9, C17	Oysters
4	C11	Oysters	N/A	

- The proposal is to sample the above RMPs for biotoxins and phytoplankton from August 2021. Phytoplankton monitoring will remain fortnightly and biotoxin monitoring will be in accordance with the revised risk-based biotoxin monitoring programme, as outlined in the consultation in 2019.

Impacts

- Where phytoplankton species, above the pre-determined trigger levels, are detected in water samples from a RMP, further sampling may be initiated from the RMP and its AHAs. Re-sampling will be determined by phytoplankton levels, commercial activity and flesh sampling schedules.
- A flesh sample from a RMP, which returns levels of marine biotoxins above regulatory limits, will initiate closures on the RMP **and** AHAs in the Lough until the AHAs can be sampled for biotoxin analysis.

Engagement and Consultation Process

- A 6-week public consultation is being launched to provide interested parties with an opportunity to comment on the proposed rationalisation of official control biotoxin and phytoplankton monitoring points within Carlingford Lough.
- It is considered that a 6-week consultation period is appropriate in these circumstances as it is a targeted consultation for one production area and follows on from a wider consultation on official control biotoxin monitoring that was carried out last year. To facilitate stakeholder engagement, FSA will hold a remote stakeholder

meeting in May 2021, where stakeholders will have the opportunity to feedback their views or ask questions. More details on this will be circulated in due course.

14. Any responses received as part of this consultation will be given careful consideration and a summary of the responses received will be published on our website within three months of the consultation closing.

Questions asked in this consultation:

We would welcome stakeholder views on the proposal and any impacts resulting from this proposed change? In particular:

Q1. Do you agree with a risk-based approach to biotoxin and phytoplankton monitoring within Carlingford Lough?

Q2. What potential challenges may this approach present for you, your organisation or your business?

If you believe your business would be affected by this proposal, please provide us with details of the impact and effect.

Responses

15. Responses are required by close **2nd June 2021**. Please state, in your response, whether you are responding as a private individual or on behalf of an organisation/company (including details of any stakeholders your organisation represents).

Thank you on behalf of the Food Standards Agency for participating in this public consultation.

Yours,

Jenny Duckett
Local Authority Policy and Delivery
Food Standards Agency in Northern Ireland

Annex A: Standard Consultation Information

Disclosure of the information you provide

Information provided in response to this consultation may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004). If you want information you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. Any automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding. The Food Standards Agency will be what is known as the 'Controller' of the personal data provided to us.

Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

The Data Protection Act 2018 states that, as a government department, the Food Standards Agency may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

What we do with it

All the personal data we process is located on servers within the European Union. Our cloud based services have been procured through the government framework agreements and these services have been assessed against the national cyber security centre cloud security principles. No third parties have access to your personal data unless the law allows them to do so. The Food Standards Agency will sometimes share data with other government departments, public bodies, and organisations which perform public functions to assist them in the performance of their statutory duties or when it is in the public interest.

What are your rights?

You have a right to see the information we hold on you by making a request in writing to the email address below. If at any point you believe the information we process on you is incorrect you can request to have it corrected. If you wish to raise a complaint on how we have handled your personal data, you can contact our Data Protection Officer who will investigate the matter.

If you are not satisfied with our response or believe we are processing your personal data not in accordance with the law you can complain to the Information Commissioner's Office (ICO) at <https://ico.org.uk>, or telephone 0303 123 1113.

Our Data Protection Officer in the FSA is the Information Management and Security Team Leader who can be contacted at the following email address:

informationmanagement@food.gov.uk

Further information

If you require a more accessible format of this document please send details to the named contact for responses to this consultation and your request will be considered. This consultation has been prepared in accordance with [HM Government consultation principles](#).

Annex B: Impact Assessment

The Government's Code of Practice on Impact Assessments states that an Impact Assessment should normally be published alongside a formal consultation. We consider that the impact on both businesses and enforcement authorities will be negligible.

Annex C: List of interested parties

Agri-Food Biosciences Institute (AFBI)
Carlingford Lough shellfish harvesters
DAERA Marine and Fisheries
Loughs Agency
Newry, Mourne and Down District Council
Sampling Courier
Sea Fisheries Protection Authority
Shellfish industry representative- Seafish
The Food Safety Authority of Ireland