A GUIDE TO THE LEGISLATIVE REQUIREMENTS RELATING TO WILD SCALLOPS

Intended audience

This guidance is intended for shellfish harvesters and food business operators handling and processing wild scallops on the Isle of Man.

Purpose of guidance

The document aims to help those involved in the scallop industry comply with the legislative requirements relating to the harvesting, processing and sale of wild king and queen scallops (Pectinidae).

The Department of Environment, Food and Agriculture (DEFA) and all those involved in the scallop industry, including fishermen and processors, have an obligation to protect consumers and comply with legislative requirements. In doing this we are ensuring that scallops placed on the market meet the highest standards of food safety and that the excellent reputation that Isle of Man shellfish products have achieved, through many years of hard work and dedication, is maintained.

Shellfish Registration Documents

Shellfish registration documents are an important link in safeguarding public health and ensuring that shellfish placed on the market are safe to eat. It is essential that the origin of the shellfish is known and traceability is maintained from harvesting to final sale. This allows for the recall of product if a food safety incident occurs, e.g. algal toxins discovered in harvesting waters, food poisoning outbreak, etc.

A 'Shellfish Registration Document' **must**[1] accompany every batch of scallops at all times during transport from the area it was caught to a dispatch centre or processing establishment.

The harvester/gatherer must:

- Ensure the completed registration document accompanies each batch at all times.
- Complete all relevant parts of the document so that that they are easy to read and cannot be altered.
- Keep a copy of each registration document for at least 12 months.

The dispatch centre/processing establishment operator must:

- Not accept a batch which is not accompanied by a completed registration document.
- Put the date a batch was received on the registration document.
- Retain the registration documents for at least 12 months.

If a batch in respect of which a registration document has been issued is split, the person having control of the original batch at the time of splitting shall ensure that the information accompanying

[1] Regulation(EC) 853/2004 Annex III, Section VII, Ch. I

the original batch accompanies each sub batch in the same form as the registration document, together with the full name and address of the person splitting the batch.

Accurate traceability between the fisherman and the processor can be easily achieved by the fisherman completing the Shellfish Registration Document and ensuring every bag is visibly and accurately identified confirming correlation between batch and document.

If a boats catch contains scallops caught from more than one area then this information should be made available on the accompanying documentation to ensure accurate separation between areas.

Shellfish processors must ensure all their products placed on the market can be accurately traced back to the Shellfish Movement Document to fully comply with traceability and the relevant food safety legislation.

Shellfish registration documents are available, free of charge, from DEFA.

Documented Food Safety Management System

Food business operators **must**[2] put in place, implement and maintain a permanent procedure or procedures based on the Hazard Analysis Critical Control Point (HACCP) principles. In practice, amongst other things, this means identifying any hazards (microbiological/chemical/physical) and establishing effective monitoring procedures in order to ensure that the product placed on the market is safe.

It is a criminal offence to place any food on the market that is unsafe.

Health Standards

It is food business operators who bear the primary responsibility for end product testing and ensuring that scallops placed on the market meet the relevant health standards.[3]

As a minimum, food business operators must ensure that scallops placed on the market meet the following standards in relation to:

Biotoxins

Your HACCP system should take full advantage of all available biotoxin data, including current and historic phytoplankton and biotoxin monitoring data (generally provided by DEFA).

HACCP systems should also consider the importance of effective shucking for biotoxin control and ensure that all the contaminated material is fully removed when controls are in place.

Products placed on the market **must not** exceed limits[4] for the following biotoxins (measured in the whole body or any part edible separately):

- Paralytic shellfish poisoning (PSP)

[2] Regulation (EC) 852/2004, Article 5
[3] Regulation (EC) 853/2004, Annex III, Section VII, Ch.IX

[4] Regulation (EC) 853/2004, Annex II, Section VII, Ch. V

- Amnesic shellfish poisoning (ASP)
- Toxins causing diarrhetic shellfish poisoning (DSP);
    - Okadaic acid (OA), dinophysis toxins (DTX) and pectenotoxins (PTX)
    - Yessotoxins (YTX)
    - Azaspiracids (AZA)

The industry can verify compliance with the above limits through their own regular product sampling.

The sampling frequency should be determined by a risk assessment, but as a guide it would be expected that where historic data has indicated toxins may be present in an area, then products from that area should be tested weekly.

Microbiology

It is the responsibility of a food business to devise its own routine sampling plan to validate and verify its HACCP system is working effectively and that ultimately, the food it produces is safe to eat.

Microbiological criteria for scallops are set within legislation[5] and include sampling for:

- Salmonella – Live bivalve molluscs placed on the market during their shelf-life
- E. coli – Live bivalve molluscs placed on the market during their shelf-life
- E. coli – Shucked molluscan shellfish at the end of the manufacturing process.
- Staphylococcus - Shucked molluscan shellfish at the end of the manufacturing process.

A risk assessment of the product and the practices may also recommend further sampling to include:

- T.V.C
- Enterobacteriaceae
- Listeria

It is recommended that microbiological sampling is carried out on a weekly basis, although the frequency should be determined by individual food business's and may be altered depending on the results obtained over a period of time.

Other Contaminants

The risk related to the consumption of contaminants which are considered to be toxic carcinogenic or otherwise harmful to human health should be identified and included in a food business HACCP system and sampling plan. Identification of these contaminants would allow a food business to apply measures to ensure that the product placed on the market is safe.

If any contaminants in the product exceed the prescribed maximum levels[6] in the edible part[7,8], they **must not** be placed on the market.

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[5] Regulation (EC) 2073/2005
[6] Regulation (EC) 1881/2006
[7] Or any part or parts otherwise specified
[8] e.g this would include the whole animal if the whole animal is used as food, e.g. in particular markets, even if that practice is not widespread

The following have been identified as possible contaminants in scallops fished in various parts of the Irish Sea, including Manx waters, so regular sampling for these contaminants should be included as part of a shellfish processor HACCP system:

- Lead
- Cadmium
- Polycyclic Aromatic Hydrocarbons (PAH's)[9]

A risk assessment of the product may also recommend sampling for the following contaminants:

- Mercury
- Dioxins & PCBs

The frequency of the sampling should be determined by the food business, but it is anticipated that annual sampling of the product should be sufficient, unless a contamination issue is identified, which may then necessitate an increase in the sampling frequency.

This guidance is issued by the Environment Directorate of the Department of Environment, Food and Agriculture.

Following the guidance will normally be doing enough to comply with the relevant legislation but cannot cover every situation and you may need to consider the legislation itself to see how it applies to your circumstances.

Environmental Health Officers seek to secure compliance with the law and may refer to this guidance as illustrating good practice.

For further information regarding this guidance note or any other related matter please do not hesitate to contact:

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[9] It is noted that PAHs also accumulate more in the gonad, therefore if or when the gonad contains sufficient to cause the edible part to exceed the prescribed maximum it is possible that removal and disposal of the gonad will leave the remaining adductor muscle acceptable for placing on the market, though it is the responsibility of the food business to verify this.