

CESA statement and legislative reference regarding Fats Oils and Grease (FOG) Management in Foodservice Establishments

- At present there is only one 'standard' in the UK for Grease Management; EN 1825, which only relates to passive grease traps.
- There are not any UK recognised standards for grease removal units, or for dosing or bacterial systems.
- From a facility design perspective, there is not any legislation that requires the fitting of grease management in a foodservice establishment, other than referenced in the Building Regulations Doc. H1. Section 2.21. This states that equipment 'should' be fitted, not 'shall' be fitted.

Extract.

2.21 Drainage serving kitchens in commercial hot food premises should be fitted with a grease separator complying with BS EN 1825-1:2004 and designed in accordance with BS EN 1825-2:2002 or other effective means of grease removal.

- The above means that the fitting of grease management in foodservice establishments is unregulated in terms of:-
 1. the requirement to fit equipment in the first place.
 2. the type of equipment that should be fitted.
 3. the 'standard' of equipment that is fitted (other than EN 1825 for passive traps).
- Grease management installers can interpret the current legislation/regulation as they wish.
- Operators have a legal requirement to meet the requirements of the Food Safety and Hygiene Act 1990/2013 relating to the operation of the kitchen. This is managed by Environmental Health Officers (EHO)
- British Standard 12056, Drainage inside Buildings; defines landlord and tenant obligations stating that 'fetid (*foul, smelly*) air' should not be present in buildings. This means that the whole grease management system in a building must be airtight.
- Water companies do not have any right of access to a foodservice establishment to evaluate or control FOG management systems or processes. However, there is a requirement for the operator to comply with legislation that makes them responsible for a blockage to a sewer as a result of discharges from their establishment.

Water Companies are active in seeking to identify the causes of sewer blockages and can take action against businesses whose effluent causes this.

Further guidance and information can be found in the British Water FOOD SERVICE INDUSTRY FATS OILS AND GREASE CODE OF PRACTICE. www.britishwater.co.uk/article/fog-20.aspx



British Water FOG
Code of Practice 201

Overleaf you will find the essential guide to legislation relating to FOG and its management: -

LEGISLATION ROUND-UP FOR THE UK AND IRELAND.

ENGLAND

Water Industry Act 1991

111 Restrictions on use of public sewers.

(1)...no person shall throw, empty or turn, or suffer or permit to be thrown or emptied or to pass, into any public sewer, or into any drain or sewer communicating with a public sewer—

(a) any matter likely to injure the sewer or drain, to interfere with the free flow of its contents or to affect prejudicially the treatment and disposal of its contents

Disposal of Fats, Oils, Grease and Food Waste, Best Management Practice for Catering Outlets
By Water UK: Extract: It is a criminal offence under section 111 of the Water Industry Act 1991 to discharge into the public sewers any matter which may interfere with the free flow of wastewater. In addition, where the water company has incurred costs in dealing with the detrimental effects on the sewers e.g. removing blockages cleaning sewers, investigating and remedying flooding or pollution incidents, it can take legal action to recover these costs. Prosecution can result in substantial fines or even imprisonment.

Environmental Protection Act 1990

Duty of care

Every commercial premises arranging collection and disposal of waste must comply with the requirements of Section 34 of the Environmental Protection Act 1990, which stipulates that all measures be taken by the producer of waste to control its storage and transfer to an authorised person, and to maintain controlled documentation of this.

Environmental Protection Act 1990

Summary proceedings for statutory nuisances

Where a local authority is satisfied that a statutory nuisance exists – such as smells, insects, accumulation or deposit which is prejudicial to health or a nuisance [defined section 79] – or is likely to occur or reoccur, they shall serve a notice (“an abatement notice”) under Section 80 of the Act, which requires the abatement of the nuisance or prohibits or restricts its occurrence or recurrence; and may require the execution of further necessary works.

The Building Regulations 2010 Drainage and waste disposal (2015 edition)

H1 Foul Water Drainage, Section 2 2.21

Drainage serving kitchens in commercial hot food premises should be fitted with a grease separator complying with BS EN1825-1 and designed in accordance with BS EN1825-2 or other effective means of grease removal.

Building Act 1984

Section 59 of the Building Act 1984 enables a local authority to require satisfactory provision for drainage of an existing building by service of a notice on the owner. This can require the owner of the building to make satisfactory provision for the drainage of the building, or, as the case may be, require either the owner or the occupier of the building to do such work as may be necessary for renewing, repairing or cleansing the existing cesspool, sewer, drain, pipe, spout, sink or other appliance, or for filling up, removing or otherwise rendering innocuous the disused cesspool, sewer or drain.

Food Safety Act 1990

Under the Food Safety Act 1990, local authorities are authorised to inspect catering premises. Any problems stemming from the effects of FOG on drains, resulting in a failure to comply with the Food Hygiene Regulations which may result in prosecution or an emergency prohibition order preventing trading.

Animal By-Products Regulations

Animal By Products Regulation (EC) No 1069/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation)

This stipulates the responsibilities placed on each member state.

From 1 November 2004 waste cooking oil from catering premises can no longer be used as an ingredient in animal feed. This is to safeguard the food chain. The collection of waste cooking oil must be via a licensed waste carrier. From October 2007 liquid waste may not be disposed of at landfill.

ENGLAND: The Animal By-Products (Enforcement) (England) Regulations 2013

<http://www.legislation.gov.uk/uksi/2013/2952/contents>

Food Safety and Hygiene (England) Regulations 2013

British Water FOG Code of Practice: In England the Food Safety and Hygiene (England) Regulations 2013 and European Regulation (EC) no.852/2004 set out general hygiene rules that apply to all registered and approved food businesses including structural requirements and the implementation of procedures based on hazard analysis and critical control point (HACCP) principles. The regulation sets out objectives for "good hygiene practices" to protect food safety and consumers. This includes ensuring that grease is not allowed to build up and that premises and equipment are cleaned regularly to remove grease and dirt.

The British Standard – BS EN 12056-1:2000 - Drainage Systems Inside Buildings

Paragraph 5.3 Hygiene – "Drainage systems shall be designed and installed so that health and safety of the users and occupiers of the building is not affected, by amongst other things, the penetration of toxic or noxious odours into the building".

Paragraph 5.4 Safety – "Waste water systems shall be designed and installed so that there is protection against escape of odours"

Paragraph 5.4.2 "Drainage systems shall be water and gas tight against the operational pressures. Pipe work systems installed inside buildings shall not release vapours and foul air into the building".

SCOTLAND

Sewerage (Scotland) Act 1968

46A Offence as to fat, oil or grease

A person commits an offence if the person passes, or permits to be passed, any relevant substance from trade premises into a public sewer, or a drain connecting with such a sewer and the substance – alone or in combination with any matter – interferes with, or is likely to interfere with, the free flow of the contents of the sewer, or adversely affects, or is likely so to affect, the treatment or disposal of the contents of the sewer.

The Building (Scotland) Regulations 2004

3. 7 Wastewater drainage

Every wastewater drainage system serving a building must be designed and constructed in such a way as to ensure the removal of wastewater from the building without threatening the health and safety of the people in and around the building, and that facilities for the separation and removal of oil, fat, grease and volatile substances from the system are provided.

Traditional, standalone grease traps can allow fetid air and malodours into the kitchen area, which can pose a risk to health and safety in contravention of The Building (Scotland) Regulations 2004. It's imperative that design and installation of FOG systems do not compromise hygiene & safety in the foodservice operation.

Building Standards technical handbook 2019: non-domestic buildings

[The Building Standards technical handbooks provide guidance on achieving the standards set in the Building (Scotland) Regulations 2004]

3.7.8 Discharges into a drainage system

Where a discharge into a drainage system contains oil, fat, grease or volatile substances, for example from a commercial kitchen, there should be facilities for the separation and removal of such substances. Separator systems are used in a wide variety of situations to fulfil a number of different requirements. It is important to establish why a separator system is needed and what specific function it is expected to fulfil before selecting the appropriate size and type of installation.

Separators should be constructed and installed in accordance with:

- a. BS EN 858-2: 2003 for light liquids such as oil or petrol
- b. BS EN 1825-2: 2002 for fat or grease.

The use of emulsifiers to break up any oil or grease in the drain is not recommended as they can cause problems further down the system.

Food Safety Act 1990

Under the Food Safety Act 1990, local authorities are authorised to inspect catering premises. Any problems stemming from the effects of FOG on drains, resulting in a failure to comply with the Food Hygiene Regulations may result in prosecution or an emergency prohibition order preventing trading.

Standalone grease traps can be a serious source of potential contamination that can effectively become internal septic tanks, which result in problems with odours and infestation of vermin and insects. It's imperative that *FOG systems used do not compromise hygiene & safety in the foodservice operation.*

Animal By-Products Regulations

Animal By Products Regulation (EC) No 1069/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation)

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SCOTLAND: The Animal By-Products (Enforcement) (Scotland) Regulations 2011

<http://www.legislation.gov.uk/ssi/2011/171/made>

The Food Hygiene (Scotland) Amendment Regulations 2014

To support European Regulation (EC) 852/2004, which sets out general hygiene rules that apply to all registered and approved food businesses including structural requirements and the implementation of procedures based on hazard analysis and critical control point (HACCP) principles. [summarized by

British water FOG Code of Practice <https://www.britishwater.co.uk/article/fog-20.aspx>]. The Code of Practice sets out objectives for "good hygiene practices" to protect food safety and consumers.

WALES

Water Industry Act 1991

Restrictions on use of public sewers

It is a criminal offence under section 111 of the Water Industry Act 1991 to discharge into the public sewers '*any matter likely to injure the sewer or drain, to interfere with the free flow of its contents or to affect prejudicially the treatment and disposal of its contents.*'

Environmental Protection Act 1990

Duty of care

Every commercial premises arranging collection and disposal of waste must comply with the requirements of Section 34 of the Environmental Protection Act 1990, which stipulates that all measures be taken by the producer of waste to control its storage and transfer to an authorised person, and to maintain controlled documentation of this.

Environmental Protection Act 1990

Summary proceedings for statutory nuisances

Where a local authority is satisfied that a statutory nuisance exists – such as smells, insects, accumulation or deposit which is prejudicial to health or a nuisance [defined section 79] – or is likely to occur or reoccur, they shall serve a notice ("an abatement notice") under Section 80 of the Act, which requires the abatement of the nuisance or prohibits or restricts its occurrence or recurrence; and may require the execution of further necessary works.

Waste Duty of Care Code of Practice

[Presented to Parliament and to the National Assembly for Wales pursuant to Section 34(9) of the Environmental Protection Act 1990]

4. Waste holders: waste duty of care requirements

It is illegal to deposit controlled waste except under and in accordance with an environmental permit or a registered waste exemption. It is also illegal to treat, keep or dispose of controlled waste in a way that is likely to cause pollution of the environment or harm to human health.

The Building Regulations 2010 Drainage and waste disposal (2015 edition)

H1 Foul Water Drainage, Section 2 2.21

Drainage serving kitchens in commercial hot food premises should be fitted with a grease separator complying with BS EN1825-1 and designed in accordance with BS EN1825-2 or other effective means of grease removal

Note: In certain circumstances grease traps will need to be installed where it is not practical to comply with the requirements of with BS EN1825; It may be the case that it simply is not practical in some situations as the standard was written to cover only large traditional external underground units, which are impractical for most catering outlets. BS EN 1825 sized traps do not determine efficiency or effectiveness. It is widely agreed that the standard needs to be revised.*

Building Act 1984

Section 59 of the Building Act 1984 enables a local authority to require satisfactory provision for drainage of an existing building by service of a notice on the owner. This can require the owner of the building to make satisfactory provision for the drainage of the building, or, as the case may be, require either the owner or the occupier of the building to do such work as may be necessary for renewing, repairing or cleansing the existing cesspool, sewer, drain, pipe, spout, sink or other appliance, or for filling up, removing or otherwise rendering innocuous the disused cesspool, sewer or drain.

Grease traps must be maintained and emptied regularly based on needs, by an appropriately qualified contractor.

Food Safety Act 1990

Under the Food Safety Act 1990, local authorities are authorised to inspect catering premises. Any problems stemming from the effects of FOG on drains, resulting in a failure to comply with the Food Hygiene Regulations may result in prosecution or an emergency prohibition order preventing trading.

Note: Standalone grease traps can be a serious source of potential contamination that can effectively become internal septic tanks, which result in problems with odours and infestation of vermin and insects. It's imperative that FOG systems used do not compromise hygiene & safety in the foodservice operation.

Animal By-Products Regulations EC 1774/2002 (ABPR)

Animal By Products Regulation (EC) No 1069/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation)

This stipulates the responsibilities placed on each member state.

From 1 November 2004 waste cooking oil from catering premises can no longer be used as an ingredient in animal feed. This is to safeguard the food chain. The collection of waste cooking oil must be via a licensed waste carrier. From October 2007 liquid waste may not be disposed of at landfill.

WALES: The Animal By-Products (Enforcement) (Wales) Regulations 2014

<https://www.legislation.gov.uk/wsi/2014/517/contents/made>

The Food Hygiene (Wales) Regulations 2006

To support European Regulation (EC) 852/2004, which sets out general hygiene rules that apply to all registered and approved food businesses including structural requirements and the implementation of procedures based on hazard analysis and critical control point (HACCP) principles. Summarized by British Water FOG Code of Practice <https://www.britishwater.co.uk/article/fog-20.aspx>. The Code of Practice sets out objectives for "good hygiene practices" to protect food safety and consumers.

NORTHERN IRELAND

The Water and Sewerage Services (Northern Ireland) Order 2006

It is an offence to throw, empty or turn, or suffer or permit to be thrown or emptied or to pass, into any public sewer, or into any drain or sewer communicating with a public sewer [or into a sustainable drainage system] or into any waste water treatment work any matter likely to injure the sewer, drain system or works; interfere with the free flow of its contents; affect prejudicially the treatment and disposal of its contents.

Animal By-Products Regulations

Animal By Products Regulation (EC) No 1069/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation)

This stipulates the responsibilities placed on each member state.

From 1 November 2004 waste cooking oil from catering premises can no longer be used as an ingredient in animal feed. This is to safeguard the food chain. The collection of waste cooking oil must be via a licensed waste carrier. From October 2007 liquid waste may not be disposed of at landfill.

N.IRELAND: The Animal By-Products (Enforcement) Regulations (Northern Ireland) 2015

<http://www.legislation.gov.uk/nisr/2015/332/contents/made>

Environmental Protection Act 1990

Duty of care

Every commercial premises arranging collection and disposal of waste must comply with the requirements of Section 34 of the Environmental Protection Act 1990, which stipulates that all measures be taken by the producer of waste to control its storage and transfer to an authorised person, and to maintain controlled documentation of this. The producer of the waste must also ensure that the collector is registered with the **Northern Ireland Environment Agency (NIEA) as a "registered waste courier"**.

Environmental Protection Act 1990

Summary proceedings for statutory nuisances

Where a local authority is satisfied that a statutory nuisance exists – such as smells, insects, accumulation or deposit which is prejudicial to health or a nuisance [defined section 79] – or is likely to occur or reoccur, they shall serve a notice ("an abatement notice") under Section 80 of the Act, which requires the abatement of the nuisance or prohibits or restricts its occurrence or recurrence; and may require the execution of further necessary works.

Pollution Control and Local Government (Northern Ireland) Order 1978

Article 65 of the Pollution Control and Local Government (Northern Ireland) Order 1978 contains provision for defective premises. These provisions are applicable where it appears to the local authority that premises are in such a state as to be prejudicial to health or a nuisance and where there would be unreasonable delay if the provisions of the Public Health (Ireland) Act 1878 were to be used. The provisions allow the local authority to abate the nuisance and recharge their costs.

Food Hygiene Regulations (Northern Ireland) 2006

Local authorities are authorised to inspect premises under the Food Hygiene Regulations (Northern Ireland) 2006. Problems arising from the effect of fat, oil and grease on drains, resulting in a failure to comply with the Food Hygiene Regulations, could result in prosecution or an emergency prohibition order preventing trading from the premises.

The EU Food Hygiene Regulations, (EC) 852/2004 on the hygiene of foodstuffs and (EC) 853/2004 laying down specific hygiene rules for food of animal origin, are implemented in Northern Ireland by The Food Hygiene Regulations (Northern Ireland) 2006 (as amended).

Waste and Contaminated Land (Northern Ireland) Order 1997

The legislation refers to disposal of waste and governs the disposal of fats, oils and grease which are to be collected in a suitable container and disposed of by a licensed waster contractor.

In Northern Ireland, Building Regulations 2012 include:

23. Fitness of materials and workmanship

In any relevant work the materials used shall be of a suitable nature and quality in relation to the purposes for and the conditions in which they are used; be adequately mixed and prepared; be applied, used or fixed so as adequately to perform the functions for which they are designed; and not continue to emit any harmful substance longer than is reasonable in the circumstances; and the standards of materials and workmanship need be no more than are necessary to secure the health, safety, welfare and convenience of persons in or about the building; and further the conservation of fuel and power.

79. Drainage systems

Every building shall be provided with such sanitary pipework, underground foul drainage and rainwater drainage as may be necessary for the hygienic and adequate disposal of foul water and rainwater from that building.

81. Underground foul drainage

Underground foul drainage shall consist of pipes and fittings of such size, layout, construction and water tightness; and with sufficient ventilation, to ensure the hygienic conveyance of foul water to a sewer, cesspool, septic tank or similar structure; and have such means of access as is necessary to facilitate the clearance of blockages.

Grease traps must be maintained and emptied regularly based on needs by an appropriately qualified contractor.

IRELAND

Local Government (Water Pollution) Act, 1977

It is a criminal offence under section 16 of the Local Government (Water Pollution) Act 1977 to *'discharge or cause or permit the discharge of any trade effluent or other matter (other than domestic sewage or storm water) to a sewer, except under and in accordance with a licence under this section granted by the sanitary authority in which the sewer is vested or by which it is controlled.'*

Irish Water, are responsible for the issuing of effluent discharge licences under the provisions of Section 7 of the Water Services (No.2) Act 2013.

Irish Water FOG Programme

Irish Water has taken over responsibility for the FOG Programme, but Dublin City Council continues to manage it on their behalf.

Under the FOG Programme, every food service establishment is required to apply for a licence to discharge trade effluent under Section 16 of the Local Government (Water Pollution) Act 1977. Once a trade effluent licence has been granted, each licensee must comply with the conditions as set out therein. Typically these conditions include: the installation of an appropriately sized grease trap, regular maintenance of the grease trap, the proper disposal of waste oil and a limit on the amount of FOG discharged to sewer to 100mg/l.

Public Health (Ireland) Act 1878

If the local authority is satisfied that a nuisance exists or is likely to reoccur, they can serve an abatement notice or prohibition notice or both. This is served onto the person creating the nuisance, or the owner/occupier where the nuisance exists. This describes categories of statutory nuisance "any accumulation or deposit which is a nuisance or injurious to health".

Animal By-Products Regulations

Animal By Products Regulation (EC) No 1069/2009 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation)

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Hygiene of Foodstuffs (EC) No. 852/2004

The European Regulation (EC) no.852/2004 set out general hygiene rules that apply to all registered and approved food businesses including structural requirements and the implementation of procedures based on hazard analysis and critical control point (HACCP) principles. [summarized by FOG Code of Practice]. The regulation sets out objectives for "good hygiene practices" to protect food safety and consumers.

NOTE: Disclaimer

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1 October 2019
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