

ADVERSE SAMPLING COMPLIANCE POLICY

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Summary

The Adverse Sampling Compliance Policy was developed to address identified non-compliances with microbiological sampling during adverse sampling conditions specified in the established Harvest Area Management Plans for NSW estuaries. Adverse condition sampling is essential to support shellfish harvest area classification, support export market access, and to maintain an acceptable level of food safety within a high-risk industry.

Background to the changes

Adverse sampling strategies are designed to assess the impact of adverse pollution conditions. Adverse conditions are determined by environmental changes that have previously caused elevated microbiological results in the harvest area. A minimum of five adverse samples are required each year per harvest area. The NSW Shellfish Program evaluates adverse samples collected by every local program as part of each harvest area's annual review. Guidance on the outcomes of each review is provided in writing to the local shellfish program coordinator and committee members following each annual review. This policy has been developed to:

- address identified non-compliances with adverse sampling in a systematic and consistent manner,
- provide clear guidance for industry on the expected outcomes.

Failure by a local shellfish program to collect samples in accordance with the harvest area management plans will result in remedial action as per the levels shown in Table 1. This may include the addition of monthly sampling during the open status or a downgrade to the harvest area management plan.

Table 1. Action levels based on non-compliance with the adverse sampling specified in the harvest management plan.

Timeframe	<90% Compliance	<60% Compliance	<40% Compliance
1 year	Warning letter advising that monthly sampling may be implemented.	Warning letter monthly sampling to be implemented at next review.	Monthly sampling implemented.
2 consecutive years	Warning letter monthly sampling to be implemented at next review.	Monthly sampling implemented.	Monthly sampling implemented and management plan downgraded.
3 consecutive years	Monthly sampling implemented.	Monthly sampling implemented and management plan downgraded.	Maximum Restricted classification.
4 consecutive years	Monthly sampling implemented and management plan downgraded.	Maximum Restricted classification.	Prohibited classification
5 consecutive years	Maximum Restricted classification.	Prohibited classification	

Notes:

1) Compliance is calculated as an average of $\frac{\text{Number of adverse samples collected}}{\text{Minimum of five adverse samples}}$ and $\frac{\text{Number of adverse rainfall samples collected}}{\text{Adverse rainfall sampling opportunities}}$

2) Management plan downgrade may consist of a reduction in closure triggers or classification status

What do I need to do?

It is important to note that the number of samples required has not changed. Adverse sample collection will continue to be assessed in the annual review and Local Shellfish Programs will be advised of any management plan changes in the review findings letter.

To maintain the adverse sampling dataset, each local program should:

- Collect a minimum of five adverse samples per year. Sampling requirements are provided in the harvest area management plan.
- Prioritise adverse rainfall conditions specified in the harvest area management plan.
- Focus on holiday periods, spring tides or other unusual environmental conditions during prolonged dry periods.
- Target adverse conditions during seasonal closures to maintain the dataset.
- Track sampling compliance. The Coordinators Handbook includes a calendar to assist local programs to record when samples are collected.
- Sample as per the current requirements. There is no change to how sampling is conducted in harvest areas. Samples must be collected at all sites specified in the harvest area management plan, in accordance with the NSW Shellfish Program Sampling Policy and by accredited samplers.

Local Shellfish Programs that achieve an overall compliance rating of 90% or greater are deemed to be compliant.

Maintaining the adverse sample strategy for your estuary will sustain a strong compliance record, which is part of the requirements of the Harvest and Hold Scheme, it is also a key requirement for securing and maintaining export market access.