

Regulation for the Microbiological Criteria for Foodstuffs in Saint Kitts and Nevis

Introduction

The safety of foodstuffs is a critical component of public health, and in the interest of protecting consumers from foodborne illnesses and contamination, it is essential to establish clear microbiological criteria for food products in Saint Kitts and Nevis. Currently, the nation lacks specific legislation governing these criteria, resulting in gaps in food safety and quality standards. This regulation aims to fill that gap by setting microbiological safety standards for foodstuffs, with the St. Kitts and Nevis Bureau of Standards (SKNBS) designated as the competent authority for implementation and enforcement.

The enactment of this legislation aligns with global food safety practices as outlined by international bodies such as the Codex Alimentarius, the World Health Organization (WHO), and the Food and Agriculture Organization (FAO). Through the adoption of microbiological criteria, Saint Kitts and Nevis will be better equipped to ensure that food products, whether locally produced or imported, meet safety standards that minimize risks to human health.

1 Scope

This regulation applies to all foodstuffs produced, imported, distributed, or sold within Saint Kitts and Nevis, including but not limited to raw and processed foods, ready-to-eat foods, beverages, dairy products, and infant formulas. It covers the entire food supply chain—from production and processing to distribution and retail—imposing obligations on food business operators to comply with microbiological safety standards. The regulation also applies to imported foodstuffs and mandates that they meet the same microbiological criteria as locally produced goods.

The provisions of this regulation extend to:

- a) food business operators engaged in the production, processing, storage, and sale of food products,
- b) regulatory oversight by the St. Kitts and Nevis Bureau of Standards, which will implement and enforce microbiological testing, sampling plans, and corrective actions in cases of non-compliance, and
- c) specific microbiological criteria for pathogens and spoilage microorganisms that may pose a risk to human health, alongside guidance on acceptable levels of indicator organisms used to monitor hygiene and safety practices in food production.

Title: The Microbiological Criteria for Foodstuffs Regulation

Preamble:

A regulation to establish microbiological criteria for foodstuffs in Saint Kitts and Nevis in order to ensure food safety and protect public health. The St. Kitts and Nevis Bureau of Standards (SKNBS) shall be the competent authority responsible for the enforcement and monitoring of this regulation.

Part I: Preliminary Provisions

Short Title

This regulation may be cited as the "Microbiological Criteria for Foodstuffs Regulation 2024."

Interpretation

In this Regulation, unless the context otherwise requires:

Interpretation In this Act, unless the context otherwise requires:

- "Bureau" refers to the St. Kitts and Nevis Bureau of Standards (SKNBS).
- "Foodstuff" includes all substances intended for human consumption, including raw and processed food products, beverages, and ready-to-eat products.
- "Microbiological criterion" defines the acceptability of a food product based on the number of microorganisms or their toxins per unit(s) of mass, volume, area, or batch.
- "Competent authority" refers to the SKNBS.
- "Food business operator" refers to any entity involved in the production, processing, distribution, or sale of foodstuffs.
- "n" refers to the number of sample units tested.
- "c" refers to the number of sample units allowed to exceed the microbiological limit.
- "m" refers to the microbiological limit below which the sample is considered acceptable.
- "M" refers to the maximum microbiological limit, beyond which the sample is considered unacceptable.

Purpose

The purpose of this regulation is to:

- Set microbiological criteria for foodstuffs to protect public health.
- Ensure compliance with food safety standards.
- Provide guidelines for food business operators on the safety and quality of foodstuffs.

Part II: Microbiological Criteria

Establishment of Microbiological Criteria

The following microbiological criteria shall be established for foodstuffs sold, imported, or produced in Saint Kitts and Nevis. These criteria apply to raw materials, processed food, ready-to-eat food, and beverages.

(1) The food categories and the microbiological organisms tested shall include, but are not limited to, the following:

Microorganism/Toxin	Grouped Food Category	Limit (cfu/g)	Sampling Plan (n, c, m, M)
Listeria monocytogenes	Ready-to-eat (RTE) foods for vulnerable populations (infants, medical purposes)	Absence/25 g	n=5, c=0, m=0, M=0
	Ready-to-eat (RTE) foods supporting growth of L. monocytogenes (excluding vulnerable groups)	100	n=5, c=1, m=10, M=100
	Ready-to-eat (RTE) foods not supporting growth of L. monocytogenes (excluding vulnerable groups)	100	n=5, c=1, m=10, M=100
	Fresh poultry	Absence/25 g	n=5, c=0, m=0, M=0
	Frozen poultry	Absence/25 g	n=5, c=0, m=0, M=0

	Frozen ready-to-eat foods (ice-cream, sherbets, popsicles, etc.)	Absence/25 g	n=5, c=0, m=0, M=0
	Frozen vegetables	Absence/25 g	n=5, c=0, m=0, M=0
	Pasteurized milk	Absence/25 ml	n=5, c=0, m=0, M=0
Salmonella	Raw meat and meat preparations (including poultry, minced, mechanically separated meat)	Absence/25 g	n=5, c=0, m=0, M=0
	Cooked meat and meat products (including poultry, gelatine, collagen)	Absence/25 g	n=5, c=0, m=0, M=0
	Dairy products made from raw or minimally heat-treated milk (cheeses, butter, cream)	Absence/25 g	n=5, c=0, m=0, M=0
	Dry dairy products (milk powder, whey powder)	Absence/25 g	n=5, c=0, m=0, M=0
	Egg-based products (raw eggs or containing raw egg)	Absence/25 g	n=5, c=0, m=0, M=0
	Processed seafood (cooked crustaceans, molluscs)	Absence/25 g	n=5, c=0, m=0, M=0
	Raw seafood (live bivalves, molluscs, echinoderms, tunicates, gastropods)	Absence/25 g	n=5, c=0, m=0, M=0
	Frozen fish and frozen seafood	Absence/25 g	n=5, c=0, m=0, M=0
	Frozen meat (including poultry)	Absence/25 g	n=5, c=0, m=0, M=0
	Fruits, vegetables, and plant-based products (precut, unpasteurised juices, sprouted seeds)	Absence/25 g	n=5, c=0, m=0, M=0
	Frozen vegetables	Absence/25 g	n=5, c=0, m=0, M=0
	Frozen ready-to-eat foods (ice-cream, sherbets, popsicles, etc.)	Absence/25 g	n=5, c=0, m=0, M=0
	Pasteurized milk	Absence/25 ml	n=5, c=0, m=0, M=0

Staphylococcus spp	Dairy products (cheese, milk powder, whey powder)	Absence/25 g	n=5, c=0, m=0, M=0
	Pasteurized milk	50 cfu/ml	n=5, c=0, m=5, M=50
Cronobacter sakazakii	Infant formula and dietary foods for infants (dried, under 6 months)	Absence/10 g	n=30, c=0, m=0, M=0
E. coli	Raw seafood (live bivalves, molluscs, echinoderms, tunicates, gastropods)	230 MPN/100 g	n=5, c=1, m=100, M=230
	Raw meat and meat products (minced, non-poultry)	500	n=5, c=2, m=50, M=500
	Fresh poultry	500	n=5, c=2, m=50, M=500
	Frozen poultry	500	n=5, c=2, m=50, M=500
	Pasteurized milk	Absence/1 ml	n=5, c=0, m=0, M=0
Histamine	Fish and fishery products	100 mg/kg	n=9, c=1, m=50 mg/kg, M=100 mg/kg
Coliform	Pasteurized milk	Absence/0.1 ml 5 cfu/ml	n=5, c=1, m=1, M=10
Total Aerobic Mesophilic Bacteria	Pasteurized milk	<20,000 cfu/ml	n=5, c=2, m=19,999, M=20,000

Additional categories and microorganisms may be established by the Bureau in response to emerging risks or as required by international food safety standards.

Microbiological Testing and Sampling (1) Obligations of food business operators:

- The Bureau and FBOs Conduct regular microbiological testing based on the criteria established under this regulation.
- FBOs shall maintain records of all testing for a period of five (5) years and make these records available to the Bureau upon request.
- The Bureau shall verify the microbiological quality of imported food products.

Corrective Actions and Non-Compliance

(1) When a foodstuff is found to be non-compliant with the microbiological criteria:

- The food business operator shall take immediate corrective action to remove the contaminated foodstuff from distribution and prevent further contamination.
- Non-compliant foodstuffs must be destroyed or decontaminated under the supervision of the Bureau.

(2) Recalls:

- In the event of a serious public health threat, food business operators must initiate a recall and inform the Bureau within 24 hours.
- The Bureau shall supervise the recall process and ensure that all affected products are removed from the market.

Part IV: Enforcement by the St. Kitts and Nevis Bureau of Standards

9. Powers of the Bureau

(1) The Bureau shall be responsible for monitoring compliance with this regulation. This includes:

- **Conducting inspections** at food processing, storage, and distribution facilities.
- **Conducting inspections** at retail establishments such as restaurants, hotels, food trucks.
- **Testing foodstuffs** as part of its surveillance program or in response to food safety incidents.

(2) Enforcement actions:

The Bureau shall have the authority to:

- Suspend operations of non-compliant food business operators.
- Issue fines for violations of this regulation.
- Order the seizure or destruction of foodstuffs that fail to meet the established criteria.

10. Penalties for Non-Compliance

(1) A food business operator that fails to comply with the microbiological criteria or the obligations under this regulation shall be subject to:

- A verbal warning and/or a fine of up to EC\$5,000 for a first offense.
- A fine of up to EC\$50,000 for a second offense.
- Imprisonment for up to five (5) years for severe or repeated offenses.

(2) In the case of gross negligence resulting in foodborne illness or death, the penalties may be increased to:

- Fines up to EC\$500,000.
- Closure of the business involved.

Part V: Appeals and Miscellaneous Provisions

Right of Appeal

(1) Any food business operator aggrieved by a decision of the Bureau under this regulation may lodge an appeal with the relevant judicial authority within 30 days of the decision.

Regulations and Future Amendments

(1) The Minister responsible for the Bureau, on the advice of the Bureau, may make regulations to amend the microbiological criteria, update food categories, or introduce new sampling and testing protocols.

(2) The Bureau shall consult with international bodies such as the Codex Alimentarius, FAO, and WHO when reviewing and updating standards under this regulation.

Bibliography

<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02005R2073-20140601>