



**DIRECTOR GENERAL
HEALTH
REPUBLIC OF SOUTH AFRICA**

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South African History Archive (SAHA)
P O Box 31719
Braamfontein
2017

Dear Sir / Madam

**REQUEST FOR ACCESS TO RECORDS IN TERMS OF THE PROMOTION
OF ACCESS TO INFORMATION ACT, 2001 (ACT NO. 2 OF 2000): SAH-
2018-DOH-001: LISTERIOSIS OUTBREAK IN SOUTH AFRICA**

1. Your request dated 16 March 2018 has reference.
2. I have considered your request in terms of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000). Municipal Health Services (Environmental Health Services) which is inclusive of Food Control is function rendered in 8 Metropolitan and 44 District Municipalities. In relation to the Listeriosis outbreak, these municipalities were involved in the investigations inclusive of collection of samples and sending such to the laboratory and also enforcement of food legislation.
3. All inspection reports and documents relating to the outbreak are kept by each individual municipality and can be obtained from the 52 District and Metropolitan Municipalities. The role of the National Department of Health was to give and communicate what was expected in each Municipality in relation to environmental health investigation.

4. All Municipalities were communicated with through the means of a teleconference with the involvement of SALGA. After the source was identified a directive attached hereto was issued by the Director General.

5. We trust that you find the above in order.

Yours sincerely



MS M P MATSOSO
INFORMATION OFFICER
DATE: 18/4/2018



health

Department:
Health
REPUBLIC OF SOUTH AFRICA

LISTERIOSIS OUTBREAK

A DIRECTIVE TO MUNICIPALITIES REGARDING ACTION ON ENVIRONMENTAL HEALTH INVESTIGATIONS AND RESPONSE:

Following the Press Statement by the Minister of Health on 04 March 2018, regarding the confirmation of the source of the Listeria outbreak and the subsequent Safety recall notices by the National Consumer Commission, municipalities must monitor and ensure safe disposal of recalled products (recall directed by the National Consumer Commission, attached herein), at the cost of the producers/distributors. Municipalities are further urged to conduct rigorous monitoring of retailers, including the smaller retailers, the informal traders and processors of local fast foods who may not heed to the recall to ensure that no suspected products remain on shelves of any retailer nor used in fast food production.

This directive therefore serves as a reminder to municipalities of actions to be taken by Environmental Health Practitioners in terms of the National Health Act, 2003 (Act No. 61 of 2003) as amended as well as the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No 54 of 1972) for protection of public health.

Environmental Health Practitioners appointed in terms of section 80(1) of the Act and duly registered as such in terms of section 83(5) of the National Health Amendment Act, 2013 (Act No. 12 of 2013) should upon finding that there are in terms of section 83 (1) and (2), existing conditions which-

- (a) constitutes a violation of the right contained in section 24(a) of the Constitution;
 - (b) constitutes pollution detrimental to health;
 - (c) is likely to cause a health nuisance; or
 - (d) constitutes a health nuisance,
- the health officer must investigate such condition.

If the Environmental Health Investigation reveals that a condition exist that poses a health hazard or risk, the environmental health practitioner must, endeavour to determine the identity of the person responsible for such condition; issue a compliance notice to the person determined to be responsible for any condition contemplated above to take appropriate corrective action in order to minimise, remove rectify such condition.

A compliance notice must be issued to the owner or the person in charge if the establishment which does not comply. Such compliance notice must remain in force until the relevant provision of the Act has been complied with to the satisfaction of an Environmental Health Practitioner

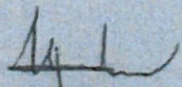
In addition, the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No 54 of 1972), provides for criminal offences in relation to the prohibition sale manufacture or import of a foodstuff. Section 2.b (i) allow for a person to be guilty of an offence if he sells, manufactures or imports a foodstuff while it is contaminated impure or decade. Therefore this provision may be used if any foodstuff contains a pathogen. Interm of the Foodstuffs, Cosmetics and Disinfectants Act,1972 (Act No 54 of 1972), the Minister of Health has authorised local authorities to enforce sections 10 (3) (b), 11 and 24 of the said Act within the area of jurisdiction and through duly authorised officers, as Gazetted by Government Notice.

Authorised officers exercise the powers, duties and functions of inspectors as provided for in section 11 of the Act, and the Regulations relating to the powers and duties of Inspectors and Analysts Conducting Inspections and Analyses on Foodstuffs and at Food Premises (R328 of 2007). Furthermore, non-complying premises issued with a compliance notice referred to above must also be issued with a prohibition notice in terms of the Regulations Governing General and Hygiene Requirements for Food Premises and Transport of Food (R962 of 2012).

In case of environmental surfaces and/or food samples testing positive to *Listeria Monocytogenes*, an Environmental Health Practitioner will re-sample the processing lines and/or processed food products to ascertain and ensure that the situation has been rectified. Should the samples confirm negative results for *Listeria Monocytogenes*, the compliance notice and the prohibition notice may be lifted.

Environmental Health Practitioners are expected to also monitor documentation i.e food sampling results by industry to ascertain that products are being tested before distribution and that they are safe for human consumption.

NB: This directive should be brought to the attention of all Environmental Health Practitioners conducting environmental health investigation and response with regard to the Listeriosis Outbreak in Provinces and Municipalities.



MS. M.P. MATSOSO
DIRECTOR GENERAL: HEALTH
DATE: 05/3/2018