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# Cutting Through the FOG:

Navigating Drainage Legislation  
in Commercial Kitchens





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# Introduction: Recognising the Issue of FOG

Commercial kitchens and the UK's public sewers are suffering from the build-up of fats, oils and grease (FOG). Foodservice establishments (FSEs), the food industry and domestic users dispense wastewater into drainage systems leading to the accumulation of FOG. This restricts wastewater discharge through drainage systems and can eventually lead to blockages that incapacitate the sewers.

These blockages significantly increase the likelihood of the kitchen flooding and cause several hygiene issues, including foul odours, contamination and pests. On a wider scale, FOG congestion can form huge, congealed masses known as 'fatbergs' in the public sewer. Every year, UK water companies spend around £100m clearing roughly

**300,000**

of them, as water and sewage companies (WaSCs) struggle to keep infrastructure flowing freely.<sup>1</sup>

With such widespread disruption, the onus is on FSEs to cleanse their wastewater and stop the problem at source. The legislation surrounding grease and drainage management holds the owners of FSEs accountable yet, in light of the growing FOG problems, commercial kitchens are evidently heedless or unaware of applicable laws.

As a result, FSEs are not only risking health and safety, but also leaving themselves liable to costly fines and prosecution. That being said, the extensive list of legislation does make compliance and management difficult to navigate, which is why it's crucial that both owners of FSEs and installers receive guidance in abiding by these laws.

To establish a general snapshot of the FOG management challenge ACO Building Drainage surveyed 500 restaurant owners and managers in September 2021 to determine the prevalence of this issue. Findings revealed that 1 in 10 do not believe they are responsible for grease management in their kitchen. From these results, it is clear that a lack of personal accountability poses a serious limitation to FSEs taking action.

<sup>1</sup> <https://www.bbc.co.uk/news/uk-england-46836867>



### WHAT IS FOG?

FOG STANDS FOR THE DIFFERENT FATS, OILS AND GREASE THAT ACCUMULATE IN THE WASTEWATER OF COMMERCIAL FOODSERVICE KITCHENS. IT'S CREATED WHEN FOOD IS PREPARED AND COOKED, AND REACHES A KITCHEN'S DRAINAGE SYSTEM WHEN PROCESSING EQUIPMENT, UTENSILS AND CROCKERY ARE WASHED. SINKS, DISHWASHERS, COOKING FACILITIES AND FOOD WASTE ALL CONTRIBUTE TO KITCHEN WASTEWATER, OFTEN CONTAINING FOG THAT HAS NOT BEEN MANAGED PROPERLY.

# I. Key Legislation

A full understanding of all relevant legislation is key for FSEs to effectively manage FOG in their kitchens. While there is a long list to consider, the most important ones relate to watercourse, environment and food hygiene safety.

## Water Industry Act 1991

The Water Industry Act outlines laws relating to the water supply, with Section 111 notably stating it is an offence to impair the operation of a public sewer. As the build-up of FOG can be considered a “matter likely to injure the sewer or drain” and ‘interfere with the free flow’, commercial kitchens run the risk of prosecution when discharging FOG through drainage systems.<sup>2</sup> Legal action can be taken by local authorities if WaSCs have caused drainage problems, and the cost of removing blockages and remedying flooding can be charged back to the offending business. Prosecution can also result in substantial fines or even imprisonment for owners of FSEs.

## Environmental Protection Act (EPA) 1990

Along with the legalities surrounding treatment of the UK watercourse, commercial kitchens must also manage wastewater drainage effectively in order to comply with environmental laws. The EPA declares it is illegal to dispose of waste (including cooking oils and fats) in a manner likely to cause pollution of the environment or harm to human health.<sup>3</sup> FOG accumulating from a lack of effective grease management can lead to kitchen or sewer flooding, which poses a threat to both the environment and human health.

Accordingly, Section 34 of the EPA discloses the ‘duty of care’ commercial premises must adhere to when disposing waste. FSEs will therefore need to abide by the code of practice outlined in Section 34 and dispose of FOG appropriately. In particular, commercial kitchens that have a grease trap installed must ensure the gathered FOG is collected by a waste carrier registered with the Environment Agency and keep a record of all collections. Without documentation of registered waste collection, FSEs may receive a £300 fixed penalty notice from local authority officers. In more severe cases, offenders will be forced to attend a court hearing.

FSEs should also be aware of causing ‘statutory nuisance’ as a result of malpractice. Under Section 80 of the EPA, the local authority must serve an abatement notice in response to reported complaints of foul odours or accumulation of refuse upon the premises. If no action is taken to resolve the issue, the owner of the FSE is likely to be prosecuted.

2 <https://www.legislation.gov.uk/ukpga/1991/56/part/IV/chapter/II/crossheading/provisions-protecting-sewerage-system?view=plain>

3 <https://www.legislation.gov.uk/ukpga/1990/43/section/75>

4 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/442889/BR\\_PDF\\_AD\\_H\\_2015.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/442889/BR_PDF_AD_H_2015.pdf)

## Building Regulations (Approved Document H)

Additionally, The Building Regulations - Drainage and Waste Disposal (Approved Document H), states: “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 <sup>4</sup>.”

## Food Hygiene Regulations

In the UK, each nation has its own regulations concerning food hygiene. However, all four adhere to European Regulation (EC) 852/2004, which sets out general hygiene rules that apply to all registered and approved FSEs. A code of practice must be followed, with objectives for ‘good hygiene practices’ to protect food safety and consumers.<sup>5</sup> This includes ensuring that FOG is not allowed to build up and that premises and equipment are cleaned regularly to remove grease and dirt.



5 <https://www.legislation.gov.uk/eur/2004/852>

6 <https://www.food.gov.uk/business-guidance/food-safety-inspections-and-enforcement>

## II. Enforcement

Sanctions including forced closure pose a considerable threat to businesses, especially as FSEs financially recover from the impact of Covid-19. Results from ACO's survey of restaurant owners and managers certainly affirm this perspective, with

**88%** of respondents in agreement that avoiding unexpected closure is more important in the aftermath of Covid-19.

Despite legislation clearly detailing such penalties for discharging FOG into kitchen drains, it seems a number of FSEs knowingly run the risk of legal action. ACO's survey also revealed that 14% of respondents disagreed that premises are solely accountable for the sanctions faced when caught discharging fat and oils into public sewers. Evidently not all commercial kitchens acknowledge responsibility for the offences they are committing, which has further encouraged WaSCs to take action.

Several of the UK's WaSCs have set up enforcement teams to gather evidence about the source of FOG blockages and inspect businesses that are suspected to be culpable. Consequently, cases of prosecution have gradually begun to emerge. In December 2015, for example, Southern Water launched its first prosecution, fining a restaurant in Sussex almost £1,500 for blocking sewers with FOG.<sup>7</sup>

Since this lawsuit, the frequency and severity of legal action by WaSCs has dramatically increased. In May 2019, a bakery in Oxfordshire was ordered to pay a record £180,000 fine by Thames Water for discharging FOG waste into the local sewer network.<sup>8</sup> In August of the same year, a restaurant in Nottingham was fined £8,500 by Severn Trent for causing the build-up of FOG in the public sewers.<sup>9</sup>

WaSCs have likewise clamped down on FSEs using insufficient methods to dispose of FOG. In May 2021, a pub in Kidlington was fined more than £90,000 by Thames Water for breaching the Water Industry Act.<sup>10</sup> The court heard the premises was using biological dosing for FOG disposal, but matter was still entering the sewer network due to the absence of a grease management system. ACO's survey indicates this is a pressing issue among FSEs. Results showed that

**10%** of restaurants rely on biological dosing for FOG disposal, while only

**66%** actually have a grease trap or separator system installed for removing FOG at source.

7 <https://www.waterbriefing.org/home/company-news/item/11708-southern-water-launches-first-ever-fog-prosecution?font-size=larger>

8 <https://www.foodmanufacture.co.uk/Article/2019/05/28/180-000-record-fine-handed-to-Oxfordshire-bakery>

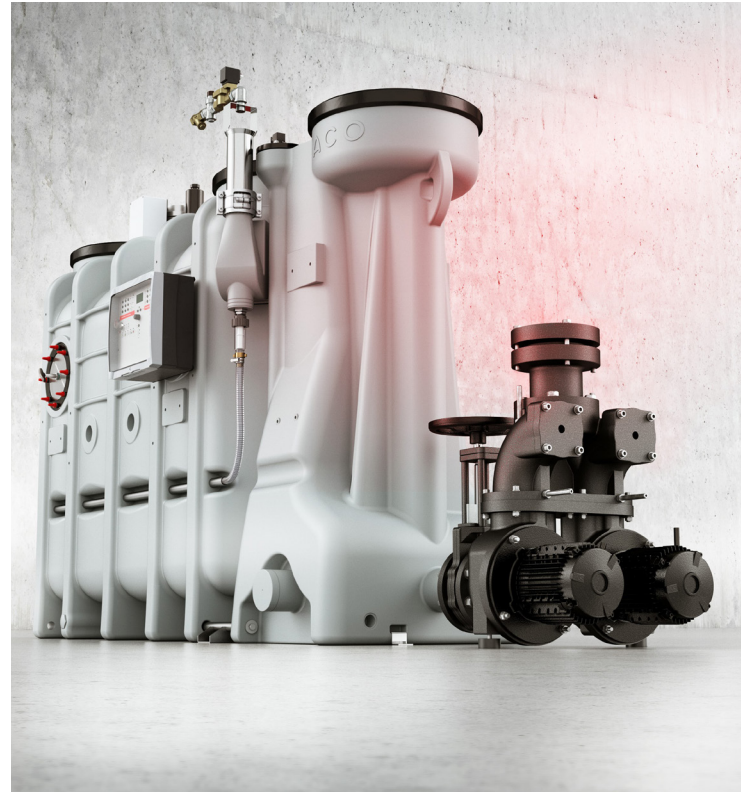
9 <https://www.stwater.co.uk/news/news-releases/nottingham-restaurant-convicted-for-blocking-sewers-with-fat--oi/>

10 <https://www.thameswater.co.uk/about-us/newsroom/latest-news/2021/jun/mitchells-and-butlers-prosecution>

### III. Compliant Solutions

With a pattern of prosecution occurring, FSEs are under increased pressure to implement effective forms of grease management. Grease separators or traps should be put in place as a system for managing FOG, but FSEs and hired unit installers must follow product recommendations to achieve optimal performance.

Grease separators should also adhere to the applicable guidelines if they are to function effectively. Under UK building regulations (contained in Building Regulations Part H), FSEs and installers need to comply with the European standard for grease separators outlined in BS EN 1825. The document sets out design, performance and testing requirements for grease separators to ensure the unit efficiently removes FOG from kitchen wastewater. Notably, there is an absence of UK regulations that FSEs and installers can refer to for grease traps and grease recovery units.



For commercial premises, American codes are sometimes cited, as set out in ASME A112.12.3 for grease traps and ASME A112.14.4 for grease recovery units. However, the UK standardisation of grease traps remains a grey area. In these circumstances, drainage system providers like ACO can offer technical guidance to ensure grease management systems are designed and specified appropriately.

Along with accredited grease management, FSEs should also factor in hygiene compliance. ACO's HygieneFirst range are specifically designed to prevent food contamination from commercial drainage systems. ACO's HygieneFirst range channels are manufactured using stainless steel to halt bacteria build-up and increase cleanability. ACO's stainless steel pipes can be used to complete a hygienic system as they are quick and easy to install. With these drainage systems in place, commercial kitchens benefit from reduced risk of food contamination and can ensure adherence to Food Hygiene Regulations.





## Conclusion

Irrespective of whether it's down to ignorance or negligence, FSEs will need to recognise their role in effectively managing grease and drainage systems. Commercial kitchens now have less breathing room to evade legislation and are becoming increasingly liable for drainage malpractice. Through understanding and adherence to the relevant laws and regulations, FSEs can ultimately avoid costly penalties and run their businesses without fear of prosecution.

FOG should not be an afterthought but instead an active part of running a modern kitchen.

For more information, get in touch with the ACO team today at **UK-Grease@aco.co.uk** or phone **01462 810424**. They can provide expert guidance and suggest the right grease management system for your clients' kitchens.

