

EXECUTIVE COUNCIL

PUBLIC

Title:	Approval of draft amendment to Livestock and Meat Products (Animal By-Products) Regulations 2015
Paper Number:	118/18
Date:	25 July 2018
Responsible Director:	Director of Natural Resources
Report Author:	Veterinary Officer
Portfolio Holder:	MLA Teslyn Barkman
Reason for paper:	This paper is submitted to Executive Council: For policy update/information
Publication:	Yes
Previous papers:	88/18
List of Documents:	Appendix A: Draft Livestock and Meat Products (Animal By-Products) (amendment) Regulations 2018 Appendix B: Amendments to Livestock and Meat Products (Animal By-Products) Regulations 2015- EXCO Report - 88/18

1. Recommendations

Following approval of policy paper 88/18 (amendments required to the Livestock and Meat Products (animal by-products) Regulations 2015) in June, Honourable Members are now recommended to approve the attached draft regulation amendment which specifies:

- (a) The deletion of article 5(2)(g)
- (b) The amendment to article 17(d)(ii)
- (c) The amendment to article 17(e)

2. Additional Budgetary Implications

2.1. None

3. Executive Summary

- 3.1. At the June 2018 meeting of Executive Council Honourable members approved three brief amendments to the Livestock and Meat Products (Animal By-Products) Regulations 2015 (paper 88/18) as two errors had been identified. One error meant that the Regulations did not apply to any establishment wishing to produce raw pet food. The other allowed raw pet food to be made from animal by-products (ABPs) that did show signs of communicable disease. The amendments will change the legislation to ensure that there is legislative control over the production of raw pet food from meat producing establishments, and that it cannot be produced from meat showing signs of infectious disease which may be deleterious to pet animal or human health.
- 3.2. Following the approval of this policy and the approval of adding it to the drafting priority list the Attorney Generals Chambers have drafted the attached amendment regulations for Honourable Members to approve for gazetting and enforcement.

4. Background and Links to Islands Plan and Directorate Business Plan/s

4.1 Please refer to paper 88/18

5. Options and Reasons for Recommending Relevant Option

- 5.1. To allow regulatory control over establishments wishing to produce safe raw pet food for retail purposes it is suggested that the draft amendment regulations are approved.
- 5.2. To not make these amendments would mean any establishment could make raw pet food from any type of animal by-product. This could seriously jeopardise the health of pet animals and humans handling the food to feed them, and our international markets. It could be perceived by markets that we were not controlling the production of raw pet food from animal by-products and allowing diseased meat to leave establishments to be fed to animals.

6. Resource Implications

6.1. Financial Implications

None

6.2. Human Resource Implications

None

6.3. Other Resource Implications

None

7. Legal Implications

7.1. It is important that the Regulations are amended as recommended. This is to ensure that the Regulations do meet the appropriate standards (required by export markets), and to ensure that human and animal health is not compromised by application of the Regulations as they currently stand.

8. Environmental & Sustainability Implications

8.1. None.

9. Significant Risks

9.1. The risk to our export markets remains if we do not make the amendments.

10. Consultation

10.1 Falkland Islands Meat Company is the only relevant stakeholder as there are no other approved establishments and farm kill is exempt from the Regulations. FIMCo has been informed of the errors and the move toward amending them, and has had the chance to comment on the suggested amendments.

11. Communication

11.1 Following approval of these draft regulations they will be gazetted and enforced.

SUBSIDIARY LEGISLATION

LIVESTOCK AND MEAT PRODUCTS ORDINANCE

Livestock and Meat Products (Animal By-Products) (Amendment) Regulations 2018

S. R. & O. No: of 2018

Made: 2018

Published: 2018

Coming into force: upon publication

I make the following regulations under section 4 of the Livestock and Meat Products Ordinance 2010, on the advice of the Executive Council.

1. Title

These Regulations are the Livestock and Meat Products (Animal By-Products) (Amendment) Regulations 2018.

2. Commencement

These regulations come into force on publication in the *Gazette*.

3. Regulation 5 amended: Application

Regulation 5(2) is amended by omitting paragraph (g).

4. Regulation 17 amended: Inspections and audits

Regulation 17 is amended –

(a) in paragraph (d), by omitting subparagraph (ii) and replacing it with the following –

“(ii) considered to be unfit for human consumption but not as a result of a communicable disease;”;

(b) by deleting paragraph (e) and replacing it with the following –

“(e) that raw pet food is –

(i) produced and packaged in a hygienic manner;

(ii) stored separately from other animal by-products that do not meet the standards required in paragraph (d);

(iii) stored separately from other animal by-products that are intended for human consumption;

(iv) clearly labelled as raw pet food for use as pet food only and not for human consumption;

(v) not subjected to any further processing which will change the original structure of the raw pet food;

(vi) supplied directly to the pet owner from the place where it is generated, and the records of the sales must be retained for two years; and

(vii) only produced and sold from approved abattoirs and cutting plants;”.

Made

2018

Nigel James Phillips C.B.E.,
Governor

EXPLANATORY NOTE
(not part of the regulations)

These regulations amend regulations 5 and 17 of the Livestock and Meat Products (Animal By-Products) Regulations 2015. The regulations as drafted do not convey the meaning that was originally intended. The amendments will ensure that there is legislative control over the retail sale and production of raw pet food. Raw pet food must not be produced from meat showing signs of infectious diseases which may be harmful to pet animals or human health. Additional restrictions are placed on its storage, processing and supply.

EXECUTIVE COUNCIL

CONFIDENTIAL

Title: Amendments to Livestock and Meat Products (Animal By-Products) Regulations 2015

Paper Number: 88/18

Date: 13 June 2018

Responsible Director: Director of Natural Resources

Report Author: Veterinary Officer

Portfolio Holder: MLA Teslyn Barkman

Reason for paper: This paper is submitted to Executive Council:
For policy decision

Publication: Yes

Previous papers: 161/15

List of Documents: Livestock and Meat Products (Animal By-Products) Regulations 2015

1. Recommendations

Honourable Members are recommended to approve the following changes to the Livestock and Meat Products (Animal By-Products) Regulations 2015 and to include these amendments on the legislative drafting priority list:

- (a) The deletion of article 5(2)(g)
- (b) The amendment to article 17(d)(ii)
- (c) The amendment to article 17(e)

2. Additional Budgetary Implications

2.1. None

3. Executive Summary

3.1. Honourable members are asked to approve three brief amendments to the Livestock and Meat Products (Animal By-Products) Regulations 2015 (LMP(ABP)Regs) as 2 errors

have been identified. One error means that the Regulations do not apply to any establishment wishing to produce raw pet food. The other allows raw pet food to be made from animal by-products (ABPs) that do show signs of communicable disease. The amendments will change the legislation to ensure that there is legislative control over the production of raw pet food from meat producing establishments and that it cannot be produced from meat showing signs of infectious disease which may be deleterious to pet animal or human health.

3.2. FIMCo has been informed that the errors have been identified and the competent authority is moving to correct them. There are no other relevant stakeholders as there are no other current establishments. Farm kill is exempt from the Regulations. The amendments are brief but essential to ensure we comply with best practice hygiene standards and give equivalent guarantees to EU legislation, that are required to certify red meat for export.

3.3. This paper explains the amendments that are required and why.

4. Background and Links to Islands Plan and Directorate Business Plan/s

4.1. In 2015 the Livestock and Meat Products Regulations (known collectively as the ‘abattoir package’) were published and brought into force to bring Falklands legislation in line with EU legislation – the requirements of which meat produced in the Falklands must meet to allow the Veterinary Service to certify that it is fit for export and human consumption. One of these regulations was the **Livestock and Meat Products (Animal By-Products) Regulations 2015. (LMP(ABP)) Regs**

4.2. These Regulations primarily give effect to EU Regulation 1069/2009 which lays down health rules as regards animal by-products and derived products not intended for human consumption. These by-products, if not treated or disposed of appropriately are a potential source of contamination and spread of disease but some can be utilised safely in the production of food for animals. These regulations specify what constitutes an animal by-product (ABP), specifies different categories of ABP based on the level of risk they pose to human and animal health and how they may be safely used and disposed of.

4.3. Honourable Members are referred to the explanatory notes at the end of the attached Regulations for a full summary of the legislation.

4.4. Currently under Part 2 (General Requirements) Article 5 (Application) of the LMP (ABP) Regulations paragraph 2 dis-applies the regulations to various types of tissue and waste including (g) raw pet food retailed for this purpose. This error occurred during drafting when the exemptions in the EU legislation were over simplified. The error means that there is no regulation or control over any establishment, such as Sand Bay Abattoir, producing ‘waste’ meat that could be sold for raw pet food. Establishments such as abattoirs produce a wide range of ABPs, some of which are high risk and should not be released from the establishment and certainly not be fed to pet animals and as such some regulatory control should exist. The exemption in the EU legislation relates to butchers shops and similar outlets that only have safe and acceptable ABPs on their premises in the first place.

- 4.5. As with other Regulations from the abattoir package the ABP regulations do not apply to animals slaughtered on farm for private feeding to pet animals or the supply of a defined small quantity of raw pet food directly to final consumers.
- 4.6. The ABP Regulations clearly state that prohibitions currently in place (for example prohibition of offal to dogs) remain in place Island wide and the provision of raw pet food can be prohibited from all possible sources in the event of an infectious disease outbreak or the identification of a transmissible spongiform encephalopathy.
- 4.7. Currently under article 17 (Inspections and Audits) the LMP(ABP) Regulations declare that the competent authority must ensure that food business operators comply with the following – (d) that raw pet food is only made from category 3* material that is – (ii) deemed unfit for human consumption as a result of communicable diseases. This is incorrect for 2 reasons. One is that the previous error dis-applies the regulations to the production of raw pet food so the provisions of 17(d) are meaningless and secondly it should read that any raw pet food produced should only be from category 3 material that is declared unfit for human consumption but not as a result of communicable diseases. It is neither acceptable nor safe to allow raw pet food to be produced from meat showing signs of infectious disease. This is a typographical error.
- 4.8. *Animal by-products are categorised into 3 groups depending on the risk they pose to animal and human health. Category 1 is deemed the highest risk group and includes brains and spinal cords which may contain the infectious prions that cause Creutzfeldt-Jakob disease for example. Category 3 materials are the lowest risk by-products and are often simply deemed unfit for human consumption for commercial reasons.

5. Options and Reasons for Recommending Relevant Option

- 5.1. To allow regulatory control over establishments wishing to produce safe raw pet food for retail purposes it is suggested that the following amendments are made to the LMP(ABP) Regulations:
- 5.1.1. Deletion of Article 5, paragraph (g) (*which will remove the exemption of raw pet food from the regulations*)
- 5.1.2. To amend and expand Article 17 paragraph (e) to specify that raw pet food is:
- i) Produced and packaged in a hygienic manner
 - ii) Stored separately from other animal by-products that do not meet the standards required in (d) above and must be stored separately from product that is intended for human consumption
 - iii) Clearly labelled as raw pet food, that it is for use as pet food only and not for human consumption
 - iv) Not subjected to any further processing which will change the final structure of the raw pet food (*processing ABPs to make dried, canned or biscuit based pet food requires a whole new approval and regulation of this sort of processing is beyond the scope of the LMP(ABP) regs*)
 - v) Supplied directly to the pet owner from the place where it is generated (*to ensure as far as possible that the product is consumed by pets only – this mimics EU Regs where raw pet food can only be sold directly from the establishment where it was made*)

- vi) Recorded when sold and records kept for 2 years
- vii) Only produced and sold from approved abattoirs and cutting plants

5.1.3 To amend Article 17 (d) to read:

-(d) that raw pet food is only made from category 3* material that is
- (i) Fit for human consumption but not used for commercial purposes;
 - (ii) Deemed unfit for human consumption but *not* as a result of communicable disease

5.2 To not make these amendments would mean any establishment could make raw pet food from any type of ABP which could seriously jeopardise the health of pet animals and humans handling the food to feed them and would jeopardise our international markets if we were seen to not be controlling the production of raw pet food from ABPs and allowing diseased meat to leave establishments to be fed to animals.

5.3 Therefore it is important to make these brief but essential amendments as soon as possible.

6. Resource Implications

6.1. Financial Implications

None

6.2. Human Resource Implications

None

6.3. Other Resource Implications

None

7. Legal Implications

7.1. It is important that the Regulations are amended as recommended. This is to ensure that the Regulations do meet the appropriate standards (required by export markets), and to ensure that human and animal health is not compromised by application of the Regulations as they currently stand.

8. Environmental & Sustainability Implications

8.1. None

9. Significant Risks

9.1. The risk to our export markets remains if we do not make the amendments.

10. Consultation

10.1 Falkland Island Meat company is the only relevant stakeholder as there are no other approved establishments and farm kill is exempt from the Regulations. FIMCo has been informed of the errors and the move toward amending them and has had the chance to comment on the suggested amendments.

MLA Barkman as the DNR portfolio holder and MLA Pollard as FIMCO portfolio holder have also been informed.

11. Communication

11.1. After gaining policy approval to make these amendments from EXCO the instruction will be sent to the Attorney Generals chambers for drafting. Once the amendment is complete it will be gazetted for public information and the veterinary service will ensure this is done.