

# EXECUTIVE COUNCIL

## PUBLIC

<b>Title:</b>	Amendments to Livestock and Meat Products (Animal By-Products) Regulations 2015
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<b>Responsible Director:</b>	Director of Natural Resources
<b>Report Author:</b>	Veterinary Officer
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### 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.



## **FALKLAND ISLANDS**

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### **Livestock and Meat Products (Animal By-Products) Regulations 2015**

**(S.R. & O. No. 28 OF 2015)**



## FALKLAND ISLANDS

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### Livestock and Meat Products (Animal By-Products) Regulations 2015

*[DATE OF COMMENCEMENT: 24 DECEMBER 2015]*

#### PART 1 INTRODUCTION

##### 1 Title

These regulations are the Livestock and Meat Products (Animal By-Products) Regulations 2015.

##### 2 Commencement

These regulations come into force on publication in the Gazette.

##### 3 Interpretation

(1) In these regulations-

**"animal"** means any invertebrate or vertebrate animal;

**"animal by-products"** means an entire body or parts of an animal, products of animal origin or other products obtained from an animal, including oocytes, embryos and semen, which-

- (a) is not intended for human consumption;
- (b) has been declared unfit for human consumption following ante-mortem or post-mortem inspection;
- (c) has died;
- (d) is still born or unborn; or
- (e) has been killed for reasons of disease control;

**"appropriate scientific institution"** means an institution recognised by the competent authority for the purpose of carrying out scientific progress as regards the assessment of the level of risk of animal by-products to public and animal health;

**"aquatic animals"** means any aquatic animal at all its life stages, including eggs and sperm/gametes, reared in a farm or mollusc farming area, including any aquatic animal from the wild intended for a farm or mollusc farming area or other commercial use;

**"carcass"** means the body of an animal after slaughter and dressing;

**"competent authority"** means the Senior Veterinary Officer or any other authorised official of the Department of Agriculture;

**"derived products"** means products obtained from the treatment, transformation or processing of animal by-products;

**"farm"** means an area of land devoted to the keeping, rearing or raising of livestock;

**"farmed animal"** means-

- (a) any animal that is kept, fattened or bred for the production of food, wool, fur, feathers, hides and skins or any other product obtained from animals or for other farming purposes; or
- (b) equidae;

**"fur animal"** means an animal kept or reared for the production of fur and not used for human consumption;

**"official controls"** in relation to these regulations means checks, inspections, audits and corrective procedures made by the competent authority to verify and ensure compliance with the requirements set out under Part 6;

**"operator"** means a person who operates an establishment which makes or produces animal by-products or derived products, including carriers and traders;

**"products of animal origin"** means any product derived from or consisting of a product derived from any animal;

**"pet animal"** means any animal belonging to species normally nourished and kept but not consumed by humans, for purposes other than farming;

**"relevant EU legislation"** means (to the extent that it relates to animal by-products and derived products) the following-

- (a) Council Directive 76/768/EEC relating to cosmetic products;
- (b) Council Directive 90/385/EEC relating to active implantable medical devices;
- (c) Council Directive 93/42/EEC concerning medical devices;
- (d) Council Directive 98/79/EC on in vitro diagnostic medical devices;
- (e) Council Directive 2001/82/EC relating to veterinary medicines;

- (f) Council Directive 2001/83/EC relating to medicinal products for human use;
- (g) Regulation (EC) 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules;
- (h) Regulation (EC) 1069/2009 laying down health rules as regards animal by-products and derived products not intended for human consumption;
- (i) Regulation (EU) 142/2011 laying down health rules as regards animal-by-products and derived products not intended for human consumption;

**"terrestrial animal"** means an animal that lives on land; and

**"wild animal"** means any animal not kept by humans.

## **PART 2 GENERAL REQUIREMENTS**

### **4 Objectives**

These regulations lay down public health and animal health rules for the use, handling and disposal of animal by-products and derived products in order to prevent and minimise risks to public and animal health arising from those products, and in particular to protect the safety of the food and feed chain.

### **5 Application**

- (1) These regulations apply to-
  - (a) animal by-products and derived products described under Part 3 of these regulations and relevant EU legislation; and
  - (b) raw materials used for the production of products of animal origin.
- (2) These regulations do not apply to the following animal by-products-
  - (a) entire bodies or parts of wild animals which are not suspected of being infected or affected with a disease communicable to humans or animals, except for aquatic animals landed for commercial purposes;
  - (b) oocytes, embryos and semen destined for breeding purposes;
  - (c) raw milk, colostrum and products derived from raw milk which are obtained, kept, disposed of or used on the farm of origin or supplied directly to the final consumer;
  - (d) shells from shellfish with the soft tissue and flesh removed;
  - (e) catering waste, except if it-
    - (i) originates from means of transport operating internationally;
    - (ii) is destined for feeding purposes;

- (f) without prejudice to EU environmental legislation, material from vessels complying with Fishery Products Ordinance 2006, which has arisen in the course of their fishing operations and is disposed of at sea, except material derived from on-board evisceration of fish showing signs of disease, including parasites, that are communicable to humans;

*[Revision w.e.f. 31/07/2017]*

- (g) taking into account any other prohibitions, raw pet food retailed for this purpose;
- (h) taking into account any other prohibitions, raw pet food derived from animals which are slaughtered on the farm of origin for private domestic consumption;
- (i) manure and guano; and
- (j) animal by-products derived from animals slaughtered for domestic consumption on farms or to supply a small amount of product directly to the final consumer except in the following circumstances-
  - (i) where there is suspicion or confirmation of a TSE or other communicable disease; or
  - (ii) where there are existing national restrictions on animal by-products.

## **6 General animal health restrictions**

- (1) Animal by-products and derived products from susceptible species must not be dispatched from farms, abattoirs or similar establishments which are subject to restrictions imposed by the competent authority.
- (2) Subregulation (1) does not apply where animal by-products and derived products are dispatched under conditions designed to prevent the spread of diseases transmissible to humans or animals.

## **PART 3 CATEGORIES OF ANIMAL BY-PRODUCTS AND DERIVED PRODUCTS**

### **7 Categorisation of animal by-products and derived products**

- (1) Animal by-products are divided into the following specific categories, and the categories reflect the level of risk to public and animal health arising from those animal by-products-
  - (a) category 1 material;
  - (b) category 2 material; and
  - (c) category 3 material.
- (2) The animal by-products listed in regulation 8, 9 and 10 are fixed and should not be modified except-
  - (a) to remove any product from the lists to allow for changes of categorisation; or
  - (b) to make additions in order to take into account scientific progress as regards the assessment of the level of risk.

(3) The scientific progress referred to under subregulation (2) must be identified on the basis of a risk assessment carried out by an appropriate scientific institution.

(4) Derived products are subject to the rules for the specific category of animal by-products from which they have been derived, unless otherwise specified in these regulations.

## **8 Category 1 material**

Category 1 material comprises of the following animal by-products-

(a) entire bodies and all body parts, including hides and skins, of the following animals-

(i) animals suspected of being infected by a TSE in accordance with Livestock and Meat Products (TSE Control) Regulations 2015 or any animal in which the presence of a TSE has been officially confirmed;

*[Revision w.e.f. 31/07/2017]*

(ii) animals killed as a result of TSE eradication measures;

(iii) animals other than farmed and wild animals, including in particular pet animals, zoo animals and circus animals;

(iv) animals used for scientific purposes where the competent authority believes the animals or body parts pose a risk to human or animal health;

(v) wild animals, when suspected of being infected with diseases communicable to humans or animals;

(b) the following material-

(i) specified risk material;

(ii) entire bodies or parts of dead animals containing specified risk material at the time of disposal;

(c) animal by-products derived from animals which have been exposed to illegal treatment as defined under the Livestock and Meat Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015;

*[Revision w.e.f. 31/07/2017]*

(d) animal by-products containing residues of other substances and environmental contaminants listed in the Livestock and Meat Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015 if such residues exceed the permitted levels;

(e) animal by-products collected during the treatment of waste water collected from establishments-

(i) processing Category 1 material; or

(ii) where specified risk material is being removed;

(f) catering waste from means of transport operating internationally; and

- (g) a mixture of Category 1 material with either Category 2 material or Category 3 material, or both.

## **9 Category 2 material**

Category 2 material comprises of the following animal by-products-

- (a) digestive tract content;
- (b) animal by-products collected during the treatment of waste water collected from establishments processing Category 2 material;
- (c) animal by-products containing residues of authorised substances or contaminants exceeding the permitted levels as set out under the Livestock and Meat Products (Examination for Contaminants, Residues and Maximum Residue Levels) Regulations 2015;
- (d) products of animal origin which have been declared unfit for human consumption due to the presence of foreign bodies in those products;
- (e) animals and parts of animals, other than those referred to in regulation 8 or 10-
  - (i) that died other than by being slaughtered or killed for human consumption, including animals killed for disease control purposes;
  - (ii) foetuses;
  - (iii) oocytes, embryos and semen which are not destined for breeding purposes; and
  - (iv) dead-in-shell poultry;
- (f) a mixture of Category 2 material and Category 3 material; and
- (g) animal by-products other than Category 1 material or Category 3 material.

## **10 Category 3 material**

Category 3 material comprises of the following animal by-products-

- (a) carcasses and parts of animals slaughtered or, in the case of game, bodies or parts of animals killed, and which are fit for human consumption in accordance with relevant EU legislation, but are not intended for human consumption for commercial reasons;
- (b) carcasses and the following parts originating either from animals that have been slaughtered in a slaughterhouse and were considered fit for slaughter for human consumption following an ante-mortem inspection or bodies and the following parts of animals from game killed for human consumption in accordance with relevant EU legislation-
  - (i) heads of poultry;
  - (ii) hides and skins, including trimmings and splitting, horns and feet, including the phalanges and the carpus and metacarpus bones, tarsus and metatarsus bones, of animals, other than ruminants requiring TSE testing, and ruminants which have been tested with a negative result in accordance with the Livestock and Meat Products (TSE Control) Regulations 2015;

- (iii) pig bristles; and
- (iv) feathers;
- (c) carcasses or bodies and parts of animals which are classified as being unfit for human consumption in accordance with relevant EU legislation even though they did not show any signs of disease communicable to humans or animals;
- (d) blood of animals which did not show any signs of disease communicable through blood to humans or animals, obtained from the following animals that have been slaughtered in a slaughterhouse after having been considered fit for slaughter for human consumption following an ante-mortem inspection in accordance with the Livestock and Meat Products (Hygiene) Regulations 2015;

*[Revision w.e.f. 31/07/2017]*

- (i) animals other than ruminants requiring TSE testing; and
- (ii) ruminants which have been tested with a negative result in accordance with the Livestock and Meat Products (TSE Control) Regulations 2015;
- (e) animal by-products arising from the production of products intended for human consumption, including degreased bones, greaves and centrifuge or separator sludge from milk processing;
- (f) products of animal origin, or foodstuffs containing products of animal origin, which are no longer intended for human consumption for commercial reasons or due to problems of manufacturing or packaging defects or other defects from which no risk to public or animal health arises;
- (g) pet food and feeding stuffs of animal origin, or feeding stuffs containing animal by-products or derived products, which are no longer intended for feeding for commercial reasons or due to problems of manufacturing or packaging defects or other defects from which no risk to public or animal health arises;
- (h) blood, placenta, wool, feathers, hair, horns and hoof cuts originating from live animals that did not show any signs of disease communicable through that product to humans or animals;
- (i) aquatic animals and parts of such animals, except sea mammals, which did not show any signs of disease communicable to humans or animals;
- (j) animal by-products from aquatic animals originating from establishments or plants manufacturing products for human consumption;
- (k) the following material originating from animals which did not show any signs of disease communicable through that material to humans or animals:
  - (i) shells from shellfish with soft tissue or flesh;
  - (ii) the following originating from terrestrial animals-
    - (aa) hatchery by-products,
    - (bb) eggs,

- (cc) egg by-products, including egg shells,
- (iii) day-old chicks killed for commercial reasons;
- (l) aquatic and terrestrial invertebrates other than species pathogenic to humans or animals;
- (m) animals and parts from animals of the zoological orders of Rodentia and Lagomorpha, except Category 1 material as referred to in regulation 8 (a)(iii), (iv) and (v) and Category 2 material as referred to in regulation 9(a) to (g);
- (n) hides and skins, hooves, feathers, wool, horns, hair and fur originating from dead animals that did not show any signs of disease communicable through that product to humans or animals, other than those referred to in paragraph (b) above;
- (o) adipose tissue from animals which did not show any signs of disease communicable through that material to humans or animals, which were slaughtered in a slaughterhouse and which were considered fit for slaughter for human consumption following an ante-mortem inspection in accordance with Livestock and Meat Products (Hygiene) Regulations 2015; and
- (p) catering waste other than as referred to in regulation 8(f).

## **11 Monitoring of animal by-products and derived products**

- (1) An operator who generates animal by-products or derived products which fall within the scope of these regulations must immediately identify the products as to which category they fall under and ensure that those products are dealt with in accordance with these regulations.
- (2) An operator must ensure that at all stages of collection, transport, handling, treatment, transformation, processing, storage, placing on the market, distribution, use and disposal of animal by-products and derived products under the operator's control, the requirements of these regulations are complied with in so far as it is relevant to the activities carried out within the business or operations.
- (3) The competent authority must monitor and verify that the relevant requirements of these regulations are fulfilled and complied with by operators along the entire chain of animal by-products and derived products as referred to under subregulation (2).
- (4) In order to carry out its function under this regulation the competent authority must-
  - (a) maintain a system of official controls in accordance with Part 6 and the relevant EU legislation; and
  - (b) have an adequate system in place to ensure that animal by-products are-
    - (i) collected, identified and transported without undue delay; and
    - (ii) treated, used or disposed of in accordance with these regulations.
- (5) Derived products are not subject to the requirements of these regulations where those products-
  - (a) have reached the stage of manufacturing as provided for in these regulations or the relevant EU legislation and are regarded as having reached the end point in the manufacturing chain; or

- (b) no longer pose any significant risk to public or animal health and an end point in the manufacturing chain has been determined.

(6) Subject to subregulation (7), the derived products referred to under subregulation (5)(a) may subsequently be placed on the market without being subjected to restrictions or official controls under these regulations where the products no longer pose any significant risk to public or animal health.

(7) The derived products referred to under subregulation (5) may be withdrawn or prohibited from being placed on the market in the case of a disease outbreak or any other emergency.

(8) A derived product is considered to no longer pose a risk to public or animal health where it has been processed or treated in such way as to remove or kill all prions or other infective particles.

## **PART 4**

### **DISPOSAL AND USE OF ANIMAL BY-PRODUCTS AND DERIVED PRODUCTS**

#### **12 Restrictions on use**

(1) Subject to the provisions of these regulations a person commits an offence who uses animal by-products and derived products for any of the following-

- (a) the feeding of terrestrial animals of a given species other than fur animals with processed animal protein derived from the bodies or parts of bodies of animals of the same species;
- (b) the feeding of ruminant protein to other ruminants;
- (c) the feeding of farmed animals other than fur animals with catering waste containing animal protein or feed material containing or derived from catering waste containing animal protein;
- (d) the feeding of farmed animals with herbage, either directly by grazing or by feeding with cut herbage, from land to which organic fertilisers or soil improvers, other than manure, have been applied, unless the cutting or grazing takes place after the expiry of a waiting period of at least 21 days which ensures adequate control of risks to public and animal health; and
- (e) the feeding of farmed fish with processed animal protein derived from the bodies or parts of bodies of farmed fish of the same species.

(2) The use of raw fishmeal as fertiliser is allowed where the fishmeal comes from a source that has been approved by the competent authority.

(3) The competent authority must put in place in a Standard Operating Procedures Manual measures relating to the following-

- (a) the checks and controls to be carried out to ensure compliance with subregulation (1), including detection methods and tests to be used to verify the presence of materials originating from certain species and thresholds for insignificant amounts of processed

animal proteins referred to in paragraphs (a) and (d) of subregulation (1) which are caused by adventitious and technically unavoidable contamination;

- (b) the conditions for the feeding of fur animals with processed animal protein derived from bodies or parts of bodies of animals of the same species; and
- (c) the conditions for the feeding of farmed animals with herbage from land to which organic fertilisers or soil improvers have been applied, in particular a modification of the waiting period as referred to in subregulation 1(d).

### **13 Restrictions on disposal of animal by-products**

(1) Subject to the provisions of this Part, any person who has in possession or under control any animal by-product made from materials specified under Part 3 of these regulations must dispose of the animal by-product by one of the following methods-

- (a) by incineration;
- (b) co-incineration;
- (c) burning;
- (d) by burial; or
- (e) by sea disposal.

(2) For purposes of this Part—

**"burning"** means reducing to ash in an area approved by the competent authority that is not an incineration plant;

**"co-incineration"** means reducing to ash in an incineration plant with other categories of waste material;

**"incineration"** means reducing to ash in a dedicated incineration plant; and

**"sea disposal"** means disposing of the material at an approved coastal site.

(3) The Governor may, where it is expedient to do so, require, by notice, any by-product to be disposed of by incineration or burial.

### **14 Disposal and use of Category 1 material**

(1) Category 1 material must be-

- (a) disposed of as waste by burning, incineration or co-incineration-
  - (i) directly without prior processing; or
  - (ii) following processing, by pressure sterilisation if the competent authority so requires, and permanent marking of the resulting material;
- (b) in the case of Category 1 material other than material referred to in regulation 8(a)(i) and (ii)-

- (i) buried in an authorised landfill; or
- (ii) disposed of at sea at an authorised site;
- (c) in the case of Category 1 material referred to in regulation 8(f), disposed by burial in an authorised landfill or burning;
- (d) used as a fuel for combustion with or without prior processing; or
- (e) used for the manufacture of any of the derived products.

(2) The material referred to in regulation 8(a) (i) and (ii) must be incinerated or burned.

## **15 Disposal and use of Category 2 material**

Category 2 material must be-

- (a) disposed of as waste by burning, incineration or co-incineration-
  - (i) directly without prior processing; or
  - (ii) following processing, by pressure sterilisation if the competent authority so requires, and permanent marking of the resulting material;
- (b) disposed of in an authorised landfill or sea disposal site;
- (c) used for the manufacturing of organic fertilisers or soil improvers following processing by pressure sterilisation, when applicable, and permanent marking of the resulting material;
- (d) composted or transformed into biogas-
  - (i) following processing by pressure sterilisation and permanent marking of the resulting material; or
  - (ii) in the case of manure, digestive tract and its content, milk, milk-based products, colostrum, eggs and egg products which the competent authority does not consider to present a risk for the spread of any serious transmissible disease, following or without prior processing;
- (e) applied to land without processing, in the case of manure, digestive tract content separated from the digestive tract, milk, milk-based products and colostrum which the competent authority does not consider to present a risk for the spread of any serious transmissible disease;
- (f) in the case of material originating from aquatic animals, ensiled, composted or transformed into biogas;
- (g) used as a fuel for combustion with or without prior processing; or (h) used for the manufacture of derived products.

## **16 Disposal and use of Category 3 material**

Category 3 material must be-

- (a) disposed of as waste by incineration or co-incineration, with or without prior processing;
- (b) disposed of in an authorised landfill or at an authorised sea disposal site;
- (c) processed, except in the case of Category 3 material which has changed through decomposition or spoilage so as to present an unacceptable risk to public or animal health, through that product, and used-
  - (i) for the manufacturing of feed for farmed animals other than fur animals, except in the case of material referred to in regulation 10(n), (o) and (p);
  - (ii) for the manufacturing of feed for fur animals;
  - (iii) taking into account any other prohibitions, for the manufacturing of pet food; or
  - (iv) for the manufacturing of organic fertilisers or soil improvers;
- (d) taking into account any other prohibitions, used for the production of raw pet food;
- (e) composted or transformed into biogas;
- (f) in the case of material originating from aquatic animals, ensiled, composted or transformed into biogas;
- (g) in the case of shells from shellfish (other than shellfish which has the soft tissue and flesh removed) and egg shells, used under conditions determined by the competent authority which prevent risks arising to public and animal health;
- (h) used as a fuel for combustion with or without prior processing;
- (i) used for the manufacture of derived products;
- (j) in the case of catering waste referred to in regulation 10(p), processed by pressure sterilisation or by disposal in an authorised landfill; and
- (k) applied to land without processing, in the case of raw milk, colostrum and products derived from milk, which the competent authority does not consider to present a risk of any disease communicable through those products to humans or animals.

## **17 Inspections and audits**

The competent authority must carry out inspections and audits to ensure that operators comply with the following-

- (a) that all material is burned or incinerated in such a way that there is no threat to human or animal health and in such a way as to completely reduce animal by-products to ash;
- (b) that pest control systems are maintained in all burning, incineration, burial or disposal sites;

- (c) that access to any burial, burning, incineration and disposal site is controlled and sites are inaccessible to unauthorised persons and grazing animals;
- (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 as a result of communicable diseases;
- (e) that raw pet food is produced and packaged in a hygienic manner and labelled to indicate that it is to be used only as pet food;
- (f) that treated hides and skins to be placed on the market-
  - (i) have not come into contact with other products of animal origin or live animals that present a risk to the spread of a serious transmissible disease;
  - (ii) are accompanied by a commercial document that indicates all precautions have been taken to avoid pathogenic agents; and
- (g) that processed animal food and fertiliser is made in accordance with the relevant EU legislation.

## **18 Alternative disposal methods**

The competent authority may authorise alternative disposal methods as long as the methods do not pose a risk to public or animal health.

## **PART 5 OBLIGATIONS OF OPERATORS**

### **19 Collection and identification as regards category and transport**

- (1) An operator must collect, identify the category of the animal by-products and transport animal by-products without undue delay under conditions which prevent risks arising to public and animal health.
- (2) An operator who transports animal by-products for further processing must ensure the products are accompanied during transport by a commercial document identifying-
  - (a) the category of the material carried;
  - (b) the amount of the material;
  - (c) its origin and destination; and
  - (d) any other information required by the receiver.
- (3) An operator must keep the transportation records for any animal by-products for 2 years.
- (4) The operator must make these records available to the competent authority whenever requested.
- (5) This regulation does not apply to the transportation of manure.

## **20 Approval of establishments and operations**

- (1) The operator of any establishment which processes or transforms animal by-products must obtain the approval and registration from the competent authority as specified under Part 6.
- (2) The competent authority must assign an approval number and keep an up to date list of approved establishments in terms of regulation 29.

## **21 General hygiene requirements**

- (1) An operator must ensure that an establishment-
  - (a) is constructed in a way that allows for it to be effectively cleaned and disinfected (including, where appropriate, that floors are constructed in a way that facilitates the draining of liquids);
  - (b) provides staff with access to adequate facilities for personal hygiene such as lavatories, changing rooms and washbasins;
  - (c) has in place appropriate arrangements for protection against pests, such as insects, rodents and birds;
  - (d) has installations and equipment that are in good condition and has in place reliable arrangements for regularly calibrating measuring equipment; and
  - (e) has in place appropriate arrangements for the cleaning and the disinfecting of containers and vehicles so as to avoid risks of contamination.
- (2) Any person working in the establishment must wear suitable, clean, and (where necessary) protective, clothing.
- (3) The operator must ensure that in an establishment-
  - (a) persons working in the unclean sector of the establishment do not enter the clean sector without first changing work clothes and shoes or without the clothes being disinfected;
  - (b) equipment and machinery are not moved from the unclean sector to the clean sector of the establishment without first being cleaned and disinfected;
  - (c) there is a procedure relating to the movements of persons in order to monitor the movements and that describes the correct use of footbaths and wheel baths;
  - (d) animal by-products are handled in such a way as to avoid risks of contamination;
  - (e) animal by-products are processed as soon as possible and that after processing, derived products are handled and stored in such a way as to avoid risks of contamination;
  - (f) where appropriate, during any processing applied to animal by-products and derived products every part of the animal by-product and derived products is treated to the temperature specified in relevant EU legislation for a given period of time and risks of re- contamination are prevented;
  - (g) checks are regularly made on the applicable parameters, particularly temperature, pressure, time, size of particles, and where appropriate by the use of automatic devices; and

- (h) cleaning procedures are established and documented for all of its sectors.

## **22 Checks by operators**

- (1) An operator must put in place, implement and maintain checks in the establishment in order to monitor compliance with these regulations.
- (2) The operator must ensure that animal by-products or derived products suspected or discovered not to comply with these regulations can leave the establishment only for disposal.

## **23 Hazard analysis and critical control points**

An operator processing or transforming animal by-products must carry out activities following written procedures based on the hazard analysis and critical control points (HACCP) principles as set out in the Livestock and Meat Products (Hygiene) Regulations.

## **24 Import of animal by-products**

- (1) Unprocessed animal by-products may not be imported unless an import permit is obtained from the competent authority and the consignment is accompanied by a supporting commercial document identifying-
  - (a) the category of the material carried;
  - (b) the amount of the material;
  - (c) its origin and destination; and
  - (d) any other information as may be necessary.
- (2) An operator must keep the commercial document for 2 years.
- (3) The operator must make the commercial document available to the competent authority whenever requested.

## **25 Export of animal by-products and derived products**

- (1) The export of any animal by-products that come from category 1 material is prohibited.
- (2) Category 2 and 3 materials may only be exported where the operator of the establishment intending to export those materials or products from those materials is able to meet the requirements of the importing country.
- (3) An operator who intends to dispatch Category 2 material and meat-and-bone meal or animal fat derived from Category 2 materials to a country must first notify the competent authority as well as the competent authority of the country of destination.

## **PART 6 OFFICIAL CONTROLS**

### **26 Procedure for approval and registration**

(1) For purposes of regulation 20, the competent authority must approve and register establishments only where an on-site visit, prior to the start-up of any activity, has demonstrated that the establishment meets the relevant requirements for-

- (a) infrastructure and equipment; and
- (b) operational procedures.

(2) The competent authority may grant the operator of an establishment conditional approval if it appears, from the on-site visit that-

- (a) the establishment meets all the infrastructure and equipment requirements; and
- (b) there are shortcomings with the operational procedures but the operator has made an undertaking to ensure that there is compliance with the operational procedures.

(3) The competent authority may only grant full approval and register an establishment if it appears, from another on-site visit carried out within three months of granting conditional approval, that the establishment meets all the requirements and there are no longer any shortcomings with the operational procedures.

(4) If clear progress has been made, but the establishment or plant still does not meet all of these requirements, the competent authority may extend conditional approval provided that conditional approval does not exceed six months.

(5) An operator must ensure that an establishment ceases to operate if the competent authority withdraws its approval and registration, or in the case of conditional approval fails to extend it or to grant full approval and registration.

### **27 Official controls**

(1) For the purposes of regulations 11 and 17, the competent authority must, at regular intervals, carry out official controls and supervision of the handling of animal by-products and derived products falling within the scope of these regulations.

(2) The competent authority may take into account the guide to good practice referred to under regulation 30 when carrying out its official controls.

(3) The competent authority must put in place detailed arrangements for implementing this regulation, including rules concerning the reference methods for microbiological analyses and the arrangements must be included in the guidelines referred to under regulation 30.

### **28 Suspension, withdrawal and prohibition of operations**

(1) If the official controls and supervision carried out by the competent authority reveal that one or more of the requirements of these regulations are not met, it must take appropriate action.

(2) The competent authority may in particular, as appropriate to the nature and to the gravity of the deficiencies and to the potential risks for public and animal health-

- (a) suspend its approval and registration of the establishment under regulation 20, if-
  - (i) the conditions for approval and registration of the establishment are no longer fulfilled;
  - (ii) the operator can be expected to remedy the deficiencies within a reasonable period of time; and
  - (iii) the potential risks to public and animal health do not require action in accordance with paragraph (b);
- (b) withdraw its approval and registration of the establishment, if-
  - (i) the conditions for approval and registration of the establishment are no longer fulfilled; and
  - (ii) after having been given a reasonable period of time within which to remedy them, the operator fails to remedy the deficiencies.
- (c) impose specific conditions on the establishment in order to rectify existing deficiencies.

(3) The approval and registration of an establishment may be withdrawn-

- (a) for reasons relating to the infrastructure of the establishment;
- (b) for reasons relating to the personal capacity of the operator or the staff under the operator's supervision; or (c) as a result of serious risks to public and animal health requiring major adjustments to the operation of the establishment.

(4) The competent authority may, as appropriate to the nature and gravity of the deficiencies and to the potential risks for public and animal health, temporarily or permanently prohibit operators from carrying out operations under these regulations, as appropriate, following receipt of information indicating-

- (a) that the requirements of these regulations or relevant EU legislation are not met; or
- (b) potential risks to public or animal health arising from those operations.

## **29 Keeping of lists**

(1) The competent authority must draw up a list of establishments and operators which have been approved and registered in accordance with these regulations.

(2) The competent authority must make a list of all approved and registered establishments and operators.

(3) The competent authority must keep an up-to-date list of approved and registered establishments and operators and make the list available on request.

### **30 Guidance to good practice**

- (1) Where necessary, the competent authority must develop and disseminate national guidance to good practice to facilitate the implementation of these regulations in particular for the application of HACCP principles as referred to in regulation 23.
- (2) The competent authority must periodically assess the guidance to ensure that-
  - (a) they take into account the interest of parties whose interests may be substantially affected; and
  - (b) their contents are practicable for the sectors to which they refer.
- (3) The Senior Veterinary Officer must arrange for a notice to be published in the Gazette specifying-
  - (a) the guidance that has been issued;
  - (b) whether it is new guidance or a replacement for an existing one; and
  - (c) the date on which the guidance comes into force.
- (4) The Senior Veterinary Officer must make arrangements for guidance to be available (either as paper copies or in electronic form) to operators.
- (5) The Senior Veterinary Officer may make a reasonable charge for paper copies of the guidance.

## **PART 7 GENERAL PROVISIONS**

### **31 Offences and penalties**

- (1) It is an offence for a person to contravene any of the provision of these regulations.
- (2) A person convicted of an offence against any provision of these regulations is liable to a term of imprisonment not exceeding 12 months or to a fine not exceeding level 8 on the standard scale, or to both.

### **32 Revocation**

The Waste Food Order 2002 is revoked.

*[Revision w.e.f. 31/07/2017]*