ADVISORY COMMITTEE ON ANIMAL FEEDINGSTUFFS

Twentieth Meeting of ACAF on 25 June 2003 – Agenda Item 3

ENFORCEMENT OF FEED LAW IN NORTHERN IRELAND

Action required: The Committee is asked to note the contents of this paper and let the Secretariat know of any questions arising or of any further information on feed law enforcement in Northern Ireland it requires to continue its review.

Secretariat June 2003
Enforcement of Feed Law in Northern Ireland

Background

1. At its 19th meeting on 15 April 2003 ACAF embarked on a review of feed law enforcement with presentations by four organisations responsible for ensuring compliance with feed law or feed quality standards. The Committee requested further information for its next meeting, including details of enforcement of feed law in Northern Ireland.

Purpose

2. The purpose of this paper is to describe the organisation of feed law enforcement within Northern Ireland. The factual material contained in this paper was provided by the Department of Agriculture and Rural Development, Northern Ireland.

Size and Structure of the Northern Ireland Feedingstuffs Industry

3. The annual production of compound feed in Northern Ireland is approximately 1.2 million tonnes. There are 6 large (50,000 tonnes), 12 medium (between 50,000 tonnes and 20,000 tonnes) and 45 small (20,000 tonnes) producers. Of the large mills, 2 are in Belfast and the others in Lisburn, Newry, Omagh and Randalstown.

4. In addition to these main production centres, there are approximately 1,000 premises registered as home mixers, producing feed for their own livestock or purchasing blends or other materials which are fed through feeder wagons.

5. Regardless of the size of business, the supplies of raw materials are primarily all imported except for home-produced barley and wheat. Most (approximately 90%) of the raw materials pass through intermediate storage in silos or flat stores at the docks. The majority of the product is distributed in bulk via road transport.

6. The professional body within Northern Ireland is the Northern Ireland Grain Trade Association (NIGTA), which covers a significant proportion of the larger and medium sized manufacturers. NIGTA is closely associated with UKASTA.
Enforcement Personnel

7. The Department of Agriculture and Rural Development (DARD) is responsible for implementation of virtually all animal feed legislation in Northern Ireland. A team of 7 staff from Quality Assurance Branch (QAB), consisting of two senior inspectors and five inspectors, is responsible for this work. It is anticipated that the number of inspectors will be increased in the 2003-2004 financial year to facilitate additional work relating to the control of processed animal proteins.

8. Staff involved in the feed team are trained to degree, diploma or certificate level in Agriculture or Food Science and receive specific training in HACCP, auditing and enforcement, as well as formal training in sampling procedures and extensive on-the-job training verified by senior management.

Policy Matters

9. In Northern Ireland the Foods Standards Agency is responsible for policy matters relating to The Feedingstuffs Regulations (NI) 2001 and the Department of Agriculture and Rural Development is responsible for enforcement. DARD is responsible for policy and implementation relating to all other feedingstuffs legislation, e.g. The Medicated Feedingstuffs Regulations. Defra delegates authority for inspection and sampling in GB to trading standards offices and the Royal Pharmaceutical Society for Great Britain (RPSGB), while in Northern Ireland all such duties are carried out by DARD inspectors. According to DARD, the NI approach has worked well over recent years, providing value for money and a more cohesive approach to implementation of the legislation, which is to the benefit of both the public and the industry.

Enforcement Relationships

10. DARD identifies operators active in the feed industry through:
   • knowledge of local inspectors;
   • DARD colleagues;
   • industry contacts;
   • DARD registration schemes; and
   • NIGTA registration schemes.

11. The need to register businesses with DARD under the Feedingstuffs (Establishments and Intermediaries) Regulations 1999 was advertised in the local press when this requirement was first introduced. QAB has regular meetings with the DARD Veterinary Service and with the Food Standards Agency, NI (FSA), and works closely with these bodies on many matters including contingency planning.
12. It has also been the policy of QAB to build up good working relationships with the members of NIGTA, which is the representative body for the majority of the compound feedingstuffs producers within Northern Ireland. This facilitates the two-way flow of essential information and the establishment of a level of trust and co-operation, which is essential in any legislative framework.

13. Links with feed enforcement staff in the Republic of Ireland are also being developed to ensure that legislative and enforcement issues in the two different member states of the EU are clear and, where possible, co-coordinated. Lines of communication have also been clarified enabling prompt action in both jurisdictions in the event of a feed incident.

Legislation

14. QAB staff carry out enforcement of European directives applicable to animal feedingstuffs under the Acts and supplementary Regulations in force within Northern Ireland. These closely reflect legislation in GB. They include:

- The Feedingstuffs Regulations (NI) 2001 (as amended);
- The Feedingstuffs (Sampling and Analysis) Regulations (NI) 1999 (as amended);
- The Feeding Stuffs (Enforcement) Regulations 1999;
- The Feeding Stuffs (Establishments and Intermediaries) Regulations 1999;
- The Feedingstuffs (Zootechnical Products) Regulations 1999 (as amended); and
- The Medicated Feedingstuffs Regulations 1998 (as amended).

15. The QAB team also provides assistance to DARD’s veterinary service in relation to the feed controls under the Transmissible Spongiform Encephalopathy Regulations (NI) 2002

Registration and approval

16. Registration of premises involved in the manufacture of medicated feed has been in operation within NI since 1988. The current registration and approval process corresponds to the requirements in the relevant EC Directives. In general, registration and approval inspections are in line with those carried out in GB, which in turn are dictated by the Annexes to Council Directive 95/69/EC.
**Sampling and analysis**

17. Under the provisions of EC Directive 95/69/EC, establishments and intermediaries that manufacture, market and use certain feed additives in the animal feed sector require either approval or registration and are inspected for compliance with conditions laid down in the annexes to the Directive.

18. Feedingstuffs produced by all manufacturers are subject to sampling and analysis. The frequency of sampling is determined by risk analysis, which takes account of the level of trade, previous history, and the species for which the feedingstuff is intended. Samples are routinely screened for undesirable substances, e.g. aflatoxin, heavy metals, etc. Samples have historically been analysed for protein, oil, fibre, ash, copper, and magnesium. The risk assessment approach to sampling, which is currently under refinement, is likely to result in a decline in this type of sampling and analysis, with a re-direction of resources to detect more harmful substances such as dioxins and aflatoxins.

19. Samples are also analysed for declared prescription only medicine (POMs) or zootechnical products, and some are screened for banned antibiotics or undeclared medicines. Imported raw materials are regularly sampled and analysed for undesirable substances.

20. Formal dioxin screening is to commence in the current financial year, provided that additional resources can be secured.

21. During the last financial year some 1600 informal samples were obtained for processed animal protein (PAP) screening up to June 2002. Since that date a formal method of sampling is being used in line with the EC sampling directive. The target this financial year is 350 formal samples: 200 from mills, 100 from the docks and 50 from home mixers. Scope will also exist for additional sampling where in the judgement of the experienced team of inspectors, there is cause for concern, or need for further investigation.

**Contingency Plan**

22. A contingency plan is currently being developed to ensure a coordinated response to feed incidents.

**Management controls**

23. Internal management controls include:
   - an operational plan;
   - an electronic system of recording output;
   - a staff monitoring procedure;
• annual staff performance reports;
• regular team briefings; and
• all activities of QAB are subject to a risk analysis, which is reviewed biannually. The risks and control measures cover staffing, training, health and safety, equipment and procedures.

Databases

24. DARD currently operates a feedingstuffs database, which was first created in 1990. This includes details of all registered and approved premises and the activities for which they are registered or approved. It also enables inspection and sampling plans to be drawn up. A new database is currently being developed to cope with the increased number of businesses to be registered as home mixers.

Analysis of Samples

25. The majority of samples of feedingstuffs obtained in Northern Ireland are analysed by the DARD Science Service or Veterinary Science Service. Official samples taken under the Agriculture Act and the Medicines Act are analysed by the Public Analyst. Samples for detection of processed animal protein, are analysed by the Veterinary Laboratories Agency at Luddington.

DARD-NI's views on current controls

26. Currently, no provision exists for statutory inspection of feedingstuffs stores where there is no manufacture of feedingstuffs (e.g. docks). Although it should be noted that a voluntary stores approval scheme is operated by Northern Ireland Grain Trade Association.

27. Generally, the enforcement powers in the feedingstuffs legislation are weak and not particularly well defined. Provisions that exist in the enforcement of Food Hygiene legislation, such as Improvement and Prohibition Notices, would make the legislative process more effective.

28. It should also be noted that there would appear to be considerable scope for the rationalization of what is a very complex and indeed complicated set of legislation.

Action and Next Steps

29. The Committee is asked to note and discuss the contents of this paper particularly the view expressed in paragraph 28. Members should let the Secretariat know of any questions arising or of any further information on feed law enforcement in Northern Ireland it requires to continue its review.
The Secretariat will pursue any queries and requests for further information with colleagues in DARD NI and report back to the Committee at a future meeting.

ACAF Secretariat
Food Standards Agency
June 2003