ADVISORY COMMITTEE ON ANIMAL FEEDINGSTUFFS

45th Meeting of ACAF on 4 March 2009

Information Paper

EC DEVELOPMENTS

Secretariat: February 2009

EC DEVELOPMENTS

1. This paper outlines the main developments in relation to EC legislation and related matters since the ACAF meeting held on 3 December 2008.

Official feed and food controls - Regulation (EC) No 882/2004

2. Implementing rules for import controls for 'high-risk' feed and food of non-animal origin – since the last ACAF meeting, the Commission has published a further draft of the Regulation and this was discussed at the 12 February 2009 meeting of the Standing Committee on the Food Chain and Animal Health (SCoFCAH). The Commission accepted that more discussion of its proposal was needed before it would be voted upon. A further meeting of the expert group will be convened. The Agency will continue to keep stakeholders up-to-date on developments via the Rapidly Developing Policy page on the FSA's website at:

http://www.food.gov.uk/foodindustry/regulation/europeleg/euupdates/

3. UK National Control Plan (January 2007 to March 2011) and annual report - the UK's first multi-annual National Control Plan, prepared jointly by the Agency and the four Agriculture/Rural Affairs Departments in order to meet a requirement in Regulation 882/2004, was published in December 2006. The Plan is kept under review and Revision 3 was published in January. No substantive amendments were made but the Plan was updated to reflect some organisational changes and to reflect the publication of new or revised guidance material and European and national legislation. The first annual report on progress towards implementing the Plan, which covers the period from 1 January to 31 December 2007, has also been published. The revised Plan and annual report can be found on the FSA website at:

http://www.food.gov.uk/foodindustry/regulation/europeleg/feedandfood/ncpuk.

4. Better Training for Safer Food (BTSF) - this is the Commission's strategy for training competent authority officials in Member States and non-EU countries that carry out official controls in the feed, food, animal health and welfare, and plant health sectors. The 2009 programme will include ten 5-day courses covering feed hygiene and marketing controls. The Agency has sought expressions of interest from relevant enforcement officers in these courses. Further information is available at:

http://www.food.gov.uk/multimedia/pdfs/enforcement/enfe08080.pdf

Transposition of EC Measures

5. The EC Developments paper tabled for the December 2008 meeting reported on an ongoing public consultation on draft Regulations to transpose Commission Directive 2008/76 amending the maximum permitted levels for certain undesirable substances and Commission Directive 2008/82 amending an existing entry for a dietetic feedingstuff. The draft Regulations have since been made as the Feeding Stuffs (England) (Amendment) Regulations 2009 (S.I 2009 No. 28) and came into force on 20 February 2009. Separate but parallel Regulations have also been made for Scotland, Wales and Northern Ireland.

6. A public consultation package is currently being prepared on a separate Commission Directive concerning the carry-over of coccidiostats into feed for non-target species. Coccidiostats are authorised under feed additives legislation (see paragraph 20) to help prevent gastrointestinal tract infestations of certain single-celled micro-organisms protozoa mainly in poultry. Carry-over occurs when technically unavoidable residues of these substances are left from the production run of one type of feed and thus become incorporated in the next. The Directive lays down risk-based tolerance levels for these residues. The Directive, and a parallel measure on residues of these substances in food for human consumption, was published in the *Official Journal of the European Union* on 11 February 2009 (2009/8/EC) and Member States are required to bring them into force no later than1 July 2009.

Incidents

7. On 27 November 2008, the Food Standards Agency was advised that melamine, a chemical used in the manufacture of resins and plastics, had been found in organic soya expeller from the Peoples' Republic of China (PRC). The melamine had been added to increase the product nitrogen levels and thus indicate a falsely higher protein content when subjected to analysis. The Agency alerted stakeholders the following day, requesting that any remaining stocks of the soya expeller should be quarantined and sampled.

8. Updates were issued as the incident developed and more information was received. It was thought at one point that organic milk from some dairy herds which had received the contaminated materials might have to be disposed of outside the feed and food chains, but subsequent testing indicated that any melamine present was below the upper limit of 2.5 mg/kg laid down in Commission Decision 2008/798 of 14 October 2008 concerning milk and milk products from the PRC. That measure was amended by Commission Decision 2008/921 of 9 December 2008, in order to extend this upper limit to soya and soya products for feed and food use, requires operators to provide prior notification of such imports

and Member States to undertake checks (including laboratory) analysis of all such consignments.

9. The Food Standards Agency was notified of a further incident of organic soya expeller contaminated with melamine on 18 December 2008; melamine levels found exceeded 2.5 mg/kg. The consignment had been imported from the PRC by a different importer in September 08, before implementation of Commission Decision 2008/798. By the time the Agency received the notification, the soya expeller had mostly been used.

10. The Agency has received no further reports of melamine being found in material for feed use. It is expected that any levels of melamine still present in the food and feed chains will continue to decline in response to the controls in place and the co-operation of food and feed business operators.

Feed Hygiene Regulation (183/2005): Financial guarantees

11. EC Developments paper 07/22 reported on the issue of financial guarantees in the feed sector at European Community level. In the Commission's original proposal for a Regulation on feed hygiene there was a requirement for feed businesses to have financial guarantees (e.g. insurance). It was envisaged that such financial guarantees would be possessed by feed businesses, to cover the costs of the withdrawal/ destruction of unsafe animal feed from the market and where necessary the withdrawal of animals fed contaminated material and associated livestock products.

12. Article 8 of EC Regulation 183/2005 on feed hygiene required the Commission to draw up a report, for the European Parliament and Council of Ministers, on the feasibility of a system of financial guarantees. The report was published in August 2007 and indicated that financial guarantees were not generally currently available, but were technically feasible. The study also recommended that there should be a wider public debate on the issue and this should be completed in 2009.

13. On 5 December 2008, a Commission Working Group meeting on financial guarantees was convened. The purpose was mainly fact-finding and it consisted largely of presentations from representatives of the Belgian and German feed industry, who had forms of voluntary financial guarantee systems in place, and from the European and German insurance industry. In general, the meeting highlighted the difficulties in the introduction of any mandatory form of financial guarantee in the feed sector. There is likely to be another Commission Working Group meeting and a wider public consultation on this subject later in 2009.

Microbiological criteria

14. In June 2008 an Opinion on microbiological risk assessment in feedingstuffs for food-producing animals was adopted by EFSA's Panel on biological hazards (BIOHAZ):

http://www.efsa.europa.eu/cs/BlobServer/Scientific_Opinion/biohaz_op_ej720_mra_feedingstuffs_en,3.pdf?ssbinary=true

15. Essentially, the Panel identified *Salmonella* species as representing the major 'in feed' microbiological hazard to consumers. It also considered that manufactured compound feed was the feed category that had the highest risk of being contaminated with *Salmonella*, and that oilseed-based feeds and animal-derived proteins were the materials that were most likely to introduce this contamination into manufactured feed and feed manufacturing premises.

16. The Panel did not recommend numerical limits for *Salmonella*, but did consider ways in which contamination might be eliminated or reduced (e.g. HACCP and chemical and physical treatments). The view of BIOHAZ is that control criteria should be applied not only to the final feed product, but also to critical stages of feed production.

17. On 19 December 2008 the European Commission convened its first working group to consider microbiological criteria in animal feed. The meeting was attended by officials from most Member States, from the Commission, and by representatives of the feed industry. Most of the meeting was taken up with presentations from the feed industry and Members States who focussed on how *Salmonella* was controlled in their territories. The presentations and subsequent discussions gave the Commission an opportunity to gauge stakeholder attitude; it intends to draw up a range of possible options for the way forward for discussion at the next meeting on 19 February 2009.

European Food Safety Authority (EFSA)

18. The following Opinions have been published by the EFSA Scientific Panels FEEDAP and CONTAM since the Committee was updated in December 2008:

Additive / contaminant	**Contaminant / additive group description**	**EFSA Opinion**
Vitamin A	Nutritional	Please see information paper ACAF/09/02.
L-Valine (>98% dry content)	Nutritional	Positive conclusion for safety for all species.
Saccharomyces cerevisiae (NCYC Sc47)	Zootechnical	Positive conclusion for safety and efficacy in dairy buffalos.
Bacillus subtilis (DSM 17299)	Zootechnical	Positive opinion for compatibility with decoquinate and narasin/nicarbazin in fattening chickens.
Bacillus licheniformis (DSM 5749) and *B. subtilis* (DSM 5750)	Zootechnical	Positive opinion for compatibility with lasalocid sodium in fattening turkeys.
Preparation of endo-1,4-B-xylanase produced by *Aspergillus niger* (CBS 109.713) and endo-1,4-B-glucanase produced by *A. niger* (DSM 18404)	Zootechnical	Enzymes produced by transgenic *A. niger*. Positive conclusion on both safety and efficacy in fattening chickens.
6-phytase E.C. 3.1.3.26	Zootechnical	Concentration of an existing product. Positive conclusion on safety and efficacy in fattening chickens, laying hens, fattening ducks, fattening turkeys weaned piglets, fattening pigs and sows.
Acarbose 10%	Zootechnical	Inconclusive on efficacy for cattle for fattening and dairy cows; benefits in healthy animals cannot be demonstrated, but the additive may be efficacious in unhealthy animals.
Gossypol	Undesirable substance found in cotton plants	No adverse effects expected in ruminants, poultry and fish, based on current MPL in cotton meal and maximum inclusion rates in complete feed. Monogastrics, however, are more susceptible to toxicity. Possible carry-over to animal products, but low human exposure and would not result in adverse effects in humans.

Standing Committee on the Food Chain and Animal Health (SCoFCAH): Animal Nutrition Section

Votes

19. Votes in favour were obtained for the authorisation of five feed additives at the November 2008 and January 2009 meetings of SCoFCAH. These are summarised below.

Additive	Additive type	Vote in favour achieved for
Enterococcus faecium (NCIMB 10415)	Zootechnical	Permanent authorisation for cats and dogs
Saccharomyces cerevisiae (NCYC Sc47)	Zootechnical	Permanent authorisation for dairy buffalos
Bacillus subtilis (DSM 17299)	Zootechnical	Addition of two coccidiostats to the compatibility list in the authorisation
Bacillus licheniformis (DSM 5749) and *Bacillus subtilis* (DSM 5750)	Zootechnical	Addition of lasalocid sodium to the compatibility list in the authorisation
Robenidine Hydrochloride	Coccidiostat	Amendment to MRLs in broiler & turkey tissues, and a separate amendment of the product name for chickens for fattening and turkeys

Carry over of Coccidiostats into 'non-target feed' and food

20. Votes in favour were achieved for proposals to set maximum limits for the carry-over of coccidiostats into feed for non-target animals, and for maximum residue limits for the presence of coccidiostat residues in food from these non-target animals. The limits are to take effect from 1 July 2009. The Commission is considering whether to move the new statutory controls for food into veterinary medicine legislation.

Discussions

Addition of new categories and groups of additives to Annex I of Regulation 1831/2003

21. The Commission plans to introduce a new type of feed additive to Annex I of Regulation 1831/2003: mycotoxin binders, denaturants and inactivators in animal feed. These additives are not intended to reduce hygienic conditions in animal feed production; they will only be permitted for use in feedingstuffs meeting the maximum permitted levels for mycotoxins. The Commission will be asking EFSA to propose guidelines for efficacy and safety requirements for these additives.

22. EFSA has published an Opinion on the functional groups of additives found in Annex 1 of Regulation (EC) 1831/2003. EFSA proposes a revision of feed additive classification in order to account for new scientific understanding of mechanisms of action, and to ensure additives are assigned to the most relevant groups. It suggests the addition of categories for welfare additives and product quality additives; welfare additives would cover metabolic regulators, immuno-modulators and detoxifiers; whereas, product quality additives would cover substances that favourably affect the sensory, nutritional or hygienic properties of products of animal origin.

Proposed changes to limits for certain contaminants in animal feed

23. Following the EFSA Opinions on mercury, tropane alkaloids, theobromine and ricin as undesirable substances in animal feed, the Commission is to propose a number of amendments to the Undesirable Substances Directive 2002/32. These are summarised in the table below.

Mercury	**Proposed MPLs (mg/kg)**	**Current MPLs (mg/kg)**
Feedingstuffs produced by the processing of fish or other marine animals [a]	**0.3**	0.5
Complete feedingstuffs for fish and cats	**0.15**	0.1 for fish feed, 0.4 for cat food
Complete feedingstuffs for dogs ~~and cats~~	0.4	"
Complementary feedingstuffs except:	0.2	"
- complementary feedingstuffs for dogs ~~and cats~~	0.4	0.4
Tropane alkaloids		
Datura ~~stramonium L.~~ **spp.** for all feedingstuffs	1000	"
Theobromine		
~~- complete feedingstuffs for adult cattle~~	**300**	700
- complete feedingstuffs for pigs	**200**	300
- complete feedingstuffs for dogs	[b]	300
- complete feedingstuffs for horses	[b]	300
Ricin		
***Ricinus communis, Croton tiglium* and *Abrus precatorius* (seeds and husks), as well their processed derivates, separately or in combination.** [c]	**10**	[d]

Text in **bold** indicates proposed changes.
Text with ~~strikethrough~~ indicates proposed deletions.

[a] Proposed derogation for fresh fishmeal for non-food producing animals.
[b.] MPLs to be proposed at February 2009 SCOFCAH meeting.
[c.] Could also include *Senecio jacobaea* (ragwort)
[d.] *Ricinus communis* L – 10 mg/kg for all feedingstuffs (expressed in terms of castor oil plant husks). *Croton tiglium* – seeds and fruit of *Croton*, as well as their processed derivatives may only be present in feedingstuffs in trace amounts not quantitatively determinable.
Abrus precatorius – no MPLs at this time.

Dioxins, Dioxin-Like PCBs (DL-PCBs) and Non-dioxin like PCBs (NDL-PCBS)

24. The controls for dioxins and DL-PCBs in animal feed are expected to be re-assessed in 2009. The Commission and Member States are also considering such controls for NDL-PCBs in feed; a Commission Working Group is currently considering controls in food.

DON contamination of wheat

25. The FSA continues to receive notifications of unacceptable levels of deoxynivalenol (DON) in wheat intended for food. The maximum permitted levels (MPL) of DON in wheat intended for food use is 1.25 mg/kg. The FSA has received 110 notifications in January 2009, compared to zero notifications in January 2008. In the past, farmers and grain merchants provided risk assessments to establish if wheat required DON testing. The National Association of British and Irish Millers (NABIM) found that risk assessment is not sufficient any longer; NABIM members will therefore carry out 100% testing on all grain received from 1 February 2009. The number of notifications is likely to keep rising as a result.

26. Most consignments that are rejected for food use are diverted into animal feed. At the time of writing, no notifications have exceeded the guidance value of 8 mg/kg for DON in wheat intended for animal feed; the highest level notified in 2008 in wheat intended for food was 4.4 mg/kg. A Commission fusarium-toxin forum has been scheduled for February 2009, where the Commission and Member States will discuss the statutory controls and guidance values for mycotoxins in feeds. This may result in a revision of mycotoxins controls in feed.

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