

ADVISORY COMMITTEE ON ANIMAL FEEDINGSTUFFS

54th Meeting of ACAF on 1 June 2011

Discussion Paper

Update on the dioxin contamination of animal feed in Germany and related European Commission proposals.

Action required:

The Committee's views are sought on possible new controls to help prevent dioxin contamination of feed fats and oils.

Secretariat

May 2011

Update on dioxin contamination of animal feed in Germany and related European Commission proposals

Introduction

1. This paper provides information concerning possible new European Union controls for feed following the German dioxin incident and asks the Committee to advise on the merits of these potential measures.
2. ACAF was informed of the dioxin contamination incident of feed fats in Germany at its March 2011 meeting (ACAF/11/01). It was also provided with information on additional controls that the authorities in Germany intend to introduce in order to help prevent any further such contamination incidents occurring.
3. At its last meeting the Committee was unable to advise on the merits of the new measures proposed by the German authorities, as some aspects of the incident (e.g. exactly how the ‘technical’ material became contaminated and how the technical product entered the feed chain). Given that investigations are continuing and that criminal charges might be brought, it is not possible to provide this additional information at this time.

Recent developments

4. At the March and April 2011 meetings of the Animal Nutrition Section of the Standing Committee on the Foodchain and Animal Health (SCoFCAH) Member States discussed possible new European Union controls. It is possible that a Commission proposal will be taken for a vote as early as July 2011. The anticipated elements of such a proposal, together with initial comments made by the Food Standards Agency (FSA) are summarised in paragraphs 5 – 9 and in Annex 2.

Possible new feed controls

Extension of approval system

5. All establishments that manufacture, blend, transport or store vegetable oils for feed use would need to be approved under Article 10(3) of the Feed Hygiene Regulation (Regulation 183/2005). The intention here would be to help improve the

hygiene of such operators. In a letter dated 8 April 2011 (Annex 1) the Agency gave initial support to this possible measure.

Proposed additional controls on operators

6. Establishments that blend vegetable oils or their by-products for use in feed may only blend similar products used for other purposes (e.g. for technical uses) if these also comply with the limits for dioxins and dioxin-like PCBs as set out in Annex I of Directive 2002/32/EC on undesirable substances. The Agency's view is that this requirement would be disproportionate to the risk to the consumer.

7. Containers that are used to store or transport feed fats or oils would not be permitted to be used for other types of products. Products for feed use would also need to be kept separate from products intended for other purposes where there is a risk of contamination. In exceptional cases containers for feed products could be used for oils for other purposes provided that effective cleaning is performed to prevent subsequent contamination of feed-grade material. The FSA previously commented that a requirement for containers to be dedicated solely for feed oil use would be unnecessary with respect to consumer safety.

8. Any analytical results that suggest that a consignment exceeds the maximum limits for dioxins and/or dioxin-like PCBs would have to be notified directly to the competent authority in order to enhance rapid investigation. The Agency is of the view that this requirement would be useful, provided that there was no conflict with commercial confidentiality.

Proposed monitoring arrangements

9. A mandatory programme of sampling and analysis of products destined for feed use and for some products for technical use would be introduced. The level of dioxins/furans plus dioxin-like PCBs would need to be determined for each sample; the analysis would be in conformity with the requirements of Regulation 157/2009. The onus would be on the business operator to arrange and pay for the sampling and analysis of products. However, there would be no requirement for 'multiple testing' of the same material as it is transported between companies or facilities. The most recent European Commission idea for such a monitoring programme is summarised in Annex 2. Given that such a pre-set monitoring plan is at odds with the principle embraced in Regulation 183/2005 that controls be risk-based, the FSA's initial view is that this plan would not be proportionate to the risk to the consumer and, indeed, might interfere with current risk-based controls.

Conclusion

10. The Committee's views are sought on the possible options for additional controls to help prevent contamination of feed oils and fats with dioxins and PCBs.

Secretariat

May 2011



08 April 2011

Dr Wim Penning
DG SANCO
Rue Froissart 101
B-1049 Brussels
Belgium

Dear Dr Penning,

Comments from the United Kingdom concerning possible new controls on oils and fats used in the manufacture of animal feed.

Thank you for the recently received revised working document concerning possible additional controls concerning the manufacture, use, transport, storage, etc of fats and oils used in animal feed. We note that the revised document is for discussion under item 3 at the 11/12 April meeting of the Animal Nutrition Section of the Standing Committee. We note that the paper contains elements taken from the two papers on this subject that were discussed at the March meeting. I have the following comments.

Approval of establishments under Regulation 183/2005

I can support the suggestion that establishments that manufacture, use, storage, etc feed oils and fats should be subject to approval under Article 10 of Regulation 183/2005.

However, I would welcome some clarification of the term 'Establishments manufacturing ...' at the beginning of paragraph (a) on the second page of the document. In particular, I would welcome confirmation that establishments covered by the scope of the approval requirement include (besides manufacturers) those trading vegetable oils and their by-products such as transport companies, storage companies, merchants (including brokers who may never hold the product). This is implied by the words 'or placing on the market'.

It would also be useful to receive clarification that approvals of these types of establishments have to be completed by the date of application of the measure. This is not entirely clear as the measure states, that establishments are 'subject to approval' rather 'must be approved by'.

Production - Requirement for technical products to comply with limits for dioxins in feed

We feel that this measure is disproportionate to the risk and are unsure of the legal basis for imposing controls on non-feed commodities.

Storage and Transport – Exclusive use of containers for feed oils and fats

I am not convinced that the requirement for containers dedicated exclusively for feed fats and oils is proportionate to the risk. The ‘exceptional circumstances’ mentioned are not explained or defined. The UK feed fat and oil industry operates a procedure that considers previous cargoes for a given container; where these are incompatible with feed products, the container is thoroughly cleaned.

Dioxin/PCB Testing – Testing plan

As the UK delegation made clear at the March meeting of the Standing Committee, I do not consider the imposition of a mandatory requirement for sampling and analysis of up to 100% of batches of products for dioxins and PCBs is proportionate to the risk. The suggested approach might undermine the operation of risk-based controls as developed under the Feed Hygiene Regulation (183/2005). I believe that a better approach would be to work with the feed sector to improve the controls put in place by feed business operators.

Reporting of unsatisfactory results

The reporting, of non-compliance with controls for dioxins and PCBs, by laboratories directly to competent authorities might help reduce reaction times where incidents occur; I can support this measure in principle. However, I would need to consider whether this would undermine the confidentiality aspects of agreements between laboratories and their clients.

I am copying this letter to colleagues in other Member States

Yours sincerely



K MILLAR
Head of Animal Feed Branch

Annex 2

Operator	Product	Checks required
Crude vegetable oil refiners	Crude palm oil and coconut oil By-products from fat and oil refinement intended for feed use	100% of incoming batches
	Other crude vegetable oils	Random checks of incoming batches
	By-products from fat and oil refinement intended for technical use	Random checks
Animal fat producers	Category 3 (Article 10, Regulation 1069/2009) manufactured animal fat and mixed fat products for feed use	100% of batches produced under heterogeneous conditions; 1 analysis per 1000 tonnes produced under homogenous conditions
	Animal fat and mixed fat products intended for technical use	Random checks
Fish oil producers	Acid fish oil (and derived fish oil) Fish oil from the Baltic Sea and US Menhaden, and from blue whiting Fish by-products (and derived fish oil) from non-EU approved facilities for fish for human consumption Fish oil from fisheries with no known monitoring history or of unknown origin	100% of batches
	Fish oil from other origins	1 analysis per 1000 tonnes

Oleochemical and biodiesel operators	By-products from vegetable, animal and mixed fats/oils (not glycerol) for feed use	100% of batches
	By-products from vegetable, animal and mixed fats/oils (not glycerol) for technical uses	Random checks
Fat blenders	Incoming batches of by-products from fat/oil refinement, vegetable factory fat, animal fat, fish oil, and blended fats	100% of batches
	Incoming crude or refined vegetable oil	1 analysis per 1000 tonnes
	Manufactured feed fats	Random checks
Compound feed producers	Incoming by-products from oil/fat refinement, vegetable factory fat, animal fat, fish oil and blended fat	100% of batches
	Incoming crude palm and coconut oil	1 analysis per 1000 tonnes
	Other incoming crude oils, refined vegetable oils and manufactured compound feed	Random checks