

ADVISORY COMMITTEE ON ANIMAL FEEDINGSTUFFS

56th Meeting of ACAF on 14 December 2011

Discussion Paper

**Feed Safety – Potential Gaps: Identification of Feed
Businesses Establishments**

Action: the Committee is requested to consider:

- the information contained within this paper which is based on intelligence available to the Food Standards Agency;
- provide any other information it may have on gaps in relation to the identification of feed businesses; and
- note the further steps that may be taken to identify feed business establishments and operators (see paragraph 24) and advise on any other methods of identification.

Secretariat: December 2011

**Potential Gaps in the Feed Chain:
Identification of Feed Business Establishments**

Purpose

1. To provide the Committee with further information on the issues relating to the identification of feed business establishments, and to request that it comment on the issues raised in this paper, which are summarised at paragraph 26.

Background

2. At its meeting on 1 June 2011, the Committee discussed a paper (ACAF 11/09) on the possible gaps and weaknesses in UK feed sector controls, which may compromise feed and food safety. One of the issues identified was the extent of compliance with the requirement for all feed business establishments to be identified by the enforcement authorities.

3. The EC Feed Hygiene Regulation (183/2005) requires feed business establishments to be either approved or registered. Approval involves a prior inspection of premises and applies to businesses manufacturing or marketing certain feed additives and premixtures. Approval also applies to feed manufacturers and farmers using coccidiostats, histomonostats and growth promoters. Registration applies to most other feed businesses. In Great Britain, approval and registration is carried out by local authorities. In Northern Ireland this is the responsibility of the Department of Agriculture and Rural Development (DARD). EC Regulation 183/2005 places a responsibility on feed business operators to ensure that their businesses are notified to the relevant enforcement authority for approval or registration.

4. It is important that all feed businesses are identified in order that their feed safety management systems can be checked by enforcement authorities, and to ensure businesses comply with other aspects of feed legislation. However, previous Food and Veterinary Office (FVO) audits of the UK (and other Member States) on feed law enforcement systems identified that the registration of all establishments was not complete.

Scope of Feed Business Establishment Activities

5. EU Regulation 178/2002 on the principles of food and feed law defines a feed business as ‘ *any undertaking whether for profit or not and whether public or private, carrying out any operation of production, manufacture, processing, storage, transport or distribution of feed including any producer producing, processing or storing feed for feeding to animals on his own holding*’.

6. This definition is broad in its scope and covers a large number and many types, of business. Data collected from enforcement authorities includes numbers of feed (including pet food) establishments in the UK. The following table shows data for 2009/10.

<i>Type of Feed Business Establishment</i>	<i>No of Establishments</i>
Manufacturers and Packers	1,481
Importers	123
Distributors and transporters	1,415
Stores	3,267
Food businesses selling products for feed	818
Retailers	12,109
Livestock Farms	158,014
Arable Farms	14,962
Total	192,189

The Annex to this paper illustrates in more detail the types of activities and products covered by feed businesses.

Current position regarding the identification of feed business establishments

Major feed manufacturers and traders

7. It is considered that most establishments of manufacturers of feed additives, premixtures and compound feeds for farm animals, as well as major importers and traders, have been approved or registered.

8. These businesses are often members of trade organisations who inform their members of legislative requirements and/or are members of voluntary industry feed

assurance schemes which require members to comply with feed legislation. EU feed legislation requires that feed businesses are only supplied by registered feed business establishments. The requirement for most additive, premixture and feed manufacturers to be approved or registered is long established and pre-dates the Feed Hygiene Regulation.

Other types of feed business establishments

9. It is difficult to determine exactly deficiencies in the identification of other types of feed business establishments. The Food Standards Agency holds a central list of approved and registered feed business establishments that is compiled from returns received from enforcement authorities, and it is apparent from a study of the list that a number of business types do not appear on the lists of some authorities.

10. Under transitional requirements set out in EC Regulation 183/2005, enforcement authorities were able to use existing registers of farms and food businesses as the basis of registration of those establishments under EC Regulation 183/2005. The Agency has advised authorities that this information should be transferred to local authority registers of feed business establishments, indicating activities carried out. The following paragraphs set out some detailed observations on the identification of a number of types of feed establishments.

Food businesses

11. Food manufacturing companies may supply surplus material (e.g. out-of-specification bakery products or confectionery) for animal feed use. Certain food and drink manufacturers also supply co-products, such as distillers' grains, wheat bran, etc. to feed compounders or direct to farms. Several major food retailers also supply surplus bakery products to food recyclers for processing for feed use.

12. It is likely that most major food businesses carrying out these activities have been identified. They are often members of feed assurance schemes (e.g. the Feed Materials Assurance Scheme - FEMAS) and the Food and Drink Federation has advised its members of the need to register as feed business establishments where appropriate. The Food Standards Agency has provided advice to the major supermarket chains on the need to register with their enforcement authority if they are engaged in supplying the feed industry.

13. However, there are many thousands of food manufacturers and retailers in the UK, a proportion of whom may supply material for feed use, maybe on an occasional basis. Many local authorities have identified such businesses by contacting companies on their register of food businesses and asking them if they are involved in supply to the

feed industry. However, it cannot be established with certainty that all these companies have yet been identified as feed businesses.

Transporters and traders

14. Road transport, trading and storage of certain feed materials is covered by feed assurance schemes ((Trade Assurance Scheme for Combinable Crops and the Grain and Feed Trade Association Trade Assurance Scheme). However, the transport sector is fragmented with many small businesses, some of who may take advantage of an occasional opportunity to transport or trade feed materials for feed use, without applying for registration or being aware of the requirements of feed legislation.

15. Another possible gap relates to non- registered companies that market additives or complementary feeds containing additives sourced from non-EU countries which may not be authorised for use in the EU. Such companies may not be easy to trace since they operate solely as traders and do not hold products on their premises.

Biofuel companies and other emerging industries

16. Biofuel establishments that provide co-products for feed use are few in number and the Agency has written to the biofuels industry, to advise of the registration requirements. However, businesses developing products from other emerging industries for feed use (e.g. algae) must be registered as appropriate.

Pet food businesses

17. Pet food manufacturers and wholesalers must be registered under EC Regulation 183/2005. Retailers of pet foods are exempt from the requirements of the Regulation since this is considered a low risk activity. Major UK manufacturers are members of the Pet Food Manufacturers Association and are registered with their local authority. The Food Standards Agency receives enquiries from time to time from persons wishing to set up small scale pet food manufacturing operations, including in domestic premises. Whilst the Agency advises such enquirers that if they wish to operate commercially they must register with their local authority, there may be others who are operating without registration.

18. Operations at pet food premises may have a limited impact on the safety of the feed chain for consumers of livestock products, although there is a risk of the diversion of processed animal proteins to farmed animal feeds (which are banned in such feeds).

Farms

19. Enforcement authorities have been provided with lists of farms that are registered with the Agriculture Departments for grant purposes and often have access to livestock farms officially listed for animal health purposes. Enforcement authorities should therefore have a good basis for the identification of farms but, given the numbers of holdings involved, it is difficult to ensure that authorities have identified the activities of all farms. This includes those holdings that buy-in and mix certain feed additives and premixtures (e.g. vitamins and trace elements). When carrying out such activities farms must comply with HACCP principles and the more detailed requirements of Annex II of Regulation 183/2005.

Food and Veterinary Office Audit

20. In November 2011, the Food and Veterinary Office (FVO) of the European Commission carried out an audit of feed law enforcement in the UK. This was a follow-up to an audit carried out in June 2009.

21. The FVO concluded that enforcement authorities were taking steps to identify all feed business establishments. This work was being carried out partly as result of the additional funds that had been provided to local authorities by the Food Standards Agency. However, the FVO pointed that this work needed to be continued to identify all businesses involved in feed activities including those farms that mix feed with additives and premixtures mentioned at paragraph 19 above.

22. As indicated previously, feed legislation requires that feed businesses are only supplied by registered feed business establishments. This helps to ensure that supplying businesses are identified and approved/registered. However, the FVO found that feed businesses did not always check that their suppliers had the necessary approval/registration.

Actions taken to date to identify feed business establishments and further work

23. A number of actions have been carried out to identify feed business operators, These include:

- guidance given to enforcement authorities by way of the Code of Practice on Feed Law Enforcement and annual national priorities on feed law enforcement;
- scrutiny by the Food Standards Agency of enforcement authority lists of approved and registered establishments to identify any apparent gaps;
- publicity provided by feed and food industry organisations to their members;

- initiatives by some individual enforcement authorities to identify potential feed businesses establishments in their areas; and
- direct provision of funds to local authorities for carrying out feed law enforcement .

24. There are different levels of risk associated with incomplete/inaccurate registration. It is important that the identification is complete in respect of importers, co-product producers, intermediaries trading additives and premixtures. Also, the identification of activities carried out by farms is important. Further work to achieve this could include:

- requiring local authorities to complete the task of completing local registers including identifying the activities of farms and food businesses;
- reinforcing the legislative requirement for feed businesses to be supplied only by businesses registered under Regulation 183/2005; and
- asking compound feed manufacturers and feed traders to share their lists of suppliers, so that these may be shared with local authorities.

Conclusion

25. From information available to the Food Standards Agency, it would appear that the majority of the main feed business operators have been identified (e.g. established manufacturers and traders). However, the range of feed-related activities subject to approval/registration is wide and certain sectors of the industry are fragmented, so it is not always easy for enforcement authorities to identify certain types of establishments. As acknowledged during the recent FVO audit, authorities hold lists of approved and registered establishments and many are working to ensure that they are comprehensive in scope and up-to-date. This work is subject to ongoing monitoring by the Food Standards Agency. Further work that could be put in hand is to identify businesses and their feed-related activities is set out in paragraph 24 above.

Action

26. The Committee is asked to:

- consider the above information, which is based on intelligence available to the Food Standards Agency;

- provide any other information it may have on gaps in relation to the identification of feed businesses; and
- note the further steps that may be taken to identify feed business establishments and operators (see paragraph 24 above) and advise on any other methods of identification.

Secretariat

December 2011

Annex

ILLUSTRATIVE LIST OF TYPES OF ACTIVITIES WHICH REQUIRE PREMISES TO BE APPROVED OR REGISTERED UNDER THE FEED HYGIENE REGULATION (183/2005)

Manufacture, import, transport, storage, wholesaling, retailing of the following types of products:

Feed materials (i.e. ingredients of compound feeds or single materials fed straight) These include materials such as cereals, and oilseeds. Also, co-products from the food, drink and milling industries such as wheat bran, distillers, grains and surplus confectionery and bakery products from food manufacturers and retailers.

Feed additives and premixtures of additives: includes vitamins, trace elements, preservatives, etc.

Compound feeds (i.e. manufactured feeds containing two or more ingredients).

The above includes pet foods, but because of their relative low risk, pet food retailers are not required to be registered

In addition, farm activities are subject to the requirements of the Regulation 183/2005

Livestock Farms: includes farms that mix their own feeds using compound feeds and additives, and fish farms.

Arable Farm: includes farms growing or selling crops for feed use.

There are 22 national approval and registration activity codes used by enforcement authorities to indicate the activities carried out by feed businesses. These help to apply a risk-based approach to the inspection of premises.

Exempt Activities

There are certain activities which are exempt from the approval/registration requirement, these include:

- private domestic production of feed for food-producing animals kept for private domestic consumption and animals not kept for food production;
- feeding of food-producing animals kept for private domestic consumption;
- feeding of animals not kept for food production;
- direct supply of small quantities from farms for use on local farms; and
- retailing of pet food.