

DRAFT MINUTES OF THE FORTY EIGHTH MEETING OF ACAF HELD ON 3 DECEMBER 2009

Present:

Chairman Dr Ian Brown

Members Dr Dozie Azubike
Dr Paul Brantom
Mr Tim Brigstocke
Dr Bruce Cottrill
Mr Barrie Fleming
Professor Nigel Halford
Mrs Heather Headley
Ms Diane McCrea
Mr Edwin Snow
Mr Marcus Themans

Secretariat Mr Keith Millar (Secretary) – Food Standards Agency
Miss Mandy Jumnoodoo – Food Standards Agency
Mr Ned Mazhar – Food Standards Agency

Assessors Mr Tim Franck – Food Standards Agency

Officials Mr Ron Cheesman – Food Standards Agency
Dr Ray Smith – Food Standards Agency
Miss Aattifah Teladia – Food Standards Agency
Mr Gerard Smyth – Food Standards Agency, Northern Ireland

Speaker Mr Neil Leach – Defra

1. The Chairman welcomed visitors to the ACAF meeting and reminded them that there would be an opportunity to ask questions at the close of the meeting.
2. Apologies for absence were received from Professor Ian Givens, Mr Richard Scales, Dr Glenn Kennedy (Northern Irish Assessor), Karen McCallum-Smith (Scottish Assessor) Vicki Reilly (Food Standards Agency Wales) and Mrs. Jayne Griffiths (Welsh Assessor).

Agenda Item 1 – Declaration of Members' Interests

3. Members of the Committee were asked to declare any relevant changes to their entries in the Register of Members' Interests or any specific interest in items on the agenda. No changes to interests were declared.

Agenda Item 2 – Draft Minutes of the Forty Seventh Meeting (MIN/09/03)

4. The minutes were adopted without any changes.

Agenda Item 3 – Review of EU Animal By-Products Controls - Presentation from Neil Leach (Defra)

5. Mr Leach stated that the Regulation 1774/2002/EC came into effect following the rise of BSE in Europe and foot and mouth disease in the UK. He said because the Regulation imposed tight controls, the European Commission inserted a clause in the Animal By-products Regulation to provide for a review of its operation in the light of experience. A review commenced in 2005 and the Commission in its report of the review identified three areas for change which were supported by the UK. These were:
 - the scope of the Regulation (i.e. the point at which the controls should cease to apply);
 - how to deal with very low risk products used for low risk purposes; and
 - the relationship with other legislation (e.g. TSE, food hygiene and waste legislation).
6. Mr Leach noted that since 2006 the Commission and Defra had carried out an extensive consultation exercise on a Commission proposal to amend the Regulation in line with its stated objectives. The framework has been separated into a Council and Parliament Regulation and a Commission Regulation. The framework for the new Regulation was published in the Official Journal of the European Union in November 2009. The new legislation does not come into effect until 2011 in order to allow time to agree the text of the Commission Regulation and for domestic legislation to be redrafted.
7. The text of the new Commission Regulation is still being negotiated and the layout and order will follow the Council and Parliament Regulation. Mr Leach said that Defra had completed an informal consultation on the Commission Regulation. A formal consultation will take place on revised domestic legislation in Spring 2010.
8. Mr Leach reported that the revised Regulation did not make any changes to basic animal by-products feed restrictions, the following restrictions apply:
 - processed animal protein must not be fed to animals of the same species; and
 - the feeding of catering waste to farmed animals is not permitted.
9. In addition, Mr Leach said that TSE controls remain in place and run alongside animal by-product controls in that:
 - fishmeal cannot be fed to ruminants (with limited exceptions); and

- Processed Animal Protein (PAP) from poultry cannot be fed to pigs and vice versa.
10. Mr Leach stated that the driver for changes to feed controls was the TSE legislation, primarily through the TSE roadmap and not through the animal by-products legislation. However, there was some limited room for changes to feed controls in the revised animal by-products rules. These include the status of feeding aquatic and terrestrial invertebrates. Category 3 material should be available for feeding. However, the definition of fishmeal and / or PAP need to change to allow suitably treated material to be available for feeding. Mr Leach said the UK was pressing for this change. As regards the feeding of zoo animals, Mr Leach confirmed that provisions already existed for feeding them with fallen stock. However, concerns exist on a new provision of feeding certain fallen zoo animals to other zoo animals, especially with specified risk material in the light of previous cases of TSEs in zoo cats.
 11. Mr Leach said that there had been interest in a new concept of 'end point' controls, where products are treated up to a point where no risk remains and fall outside the scope of the animal by-products regulation. He also stated that the feed industry is seeking exemption of compound feed containing PAPs from certain traceability and labelling requirements of the Regulation. However, there may be issues relating to feeding to non-eligible livestock and the European Commission is reluctant to apply the end-point concept to feed material.

Discussion

12. Several Committee members were puzzled that the driver to changes to feed controls was the TSE Regulations not the Animal By-products Regulations, and raised concerns that the two pieces of legislation may be contradictory. Mr Leach explained that the legislation was consistent and that any future changes to TSE legislation would be reflected in ABP legislation. He acknowledged that co-ordination was needed in Brussels and domestically to manage both sets of legislation.
13. One Member noted that there had been no progress as regards the feeding of animal protein to monogastrics. The Member noted that EFSA had issued an opinion on this issue and that the feed industry was seeking other sources of proteins. It appeared that the EFSA opinion indicated little risk. Another Member noted that changes to legislation were not sufficiently swift. The Chairman commented that the feeding of protein to monogastrics had not been resolved for many years.
14. Another Member asked whether there was any scope to change the requirements of feeding catering waste to animals, as this was taking initiatives away from industry. Mr Leach explained that the risk of permitting the feeding of catering waste had to be balanced against the consequences of failure to comply with controls (which was the main factor

in the UK foot and mouth outbreak in 2001). There was however provision where certain former foodstuffs could be fed to animals provided they were kept separate from meat products on the premises where it originated (food manufacturers, retailers, etc). The Member noted that there were fewer controls on composting waste. Mr Leach said that controls on composting were complex and that work continued on making sure future rules were proportionate to the risk. However, a cautious approach was required as BSE was still a matter of concern for consumers.

15. The ACAF Secretary thanked Mr Leach for his presentation and noted that the Committee had something to contribute to the dialogue in implementing the Regulations. He asked that the Committee be included as a consultee during the formal consultation exercise. Mr Leach agreed to do this.

Action: Mr Leach

16. Additionally, Mr Leach stated that there were no blanket derogations for feeding milk products to animals because of potential risks, i.e. foot and mouth disease. However, appropriately treated milk and milk products could be fed under strict controls.

17. One Member sought further clarification on the 'end point' concept and whether it could address the issue of reducing risk and also whether animal by-products legislation covered meat and bone meal and fishmeal. Mr Leach confirmed that 'end point' is when the legislation no longer seeks to control animal by-products because they have been sufficiently processed or treated in order to no longer present a risk. He added that meat and bone meal and fishmeal are controlled by the Animal By-products Regulations. Controls on use depended on the origin of material being rendered, e.g. high risk Category 1 material has very few uses and will normally go for incineration. On the other hand, low risk Category 3 material has more potential uses, although controls would still be required. He added that feeding of fishmeal to other fish is addressed in the Regulations. However, there were links to restrictions which he could send to Members.

Action: Mr Leach.

18. The Chairman confirmed that the Committee continued to have an interest in this subject and therefore the work area would remain in the Committee's forward work plan.

Agenda Item 4 – Update on Mycotoxin Issues – Presentation from Dr Ray Smith (Animal Feed Branch)

19. In introducing his presentation, Dr Smith stated that the last substantial discussion the Committee had on mycotoxins was in 2005. He asked the Committee to endorse the line that controls contained in Commission Recommendation 2006/100/EC for mycotoxins ochratoxin A (OA),

deoxynivalenol (DON), zearalenone (ZON), and fumonisin B1 + B2 should be retained. He said that to help manage the risk to consumers, specific controls existed for aflatoxin B1 presence in feed materials and compound feeds. Commission Recommendation 2006/576 sets guidance values for DON, ZON, OA and fumonisin. The guidance values were put in place following advice from EFSA, which was of the view that the presence of these mycotoxins in feed posed more of a risk to animal welfare than to consumer safety.

20. Dr Smith said that Commission Recommendation 2006/576 recommends that Member States and feed business operators should:

- carry out increased monitoring for DON, ZON, OA, fumonisin B1 And B2 in feed;
- conduct sample analysis for the above mycotoxins; and
- pay special attention to by- and co-products used in feed.

21. Dr Smith also explained that, under the terms of the Commission Recommendation, Member States need to ensure that food business operators use HACCP to help reduce or eliminate hazards, and that analytical data is to be sent to the Commission in order to compile a single database. He said that a re-assessment of the guidance value approach was being undertaken.

22. Dr Smith said that, where maximum levels are set, enforcement action is undertaken by local authority trading standards officers. However, as guidance values are not statutory limits, enforcement is more difficult. He added that for 2008/09 the analytical data for feeds (190 samples) provided to the Commission by UK enforcement officers showed that no samples were found to exceed guidance values. In addition, there have been no reports of home grown feeds exceeding the guidance values. Dr Smith explained that it was difficult for enforcement officers to prevent the use of feeds that exceed the relevant guidance value, as no statutory maximum level is being exceeded. In addition, Commission Recommendation 2006/576 does not prevent 'blending down' of feeds using less contaminated consignments or batches.

23. Dr Smith then pointed out that Commission Regulation 386/2009 provides for a new functional group of feed additives – substances for additional reduction of contamination by mycotoxins. Products will include substances authorised as 'binders' (e.g. inorganic silicates used to bind pellets). As regards the effectiveness of these products, manufacturers need to prove their safety and efficacy. Dr Smith said that some of these products may be considered as feed materials and therefore will not require feed additive authorisation. Approval of these products would be subject to agreement at the Standing Committee on Food Chain and Animal Health. The area of claims would need to be explored especially in the light of new

provisions introduced by European Parliament and Council Commission Regulation 767/2009 on the Marketing and Use of Feed.

24. Dr Smith invited the Committee to consider the recent adoption of 'mycotoxin binders' as a new functional group of feed additives, and to state whether it would like information on the types of mycotoxin binder products on the market, and what data there are that show that they are efficacious.

Discussion

25. A Member of the Committee suggested that the mycotoxins with guidance values should be treated like aflatoxin B1 and B2. Another Member understood that all mycotoxins were genotoxic carcinogens. Miss Teladia explained that all mycotoxins were not carcinogenic and therefore the legislation has to be proportionate. Dr Smith added that the Commission recommended that feed business operators employ HACCP to minimise exposure to mycotoxins.
26. Miss Teledia stated that where levels of mycotoxins were identified in feed they should be reported to the Agency to conduct a risk assessment. She added the Agency had a number of surveillance activities ongoing to ensure compliance with the legislation. Dr Smith noted that where levels greater than the guidance levels were detected, action as described in the Commission Recommendation 2006/576/EC would need to be followed. A Member agreed that there were some benefits in having guidance levels.
27. As regards mycotoxin binders, one Member noted that there was a plethora of products being advertised which made various claims. The Member was interested to know more about the true picture, and whether the loss of a number of fungicides had influenced the production of binder products. The Chairman said that it appeared that the existing controls were appropriate. The ACAF Secretary summarised that the Committee endorsed the retention of the controls in Commission Recommendation 2006/100/EC, but it wanted to keep this area under review.
28. As regards binders, it was agreed that the Committee wanted to see some scientific data, including a formal presentation at a future meeting. The ACAF Secretary agreed to arrange a presentation for the Committee. Another Member noted that FEEDAP would also be interested in seeing any data available. Dr Smith said, that if binders are to be included as a functional group under the Regulation, companies would need to submit dossiers that demonstrate the safety and efficacy of their products.

Action: Secretariat

29. Finally, Mr Snow agreed to provide the Committee with copies of relevant results and reports of the Home Grown Cereals Association (HGCA) scheme.

Action: Mr Snow

Agenda Item 5 – Follow up to the GACS Horizon Scanning Workshop – follow up action by ACAF

30. Miss Jumnoodoo thanked the Members who had contributed to the Annex to paper ACAF/09/18. She explained that the first column on the table in the Annex included ideas that were generated from the GACS workshop. The second column set out the origins of the ideas; the third column set out the actions and final outcomes that the Committee could undertake; and the final column outlined the workstreams the Committee could undertake in liaison with other scientific advisory committees. Miss Jumnoodoo invited the Committee to comment and agree the actions it considered it could take forward.

31. With regards the workstreams suggested in the Annex the Committee agreed the following:

- **more linked-up thinking regarding ‘sustainable’ animal production** – this issue was considered by the Committee to be too large an area for it to consider in depth;
- **GM technology: the future** - it was noted that the Committee helped to inform the UK line for negotiations in Brussels. Therefore, this item will be retained;
- **import and export of food** - did not fall directly within the Committee’s remit. However, a Member did raise the issue of imports of feedingstuffs and the security of supply;
- **biofuel production: impacts on food costs and by-products** – the Committee noted its previous work on biofuels which had resulted in the publication of a position paper several years ago. The Agency’s Animal Feed Branch is in regular contact with other government departments and the industry; and the Secretariat is responsible for bringing new issues and technology relating to biofuels to the attention of the Committee. The ACAF Secretary noted that for the Committee’s next out of town meeting, there was a possibility of visiting a biofuels plant to view its operations. Therefore, this item would remain a work item for the Committee.
- **global increase in demand for livestock will drive up prices/primary production cannot keep pace with changing demand** – this is a socio-economic issue which the Committee would like to explore further. It was agreed that the Secretariat would arrange for presentations to cover (a) the UK position; (b) the European position; and (c) the worldwide position. The Committee envisages that these presentations will help it determine its position relating to these issues; and

32. The Chairman asked the Secretariat to produce a paper which summarises the work the Committee can take forward, for subsequent presentation to GACS.

Action: Secretariat

Agenda Item 6 – Food and Veterinary Office (FVO) Mission on Feed Law and Feed Hygiene – update from Mr Ron Cheesman (Animal Feed Branch)

33. Mr Cheesman said that the final version of the Agency's Action Plan had been sent to the Food and Veterinary Office (FVO) on 11 November 2009. He said the Action Plan will eventually be published on the FVO's website. He stated that most of the recommendations in the FVO report were for the Agency and other competent authorities to address. He added, however, that the Agency would welcome the Committee's views with regard to Recommendation 16 of the FVO's report – i.e. to ensure that the requirements of Decision 2004/217/EC applicable to packaging materials in feed are complied with.
34. Mr Cheesman said that the Agency's Animal Feed Branch had been proactive in addressing the above mentioned issue and had held a number of meetings with stakeholders to determine how to improve the current situation. He also noted that the Commission had acknowledged that they need to consider revision of the zero tolerance of packaging material in animal feed and had referred the matter to EFSA to consider the safety implications of various types of packaging materials present in feed and to determine an acceptable level. The Committee was asked to consider:
- whether a *de minimus* level of packaging material in feed is acceptable provided all reasonable steps are taken to ensure it is removed from feed materials; and
 - whether a zero tolerance on packaging material in feed is necessary to ensure feed safety.
35. The Chairman also asked the Committee whether they wished to discuss any of the other Recommendations in the FVO report.

Discussion

36. Following a question from a Member on Recommendation 12 (to ensure that feed business operators (FeBOs) put in place and implement HACCP based procedures which follow all the relevant principles referred to in article 6 of Regulation EC No 1831/2003), Mr Cheesman said that some FeBOs had HACCP Plans but the FVO had raised concerns about their application and how they were subject to verification. To address this matter, Mr Cheesman

pointed out that HACCP was included as part of the Agency's training programme for enforcement officers. The training courses included visits to feed mills which helped remind industry of their responsibilities and facilitated a dialogue between enforcement authorities and feed businesses on various issues, including the verification of critical control points.

37. Mr Franck said that the registration of all feed businesses under the Feed Hygiene Regulation had yet to be completed. The Agency and local authorities had given wide publicity to the registration requirement, but the scope of the legislation applied to a wide range of feed businesses. The FVO report recommends that further work is required to register food business operators supplying the feed chain and on-farm mixers. Local authorities had been provided with lists of farms from the Rural Payments Agency; and environmental health departments hold lists of food businesses.

38. As regards the FVO's Recommendation 16, a Member suggested that assessment of the types of products that can cause contamination and the types of contamination (i.e. ink, plastics, foil and paper, etc) needed to be undertaken. Once this was done, it may be easy to determine which materials are acceptable. The Member noted that if the material was to be heat-treated, dioxins could be produced. Therefore, some method of separating the types of packaging material into categories of risk may be required. Another Member suggested that suppliers of packaging material could be asked to provide safety data sheets outlining the materials that may be present.

39. A Member suggested that the Committee could develop a code of practice with industry. Another Member suggested that there was a need to consider which materials animals can tolerate. The Member also noted that if the presence of packaging materials was not permissible, this would have a detrimental effect on the environment as should surplus food would have to be disposed of by other means (e.g. landfill). Development of a code of practice may address this issue. It was agreed that the Secretariat, working with the Agency's Animal Feed Branch, should prepare a paper for the consideration of the Committee that lists available information which could be used as the basis for identifying good practice.

Action: Secretariat/Animal Feed Branch

Agenda Item 7 - GM Issues

40. Dr Brantom did not have anything to report on this occasion.

41. The ACAF Secretary gave an update on recent GM activities in Europe. He noted that DG SANCO had taken over sole responsibility for policy issues on GM (including environmental issues).

42. The next meeting of the Standing Committee (SCoFCAH) on GM issues is scheduled for 14 December 2009. He said that the meeting will discuss EFSA Opinions and therefore there would be no votes.

43. The following GM varieties had been approved for feed and food use on 2 December 2009:

- GM Maize MIR 604; and
- GM Maize MIR 602

44. The ACAF Secretary also said that the European Commission is still seeking a technical solution in respect of the presence of unauthorised varieties in imported food and feed. Progress had been delayed by the forthcoming European Commissioner elections. He agreed to keep the Committee informed of developments.

Action: Secretariat

45. The ACAF Secretary advised Members that on the 25 November 2009 the FSA had embarked on a GM consumer engagement initiative, looking at consumer attitudes on GM issues. The exercise was expected to last for approximately 18 months and the ACAF Secretary mentioned that some Members may be contacted for their views as part of the exercise.

Discussion

46. A Member asked whether the ratification of the Lisbon Treaty would have any effects on the backlog of GM authorisations. The ACAF Secretary said that no changes were envisaged following the ratification of the Treaty. The backlog was as a result of the procedures adopted by the EU.

Agenda Item 8 – Matters Arising from the previous meetings

Feed Hygiene: Guidance to Stakeholders on the reduction of administrative burdens (paragraph 8 MIN 09/03)

47. Mr Franck reported that following the Committee's suggestions he had amended the guidance note. The Committee would be one of the consultees in the forthcoming consultation exercise which is due to commence.

Manipulation of animal feed to enhance the nutritional value of food (paragraph 25 – other work items MIN 09/03)

48. The Chairman referred to a paper produced by Professor Givens that lists current research on manipulation of animal feed to enhance the nutritional value of food. He thanked Professor Givens for producing the paper. The Chairman also noted the negative publicity surrounding primary production of meat in relation to sustainability and climate change. The Committee

agreed that this issue should remain a priority on the Committee's forward work plan, working with other scientific advisory committees as necessary.

Nanoscience (paragraph 25 –other work items MIN 09/03)

49. The Chairman said that the Secretariat had issued Members with links to the EFSA Opinion on nanoscience and reports on the House of Lords Committee inquiry.

Code of Practice for the Control of Salmonella in Animal Feeds (paragraphs 33 – 35 MIN 09/03)

50. The Chairman noted that the Code of Practice for the Control of Salmonella had been published on 4 November 2009. He congratulated the Committee for its endeavours to help produce the Code. The ACAF Secretary noted that the European Feed Manufacturers Association (FEFAC) intended to produce a European version based on the Code. He also congratulated the Committee for its work.

Agenda Item 9 – Any Other Business

Quinquennial review of ACAF

51. The ACAF Secretary said that the quinquennial review on ACAF had been completed. He thanked the Chairman and Members who had participated in the review. The ACAF Secretary had had a 'wash up' meeting with Helen Lucas, who had provided a summary of her findings. These were favourable, in that there was still a continuing need for the Committee. He agreed to share the final report of the review with Committee and requested that an item on this issue be placed on the agenda of the meeting in March 2010 in order to facilitate discussion on the recommendations in the final report.

Microbiologist vacancy

52. The ACAF Secretary updated the Committee on progress in filling the vacant microbiologist post on the Committee. He said that the post had been advertised and that 13 formal applications had been received. Three people had been selected for interview in January 2010. The ACAF Secretary said the successful candidate was likely to be in post in time for the June 2010 meeting.

EC Developments paper

53. Dr Smith noted that paragraph 11 of Paper/09/20 had a minor typo – n should be nine.

Information Papers

54. The Chairman drew the Committee's attention to the following information papers:

- EC Developments (ACAF/09/20); and
- Update on the work of other Advisory Committees (ACAF/09/21).

Dates of future meetings

55. The Chairman confirmed that the Committee's next meeting would be held on 3 March 2010 in Aviation House, London.

**ACAF Secretariat
February 2010**