

**DRAFT MINUTES OF THE FIFTIETH MEETING OF ACAF HELD ON
3 JUNE 2010**

Present:

Chairman Dr Ian Brown

Members Dr Dozie Azubike
 Dr Paul Brantom
 Dr Bruce Cottrill
 Professor Nigel Halford
 Mrs Heather Headley
 Ms Diane McCrea
 Mr Richard Scales
 Mr Edwin Snow
 Mr Marcus Themans

Secretariat Mr Keith Millar (Secretary) – Food Standards Agency
 Miss Mandy Jumnoodoo – Food Standards Agency
 Mr Raj Pal – Food Standards Agency
 Dr Ray Smith – Food Standards Agency

Assessors Mr Tim Franck – Food Standards Agency
 Mr Simon Craig – Food Standards Agency, Scotland
 Ms Jayne Griffiths – Food Standards Agency, Wales

Officials Mr Ron Cheesman – Food Standards Agency
 Mr Gerard Smyth – Food Standards Agency Northern Ireland
 Mr Stephen Nixon – Department of Agriculture, Rural Development,
 Northern Ireland
 Mrs Janis McDonald, Veterinary Medicines Directorate

Speakers: Mr David Maxwell, Vivergo Fuels Ltd

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 Mr Tim Brigstocke, Mr Barrie Fleming, Professor Ian Givens, Mr Stephen Wyllie (Defra Assessor) and Dr Glenn Kennedy (Northern Ireland 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 or specific interest in items on the agenda were declared.

Agenda Item 2 – Draft Minutes of the Forty Ninth Meeting (MIN/10/01)

4. The minutes were adopted with no changes required.

Agenda Item 3 – Presentation on Biofuels – from David Maxwell

5. Mr Maxwell stated that his presentation would cover two main areas; the first part would cover the biofuels sector, drivers, rationale for situation of production facilities, and the scale of plants. The second part of the presentation would relate to the impact that biofuel production would have on the animal feed sector and possible options in the future.
6. Mr Maxwell explained that Vivergo Fuels is a joint venture company made up of three companies with different skills and expertise. The companies offer:
 - expertise in fuels technology and access to major fuel markets;
 - experience in animal feed markets, in particular marketing co-products; and
 - expertise in biotechnology and large scale manufacturing facilities.
7. He then intimated that the three main drivers for biofuel regulations will change in order of prominence depending on geographical location. For example, in the United States energy security is the foremost driver; in the European Union (EU) climate change may be the major driver, with energy security and rural development also being important in some Member States. Mr Maxwell noted that despite initiatives, by households and industry, in the EU to reduce Green House Gas (GHG) emissions, increases in transport GHGs have left the EU with a net increase. Mr Maxwell said that the UK Government will be shortly submitting a National Action Plan to the European Commission detailing how it will meet its obligations under the Renewable Energy Directive.
8. Mr Maxwell acknowledged that biofuels have been around for a long time with the 1908 Model T Ford being designed to use ethanol as a readily available fuel in the agricultural regions of the USA. He explained that the reason Vivergo was building a new biofuel plant in the UK was that the UK has a favourable climate that produces consistently high yields of wheat. It also has progressive and modern farmers and there is a surplus production of wheat that is exported onto the world market – which is ideal for fermentation due to its higher starch content. The Humber region in particular is a major wheat growing area, its proximity to oil refineries and fuel terminals are major benefits for a biofuel producer. In addition, due to local port facilities there is access to many of the ethanol supply points both in the UK coastal refineries and in Europe.
9. It was explained that the impact of biofuels may not be as great as initially thought in that:

- set-a-side has been reduced to zero therefore increasing the available arable acreage by 10% (in reality it is probably closer to 5% due to land being locked into long term stewardship schemes);
 - there has been a trend toward growing higher yielding varieties of wheat in the UK; and
 - the substitution affect of wheat derived by-products (distillers dried grains) replacing soy and wheat into animal feed rations.
10. It is envisaged that the new Vivergo plant will be up and running at the end of the first quarter of 2011. This plant will cover 25 acres, producing 420 million litres of bioethanol per annum using 1.1 million tonnes of wheat as the feedstock. The ethanol will be single-specification, anhydrous fuel grade ethanol, suitable for the UK and European fuels markets.
11. Vivergo will produce around 500,000 tonnes per annum of protein rich, high-fibre animal feed. The bioethanol production process removes the starch from the wheat, resulting in a concentration of the wheat protein and fibre, which the company will convert into a high quality animal feed. The company's products will be produced from UK wheat, and will therefore be traceable and GM-free. The scale and continuous nature of the process provide opportunity to take advantage of consistency in material quality leading to assurance in diet control and optimum feed performance. Vivergo will produce three forms of FEMAS-assured animal feed:
- dry pelleted;
 - moist meal; and
 - liquid soluble.
12. In addition, Vivergo is installing a water cleaning plant which will allow the recycling of water without having to draw heavily on mains water supply. Mr Maxwell commented that the Committee's position paper on the impact of biofuel production on the safety, composition and availability of animal feed was fair and much appreciated. Additionally, the Agricultural Industries Confederation and AB Agri had produced useful documents which have helped the industry to adhere to the legislation. He suggested that the Committee could assist the industry by supporting the view that biofuel products are not waste products but a valuable feed source. Looking into the future, Mr Maxwell advised that research was being carried out to investigate the possibility of converting sugar to biodiesel, the production of biobutanol and using energy grasses as a feedstock. Some of these techniques may involve the use of products from GM technology.

Discussion

13. Members noted that they had yet to visit a biofuels plant which would further assist in their understanding of the processes involved in this complex issue. A Member suggested that the Committee should not be involved in the political debate on balancing food and fuel requirements. The Member noted that the position of the new Vivergo biofuels plant was ideal for imports but was on the opposite side of the country to where the ruminant market was positioned. Mr Maxwell explained that the location of the plant was best for receipt of raw materials and for exports of ethanol to Europe. The Member then asked whether the co-product was a variable product that will change and whether Vivergo will diversify into the moist feed market. Mr Maxwell informed the committee that Vivergo would be producing a moist feed and did not anticipate changes; however, as the plant becomes operational some changes to the process may be required to gain optimum performance.
14. Mr Maxwell confirmed that wheat used to produce the biofuel would be of the same specification as that used by compounders and that the company was applying for FEMAS accreditation. He added that sampling of raw materials will be undertaken, but was confident that mycotoxins will not be an issue, with respect to the safety and quality of the feed by-product.
15. A Member noted the optimism in the farming community who are beginning to engage with the biofuel issue. However, it was incumbent on the Committee to anticipate the effects of biofuels and wheat consumption in terms of pricing and animal feed. Another Member also noted the optimism around biofuels and the new plant and enquired about the effects on wheat production. Mr Maxwell confirmed that there were differences in growing practices for milling and feed wheats and foresaw that in the future the south of the country may produce wheat for milling and in the north wheat may be grown primarily for animal feed and starch. Following a comment on the use of GM technology, Mr Maxwell confirmed that it was not the intention of Vivergo to use GM materials unless there is a change in consumer acceptance of GM feeds within the UK/EU. A Member then suggested that it would be useful for the Committee to receive more quantitative data on the composition and production of distillery co-products. Mr Maxwell noted following concerns raised by a Member on the impact on human health, that distiller grains had been used for a number of years with little effects on human health. Biofuels production was just on a larger scale to that of the brewing/distilling industry.
16. The ACAF Secretary summed up the Committee's discussions on this area noting that biofuels was very central to the work of the Committee. He added that the Committee would like to take up Mr Maxwell's invitation to a visit the Vivergo plant once it was fully operational. In addition, the Secretariat will update the Committee's position paper taking on board Members' comments in particular obtaining more quantitative data. A revised paper will be prepared for the Committee to discuss at its December 2010 meeting.

Action: Secretariat

Agenda Item 4 – Guidance on Minimisation of Packaging Material in Animal Feeds

17. Mr Franck reminded the Committee that at the March 2010 meeting, he had been asked to prepare a discussion paper which would assist the Committee to decide whether it wanted to draw-up a guide to best practice to help businesses minimise the presence of packaging in feed.
18. He explained that ACAF Paper 10/07 had been written in three parts and the first part provided the background to the issue. In 2009 the European Commission's Food and Veterinary Office had visited the UK and had observed that the zero tolerance for the presence of packaging material in feeds had not been adhered to. This legislation had been introduced in the 1990s in response to cases in another Member State of deliberate and possibly fraudulent addition of packaging material to feed, in order to bulk it out with no nutritional benefit. Part two of the paper included information on the practices that businesses employ when processing surplus human food for feed use, including types of food products typically processed, types of packaging and processes employed to remove packaging. Mr Franck thanked AIC and FEMAS for their help in collecting the information.
19. The third section of the paper detailed potential areas that could be included in the guidance, these included the following :
 - procedures followed by food business operators prior to despatch of material;
 - procedures followed by feed businesses including at intake;
 - types and size/level of packaging;
 - mechanical processes to remove packaging;
 - application of HACCP; and
 - monitoring and measurement of packaging residues.
20. Mr Franck suggested that to have the maximum impact the guidance document should be short (i.e. no longer than two pages). He asked for the Committee's comments. If the Committee agreed to the preparation of guidance, a draft could be prepared for discussion at ACAF's September 2010 meeting.

Discussion

21. Several Members were concerned that if the Committee produced guidance as suggested, this would appear to condone the presence of packaging material in feed, which was contrary to EU legislation. The ACAF Secretary confirmed that the Committee was being asked to review the issue, consider how industry can operate in a proportionate way, and to draw its findings to the attention of EFSA and the Commission. One Member suggested that it would be more appropriate for the Committee to provide a document setting out its proposals on this issue to EFSA/Commission and that a risk assessment on this was required. Other Members agreed that risk assessment on the impact of

materials and processes on animals and human health was required and one Member suggested that the food industry may have relevant data which could help establish a risk assessment. Another Member suggested that a unified approach involving other committees and organisations was needed as the issue was larger than the Committee's remit.

22. The ACAF Secretary reported that EU Regulation 767/2009 on the Marketing and Use of Feed was due to come into force on 1 September 2010. Annex III of this Regulation is split into two chapters. The first chapter lists prohibited materials and the second chapter lists materials which are restricted in animal feeds. The second chapter currently does not have any entries, but entries could be included following a vote in the Standing Committee (Animal Nutrition Section). The ACAF Secretary added that the Food and Drink Federation had assisted the Agency's Animal Feed Branch and was currently reviewing its industry guidance document to include advice on the provision of surplus packaged food to the feed industry.
23. The ACAF Secretary concluded that, from the Committee's discussions, the Secretariat would prepare a paper to be sent to the European Commission reflecting the Committee's views. This would include the need for a risk assessment to be carried out on the presence of packaging material in feeds and what factors need to be taken into account in the preparation of such an assessment.

Action: ACAF Secretariat

Agenda Item 5 – Update on GACS Issues

24. The Chairman informed Members that the most recent General Advisory Committee on Science (GACS) meeting was held on 4 March 2010. Items discussed at the meeting included a presentation from Dr Suzy Walton (Chair of the Horizon Scanning and Futures Sub-Group of Defra's Science Advisory Council) on the Sub-Group's work to challenge Defra on its needs and approach to horizon-scanning. The Chairman said that the GACS had noted future and long term work and tools for assisting in horizon scanning. The GACS also received a report from the Chairman of the Committee on Toxicology of Chemicals in Food, Consumer Products and the Environment (COT) on a workshop for improving the way in which uncertainty is evaluated and communicated in risk assessments. Further discussions focussed on the distinction between risk assessment and risk management where the Chairman reported that GACS was widening the work of SACs. This will include providing risk assessment advice and a consideration of providing risk strategy options. The Chairman also noted that the GACS reviewed the outcome of the quinquennial review of ACAF as part of its discussion on the assessment of performance of SACs. The GACS were content with the Agency's and ACAF's proposed response. Finally, the GACS noted the potential benefits of making use of data from industry and other sources. A sub-group will scope this issue and how it might be taken forward.

Discussion

25. A Member suggested that, in addition to an oral briefing from the Chairman on the outcome of future GACS meetings, a written report should also be prepared. The Chairman noted that a report was included in the update on the work of other Advisory Committees - ACAF paper 10/10.

Agenda Item 6 – Developments concerning the use of trace element additives to fortify animal feeds

26. The ACAF Scientific Secretariat (Dr Ray Smith) noted that it was common practice for compounds of certain trace elements (e.g. copper) to be added to manufactured feed. This is done to help ensure that animals' dietary needs for these elements are satisfied. Dr Smith advised the Committee that feed additives authorised under EC Directive 70/524 need to be re-assessed and re-authorised. The Committee was informed that it is possible that the authorisation of some trace element additives may be revoked.
27. The Committee was asked to note information provided in ACAF paper 10/08 as they may be asked to consider and advise on future developments.

Discussion

28. One Member said that they were aware that a working group of EFSA's Panel on Additives and Products or Substances used in Animal Feed (FEEDAP) was working on dossiers as part of the re-assessment/re-authorisation process and was awaiting the outcome of this work. The Member described the re-authorisation/re-assessment process which included:
- receipt of documents;
 - work on documents;
 - preparation of a draft opinion for consideration by FEEDAP; and
 - issue of the formal EFSA opinion.
29. The ACAF Secretary informed Members that the Veterinary Laboratories Agency (VLA) and members of the feed industry had approached the Agency's Animal Feed Branch with their concerns on issues relating to copper and selenium toxicity in animals. Following this meeting, the VLA and feed industry were tasked to gather more information on this issue which may be presented to ACAF for its views at a future meeting.
30. Following an observation made by Stephen Nixon on an incident involving pig fatalities, Dr Smith confirmed that there were no chromium salts authorised for use as feed additives.

Agenda Item 7 – GM Issues

31. Dr Brantom (Chairman of GM sub-group) did not have anything to report on this occasion.
32. The ACAF Secretary gave an update on recent GM activities in Europe. He stated that at the April meeting of the Standing Committee (SCoFCAH) on GM issues qualified majority votes for the following GM maize varieties were agreed:
- Bt11xGA21;
 - MON89034xNK603; and
 - renewal of the authorisation for Bt11.
33. It is expected that the above varieties will be approved for feed and food use but not for cultivation by the end of the year.
34. The ACAF Secretary said that the next meeting of the Standing Committee was due to take place on 28 June 2010. He noted that a report on the review of EU GM Food and Feed Legislation was due to be published in October 2010. The findings in the report may cause the Commission to revise its procedures with regards to labelling.

Agenda Item 8 – Matters arising from the minutes of previous meetings

GM Issues

35. At the 3 March 2010 meeting a Member, requested information on traits of GM varieties mentioned at that meeting. These were provided in two separate emails dated 16 March and 13 April 2010. The ACAF Secretary agreed to forward these emails to the rest of the Committee for information.

Action: ACAF Secretariat

Agenda Item 9 – Any Other Business

Maximum Residue Limits Developments on Nicarbazin products

36. Dr Smith referred the Committee to ACAF information paper 10/11 on MRL developments on nicarbazin products. He noted that nicarbazin was a permitted coccidiostat (used to prevent protozoal infection in the gastrointestinal tracts of poultry and some ruminants). Dr Smith said that there were no current maximum residue limits for nicarbazin. The Food Standards Agency had set up a project group as a joint initiative with the Veterinary Medicines Directorate, the British Poultry Council and the National Farmers Union, to identify ways in which industry could reduce the incidence and levels of nicarbazin residues in British chicken, and to raise awareness of this issue amongst farmers.

37. Dr Smith, said that FEEDAP had recently published opinions that pave the way for the adoption of maximum residue limits of the nicarbazin metabolite dinitrocarbanilide (DNC) which is used as the marker residue and the major residue in edible tissues. Dr Smith said that it was anticipated that the European Commission will propose legislation that will introduce MRLs for DNC as statutory limits in the near future.
38. Dr Smith also noted that the Agency had contacted members of the Nicarbazin Project Group informing them of the EFSA opinions and proposed MRLs and seeking their views on possible disbandment of the Group. Therefore, it is expected that ACAF, in liaison with the Veterinary Residues Committee will provide future advice required on coccidiostat residues once MRLs are established. Dr Smith confirmed that the Committee will be updated on this issue once a proposal is issued.

Discussion

39. One Member welcomed the information relating to the possible introduction of MRLs for nicarbazin products. However, the Member pointed out the importance of controls for produce from non-target species.
40. The ACAF Secretary asked the Committee to confirm if they were content to take on extra responsibilities if the Nicarbazin Working Group was to be disbanded. He agreed to contact the Secretariat of the Veterinary Residues Committee as the additional work will require close liaison between the two committees. The Committee was content with the proposals.

Action: Secretariat

Information Papers

41. The Chairman drew the Committee's attention to the following information papers:
- EC Developments (ACAF/10/09); and
 - Update on the work of other Advisory Committees (ACAF/10/10).

Dates of future meetings

42. The Chairman confirmed that the Committee's next meeting would be held on 22 September 2010 in Aviation House.

**ACAF Secretariat
June 2010**

Question and Answer Session

Bob Pass (Diageo) – thanked David Maxwell for his presentation. He also reflected on the presentation provided by Professor Chris Reynolds at ACAF's 3 March 2010. Mr Pass suggested that for the Committee's position paper on biofuels it may be worth considering the work at the Rowett Institute that demonstrated that co-products from the distilling and brewing industry produced lower methane emissions compared to untreated grain being fed directly to ruminants.

A Member noted that Defra is funding a LINK research project looking at the use of dried distillers grains (DDGS) in livestock diets, which will include an examination of the effect of DDGS on methane production by dairy cows.

The ACAF Secretary thanked both Mr Pass and the Member for their information and requested that Mr Pass assist the Secretariat in preparing a revised position paper for the Committee's consideration.

Mr Robin Crawshaw (R C Feed) – recalled that in September 2009 he had attended a stakeholder meeting on packaging material where it was informed that EFSA would be producing a report on the issue. He asked when the EFSA report would be published. Mr Crawshaw also commented that in his opinion the issue was being considered from the wrong approach. He suggested that one should first consider whether packaging materials in feed posed any risk to animals or man and, if so, which materials - and at what levels - posed a significant risk.

The ACAF Secretary considered that a further stakeholder meeting may be held in the future once a clearer position on the issue was known. He also confirmed that EFSA had not yet carried out a risk assessment.