

**DRAFT MINUTES OF THE FIFTY-THIRD MEETING OF ACAF HELD ON 2 MARCH 2011**

Present:

Chairman            Dr Ian Brown

Members            Dr Dozie Azubike  
                         Mr Tim Brigstocke (part)  
                         Dr Bruce Cottrill  
                         Mr Barrie Fleming  
                         Professor Stephen Forsythe  
                         Professor Ian Givens  
                         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  
                         Mrs Stephanie Cossom – Food Standards Agency  
                         Ms Saleha Khatun – Food Standards Agency

Assessors            Mr Tim Franck – Food Standards Agency  
                         Mr Simon Craig – Food Standards Agency, Scotland  
                         Mrs Vicki Reilly – Food Standards Agency, Wales  
                         Dr Glenn Kennedy – Agri-Food & Biosciences Institute  
                         Mr Stephen Wyllie - Defra

Officials            Dr David Mortimer - Food Standards Agency (part)

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 Dr Paul Brantom and Mrs Janis McDonald (Veterinary Medicines Directorate).

### **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. Professor Nigel Halford declared that he provided a presentation on genetically modified crops to Tesco’s New Technology Committee. Mr Snow confirmed that he had resigned from Noble Foods and was finishing his notice working period; he intends to set up his own consultancy business. Professor Forsythe declared that he had been retained as an expert witness for an infant formula manufacturer. Finally, Dr Cottrill confirmed that his employer was in receipt of government funding for a research project on emissions from agriculture to air in particular nitrous oxide and methane.

### **Agenda Item 2 – Draft Minutes of the Fifty-Second Meeting (MIN/10/04)**

4. Comments on the minutes of the meeting held on 15 December 2010 were:
- page 4 paragraph 16, to show that EBLEX (English Beef and Lamb Executive) is part of the Agriculture and Horticulture Development Board; and
  - page 7 paragraph 31, to check the level of nicarbazin in a broiler breeder diet that can reduce egg hatchability.
5. The minutes were adopted subject to the changes referred to above.

### **Agenda Item 3 – German Dioxin Incident**

6. Dr Smith (ACAF Secretariat) gave an overview of the events that occurred during the recent dioxins contamination incident in Germany and the ten point plan that the German authorities compiled in response to the incident. He said that the incident first came to light on 21 December 2010 when a German feed manufacturer received analytical results that indicated that one of its products had exceeded the maximum permitted level of dioxins by a factor of two. The sample had been taken on 24 November 2010 and was formally notified to the European Commission and other Member States on 27 December 2010 via the Rapid Alert System for Food and Feed (RASFF).

7. Dr Smith said that investigations had determined that the contamination was traced to feed fat used in the manufacture of compound feed, and from there to ‘technical mixed fatty acids’ that had been used in the manufacture of the feed fat. A level of 123 ng WHO TEQ/kg (World Health Organisation Toxic Equivalent Quotient) was found in the mixed technical fatty acids.

8. It was unclear how a technical grade fatty acid product had been diverted into animal feed. The German and Dutch authorities are still carrying out investigations to identify the source of the contamination. The compound feed had a 2-10% inclusion rate of contaminated feed fat, which was supplied to over 4,500 agricultural holdings in Germany. However, no other Member States or 'non-EU countries' received the feed fat. Dr Smith said that dioxin levels in retained samples from the feed fat plant was shown to be in the range of 2 - 150 ng PCDD/F WHO TEQ<sup>1</sup>/kg for consignments received from 11 November until 7 December 2010. The highest contamination levels were found in the earlier production batches, which suggested a single point of contamination.

9. Dr Mortimer informed the Committee that two bakery product manufacturers in the UK received liquid egg formulation from the Netherlands, which had used eggs from German farms that had received contaminated feed. The Agency had carried out an assessment on the potential risk to human health and concluded that there was no risk to health. However, most retailers voluntarily decided to recall their products. Subsequent testing of the liquid egg showed that it was compliant. In total over 4500 German farms had restrictions placed on them until they could prove that the feed being used and the food being produced were compliant. Dr Smith confirmed that, of those restricted farms, less than 100 still had restrictions in place.

10. Dr Smith provided a quick summary of the ten point plan that had been drawn-up by the German authorities in response to the incident. He noted that some of the actions proposed could be relatively easy to implement; whereas others, such as product liability insurance, might be costly. He asked the Committee to consider whether any elements of the German action plan, or any other actions, would be appropriate for implementation in the UK, to help prevent a similar incident.

### *Discussion*

11. A Member of the Committee stated that it would be imprudent for ACAF to provide advice on this matter until the results of the investigations and proposed actions by the European Commission were known. The Committee was keen to know what the level of quality control was, including the frequency of testing. The FSA Assessor explained that the EU Feed Hygiene Regulation (183/2005) requires feed business operators (FeBOs) to use HACCP approach principles, which meant there was no frequency or set percentage testing requirement for feed received by and produced by FeBOs.

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<sup>1</sup> Dioxins (sum of polychlorinated dibenzo-para-dioxins (PCDDs), polychlorinated dibenzofurans (PCDF) World Health Organisation (WHO) toxic equivalents (TEQ)

12. Another Member of the Committee referred to the requirements of FEMAS, where FeBOs are required to carry out a risk assessment of suppliers. The Member was unclear whether the assurance scheme used by the German feed fat company required a similar level of assessment. The Northern Ireland Assessor said that there was a huge difference in the cost for testing for dioxins and non dioxin-like PCBs. Dr Mortimer said that the non dioxin-like PCB tests could not act as a surrogate for testing for dioxins. The current incident would not have been identified by testing for PCBs only.

13. The ACAF Secretary confirmed that the Committee will receive a further update on this incident at its June 2011 meeting, where it was hoped that more information from the German authority investigations and proposed actions from the European Commission would be available. The ACAF Secretary suggested that the Committee would review controls currently in place in the UK feed sector to identify where weaknesses may exist, to minimise the risk of something similar occurring in the UK.

Action: Secretariat

#### **Agenda Item 4 - Sustainability aspects of feed production and use**

14. Mrs Stephanie Cossom (ACAF Secretariat) reminded Members that the Committee had requested that the Secretariat prepare a scoping paper on sustainability at its 22 September 2010 meeting. ACAF Paper 11/02 covered the background to sustainability issues relating to animal feed with conclusions and proposed actions. She informed the Committee that Dr Cottrill had provided comments on the paper in view of his expertise in this area.

15. Mrs Cossom said that the paper demonstrated that there were substantial benefits for livestock, food industry and consumers from making the feed sector more sustainable. She noted that there was not one answer to improving sustainability and that action was required by the Government and industry to improve food and feed sustainability, security and safety.

16. The Secretariat had prepared three options for further consideration. It was proposed that the Committee could consider the feed safety implications of:

- the use of co-products from other industries;
- management and use of feed additives; or
- increased demand with ever limited resources and changes to the geographical centres of animal feed production.

17. The aim would be to produce guidance in the form of a position paper to help advise the Government and industry on safety risks and how these could be managed.

18. Mrs Cossom advised that a number of the topics covered in ACAF paper 11/02 were under consideration by other scientific advisory committees (SACs) or Government Departments. ACAF should therefore not duplicate the work being carried out elsewhere and needed to stay within its terms of reference. However, there may be an opportunity for ACAF to work with other SACs on this issue.

### *Discussion*

19. The Committee congratulated the Secretariat for preparing an excellent summary of a complex topic. A Member of the Committee said that changes to current practices were required for the feed industry to be more sustainable. The Member also thought that, it was not for the Committee to consider the sustainability benefits of alternative protein sources, but to look at safety implications of their use in animal feed. The Member also thought that, although the paper mentioned three pillars of sustainable development (society, the environment, and economy), political constraints should also be considered; for example, the prohibited use in animal feeds of processed animal proteins and some waste food products.

20. Another Member of the Committee commented that since the publication of 'Food 2030', there had been a number of strategy reports on sustainability, but little evidence of the work being taken forward.

21. The ACAF Chairman said that the use of co-products should be based on scientific evidence, and that ACAF could recommend to sponsoring Government Departments where research should be directed. A Member said that if the Committee was to consider the safety of co-products then this work should include the restrictions on the use of non-ruminant processed animal proteins (PAP) in animal feed. The ACAF Secretary said that this work was the responsibility of Defra and agreed to contact colleagues in order to take forward this work. Another Member of the Committee requested an update on developments on the TSE Regulations, which the ACAF Secretary also agreed to take forward.

Action: Secretariat

22. Industry uptake of sustainability management schemes were queried. The ACAF Secretary agreed to contact industry stakeholders to obtain this information.

Action: Secretariat

23. It was agreed that the Secretariat would prepare a paper on the feed safety implications of the use of co-products in feed and, at the request of a Member, include the use of novel proteins under this work.

Action: Secretariat

**Agenda Item 5 – 2009 Quinquennial Review: Progress on Recommendations**

24. Miss Jumnoodoo (Secretariat) confirmed that the report of the quinquennial review that took place between September and November 2009 concluded that there is a continuing need for ACAF's advice. The report also made a number of recommendations for improvements. Three recommendations related to cross-cutting issues for the Agency; others related specifically to ACAF. All of the recommendations had been actioned, although with some of the work ongoing.

*Discussion*

25. The ACAF Chairman said that it was important that scientific advisory committees have regular reviews. He noted that the recommendations did not criticise the work of the Committee.

26. A Member of the Committee, expressing concern that the out-of-London meeting for 2011 had been cancelled, said that it was important to continue to hold these meetings as ACAF was a UK-wide scientific advisory committee and was meant to be accessible. The ACAF Secretary sympathised with the comments made and hoped that the future of the out-of-London meetings would be reviewed when the current financial climate improved. In the meantime, he suggested that it may be possible for the devolved countries or Defra to host a meeting and share the costs of this. The ACAF Secretary asked the assessors to speak to their senior colleagues on this point.

Action: Assessors/Secretariat

**Agenda Item 6 – GM Issues**

27. The ACAF Secretary reported that a draft Commission Regulation to harmonise methods of analysis and sampling controls on GM materials in animal feed had received a qualified majority vote from EU Member States on 22 February 2011. The measure is expected to be formally adopted within the next three months, once it has been scrutinized by the Council and the European Parliament.

28. The Regulation will harmonise the sampling and testing methods and will set a tolerance of 0.1% for the presence of certain GM materials that have yet to be authorised in the EU. The proposal had been drawn up by the Commission in response to the EU feed industry's concerns that the time lag between the EU's authorisation procedures relative to those in commodity-exporting countries has adversely impacted imports of maize, soya and other feed materials.

*Discussion*

29. The ACAF Secretary stated that there was a long list of GM events awaiting authorisation in the EU. Some Member States, including the UK, had wanted to extend the draft Regulation to include food. The Commission's proposal contains a review provision which could allow such an eventuality.

**Agenda Item 7 – Matters arising from the minutes of previous meetings***Presentation on Copper Supplementation in animal feed*

30. Mrs Cossom thanked Members for their comments on the proposed Code of Practice on copper supplementation. The Secretariat had forwarded comments to the authors and had subsequently sent a final version for endorsement, by Members of the Committee. One Member of the Committee had some concerns on whether there was sufficient scientific evidence of the prevalence of over supplementation. After some discussion, the Committee agreed that the authors should be contacted and asked if they would include a caveat to state that there was a level of uncertainty regarding the incidence of copper over-supplementation in dairy cattle. The Committee also agreed that it was content to endorse the Code.

Action: Secretariat

*Forward Work Plan*

31. Following comments by the Committee at its December 2010 meeting, the ACAF Secretariat had spoken with colleagues regarding work on a pilot project looking at markers incorporated in animal feed to identify the presence of faecal contamination. The Committee had been advised on 31 January 2011 that it was felt that there was not a specific role for the Committee to play in this work. However should the situation change, an update will be provided by the Secretariat.

*EU Regulation on the Marketing and Use of Feed (767/2009) – Labelling of Additives in Feeds*

32. At the December 2010 meeting, animal feed industry representatives raised concerns about the requirement under EU Regulation 767/2009 on the marketing and use of feed to declare the added compound rather than the specific element (e.g. copper sulphate rather than the copper) in feeds. This type of declaration does not provide meaningful information to purchasers and makes it difficult for users to comply with the maximum permitted levels of an additive.

33. Following the December 2010 meeting, the ACAF Secretary, with the Committee's agreement, had written to the European Commission to highlight this issue

and to suggest an alternative way forward. Dr Smith said that the European Commission had responded to the letter and the response had suggested three options for a way forward. The ACAF Secretary said he intended to send a follow-up letter to the Commission suggesting a way forward. He agreed to circulate the draft response to ACAF members before it was sent to the European Commission.

Action: Secretariat

### **Agenda Item 8 - Any other business**

34. The ACAF Chairman announced that the terms of appointment for three members (feed manufacturer, animal nutritionist and toxicologist) were due to end. Adverts announcing the forthcoming vacancies had been published on 1 March 2011. The closing date for applications is the 4 April 2011. The ACAF Secretary sought the assistance of colleagues in devolved countries to advertise the vacancies.

Action: Assessors

### **Date of the next meeting**

35. The ACAF Chairman confirmed that the Committee's next meeting would be held on 1 June 2011 in Aviation House.

### **Information Papers**

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

- EU Developments (ACAF/11/04); and
- update on the work of other advisory committees (ACAF/11/05).

ACAF Secretariat  
May 2011



## Question and Answer Session

**Rodney Pope (Chairman of the Feed Fat Association)** advised that it should be made clear that the fatty acid implicated in the German dioxins incident was only permitted for use for technical purposes and was not permitted to be used in either food or feed. This is because the plant in question processes waste oils and therefore the by-products would not be allowed to enter the food chain under current legislation

He suggested that it was not realistic for fatty acids for feed or technical use to be totally separated as some plants produced both types of material on the same site. However, the trade is already self-regulating this.

**David Howells (EDF Man)** said, in regard to the dioxins incident in Germany, that most of the ten point plan that the German authorities wish to implement were already in place in the UK. However, some of these need to be refined in liaison with the Agency and the AIC. The current systems were good, even though it was difficult to prevent deliberate misuse. In response to a question from the ACAF Chairman on separation of different materials, Mr Howells said that the FEMAS scheme required that feed grade and material for technical use should be segregated. However, it was sometimes difficult to confirm the exact level of segregation implemented.

Following a question from a Member of the Committee, Mr Howells confirmed that he had no problems with point 4 of the German 10 point plan that stipulates that all laboratories should report results direct to the competent authorities. However, most dioxin testing was done overseas and this raised the question of which competent authority the laboratories should report to.

**Emma Hockridge (Soil Association)** noted that most of the debate on food security focused on food production rather than on trade and supply. She added that that she could direct the ACAF Secretariat to information on sustainability in respect to work covering animal feed. Ms Hockridge also said that work carried out by Defra and Waste and Resources Action Programme (WRAP) on anaerobic digestion was due to be published.

**Bob Pass (Diageo)** congratulated the ACAF Secretariat on an excellent paper on sustainability. Diageo has been working on implementing site-specific best practice with regard to sustainability; for example, by using co-products for bioenergy or feed as appropriate. However, he noted that requirements for contaminant analysis of co-products could make use in animal feed relatively less attractive due to both high analytical costs and the time for results to be made available.

Mr Pass also encouraged the continuation of ACAF's out-of-London meetings. He believed that these meetings were of great value to the industry. He suggested that Diageo might bear some incidental costs for educational visits if these meetings were to continue.

**Paul Featherstone (SugaRich)** said that FEMAS was both self-regulatory and a voluntary assurance scheme and that not all manufacturers of either animal feed or feed materials belonged to this scheme. Therefore, it was important to focus on the activities of non-members as this has the potential to undermine the scheme if a proportion of the industry is uncontrolled.

**George Perrott (Agricultural Industries Confederation)** commenting on the German dioxin incident, noted that 95-97% of UK traded products are covered by FEMAS and associated schemes. However, it was difficult to get traders of surplus food products to join the Scheme. He added that most incidents in recent years were caused by fraudulent activity, which would be hard to control.

Mr Perrott also thanked ACAF and the ACAF Secretariat for their intervention with the European Commission with respect to the labelling requirements of EU Regulation on Marketing and Use of Feed (767/2009).