



Advisory Committee on Animal Feedingstuffs

ADVISORY COMMITTEE ON ANIMAL FEEDINGSTUFFS

**REVIEW OF GAPS IN THE FEED CHAIN: SUMMARY OF FINDINGS AND
CONCLUSIONS**

ACAF Secretariat

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Introduction

1. There have been a number of high profile feed safety incidents that have affected the European feed industry in recent years. Besides food/feed safety implications, such incidents often have widespread economic effects with contaminated feed and food withdrawn from the market and restrictions placed on feed businesses, including farms. Notable major incidents have involved dioxins: Belgium (1999), Ireland (2008) and Germany (2010/11).

2. To help to minimise the possibility of a major incident occurring in the UK, the Advisory Committee on Animal Feedingstuffs was asked by the Food Standards Agency to consider possible gaps and weaknesses in the UK feed sector that may compromise feed and food safety. The aim was that, following the identification of any such gaps/weaknesses, appropriate follow-up action could be carried out by the feed industry, enforcement authorities or central government to address concerns.

Information provided to the Committee

3. The Committee received an initial paper (ACAF 11/09) from the Secretariat setting out areas that it may wish to consider. The paper included issues relating to:

- the identification of feed businesses;
- the use of ‘peripheral’ feed materials (e.g. surplus human food, micro-algae);
- the use of unauthorised feed additives;
- the awareness/competence of feed business operators (e.g. awareness of feed legislation and the correct application of Hazard, Analysis and Critical Control Points (HACCP) systems);
- imports of feed;
- on-farm feed safety incidents;
- the adequacy of controls by enforcement bodies; and
- the adequacy of existing feed legislation.

4. Following consideration of ACAF 11/09, the Committee asked for further information on the following subjects:

- identification of feed businesses;

- awareness/competence of feed business operators; and
- imports of feed from third countries.

5. During its period of consideration of gaps in the food chain, the Committee was also briefed on the outcome of the Food and Veterinary Office (FVO) audits of UK feed law enforcement systems. The FVO carried out an audit in Great Britain in November 2011 and in Northern Ireland in May 2012. The Committee was also updated on steps being taken by the Food Standards Agency, enforcement authorities and the feed industry to address deficiencies identified by the FVO.

6. The Committee was briefed on the Food Standards Agency review of official feed controls and the outcome of the paper presented to the Agency Board in November 2012. The FSA Board agreed that the recommendations in the paper should be implemented, and as a result the Agency has established a number of work streams to deliver improvements in feed law enforcement (see paragraph 28 below).

7. The Committee discussed a summary of its findings and conclusions at its meeting on 8 May 2013.

8. A list of papers received by the Committee on gaps in the feed chain is set out in the **Annex** to this paper.

9. The following sections set out details of the issues identified, the comments, findings and conclusions of the Committee, and the steps being taken to address points raised by the Committee.

Identification of feed businesses

10. Most feed business establishments (including farms) are required to be approved or registered by enforcement authorities (e.g. so that they can be subject to official checks to help ensure they comply with legislation). Approval involves a prior inspection of premises and applies mainly to businesses manufacturing or marketing certain feed additives and premixtures. Registration applies to most other feed business establishments and does not routinely require prior inspection.

11. The FVO audit of feed law enforcement carried out in November 2011 noted that local authorities were making progress towards identifying feed business establishments. It is considered that most manufacturers of feed additives, premixtures and compound feeds for farm animals, as well as major importers and traders, have been approved or registered. However, it was probable that identification and registration of food businesses supplying material for feed use, as well as numerous small traders and transporters, had not been completed. Moreover, not all the farms using additives and premixtures had been identified – these farms must apply higher standards such as the application of HACCP-based systems/ procedures.

12. The Committee considered:

- the identification of feed business establishments was an important issue and steps should be taken to ensure businesses are aware of the need to register with their enforcement authority;
- it would be useful if the application form for the registration of food business establishments included a section confirming whether such establishments also put products into circulation for feed use;
- it is important that the trade in products supplied by food businesses directly to farms is properly controlled;
- relevant information held by local authority Environmental Health Departments (that register food businesses) should be shared with Trading Standards Departments (that are responsible for registration of feed businesses);
- chemical manufacturers and limestone producers who supply the feed industry may not consider themselves feed businesses and may not have applied for registration; and
- farms that are not part of industry assurance schemes or are ineligible for government grants may not have been identified by enforcement authorities.

Actions being taken in response to issues raised

13. The application form for the registration of food businesses will be amended so that applicants are required to indicate whether they also supply surplus food products, etc., for feed use. This will be introduced by way of a revision of the Food Law Code of Practice.

14. The Food Standards Agency has also issued guidance targeted at food and drink businesses supplying the feed chain reminding them of their responsibilities as feed business operators:

<http://www.food.gov.uk/business-industry/farmingfood/animalfeed/animalfeedlegislation/food-and-drink-businesses/>

15. To implement the recommendations of the review of official feed controls, the Food Standards Agency Board agreed to a number of workstreams to deliver improvements in feed law enforcement (see paragraph 28 below). These include projects to improve information and data management and local authority delivery, a requirement to ensure registers of feed business establishments are as comprehensive as possible, and the sharing of intelligence obtained during inspections of food businesses about those who are placing surplus food into the feed chain.

16. The Food Standard Agency's National Feed Law Enforcement Priorities for 2013/14, include a priority for the identification of all feed business operators, including food businesses placing surplus food and co-products into the feed chain. These national priorities also require feed enforcement authorities to liaise with food enforcement authorities in order to identify relevant food businesses.

17. The Food Standards Agency and Defra intend to convene a meeting with waste contractors to remind them of their feed safety responsibilities and to help ensure that inappropriate materials are not diverted to the feed chain.

Awareness/competence of feed business operators

18. The FVO audits of UK enforcement systems had found a number of deficiencies in the awareness and application of feed legislation requirements. These included deficiencies in the application of HACCP systems; non-observance of controls that set maximum permitted levels of the carry-over of coccidiostats in feeds for non-target species; and lack of awareness of provisions relating to the export of banned/unauthorised feed additives to third countries (non-EU countries). A number of feed incidents, including those that occurred on farm, appeared to be attributable to the lack of competence by feed business operators.

Actions being taken to address issues

19. The Food Standards Agency has met with the feed industry representatives (including assurance scheme managers) and the HACCP related sections in feed assurance standards have been strengthened. The Committee noted the actions taken to address the weaknesses in this area.

20. The Agency has issued additional guidance for farmers on the requirements of the Feed Hygiene Regulation (183/2005):

<http://www.food.gov.uk/multimedia/pdfs/guidance/feedhygieneadditives.pdf>

Further guidance on the application of HACCP by farmers is being drawn up.

21. To help ensure that the feed industry is aware of the legislation with which it must comply, the Agricultural Industries Confederation (AIC) which represents the agriculture supply industry including compound feed manufacturers and feed merchants has drawn-up a document listing all main feed legislation. This is available (including to non-members) on its web site, see:

<http://www.agindustries.org.uk/content.output/3284/3284/Animal%20Feed/Animal%20Feed/Legislation%20and%20guidance.msp>

Feed advisors

- 22. The Committee raised questions about the status of those that provide advice to farmers on feed matters, and whether there was a system of registration for such advisors or a requirement for them to hold formal qualifications. The issue of concern was that persons and businesses that provide advice to farmers on the use of feeds require no formal qualifications or experience. The nutritional requirements of animals (pigs, poultry, ruminants) can vary widely, according to different production systems. However, no significant feed safety incidents have been identified attributable to inappropriate advice provided by feed advisors. The Committee was provided with information on various organisations that give advice to farmers. The Committee considered that it would be helpful to have some harmonisation of the schemes to make them easier to understand for farmers.

Actions being taken to address issues

23. The Committee received presentations from the British Society of Animal Science and AIC which both now have schemes in place to apply professional standards to the role of feed advisors. Both organisations require the registration of advisors and continual professional development (CPD).

Imports from third countries

24. The Committee was provided with information on issues relating to the import of animal feed from non-EU countries. This included the legal requirements covering imports and weaknesses identified in enforcement controls. At some major entry points, local authorities do not carry out risk-based controls and the range of analyses carried out on imported feed is limited. It is not always easy to obtain intelligence on likely imports. Local authorities do not usually have a permanent presence at ports and must rely on liaison with Port Health Authorities/importers/port operators for information on imports.

25. The Committee noted that controls on imports from non-EU countries was an important area: there had been a number of feed contamination incidents related to imported feed materials and feed additives. It noted the measures put in place to strengthen enforcement, these included the following:

- inclusion of import controls in the national enforcement priorities on an annual basis;
- in recent years the Food Standards Agency has provided grants to local authorities for import enforcement work. This is to help set up control systems (in 2012/13 grants totalling approximately £240k in value were awarded to authorities in England for this work – similar work is being carried out in Scotland and Wales). In addition, grants have been made available to local authorities for the analysis of imported feeds (£400k in 2012/13);
- the provision of training and guidance for enforcement officers. This includes guidance covering imported feed of non-animal origin at small ports, a resource pack for inland local authorities and support for the Association of Port Health authorities to help share information and experience; and
- steps taken by the Veterinary Medicines Directorate to identify feeds containing veterinary medicines, specified feed additives (e.g. coccidiostats) or unauthorised medicinal substances.

Levels of feed law enforcement

26. The Committee considered that adequate resources should be provided for feed law enforcement and that there should be stringent enforcement oversight of businesses that performed poorly.

Actions being taken to address concerns

27. In recent years, the Food Standards Agency has contributed £1.4m to local authority delivery of feed controls in Great Britain.

28. In relation to the implementation of the Review of Official Feed Controls (see paragraph 6 above) the following initiatives are being pursued by the Food Standards Agency to strengthen feed law enforcement:

- earned recognition - this includes the recognition of the role of industry assurance schemes, and the Primary Authority¹ approach to national companies and highly compliant businesses. This is to enable controls to focus on high risk establishments and increased sampling of feed;
- steps to improve the local authority delivery model with improvements of controls at ports;
- improvement of the quality and scope of enforcement information and data management collected, e.g. to improve allocation of enforcement resources;
- liaison with other government departments to reduce footfall (e.g. number of occasions that premises are inspected by different control bodies); and
- updating the Feed Law Enforcement Code of Practice to reflect changing risks/priorities.

The Committee considered that this was an important area of work to help address deficiencies in enforcement and required updates on progress.

Feed legislation including sanctions

¹ 'In accordance with provisions made under the Regulatory Enforcement and Sanctions Act 2008, the Agency is encouraging the creation of Primary Authority Partnerships. Such a partnership may be between an individual local authority (the Primary Authority) and a feed business with multiple establishments across England and Wales. A Primary Authority may have an agreed inspection plan with the business. Although the Primary Authority is not responsible for physical inspections at all of a feed business' premises, it can assist individual local authorities to better focus inspections on points that cannot be checked centrally by the Primary Authority'.

29. The Committee was provided with information on the legislative measures that applied to feed, all of which were EU derived. This legislation had been extensively strengthened in response to various feed incidents. Most recently, following the German dioxin contamination incident in 2010/11, additional controls were introduced on the use of oils and fats in feeds. A number of feed contamination incidents were the result of criminal activity and the Committee pointed out that in order to deter criminal activity, penalties for infringing feed law should be reviewed.

30. Existing penalties for non-compliance with the requirements of feed law include provision for custodial sentences. These are on a par with the penalties for non-compliance for similar provisions in food law. Other official sanctions include written warnings, and the possibility of the suspension or revocation of the approval or registration of a feed business establishment, so that it must cease to trade, etc. In some cases of serious non-compliance with feed law, infringement of other legislation may be involved (e.g. animal welfare and fraud law) and hence the sanctions contained in such measures would apply.

31. EU feed legislation requires the levels of penalties to be ‘effective, proportionate and dissuasive’ and are set out in UK national legislation. A Commission proposal to revise EC Regulation 882/2004 on Official Feed and Food Controls includes an additional requirement that financial penalties are sufficient to offset any potential economic advantages to be gained by intentional criminal activity.

32. Although they have no legal force, industry voluntary feed assurance schemes also contain provisions to suspend an establishment if it has not complied with legislation or the requirements of the scheme. The suspension of a business, may restrict its commercial activities and ability to market feed products.

Conclusions

33. As indicted above, the Committee has identified a number of areas where controls on animal feeds should be strengthened to further protect the feed and food chain. In terms of implications for feed safety it considers that the following areas are of the most significance:

- **identification of feed businesses.** The need for feed businesses to be identified and registered/approved is important so that authorities can carry out official checks and to help ensure that all businesses are aware and compliant with feed legislation. In particular, it is important that food businesses supplying products directly to farms are identified (e.g. because of the risk that they may contain banned animal proteins); and
- **controls on imports of feed from third (non-EU countries).** A number of feed incidents have been related to imported feed materials and additives. As materials are frequently imported by way of very large consignments, there is the potential for non-compliant material to contaminate a wide range of manufactured feeds supplied to farms.

34. The Committee recognises the steps are being taken to address the above areas and other gaps and weaknesses identified in controls in the UK feed sector and details of these steps have been set out in this paper. However, **the Committee requires to be updated on progress on the implementation of these initiatives and any others that aim to strengthen protection of the feed chain.**

35. Moreover, **it is important that the Committee is updated on any other perceived gaps in the feed chain as they arise, and it should continue to receive information on new products or technologies that may pose a safety risk.**

ACAF Secretariat

December 2013

Annex**GAPS IN THE FEED CHAIN- PAPERS SUBMITTED TO ACAF**

Number	Date	Title
11/09	1 June 2011	Potential Gaps in the Feed Chain
11/19	14 December 2011	Identification of Feed Business Establishments
12/02	7 March 2012	Awareness and Competence of Feed Business Operators
12/12	19 September 2012	British Society of Animal Science - Register of Accredited Animal Scientists and Animal Technologists
13/03	16 January 2013	Agricultural Industries Confederation (AIC) – Feed Adviser Register
13/04	16 January 2013	Imports of Feed from Third Countries
13/13	8 May 2013	Summary of Findings