

FSS/ENFTS/18/001

National Feed Enforcement Priorities For Scotland

2018-2019

Animal feed law enforcement (at all stages of production, processing, storage, transportation and distribution, including import and the primary production of feed)

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Executive Summary

This document sets out Food Standards Scotland's¹ (FSS) National Enforcement Priorities (NEPs) for Scotland in respect of animal feed.

The NEPs have been:

- Informed by the United Kingdom Animal Feed Threat Assessment 2017 ([UK AFTA 2017](#)), commissioned and funded by the FSA and compiled by the National Trading Standards (NTS) Intelligence Team; and
- Developed in consultation with the Food Standards Agency, the National Agriculture Panel ([NAP](#)) and the National Animal Feed at Ports Panel ([NAFPP](#)) members.

Incorporating the NEPs into a programme of official controls aims to safeguard public and animal health by driving up sustained improvements in levels of compliance by Feed Business Operators (FeBOs) through intelligence led enforcement.

The objectives of the NEPs are to:

- Maintain a level playing field for honest and diligent FeBOs, which is in the interests of the feed industry as a whole;
- Reduce unnecessary burdens on business by focusing LA activity on agreed areas of greatest threat to public and animal health;
- Create a flexible and effective intelligence-led approach to interventions, while maintaining appropriate levels of monitoring of compliance;
- Contribute to FSS's strategic goal of '[Food is Safe](#)'; and
- Drive up the quality and consistency of official controls.

The priorities will be reviewed on a six monthly basis, in light of emerging issues in-year or as a result of other intelligence received by FSS in respect of risks to human, animal health and welfare or the environment.

Access will be required to the Knowledge Hub National Agriculture Community forum to view ACTSO guidance referred to throughout the NEPs. LA feed officers are expected to engage with the Knowledge Hub - National Agriculture Community².

¹ <http://www.foodstandards.gov.scot>

² <https://khub.net/>

The NEP's for 2018/19³:

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|------------|--|
| Priority 1 | •Verification of the presence and accuracy of feed labelling particulars which have the potential to compromise human and/or animal health |
| Priority 2 | •Validation of effective feed safety management systems at Annex II establishments with a focus on businesses supplying former foodstuffs or co-products |
| Priority 3 | •Effective information sharing, communication and exchange of information and intelligence to support effective official feed controls |
| Priority 4 | •Effective monitoring of consignments of feed originating from outside the European Union at points of entry |
| Priority 5 | •Development of risk-based regional sampling programmes |

³ The priorities are not listed in any particular order

Priority 1: Verification of the presence and accuracy of feed labelling particulars, which have the potential to compromise human and/or animal health

- 1.1 Information on feed labels is essential to enable FeBOs throughout the feed chain to make appropriate use of material they use to manufacture feed or use as feed. The presence and accuracy of labelling information is critical in ensuring feed is provided to the correct species, age of animal and in quantities that would not adversely affect human and/or animal health or impact on traceability. The presence of batch codes aids prompt recall and withdrawal of affected products in the event of a feed safety incident.
- 1.2 LAs are expected to prioritise the following aspects of labelling compliance, in consideration of EU Codes of Good Practice on labelling⁴ and [FSA guidance](#):
- a) Identify FeBOs offering feed for sale by means of distance communication, ensuring they are appropriately registered and/or approved and are providing mandatory labelling particulars as required by Article 11(3) of [Regulation \(EC\) No 767/2009 on the placing on the market and use of feed](#)⁵;
 - b) Verify the accuracy of claims as set out in Article 13 of Regulation (EC) No 767/2009;
 - c) Ensure instructions for use are adequate and appropriate to avoid exceeding feed additive MPLs;
 - d) Ensure information supporting traceability, in the event of a feed safety incident, is present and accurate;
 - e) Ensure labelling and presentation of feed does not mislead the user;
 - f) Verify that feed materials included in the EU [register](#) are appropriate for use, as such, and report any suspected non-compliance to FSS; and
 - g) Verify that additives present in feed are [authorised](#)^{6 7} in line with [Regulation \(EC\) No 1831/2003 on additives for use in animal nutrition](#)⁸.

⁴[Food producing animal feed](#) and [pet food](#) guides

⁵https://ec.europa.eu/food/safety/animal-feed/feed-marketing_en

⁶http://ec.europa.eu/food/safety/animal-feed/feed-additives/authorisation-types-withdrawal_en

⁷ https://ec.europa.eu/food/sites/food/files/safety/docs/animal-feed-eu-reg-comm_register_feed_additives_1831-03.pdf

⁸ Any irregularities identified with the labelling of feed containing specified additives i.e. coccidiostats, histomonostats and non-antibiotic growth promoters should be referred to Veterinary Medicines Directorate (VMD)

Priority 2: Validation of effective feed safety management systems at Annex II establishments with a focus on businesses supplying former foodstuffs or co-products

- 2.1 Contamination of feed often occurs through carry-over, inappropriate storage, mixing or preparation of animal rations, inadequate cleaning of equipment or ineffective implementation of HACCP by the FeBO.
- 2.2 Every year in the UK, around 660,000 tonnes of former foodstuffs are processed as animal feed, worth £110 million⁹. Within the UK, the Waste and Resources Action Programme (WRAP), is continuing to encourage businesses in the food supply chain to sign up to the Courtauld agreement. The agreement aims to improve resource efficiency and reduce the carbon impact of the UK grocery sector, involving manufacturers and retailers reducing food waste by encouraging and developing its use as animal feed¹⁰.
- 2.3 The European Commission sees the processing of 'former foodstuffs' as an important contribution towards reaching the Sustainable Development Goals on reducing food waste. Food waste no longer suitable for human consumption can be used for animal feed purposes and it is been estimated that the amount currently being processed in the EU could be doubled¹¹.

Suppliers of former foodstuffs and co-producers

- 2.4 In consideration of the relevant guidance listed at paragraph 2.6, LAs are expected to:
 - a) Give priority to identifying food and drink manufactures as well as retailers involved in the supply of co-products and/or former foodstuffs (surplus food) into the feed chain and include these in their intervention and sampling programmes through regular liaison with LAs in their area responsible for keeping registers of food business establishments (FBOs) under Article 6(2) of Regulation (EC) No 852/2004 on food hygiene;
 - b) Ensure interventions at businesses involved in the supply of co-products and/or former food stuffs includes the examination of documented feed safety management systems (HACCP plans where they are used), paying particular attention to:
 - The identification of control points to ensure that material is suitable for use as animal feed and does not include items such as meat, fish and shellfish (and products containing them or have been in contact with)¹²;

⁹<http://www.wrap.org.uk/content/using-surplus-food-animal-feed>

¹⁰<http://www.wrap.org.uk/content/courtauld-commitment-2025>

¹¹https://ec.europa.eu/food/safety/food_waste/eu_actions_en

¹² More information on surplus food eligible for feeding can be found at: <https://www.gov.uk/how-food-businesses-must-dispose-of-food-and-former-foodstuffs>

- Appropriate segregation is in place with material not intended for use as feed; The existence of a recorded training programme for staff in charge of dealing with former foodstuffs;
- The material is being supplied to a registered feed business establishment ;
- Where the material is a former foodstuffs containing food grade packaging intended for use in feed, that the material is to undergo further treatment at a feed business which specialises in the removal of packaging from surplus food¹³; and
- In the case of processors of former foodstuffs into feed that their suppliers and hauliers are all registered as feed businesses.

Other FeBOs required to implement feed safety management systems

2.5 In consideration of the relevant guidance listed at paragraph 2.6, LAs are expected to:

- a) Give priority to ensuring appropriate systems are in place to minimise cross-contamination between batches of feed (particularly in respect of those containing coccidiostats, veterinary medicines or [additives](#) with maximum permitted levels for particular target species), in accordance with the FSA sampling [protocol](#) and [guidance](#); and
- b) Ensure that FeBOs understand legal requirements, are implementing and maintaining and reviewing, as appropriate, their feed safety management systems, having regard to the nature, size and scale of business. This should include a focus on the following:
 - Examination of written feed safety management systems;
 - Identification of hazards to ensure all steps in the process have been considered and any grouping of steps (e.g. consideration of individual ingredients) is appropriate and not done in such a way that hazards are overlooked or applied incorrectly;
 - That any Critical Control Points (CCPs) identified are properly defined and controlled. Where the CCP is already controlled by a pre-requisite procedure the necessity for the relevant CCP should be discussed with the feed business;

¹³ FSA published guidance on the presence of food grade packaging material in feed in September 2013: <https://www.food.gov.uk/sites/default/files/multimedia/pdfs/enforcement/enf-e-13-040.pdf>

- Appropriate sampling programmes at the feed business are in place to verify compliance with maximum permitted levels of undesirable substances in feed materials and additives. These checks should also include an examination of results of analysis and consideration of whether appropriate action has been taken where product is found to be unsatisfactory e.g. notification to the competent authorities responsible for feed enforcement in accordance with Article 20 (3) of Regulation (EC) No 178/2002;
- Ensuring suppliers to individual feed establishments are themselves registered as feed business establishments. It would be appropriate to examine customer supplier lists to establish who supplies the business with materials used in the production of feed or feeding stuffs for distribution;
- In the case of those companies supplying additives or premixtures, checks should be carried out to establish whether farms receiving such material are known to the LA where they are based and that the registered activity code for such farms is appropriate; and
- Scrutinise traceability systems to ensure that products not intended for feed use are not diverted into the feed/food chain.

2.6 The following guidance is available to support LAs:

- Community [guides](#) to good practice were developed in accordance with Article 22 of [Regulation \(EC\) No 1831/2003](#) laying down requirements for feed hygiene;
- [Codex Alimentarius Standards](#) relevant to feed;
- [PAS 222:2011](#) Prerequisite programmes for food safety in the manufacture of food and feed for animals;
- FSA guidance on [mixing additives and premixtures directly in feeds and mixing compound feed with additives](#) and [HACCP-related requirements of the Feed Hygiene Regulation](#) for farmers;
- European Feed Manufacturers (EMFC) [guide](#) published by the European Feed Manufacturers' Federation (FEFAC) on good practices for the industrial manufacturing of compound feed and premixtures for food producing animals;

- EU community [guide](#) to good practice for feed additive and premixture operators; EU [guide](#) to good practice for the industrial manufacture of safe feed materials;
- EU [guide](#) to good hygiene practices for the collection, storage, trading and transport of cereals, oilseeds, protein crops, other plant products and products derived thereof;
- Defra [Code of Practice](#) for the control of salmonella during the production, storage and transport of compound feeds, premixtures, feed materials and feed additives;
- AIC [guidance](#) on the application of HACCP principles - a practical guide for the agri-food supply chain; and
- FSA [guidance](#) on the requirements for food and drink businesses that supply material for animal feed use.

Priority 3: Effective information sharing, communication and exchange of information and intelligence to support effective official feed controls

- 3.1 Gathering and exchange of information, data and intelligence between Competent Authorities, Central Government Departments, Member States and industry is a key element to an effective risk-based system of official feed controls.
- 3.2 With the UK's impending exit from the EU we are currently in a period of uncertainty regarding our future global trade partners. The UK feed and food export industry, worth £11 billion currently, accounts for 60% of exports and it is imperative that future official controls delivered provide assurance to the UK's trading partners. Like any major industry, it is vulnerable to a wide range of criminal activity.
- 3.3 LAs are expected to:
- a) Proactively share with, and report to, the [Scottish Food Crime Unit](#) all of the intelligence they become aware of in relation to known or suspected cases of food and/or feed fraud, including historic cases;
 - b) Ensure their databases accurately reflect all activities undertaken by feed business establishments and that these establishments are appropriately registered, in consideration of FSS and ACTSO guidance on:
[Registration, amendment and revocation of FeBOs under Regulation \(EC\) No 183/2005](#); and
[Top tips for managing local authority feed databases](#) .
- 3.4 Where they are responsible for a point of entry, LAs are expected to:
- a) Have regard to ACTSO [guidance](#) on sharing information and intelligence to support delivery of imported feed controls;
 - b) Liaise with inland authorities and proactively share information and intelligence in accordance with ACTSO guidance on [inland referrals](#). If requested LAs are expected to acknowledge and respond to the originating authority, in respect of inland referrals, to confirm the action taken. This will allow checks to be carried out by inland authorities to ensure establishments:
 - Are on the LA feed establishment register?
 - Are included in their inspection programme to enable follow-up action to be taken as appropriate?
 - Have a [3rd country representative](#) within the EU, as appropriate?
 - c) Consider liaising with the LA responsible for the nearest large point of entry for feed, or other appropriate point of contact, to use their expertise and co-operation to assist in implementing a proportionate system of official controls having regard to FSA guidance on:

- Import controls at [smaller sea port and airports](#); and
- Imported feed checks undertaken by [inland authorities](#).

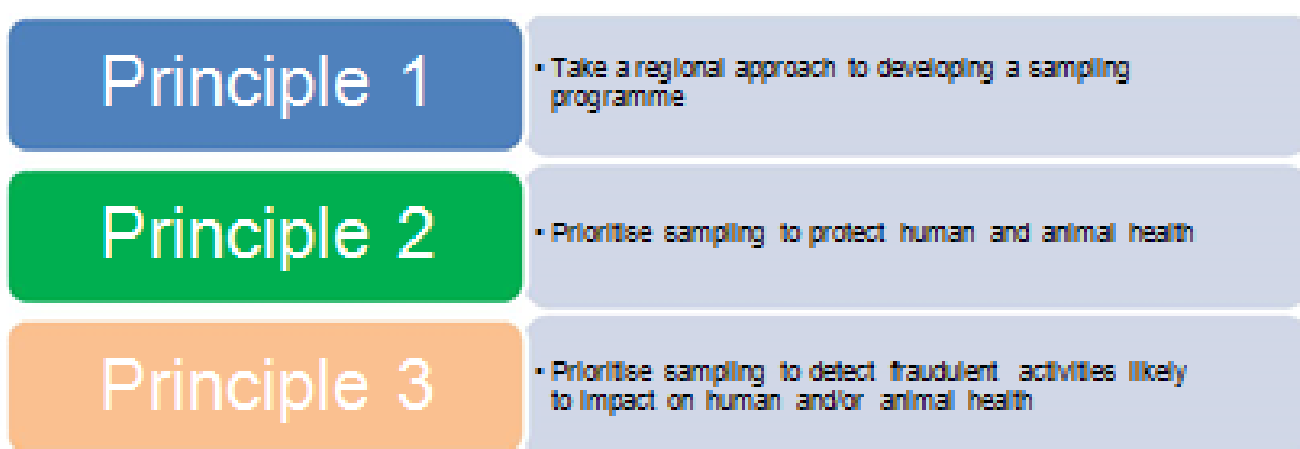
Priority 4: Effective monitoring of consignments of feed originating from outside the European Union at points of entry

- 4.1 Imported feed makes up 40% of feed used in the UK annually. To support a consistent and risk-based approach to monitoring 3rd country imports LAs are expected:
- a) To prioritise monitoring in consideration of the ACTSO [guidance](#) on consistency and prioritisation of the delivery of official feed controls at points of entry; and
 - b) To monitor consignments of animal feed to ensure:
 - Products, in [Annex I of Regulation \(EC\) No 669/2009](#), on the list of high-risk products of non-animal origin, enter the UK having first passed through an appropriate designated point of entry (DPE), in consideration of FSA [guidance](#);
 - Products, in [Annex I of Regulation \(EU\) No 884/2014](#), subject to safeguard controls due to aflatoxin contamination, enter the UK having first passed through an appropriate designated point of import (DPI), in consideration of EU [guidance](#).

A list of [DPEs](#), [DPIs](#) and '[safeguard measures](#)' applicable to imports of animal feed can be found on the FSA website.

Priority 5: Development of regional risk-based sampling programmes

- 5.1 FSS believes that sampling and analysis forms an important part of UK official feed controls. The main objectives of feed sampling are to:
- Protect animal and human health;
 - Promote fair trade and deter bad practices;
 - Detect fraudulent activities; and
 - Provide advice and support to businesses.
- 5.2 In developing a regional risk based sampling program, LAs are expected to:
- Embrace the three principles below;
 - Consider ACTSO [guidance](#) on how to plan and take samples; and
 - Have regard to the restrictions in paragraph 5.3 but also the caveat in paragraph 5.4.



- 5.3 LAs are expected to ensure
- All sampling takes account of previous results of analysis carried out at feed businesses and FeBOs own sampling and analysis;
 - Feed materials rather than compound feed are prioritised for testing for the presence of [undesirable substances](#), unless there is good reason to believe systems in place to prevent contamination during the production of the feed are not effective; and
 - Products which appear in Annex 1 of Regulation (EC) No 669/2009 on high-risk feed are not prioritised as they should already have undergone increased levels of official controls at points of entry.

- 5.4 Should a LA on the basis of intelligence, with a view to validation of a potential threat to feed safety, human and/or animal health and welfare and/or significant economic impact, determine the need to carry out sampling other than as part of the national sampling programmes, they are encouraged to do so.

Sampling Priorities at Points of Entry

- 5.5 Sampling imported feed is a key mechanism to ensure the safety and quality of feed and food entering the UK from countries outside of the EU.
- 5.6 All LAs with responsibility for points of entry should:
- a) Include provision in their regional programmes to sample products at points of entry on a risk basis. In addition;
 - b) Give priority to the sampling and analysis of products, particularly additives and feed materials originating from outside the EU to assess compliance with feed safety requirements’;
 - c) Have regard to the ACTSO [guidance](#) on consistency and prioritisation of the delivery of official feed controls at points of entry in respect of prioritising sampling at points of entry; and
 - d) Give priority to sampling consignments which have not been sampled recently or have not been seen before at the point of entry or where there is reason to believe they might fail to comply with EU requirements.
- 5.7 These sampling priorities are in addition and separate to any sampling which might be required as part of specific ‘[safeguard measures](#)’ on animal feed