

APPROVAL OF MEAT PLANTS

EXECUTIVE SUMMARY

1. This paper updates the Board on the progress of the Agency's project to approve meat plants under EU Hygiene Regulations that came into force in 2006, explains the positive effect that the project has had on compliance with the Regulations, and describes the Executive's plans to ensure that compliance is maintained.
2. The Board is asked to:
 - **note** the status of work on approving meat plants across the UK;
 - **note** the positive effect that the programme has had in securing regulatory compliance in a large number of slaughterhouses, cutting plants and game handling establishments;
 - **comment on** the additional measures that are being taken to accelerate and complete the approval programme in England; and
 - **comment on** the actions proposed to address businesses which fail to maintain standards after becoming fully approved.

MEAT HYGIENE VETERINARY DIVISION

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APPROVAL OF MEAT PLANTS

Issue

1. To inform the Board on the progress of the Agency's project to approve meat plants under the EU Hygiene Regulations, the effect that the project has had on standards in slaughterhouses and cutting plants, and the further work being undertaken to help ensure that businesses maintain standards post approval.

Strategic Aim

2. To effectively assess meat plant compliance against approval criteria, both as part of the formal approval process and ongoing official controls, to ensure businesses fulfil their responsibility to provide safe meat for the consumer.

Background

3. EU Hygiene Regulations effective from 1 January 2006¹ require the re-approval of all previously licensed UK slaughterhouses and cutting plants. Additionally, the Regulations require the FSA to approve catering butchers that were previously exempt from licensing in the UK and subject to enforcement by local authorities rather than the Meat Hygiene Service (MHS) in GB or DARD in Northern Ireland.
4. Approval assessments are carried out by FSA Veterinary Meat Hygiene Advisers (VMHAs) in GB and by Veterinary Officers of DARD in Northern Ireland. The Official Veterinarians who undertake approval assessments and provide recommendations for approval are independent from those veterinarians that are responsible for day to day official controls.

Discussion

Legal framework

5. The EU Regulations require that only fully compliant meat plants are given full approval. Plants that are compliant with structural and equipment requirements, but lack some hygiene controls, may be awarded conditional approval. Such approval must be reviewed after three months and may be extended on review to a total of six months. Two additional assessment visits may therefore be required for plants that cannot be awarded full approval at the first visit; at the three month and six month review stages. Where conditional approval has been granted, approval may be refused at the statutory three month review if the operator cannot show that clear progress has been made in meeting the

¹ Regulation (EC) No 853/2004 laying down specific hygiene rules for food of animal origin

relevant requirements of food law. Approval must be refused at the statutory six month review where full compliance has not been achieved. An existing plant may continue to operate under Appeal against refusal of approval until the Appeal has been determined or disposed of by the appropriate Court.

6. The Regulations allow plants that previously supplied the EU market to continue trading until they receive their first approval inspection visit. For plants, including catering butchers, previously restricted to trading on the national market there is a transitional measure allowing them to continue to trade in the same way, as long as they are approved by the end of 2009. Member States have tackled approval in different ways. Some have automatically re-approved slaughterhouses trading on the single market whilst others are working to timescales that are longer than those in the UK, officials will expand on this verbally.
7. Due to the definition of “final consumer” in the Regulations, catering butchers, i.e. meat cutting plants supplying catering establishments, are now subject to veterinary audit and approval by the FSA for the first time. This means that responsibility for their official control is being passed, on approval, from local authorities to the MHS in GB and DARD in NI.
8. Once plants are approved the EU Regulations require the FSA to keep the approval under review when carrying out official controls. If the controls identify serious deficiencies or require production to be stopped repeatedly and the business cannot provide adequate guarantees regarding future production, the FSA is required to initiate procedures to withdraw approval. If the business can give satisfactory guarantees that compliance will be achieved within a reasonable time the approval, and therefore the operation of the plant, may be suspended until such time as the deficiencies are corrected. There has been one suspension and one withdrawal of the new approvals issued since the new Regulations came into force. Both actions were taken at the same plant.

FSA approvals strategy

9. The UK meat plant approvals strategy was agreed by the Executive in December 2005 and has been managed by a Project Board² comprising officials from the FSA (England, Scotland, Wales and Northern Ireland), the MHS, Defra and the Small Businesses Service. The strategy provides for approval to be granted and dealt with in various sectors on a risk basis such that, after the approval of new plants that cannot operate without approval, priority has been given to plants with a poor history of compliance. In dealing with the first time approval of catering butchers priority is being given to catering butchers known to produce ready to eat foods.

² Chaired by the FSA Veterinary Director reporting, as appropriate, to the Chief Executive

10. The following approach is taken when making approval decisions:

- (a) where there is serious non-compliance, whether structural or food safety management, approval is refused subject to appeal;
- (b) if plants are not fully compliant but food safety risks are being adequately managed and the operator is taking steps to implement permanent solutions, conditional approval is awarded and a period of time, up to a maximum of six months, is given to reach the required standards;
- (c) where a catering butcher is being assessed for the first time and is not able to achieve conditional approval, the visit is treated as advisory. Catering butchers who can not achieve conditional approval are given up to a maximum of six months to achieve compliance before the plant is re-inspected and the approval process commences. During this period, catering butchers continue to be restricted to trading on the national market, responsibility for enforcement remains with the local authority and the Agency liaises as appropriate with the local authority. This is particularly important where immediate enforcement action is appropriate.

11. The above approach has, to date, delivered the following outcomes:

- (a) 32 approval applications have been refused in the UK³;
- (b) conditional approval⁴ has been granted at 496 (71%) of the 703 UK plants visited, the majority of conditional approvals have now been resolved with full approval being granted;
- (c) 38 catering butchers in the UK have already received full approval and 19 have been conditionally approved.

Current status of the approvals project

12. The re-approval of previously licensed plants is complete in Northern Ireland and very nearly complete in Scotland and Wales. There are small numbers of catering butchers that require approval in all three countries. In England there remain a significant number of previously licensed plants and catering butchers to approve. We intend completing the approvals programme in all four countries by the end of September 2009. This allows for the potential six months of conditional approval that may be applied to some plants that are yet to be assessed. Details in each country are as follows:

- (a) in Scotland, only three of 112 previously licensed plants have yet to be assessed (one plant is currently building a new premises and the other two

³ 27 in England, 2 in Scotland, 2 in NI, 1 in Wales

⁴ 377 in England, 65 in Scotland, 31 in NI, 23 in Wales

are in the older cattle disposal scheme (OCDS) and do not process animals for human consumption). Seven catering butchers have been fully approved and two conditionally approved, of the remaining 13 that require approval seven have already received advisory visits.

(b) in Wales, all 52 of the previously licensed plants that are still operating have been assessed for approval. But for one plant that was refused approval on the grounds of structural deficiencies and is continuing to operate under Appeal, all other plants have been granted full or conditional approval. Five catering butchers have been either fully approved or conditionally approved and seven remain to be assessed.

(c) in Northern Ireland, all 52 of the previously licensed plants that are still operating have been assessed and approved. There are 22 catering butchers that require approval and a programme of approval assessments is in place with seven completed to date.

13. In England, 504 of the 667 previously licensed plants requiring approval have received approval visits and all but 65 of these have to date gained full approval. There remain 76 slaughterhouses and 73 cutting plants, most of which were previously licensed as low throughput plants, that have yet to be assessed for approval. Information from local authorities indicates that there remain 140 catering butchers in England, currently restricted to the national market, that require an approval assessment (see paragraph 16).

14. The main reason for the slow progress in approving previously licensed plants in England has been the high number of plants that could only be given conditional approval and therefore required one or more repeat visits. The fact that the majority of plants could not be given full approval at the first visit was disappointing because many of the businesses were given advice about improvements needed at VMHA appraisal visits in 2005, prior to the start of the approvals exercise. The broad areas of non-compliance that prevented the grant of full approval were structural inadequacies, layout deficiencies, weak food hygiene practices and poor HACCP based food safety management systems. A presentation of examples of non compliance and improvements made to reach approval standard will be given at the Board Meeting.

15. Progress in England on the approval of catering butchers (that remain under the control of local authorities until approval by the FSA) has been delayed by the pressure on VMHA time caused by the high number of conditional approvals (see above), the lack of full information identifying such premises and by the need to consider how to apply Commission guidance on the exemption of small, local and marginal catering butchers.

Actions to address the outstanding workload in England

16. To speed up the approval of the remaining catering butchers in England the FSA has commissioned an external provider⁵ to carry out pre-approval appraisal visits to catering butchers that, on the basis of available information, require approval as cutting plants. These visits commenced in mid-August. Any catering butcher found to present an imminent risk to public health will be referred back to the local authority for enforcement action, and will not be allowed to continue to supply catering establishments. The remainder will be offered help and advice by the external provider prior to the VMHA carrying out an approval assessment.
17. To speed up the approval of the remaining previously licensed plants, the Approvals Project Board has agreed that suitably trained veterinarians from the Meat Hygiene Service should assess the approval of the remaining stand alone cutting plants, where possible at the same time as the OV's routine audit of these plants. The MHS currently delivers official controls in stand alone cutting plants including those that process higher risk ready to eat product.
18. The two initiatives set out in paragraphs 16 and 17 above will ease the burden on the limited VMHA resource in England, and allow all slaughterhouses, cutting plants and catering butchers that require approval to have received their first approval visit by the end of March 2009. They will be either fully approved or refused approval by the end of September 2009, before the end of the 2009 EU deadline for the cessation of transitional arrangements. Progress will be monitored monthly and assessed by the Approvals Project Board.

Proposed measures to maintain standards in approved establishments

19. In addition to routine enforcement procedures (described in paragraphs 1 to 5 of Annex A) further action is being taken by the MHS to deliver the Board's requirement for more risk based and effective enforcement (paragraphs 6 to 9 of Annex A). In addition:
 - (a) in order to ensure that persistently non-compliant businesses maintain standards, criteria are being established as part of the 2008/09 FSA/MHS Service Level Agreement (SLA) so that businesses that do not maintain approval standards can be identified and dealt with. This will trigger a case conference between the MHS and the FSA to consider appropriate action that could lead to suspension or withdrawal of approval;
 - (b) under previous EU legislation, if a licence was revoked and the operator subsequently re-applied for a licence, the Agency issued one if the plant was found to be compliant at the time of inspection. Under the new EU

⁵ CMI Ltd

Regulations, it is not sufficient for the business to be compliant on the day of inspection; the operator has also to demonstrate that effective controls can be maintained. Therefore, the Agency may now take previous history into account when considering any re-application for approval. There is no obligation to grant conditional approval and it is now legitimate for the Agency to consider all the available evidence including the likely level of future compliance by reference to previous compliance history;

- (c) the MHS is to introduce formal unannounced visits to cutting plants that will be carried out between announced audit visits. These visits will be targeted on the basis of risks identified at previous audits and the MHS is to amend its enforcement policy to reflect this.

20. In addition to the above, following completion of the approvals programme, FSA VMHAs will carry out, on an ongoing basis, post approval checks at a sample of plants. This action, which has been recommended in discussion with the EU Commission, will be aimed at providing ongoing assurance to the FSA that businesses are maintaining the standards that were displayed at the time of approval.

Impact

21. The majority of businesses that have been subject to the approvals procedures have been required to improve standards before being granted full approval. To date, almost 500 plants have been subject to conditional approval and 32 UK plants have been refused approval. Of these 32 plants, 21 subsequently improved their standards and have been fully or conditionally approved, four continue to operate under appeal and seven have closed.

22. Data collected on MHS referrals for investigation, shows that as few as 20 businesses have been responsible for over half of the referrals. An internal audit of FSA and MHS structures and systems that support delivery of official controls for persistently non compliant businesses is being carried out. The final audit report is due in the autumn of 2008, but early findings are that the approvals project has had a clear impact on improving the standards of persistently non-compliant businesses. Information from the audit to date also confirms that many businesses that had poor levels of compliance have invested substantially to achieve compliance and gain approval.

Conclusion

23. The approvals project is moving towards completion and work will be completed by the end of September 2009. The approvals programme in England has been prolonged due to the high number of conditional approvals which required additional visits by the VMHAs. Action is being taken to accelerate approvals work in England as set out in paragraphs 16 to 18 above.

24. FSA audit of plants has established that the approvals project has caused non-compliant businesses to address identified deficiencies with investment in plant infrastructure. Across the UK, over 500 plants have had to improve standards following the grant of conditional approval or the refusal of approval. To ensure that standards do not fall post approval, the MHS and FSA plan to take additional action as set out in paragraphs 19 and 20 above.
25. A small proportion (2.4%) of all businesses operating meat plants account for over half of all MHS referrals for investigation of offences. This creates an unreasonable burden on the FSA and MHS delivery of official controls, acts against the interests of compliant businesses and presents a potential risk to public health. Action as set out in paragraphs 19 and 20 will focus on such plants.
26. A united approach by FSA and MHS officials, including well defined and agreed “trigger points” which will drive a review of approval status, is necessary to bring about more timely and permanent improvements in compliance by persistently non-compliant businesses.

Previous Board consideration

August 2006	Approval of meat plants under EU food hygiene Regulations	INT 06/08/04
May 2007	Approval of meat plants under EU food hygiene Regulations	INT 07/05/01

Board Action Required

27. The Board is asked to:

- **note** the status of work on approving meat plants across the UK;
- **note** the positive effect that the programme has had in securing regulatory compliance in a large number of slaughterhouses, cutting plants and game handling establishments;
- **comment on** the additional measures that are being taken to accelerate and complete the approval programme in England; and
- **comment on** the actions proposed to address businesses which fail to maintain standards after becoming fully approved.

MHS Enforcement procedures (see also diagram 1)

1. Day to day enforcement is achieved initially through education and verbal advice to the operator explaining the legal requirements and referring them to the FSA's UK meat industry guide (MIG) to the Regulations. The guide includes advice and a widely agreed view of good practice. Where the legislation is ignored, or not addressed to the satisfaction of the OV, the matter will be escalated in one of two ways, depending on the risk to public health or animal welfare.
2. Where there is an imminent risk to public health or animal welfare and the OV does not have confidence that the business is managing the risk, then immediate enforcement action may be taken. This could be the service of a formal Remedial Action Notice for hygiene issues that imposes conditions upon the operator, the process, rooms, items of equipment or on the speed of the operation including stopping it completely. Alternatively where the legislation does not provide for such a notice, e.g. for welfare contraventions, a referral for investigation may be the only available option to counter issues where animals have been subject to unnecessary pain or suffering.
3. Where the risk is not immediate e.g. for failures in HACCP documentation, staff training or structural matters, the OV will escalate the issue through what is referred to as the "hierarchy of enforcement". Where verbal advice has been ignored, the OV will write the operator a warning letter describing the contravention, the legal requirements and any time scales for corrective action, making sure that legal requirements are differentiated from best practice. If the operator does not take the appropriate action to comply with the time frame specified, the OV may serve a Hygiene Improvement Notice, which will specify the corrective action required. Any failure to comply with such a notice is an offence and the matter will be referred for investigation with a view to prosecution.
4. If, despite continued enforcement action and prosecution, the operator fails to change behaviour or take responsibility by carrying out the appropriate monitoring and corrective action the MHS can make an application to the FSA to have the establishment's approval suspended or withdrawn.
5. The amount of enforcement activity taken by the MHS has fallen in recent years and has become more consistent across MHS Regions. This could be as a result of the approvals process and the introduction of HACCP based controls, but much of the reduction has been due to fewer welfare and cattle identification referrals. The latter is as a result of the revocation of a legal provision within the old Cattle ID Regulations.

Measures being taken by MHS to make enforcement more risk based and effective

Case conferences

6. After a pilot of the approach from June to November 2007 the FSA and MHS have introduced a case conference approach for investigation referrals where it appears formal action is required to ensure the safe production and processing of meat. The case conference pools intelligence in respect of the plant and a joint action plan is agreed.

Visualfiles - Case Management System

7. As part of a more effective use of IT systems in MHS a bespoke case management system "Visualfiles" has been developed that will allow the details of all cases referred for investigation to be input remotely by OVs in plant. Additional information relating to the case can be added at each stage and the system can be interrogated to identify patterns of non-compliance.
8. Work has been carried out with FSA Legal Section to provide for future development of the system to allow case information to be shared with the FSA and for FSA to directly input data relating to the latter stages of cases including outcomes.

E-enablement of MHS operational data

9. Currently a delay exists between the identification of contravention by an official veterinarian (OV) in plant, its recording on the "Enforcement Programme" and the input of the data on to the enforcement data base at the MHS Regions (now MHS headquarters). E-enablement will allow those involved in support and delivery of official controls to view "live" data on enforcement action taken at plant level. The project will:
 - rationalise the number of operational forms requiring completion by the OV,
 - e-enable as much operational and business data as possible,
 - improve information flow to SLA customers,
 - provide reports on key operational information to satisfy the requirements of the National Control Plan etc...
 - provide Business Managers (BMs), Lead Veterinarians (LVs) and the FSA with direct access to real time management information, allowing timely intervention where necessary.
 - allow VMHAs to view current and historic plant related information eg enforcement programmes and past reports on MHS audit of the business.

FREQUENCY OF OFFICIAL VISITS TO/PRESENCE AT SLAUGHTERHOUSES AND CUTTING PLANTS

