

**SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION –
GUIDANCE FOR THE ENFORCEMENT OF HYGIENE REGULATIONS ON EGG PRODUCTION SITES IN THE UNITED KINGDOM**

1 December 2008

SRC/44

**SUMMARY REPORT OF RESPONSES TO CONSULTATION
FROM STAKEHOLDERS**

1. The Guidance for the Enforcement of Hygiene Regulations on Egg Production Sites in the United Kingdom consultation was issued 2 May 2008 and closed on 25 July 2008.
2. The consultation sought views and comments on draft guidance for enforcement bodies for the enforcement of Hygiene Regulations on egg production sites in the United Kingdom.
3. The key proposals on which the consultation sought views were:
 - The scope of the guidance, including key issues for consideration when applying food hygiene legislation on production sites;
 - Views on any aspect of the draft guidance for enforcers.
4. In addition to the written consultation, which was distributed to a range of interested parties, a consultation meeting was also held at the National Motorcycle Museum, Solihull on 28 March. Views from this meeting as well as written responses have been taken into account in this consultation.
5. The Food Standards Agency is grateful to those stakeholders who responded and sets out in the table below responses received in order of the responses received.
6. The Food Standards Agency's considered responses to stakeholders' comments are given in the last column of the table.
7. A summary of changes to the original proposal(s) resulting from stakeholder comments is set out in the final table.
8. A list of stakeholders who responded can be found at the end of the document.

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Respondent (country)	Method of Response	Comment	Response
NFU England & NFU Cymru (England & Wales)	Email & letter	NFU's main concern is the increased level of inspections of the egg industry that is already heavily regulated and regularly inspected under assurance schemes, whose requirements exceed the requirements of the EU regulations, and unannounced audits by retailers.	<p>It is not expected that there will be an appreciable increase in inspections due to the new requirements of the EU legislation. It is intended that inspections will be carried out in the course of visits to production sites undertaken for other purposes by the inspecting bodies, which are:</p> <ul style="list-style-type: none"> • Egg Marketing Inspectorate (EMI) in England and Wales; • Eggs and Poultry Unit (EPU) in Scotland; and <p>Department of Agriculture and Rural development (DARD) Quality Assurance Branch (QAB) in Northern Ireland.</p>
NFU England & NFU Cymru (England & Wales)	Email & letter	<p>Visits to egg production units should be risk based - therefore anyone who is part of an assurance scheme should have a lower level of inspection.</p> <p>Egg production units who are not linked to an accreditation scheme should be inspected first.</p>	<p>The frequency of hygiene inspections will be risk-based but this can only take place once inspectors have sufficient experience of the conditions at a full range of farms involved. Members of assurance schemes are expected to be well placed to meet the new requirements of the EU legislation. If farms belonging to assurance schemes are found to constitute lower risk premises, this will be taken into account in subsequent inspections.</p> <p>Until a clear picture can be obtained of whether membership of an assurance scheme consistently constitute lower risk, farms will be selected for inspection on a random basis</p>

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Respondent (country)	Method of Response	Comment	Response
<p>NFU England & NFU Cymru (England, Wales)</p>	<p>Email & letter</p>	<p>NFU Cymru believes it is necessary for the inspector to inform the producer of his intention to visit and inspect the premises.</p> <p>NFU Cymru believes it is essential when the inspection is being carried out the inspector is accompanied by the producer or his / her representative at all times.</p>	<p>EU Regulations require official control activities, such as the hygiene inspections in question, to be carried out without prior warning (Regulation 882/2004 Article 3(2), Regulation 589/2008 Article 24(5)).</p> <p>Hygiene inspections will therefore be conducted on this basis, which is also used for comparable visits made by inspecting bodies for other official control functions (e.g. animal welfare, dairy hygiene inspection).</p> <p>Return visits, e.g. to follow-up on agreed actions, will be made at times agreed with the producer.</p> <p>It is desirable that the inspector will generally be accompanied for at least part of a routine Inspection. Where possible this should be the producer, their representative, or a 'responsible person' able to answer questions on hygiene procedures and operating practices.</p>

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<p>NFU England & NFU Cymru (England, Wales)</p>	<p>Email & letter</p>	<p>It is important that a copy of the inspection sheet be left with the producer and kept on the premises for the egg producer to keep for his own records.</p> <p>If a non-compliant occurs it is essential that a realistic timescale is established to allow enough time for the issue to become fully compliant.</p> <p>Any costs associated with the additional inspections should not be borne by the producer.</p>	<p>Any issues identified will be recorded in writing by the inspector and the inspector will discuss any corrective action and timescale for corrective action with the owner (or their representative).</p> <p>A report, in the format described in Annex 6 of the Food Law Code of Practice, will be provided to the food business operator following each primary inspection.</p> <p>At the present time there are no plans for costs of primary or additional inspections to be passed on to the producer.</p>

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<p>Society for General Microbiology</p> <p>(Response sent to Wales, NI and England)</p>	<p>Email</p>	<p>The Society for General Microbiology believes that the document is generic and non-specific advice, and believes there needs to be an objective scale to indicate what constitutes compliance or non-compliance. The SGM also consider that advice should at the very least lead to a response that is measurable and that will be consistent regardless of individual inspectors.</p> <p>The response also references an American program as an example of a programme that works and is successful.</p>	<p>The hygiene legislation involved (Regulations (EC) 852/2004 and 853/2004) aim to ensure that food hazards in primary production are identified and adequately controlled. This legislation describes general requirements for a number of aspects of operations but defines very few specific requirements.</p> <p>The draft guidance aims to identify the specific practical areas or issues that inspectors may need to be considered when assessing whether a site complies with the requirements of the legislation.</p> <p>It was decided not to base assessments on a scoring system. It was felt important to allow inspectors to use their judgement in assessing subjective conditions on site and that objective scoring criteria may not give a true reflection of the way that a site is operated.</p> <p>Inspectors have received training about agreed acceptable standards and the consistency of inspections will be included in the audit of inspection activities which will be undertaken.</p>

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Respondent (country)	Method of Response	Comment	Response
Food Solutions (England)	Email	It is still not clear whether the Environmental Health and Trading Standards officials have a complementary role. Perhaps this could be defined in your final document. Our members tell us that they have so many visits from inspection officials that they are unclear as to their specific functions.	The Agency's Food Law Practice Guidance (England) ¹ (section 4.2.3: Co-ordination of Inspections) recognises the advantages and benefits that can be achieved by co-ordinating inspections, which are also encouraged by LACORS ² . We are grateful for this comment and will clarify the situation in the finalised guidance.
Food Solutions (England)	Email	The guidance appears to be addressed to large egg production facilities and takes no account of small units. In this context we would refer you to Article 13 points 3 and 4 of EC 852/2004 which commends the continued use of traditional methods. Small units have problems that large mass production sites do not have.	The guidance is intended to be equally applicable at egg production sites of all sizes and to allow inspectors to use their judgement in assessing the degree of risk associated with all sizes of operations and methods of production.
Food Solutions (England)	Email	In particular, for birds kept free-range or under organic conditions, it would be impractical to prevent drinking from rain water puddles. Hens are natural scavengers and could not be prevented from picking up foods when scratching outside.	Noted

¹ <http://www.food.gov.uk/enforcement/foodlaw/foodlawcop/copengland>

² LACORS – Local Authorities Co-ordinators of Regulatory Services

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Food Solutions (England)	Email	The guidance seems to give no steer on welfare in the forms of stocking densities, temperature control or disease and other hazard protection. Hens are omnivores and in the wrong temperature, light or density conditions will eat each other. This is not good for animal welfare.	This guidance relates to the enforcement of hygiene regulations only. Animal welfare is covered by other regulations. Nonetheless, should inspectors be concerned about conditions or practices outside their own remit, they will inform the appropriate enforcement bodies so that any necessary action can be taken.
Food Solutions (England)	Email	The guidance appears to be aimed at egg production sites that are registered packing stations. This is not made clear in the text but is evident from the criteria the inspectors are asked to examine.	The guidance is intended for use at egg production sites in the UK. Egg packing centres are not considered to be involved in primary production and so need to be approved separately by local authorities, who will assess the suitability of such premises as food businesses, including relevant hygiene conditions.
Food Solutions (England)	Email	We would suggest that the sole qualification of an intermediate hygiene certificate for the inspectors may not be adequate. They should have some knowledge of animal welfare and the practical aspects of primary production.	All Egg Marketing Inspectors have knowledge, experience, and training to carryout inspections, and cover building construction, housing etc. All inspectors have a manual with clear instructions and guidelines for entering farms Animal welfare is not the specific aim of the hygiene regulations, but inspectors do consider and report specifics welfare concerns to the appropriate enforcement body

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British Egg Industry Council (England)	Email	For Lion Code egg producers, it is noted that at the Stakeholder meeting held on 27 th March in Birmingham, the enforcement body (EMI) will take a 'light touch' approach, as these producers will already be meeting the requirements of the legislation.	The guidance reflects the requirements of the hygiene legislation. Although the requirements of the Lion Code scheme were considered when drafting the guidance, the guidance is separate from the Lion Code. Members of assurance schemes are expected to be well placed to meet the new requirements of the EU legislation
British Egg Industry Council (England)	Email	We have concerns that an unannounced audit by the Egg Marketing Inspectorate to farms (as opposed to packing centres) may create an increased biosecurity risk at a time when farms are seeking to minimise visitors. There is also an added health and safety risk, should an inspector visit a farm unaccompanied.	All Inspectors are experienced and trained to enable them to maintain on-farm biosecurity measures while carrying out inspections.
British Egg Industry Council (England)	Email	It might be useful to mention the need for adequate toilet facilities and designated location for the consumption of food by egg handlers.	The EMI will consider the adequacy of hygiene facilities on a case by case basis; and will make judgement appropriate for the site.
British Egg Industry Council (England)	Email	There is some duplication between government bodies and inspections, e.g. feed containment is an Environment Agency responsibility, as is waste and hazardous substances.	See comments regarding duplication of effort to Food Solutions comment above

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British Free Range Egg Producers Association (England)	Letter	Most egg producers are already audited at least once per year by freedom foods and twice per year on behalf of the Lion Code. I hope that where that is the case the Egg Marketing Inspector spends minimal time on checking and auditing. We are already overburdened by bureaucracy and do not need to spend extra hours on duplication.	Any increase in inspections due to the new requirements of the EU legislation is expected to be minor. Hygiene inspections will be carried out in the course of visits to production sites for other purposes and undertaken by the bodies identified in the response to NFU.
British Free Range Egg Producers Association (England)	Letter	It is important that the egg marketing inspector warns a producer of his first visit so that the producer himself is present on the inspection. We would stress that this is only necessary on the first visit at each site so that the inspector can explain what he is looking for. Failure to do so will undoubtedly lead to wasted visits and bad visits	See response to NFU comments on this point
National Consumer Federation (England)	Letter	We support the proposals in the draft guidance as they stand as a sensible, standardised approach to enforcing the hygiene regulations and will give consumers more confidence in that the eggs we buy have been produced under the best possible conditions.	Your comment is noted and welcomed.

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National Consumer Federation (England)		We do question that when a site has been found to be lacking in some way and receives a zero mark – the producer is only given advice on how to rectify the situation and not given a set time period in which to put it right as they are when given a cross as non-compliant. We feel there should be a pass or a fail.	<p>The ‘zero’ mark was introduced to identify aspects where improvement is desirable but not critical, and so do not constitute a non-compliance that requires re-inspection to check that it has been rectified.</p> <p>At the conclusion of every inspection the officer will discuss any corrective action required and agree the timescale for corrective action to be taken. Any corrective action and timescale will be in proportion to the severity of the non-compliance identified.</p>
UK Egg Producers Association (England)	Fax	Whilst agreeing in principle with the format of the checklist for hygiene in egg production units, we find that, without exception, all the questions are already covered by other auditing exercises. Producers are already overloaded with time spent audit and we feel that the first question should be “Are you already audited by another scheme?” If so, the producer should be exempt from the FSA checks	<p>The guidance reflects the requirements of the EU hygiene legislation, which constitute an official control measure that must be enforced through inspection visits. It is also important that production site should meet the regulations at all times.</p> <p>Inspections will be carried out in the course of visits to production sites for other purposes and so no additional visits are envisaged.</p>

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Respondent (country)	Method of Response	Comment	Response
Edward Oatley and Son Ltd (England)	Letter	It would seem to me that it would be pointless and expensive to burden egg producers and packers who operate under these schemes with yet another round of inspection and box ticking. The State Veterinary Service would be put to much better use in helping farmers in more constructive ways.	Please see response to the previous comment. You may wish to note that on 1st April 2007 the State Veterinary Service was merged with the Dairy Hygiene Inspectorate, Egg Marketing Inspectorate and the Wildlife Licensing and Registration Service to form Animal Health, the government's executive agency responsible for ensuring that farmed animals in Great Britain are healthy, disease-free and well looked after.
Edward Oatley and Son Ltd (England)	Letter	I would suggest that the provision of up to date certificates of compliance of wither Laid in Britain or Lion code would be more adequate to satisfy compliance with the hygiene regulations. Those remaining who are unwilling or unable to take part in either scheme could then be subject to inspection by the SVS.	See response above to UK Egg Producers Association

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Respondent (country)	Method of Response	Comment	Response
Edward Oatley and Son Ltd (England)	Letter	I would ask that these steps are to be taken to ensure that hygiene regulations are applied to imports. It is not sufficient to state that these are the responsibility of the exporting country. From 2012 the United Kingdom will have to import increasing amounts of eggs to meet demand. This is due to the banning of conventional cage production with the EU. Large quantities of egg will have to be sourced from outside the EU, often from countries that will not meet with the hygiene requirements laid down in the consultation.	<p>The requirements of the food hygiene legislation that these inspections enforce (as well those on production methods, welfare standards and marketing standards) apply in all EU Member States. Class A eggs produced in accordance with this legislation are allowed free movement within the EU area.</p> <p>Food, including eggs, imported into the EU area from 'third countries', and intended for human consumption, must meet food safety and food hygiene requirements at least equivalent to those in European Union (EU) law. Food products of animal origin such as eggs must be certified to this effect, and must come from an approved country, and must enter the EU through designated Border Inspection Posts where they are subject to checks. These arrangements are intended to ensure that food imports into the EU meet the same requirements as food produced within the EU.</p>
East Ayrshire Council (Scotland)	Letter	<p>It is noted that enforcement of the new requirements on egg production sites will be undertaken on behalf of the Food Standards Agency in Scotland by the Eggs and Poultry Unit (EPU).</p> <p>The Guidance and Farm Inspection Report form appear to be comprehensive and easily understood and are duly supported.</p>	Your comment is noted and welcomed.

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SUMMARY OF CHANGES MADE:	
Comment	Response
<ul style="list-style-type: none"> We have concerns that an unannounced audit by the Egg Marketing Inspectorate to farms (as opposed to packing centres) may create an increased biosecurity risk at a time when farms are seeking to minimise visitors. There is also an added health and safety risk, should an inspector visit a farm unaccompanied. 	<ul style="list-style-type: none"> The requirement that inspections should be unannounced has been clarified in the finalised guidance and references to the relevant EC legislation added.
<ul style="list-style-type: none"> There is some duplication between government bodies and inspections, e.g. feed containment is an Environment Agency responsibility, as is waste and hazardous substances. 	<ul style="list-style-type: none"> The role of the bodies and inspectors that will carry out on-farm inspections have been clarified in the finalised Guidance.
<ul style="list-style-type: none"> It is important that a copy of the inspection sheet be left with the producer and kept on the premises for the egg producer to keep for his own records. If a non-compliant occurs it is essential that a realistic timescale is established to allow enough time for the issue to become fully compliant. 	<ul style="list-style-type: none"> In the finalised Guidance it has been clarified that a report form for each inspection will be left with or sent to the operator, and the format for this report

ACTIONS TO BE IMPLEMENTED:

- Incorporation of changes listed above, and a ‘worked example’ of the inspection checklist (Annex C)
- Publication of the finalised guidance document. Hard copies will be sent to all UK enforcement bodies, all interested parties invited to comment and those that submitted comments. The guidance will also be available on the Food Standards Agency website (<http://www.food.gov.uk/foodindustry/guidancenotes/>).

List of Respondents:

1. NFU Cymru & NFU England
2. Society for General Microbiology
3. Food Solutions
4. British Egg Industry Council
5. British Free Range Egg Producers Association
6. National Consumer Federation
7. Edward Oatley and Son Ltd
8. East Ayrshire Council