

CONSULTATION ON THE ADVISORY COMMITTEE ON ANIMAL FEEDINGSTUFFS' (ACAF) REVIEW OF FEED LAW ENFORCEMENT: – SUMMARY OF THE AGENCY'S RESPONSES TO CONSULTATEES

Executive summary

1. The Food Standards Agency consulted a wide range of stakeholders, including the feed industry, small businesses and enforcement authorities on its draft Action Plan, in response to ACAF Review of Feed Law Enforcement between 19 January 2006 and 21 April 2006.
2. A total of thirteen replies from all parts of the UK were received in response to the consultation. Many (seven) expressed support for the Agency's draft Action Plan, including LACORS; the Agricultural Industries Confederation (AIC); the Pet Food Manufacturers' Association Ltd (PFMA); the National Association of Agricultural of Agricultural Contractors (NAAC) and the British Cattle Veterinary Association. None of the respondees were opposed to the Agency's proposed response. Few sought clarification on some aspects of the Action Plan and a couple (the AIC and the Assured Food Standards) expressed interests in being included in any discussions the FSA wishes to have with assurance schemes on feed law enforcement. The Scottish Food Advisory Committee (SFAC) recommended that a representative from ACAF should serve as an observer in the Animal Feed Law Enforcement Liaison Group meetings in order that regular reports could be made to ACAF on the work of the Group. Enforcement authorities (Corporation of London and Wales Regional Trading Standards) flagged up the issue of funding enforcement authorities properly, in order for them to carry out feed law enforcement more effectively.
3. The main comments from stakeholders have been compiled into a table format and are outlined below.

No.	Organisation/ consultee	Comments	FSA Comments
1	Agricultural Industries Confederation (AIC)	<ul style="list-style-type: none"> • The AIC supports the preparation of this action plan and hopes that it will help to facilitate a more consistent interpretation and enforcement of feed legislation throughout the UK. • Recommendation 2: AIC would welcome the opportunity to attend future AFLELG meetings. • Recommendation 5: AIC welcomes the intention to make the lists of approved and registered premises publicly available. • Recommendation 6: AIC fully supports the recommendation that enforcement authorities adopt a proportionate risk-based approach. • Recommendation 7: With the experience they have as owners of assurance schemes, AIC would welcome the opportunity to comment and assist LACORS in the risk assessment rating scheme. • Recommendation 11: AIC supports the introduction of codes of practice for all areas and would like to be involved in discussions on its implementation. 	<ul style="list-style-type: none"> • Recommendation 2: AFLELG meetings are to facilitate dialogue between the feed law enforcement agencies and the FSA. It is not the intention to make trade bodies members of this group but the Agency will consider inviting such feed business representatives to meetings of AFLELG were it would be appropriate to do so. • Recommendation 7: The Agency will pass on this comment to LACORS • Recommendation 11: The AIC

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			<p>were included in the list of interested parties invited to comment on the recent consultation exercise on the draft Code of Practice on Feed Law Enforcement.</p>
2	Assured Food Standards (AFS)	<ul style="list-style-type: none"> • Recommendation 4: As the AFS schemes and the Feed Assurance schemes are run by separate organisations, AFS have recommended that both organisations are included in any future discussions the FSA may have with assurance scheme auditors to share information with assurance bodies. The AFS also suggest that the word 'operator' be amended to either 'AFS or AIC' or 'scheme owner'. • Recommendation 7: The AFS recommend that inspections carried out by assurance schemes must be taken into account and assured farms considered a low risk. 	<ul style="list-style-type: none"> • Recommendation 4: The Agency will address the issue of sharing information with assurance schemes through the AFLELG forum. Both the AFS and the AIC will be involved in any subsequent discussions on this issue. The Agency has amended 'operator' to 'scheme owner' as suggested. • Recommendation 7: The draft Code of Feed Law Enforcement being developed by FSA has implemented this comment.
3	British Cattle Veterinary Association (BCVA)	<ul style="list-style-type: none"> • The BCVA supports the key recommendations of the report. They welcome and encourage greater co-operation and exchange of information between feed law enforcement officers and hope this will help to minimise duplication and highlight existing gaps in the current system. • Recommendation 5: Data protection issues should be considered when setting up the central database. • Recommendation 6: The adoption of a risk-based system to feed enforcement should lead to a more targeted approach and a more proportional response to infringements. 	<ul style="list-style-type: none"> • Recommendation 5: The Agency will consider this as part of the feasibility study on creating a central database. • Recommendation 6: A risk-based system to feed law enforcement is being developed as part of FSA Code of Practice on Feed Law Enforcement for local authorities.

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			<p>The Veterinary Medicines Inspectorate (VMD) and the Department of Agriculture and Rural Affairs in Northern Ireland (DARDNI) are developing separate guidance including a risk-based approach in relation to enforcement of medicated feed law.</p>
4	British Society of Animal Science (BSAS)	<ul style="list-style-type: none"> • Recommendation 3: The BSAS recommend that AFLELG either report regularly to ACAF or have observer representation from ACAF at AFLELG meetings. • Recommendation 5: Due to possible high running costs, the BSAS recommends the Agency carry out a full cost-benefit analysis to justify the need for a central database. 	<ul style="list-style-type: none"> • Recommendation 3: The Chairman of the AFLELG is also the Secretary to the ACAF. In this role he reports back to ACAF. The Agency will nevertheless consider inviting an ACAF member with feed law enforcement experience to attend future AFLELG meetings on behalf of ACAF. Minutes and papers of AFLELG meetings are currently available on the Agency website. • Recommendation 5: The Agency will be carrying out a feasibility study for the setting up of a central database.
5	David Nicholson (Wales Regional TS Coordinator)	<ul style="list-style-type: none"> • The Heads of Trading Standards in Wales welcome the report and the suggested actions and response being taken forward by the Agency. • Recommendations 9 & 10: The Agency response does not indicate how they intend to get funding directly to the enforcement agencies. 	<ul style="list-style-type: none"> • Recommendations 9 & 10: The FSA has consulted with LACORS on the amount of money required to enforce the new feed hygiene requirements by local authorities in England and will consider making a bid for Central Government funds to

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			be made available to local authorities for this purpose. Currently, both the Welsh and Scottish Assemblies have made money available to fund enforcement of the new feed hygiene requirements.
6	Dept of Environmental Services (DES)	<ul style="list-style-type: none"> • Recommendations 9 & 10: The DES would like to see the Agency address the issue of lack of funding available to local authorities. 	<ul style="list-style-type: none"> • Recommendations 9 & 10: See comments in 5 above.
7	Environmental Protection Services, Glasgow City Council	No comments	
8	John Cheetham (Consultant)	<ul style="list-style-type: none"> • Recommendation 4: The Memorandum of Understanding (MoU) with assurance schemes should be broadened if it is to give local authorities any confidence. • Recommendation 7: The Agency should mention in its response that through the code of practice on feed law enforcement and training it provides for enforcement officers, it will aim to ensure that enforcement authorities consider potential hazards when deciding on inspection frequencies. 	<ul style="list-style-type: none"> • Recommendation 4: This point will be considered by AFLELG. • Recommendation 7: The FSA will make these points in its response to the ACAF action plan.
9	Local Authorities Coordinators of Regulatory Services (LACORS)	<ul style="list-style-type: none"> • LACORS supports all 13 action plan elements. 	
10	National Association of Agricultural Contractors (NAAC)	<ul style="list-style-type: none"> • The NAAC welcomes the co-ordination between enforcement agencies and hopes that this will help minimise the duplication of business inspections. • Recommendation 4: The NAAC would be interested in attending future AFLELG meetings as operators of the NAAC Assured Land-Based Contractor (Mobile Feed Mixing and Processing) Scheme. 	<ul style="list-style-type: none"> • Recommendation 4: AFLELG meetings are to facilitate dialogue between the feed law enforcement agencies and the FSA. It is not the intention to make trade bodies members of this group but the Agency will consider inviting such

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			feed business representatives to meetings of AFLELG were it would be appropriate to do so.
11	Pet Food Manufacturers Association (PFMA)	<ul style="list-style-type: none"> The PFMA welcomes the proposed actions by the Agency and agree that this should help to improve feed law enforcement for the future. 	
12	Scottish Environment Protection Agency (SEPA)	<ul style="list-style-type: none"> SEPA supports the Agency's response, which covers many issues they believe make for effective enforcement. Recommendations 4 & 5: SEPA urges the Agency to consider wider co-operative activities to share enforcement experiences and data. 	<ul style="list-style-type: none"> Recommendation 5: The Agency is actively pursuing the sharing of enforcement experience and co-operation through its chairmanship of AFLELG where it is promoting the creation of memorandums of understanding between enforcement agencies and the sharing of information on enforcement issues between the groups members and trade bodies.
13	Scottish Food Advisory Committee (SFAC)	<ul style="list-style-type: none"> Recommendation 3: The SFAC suggests that observer representation from The Advisory Committee on Animal Feedingstuffs (ACAF) should be present at the Animal Feed Law Enforcement Liaison Group meetings (AFLELG) or for the AFLELG to make regular reports to ACAF. They also suggest that minutes and papers from AFLELG meetings should be published on the Agency website. Recommendation 5: SFAC recommends that the Agency carry out a full cost-benefit analysis to ensure that the provision of a central database is justified on the basis of proportionality. 	<ul style="list-style-type: none"> Recommendation 3: The Chairman of the AFLELG is also the Secretary to the ACAF. In this role he reports back to ACAF. The Agency will nevertheless consider inviting an ACAF member with feed law enforcement experience to attend future AFLELG meetings on behalf of ACAF. Minutes and papers of AFLELG meetings are currently available on the Agency website. Recommendation 5: The Agency will be carrying out a feasibility study for the setting up a central database.

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**Animal Feed Unit
Food Standards Agency
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