

# Chapter 2.8 Animal By-Products

This chapter outlines FSA verification controls in animal by-products

## Sections

### [1. Introduction](#)

### [2. FSA Role](#)

### [3. Verification Procedures](#)

### [4. Record Keeping](#)

### [5. Enforcement](#)

### [6. Annexes](#)

## 1. Introduction

### In this section

#### [1.1 Purpose](#)

#### [1.2 Legislation](#)

#### [1.3 Category 1 ABP](#)

#### [1.4 Category 2 ABP](#)

#### [1.5 Category 3 ABP](#)

### 1.1 Purpose

#### 1.1.1 Purpose

Slaughterhouses, wild game handling establishments, cutting plants and other meat plants produce material that is either unfit or not intended for human consumption. The purpose of this chapter is to advise FSA staff of their role in the official controls for animal by-products (ABP).

#### 1.1.2 Reasons for ABP control

ABP are controlled to ensure:

- they do not compromise the hygienic production of meat
- they are not inadvertently or fraudulently diverted away from the disposal route back into the food chain
- human and animal health is protected and pathogens are not inadvertently spread
- they are safely and suitably handled, further used in accordance with the Regulations and safely and suitably disposed of

### **1.1.3 Definition**

An ABP is the entire body, part of an animal or a product of animal origin which is not intended for human consumption.

### **1.1.4 Not intended for human consumption**

Material becomes ABP when it is not intended for human consumption or is no longer intended for human consumption. For example, material may still be fit for human consumption but have no commercial value or not be intended for use on aesthetic grounds. Once material becomes ABP it cannot later revert to being a foodstuff.

### **1.1.5 SRM**

SRM is covered in detail in chapter 2.7 on 'Specified risk material controls' and you should refer to it for guidance. Updated [From an Animal by-products point of view, SRM material can be classified as category 1 materials.]

### **1.1.6 Categories of ABP**

There are three categories of ABP:

- Category 1, which includes SRM for:
  - incineration
  - rendering
- Category 2
- Category 3

## **1.2 Legislation**

### **1.2.1 Regulations**

The handling and disposal of ABPs is regulated by a number of pieces of legislation which include:

- (EC) 1069/2009
- (EC) 142/2011
- The Animal By-Products (Enforcement) (England) Regulations 2013 SI No 2952/2013
- The Animal By-Products (Enforcement)(Wales) Regulations 2014 SI No 2014/517 (W60)
- Regulation (EC) 852/2004
- Regulation (EC) 853/2004

### **1.2.2 Animal by-products (Enforcement) Regulations, Regulation (EC) 1069/2009 and Regulation (EC)142/2011**

The Animal By-Products (Enforcement) Regulations (ABPR) apply and enforce Regulation (EC) 1069/2009 and Regulation (EC) 142/2011 and you will need to refer to both sets of legislation for guidance.

Together, they provide:

- the definition of ABP
- categories for ABP, (Categories 1, 2 and 3)
- permitted options for disposal or future use of ABP

- the staining of ABP
- the storage and labelling of ABP
- the restriction of the movement of ABP which requires staining
- the service of legal notices for the disposal of ABP or for cleaning and disinfection of vehicles, containers or establishments

### **1.2.3 (EC) 852/2004**

Sets out the hygiene requirements with respect to the:

- storage
- handling
- disposal / elimination

of all food waste, non-edible by-products and refuse.

### **1.2.4 (EU) Regulation 2019/627(EU) 2019/627 requires the OV to:**

- verify the FBOs continuous compliance with FBOs own procedures concerning any collection, transport, storage, handling and processing, and use or disposal of ABP (including SRM)
- during inspection, check the removal, separation, staining and labelling of ABP
- declare meat unfit that fails to comply with the decisions concerning food chain information, live animals and meat

### **1.2.5 Starting point in the manufacturing chain and obligations**

As soon as FBOs generate animal by-products or derived products which fall within the scope of Regulation (EC) No 1069/2009, they must identify them and ensure that they are dealt with in accordance with the Regulation ('Starting Point').

**Reference:** (EC) No 1069/2009, Chapter 1, Section 2, Article 4 (1)

### **1.2.6 ABP control systems**

FBOs are to handle their ABP in a way that they do not become a source of cross contamination for food. They are also to make sure they are segregated in a way that each category of ABP is treated as such and not disposed of or diverted to an unsuitable destination (for example, Category 3 ABP diverted to the human food chain or Category 1 being dispatched to a business not authorised for handling such products).

FBOs are required to have a HACCP based system in place to achieve the objectives listed at 1.1.2.

**Legal Requirement:** Article 29, of EC 1069/2009 "1. Operators carrying out one of the following activities shall put in place, implement and maintain a permanent written procedure or procedures based on the hazard analysis and critical control points (HACCP) principles for the:

- (a) processing of animal by-products;
- (b) transformation of animal by-products into biogas and compost
- (c) handling and storage of more than one category of animal by-products or derived products in the same establishment or plant;
- (d) manufacturing of pet food."

There are plants where the FBO decides to treat all ABP as a single category (for example, declaring all ABPs as category 1 for disposal). Those FBOs would be excluded from this requirement. Such simple systems can be handled without the need for a documented HACCP based system but they are not exempt from any other requirement and they are to comply with all requirements noted at 1.1.2.

## 1.3 Category 1 ABP

### 1.3.1 Definition

Category 1 ABPs are defined in Article 8 of (EC) 1069/2009.

The following are defined as Category 1 ABP. These pose the highest risk to human or animal health and include SRM:

- all SRM (see chapter 2.7 on 'Specified risk material controls' for further detail)
- entire bodies or parts of dead animals and carcasses containing SRM at the point of disposal (unless the SRM has been removed and disposed of separately)
- all body parts, including hides and skins, of animals suspected or confirmed as being infected by a TSE
- animal material (sludge) or ABPs collected from waste water drain screenings in ruminant slaughterhouses and other premises in which SRM is removed
- animal material (sludge) or ABPs collected during the treatment of waste water
- animals killed in the context of TSE eradication measures
- wild animals when suspected of being infected with diseases communicable to humans or animals
- products derived from animals treated with substances prohibited under EC legislation or containing residues of environmental contaminants
- mixture of Category 1 material with Category 2 material
- mixture of Category 1 material with Category 3 material

**Note:** Since the introduction of the new TSE (England) Regulation implemented in July 2018, there is no SRM on sheep and goats under one year of age.

### 1.3.2 Examples of Category 1

The list below provides examples of the nature of Category 1 ABPs FSA staff encounter. The list is intended for guidance and is not exhaustive:

- SRM.

**Reference:** see chapter 2.7 on 'Specified risk material controls' for additional information.

- Carcasses, blood and all parts (including hide / skin) from animals which do not prove negative for a TSE following testing.
- All parts (including hides / skins and blood) of TSE sampled carcasses disposed of prior to test results being obtained.
- Products suspected of containing European Commission (EC) prohibited non-medicinal treatments or illegal substances, such as elevated dioxin or heavy metal contaminants, if such residues exceed the permitted levels (but does NOT include products containing residues of permitted veterinary drugs).
- Bodies of wild game animals suspected of being affected by disease communicable to humans or animals, such as foot and mouth disease or TB.
- Any animal material that comes into contact with SRM after it has been removed from the carcass.

- Whole bodies of cattle, water buffalo, sheep and goats over one year of age and bison either rejected at ante-mortem inspection, or found dead on arrival (DOA), or found dead in the lairage (DIL) (unless SRM has been removed at the point of disposal).

## 1.4 Category 2 ABP

### 1.4.1 Definitions

The list below provides a summary of Category 2 ABPs, as detailed in Article 9 of Regulation (EC) 1069/2009. Category 2 ABPs pose a high risk to human or animal health and comprise:

- ABPs not included in definitions for Category 1 or 3
- sludge collected from 6 mm waste water drain screenings in non-ruminant (pig and poultry) slaughterhouse or wild GHE
- products containing residues of authorised veterinary drugs and contaminants exceeding the permitted levels
- material imported from third countries or member states (MS) which does not comply with the veterinary requirements of the EU
- animals and parts of animals that die other than by being slaughtered for human consumption, including those killed for disease control purposes (unless these fall into Category 1) and fetuses
- products of animal origin that have been declared unfit for human consumption due to the presence of foreign bodies in those products
- manure and digestive tract contents
- blood from any animal which has not passed ante-mortem inspection
- mixtures of Category 2 material with Category 3 material

Any material that does not fall into Category 1 or 3 must be treated as Category 2 material.

**Note:** Many establishments upgrade all Category 2 to Category 1 material for commercial reasons. This is allowed under current legislation. Compliance with Category 1 materials is required in such cases.

### 1.4.2 Examples of Category 2 ABP

The list below provides some examples of the nature of Category 2 ABPs FSA staff encounter. The list is intended for guidance and is not exhaustive.

- Any carcase, part of a carcase or offal, not containing SRM, which comes from an animal or bird which was not presented for full ante-mortem inspection, or not presented with the necessary Food Chain Information (FCI).
- Post-mortem rejects containing pathological lesions indicating disease communicable to man or animal; examples include septicaemic carcasses, pneumonic lungs, cysticercus bovis lesions, pericarditis, muscle abscesses, septic arthritic joints, and TB lesions.
- Material collected in drain traps or screens in non-ruminant slaughterhouses, where the material is carried in waste water which is destined for discharge from the plant.
- Whole bodies of pigs or poultry either rejected at ante-mortem inspection found DOA or found DIL.
- Any carcase, part of a carcase, offal or trim which is visibly contaminated by harmful materials or by contact with any unhygienic surface such that it is a risk to human or animal health. Examples include faeces, stomach contents, lubricants, condensation, rail debris, rust, faecal smears.
- Lagomorph intestines (where removed in an approved game handling establishment).
- Any meat or offal not handled or stored in accordance with the Hygiene Regulations, which results in the meat becoming spoiled so that it is a risk to either human or animal health.

- Any meat that is unfit for human consumption or is spoiled in any way as to present a risk to human or animal health.
- Mouldy or decomposing meat or offal including discoloured contents of blown vacuum packs that may pose a risk to human or animal health.
- Any meat found to have residues of substances which may pose a risk to animal or human health. (**Note:** This includes soliped carcasses which test positive for the presence of phenylbutazone.)
- Blood from any animal that has not passed ante-mortem inspection (and therefore has not been slaughtered for human consumption).
- Deer carcasses where the bullet has entered through the abdomen causing bruising, bone damage and extensive contamination which has warranted rejection of the entire carcase.
- Whole bodies of small wild game either rejected at intake inspection, or found grossly contaminated in the larder prior to processing.
- Lagomorph intestines (where removed in an approved game handling establishment).
- Any trim that is undertaken before post-mortem inspection. In game handling establishments and small slaughterhouses under cold inspection flexible attendance only.

**Reference:** See chapter 5 on 'Residues' for additional information.

### 1.4.3 Exception for pig, cattle and horse digestive tracts intended for biogas or composting

All sections of the digestive tract which are not SRM may be consigned from the slaughterhouse for biogas or composting, without removing the digestive tract contents, in the following circumstances only:

- the OV has made checks with APHA that the receiving premises are approved to carry out the appropriate process
- the gut contents do not present a risk of spreading any serious transmissible disease, Reference (EC) 1069/2009, Article 13(e)(ii)
- the FBO can demonstrate, to the satisfaction of the OV, that non SRM intestines, which are condemned or come from the carcase of an animal that has not passed ante or post mortem inspection, are not used for biogas or composting processes; this material must be disposed of as Category 2 material, unstained

To summarise, non-SRM unemptied digestive tracts that have passed ante and post-mortem inspection can be sent for biogas or composting, must be disposed of as Category 2 material, but staining is not required.

### 1.4.4 Digestive tract sections eligible for biogas

The table below shows the sections of the digestive tract eligible for biogas or composting provided the criteria listed on the previous page have been met.

Species	Digestive tract sections eligible for biogas
<b>Pigs and Horses</b>	Entire digestive tract (stomach, small and large intestine)

Species	Digestive tract sections eligible for biogas
Cattle	Entire digestive tract but not the last four metres of small intestine, the caecum or mesentery
Sheep	Entire digestive tract (stomach, small and large intestine)

## 1.5 Category 3 ABP

### 1.5.1 Definition

The list below provides a summary of Category 3 ABPs, as defined in Article 10 of Regulation (EC) 1069/2009. These may be used for the production of pet food, subject to the provisions of (EC) 1069/2009, Article 35:

- Carcasses and parts of animals slaughtered or, in the case of game, bodies or parts of animals killed, and which are fit for human consumption in accordance with Community legislation, but are not intended for human consumption for commercial reasons.
- Carcasses and the following parts originating either from animals that have been slaughtered in a slaughterhouse and were considered fit for slaughter for human consumption following an ante-mortem inspection, or bodies and the following parts of animals from game killed for human consumption in accordance with Community legislation:
  - carcasses or bodies and parts of animals which are rejected as unfit for human consumption in accordance with Community legislation at post mortem inspection, but which did not show any signs of disease communicable to humans or animals
  - heads of poultry
  - hides and skins (including trimmings and splitting), horns and feet, including the phalanges and the carpus and metacarpus bones, tarsus and metatarsus bones, of:
    - animals, other than ruminants requiring TSE testing, and
    - ruminants which have been tested with a negative result in accordance with Article 6(1) of Regulation (EC) No. 999/2001
  - pig bristles
  - feathers
- ABPs from poultry and lagomorphs slaughtered on the farm as referred to in Article 1(3) (d) of Regulation (EC) No 853/2004, which did not show any signs of disease communicable to humans or animals.
- Blood of animals which did not show any signs of disease communicable through blood to humans or animals obtained from the following animals that have been slaughtered in a slaughterhouse after having been considered fit for slaughter for human consumption following an ante-mortem inspection:
  - animals other than ruminants requiring TSE testing, and
  - ruminants which have been tested with a negative result in accordance with Article 6(1) of Regulation (EC) No. 999/2001
- ABPs arising from the production of products intended for human consumption, including degreased bones and greaves.
- Products of animal origin, or foodstuffs containing products of animal origin, which are no longer intended for human consumption for commercial reasons or due to problems of manufacturing or packaging defects or other defects from which no risk to public or animal health arise. It is important to note that these products are not to be despatched bearing the

original ID mark if already wrapped / packed.

- Blood, placenta, wool, feathers, hair, horns and hoof cuts originating from live animals that did not show any signs of disease communicable through that product to humans or animals.
- Adipose tissue from animals that did not show any signs of disease communicable through that material to humans or animals, which were slaughtered in a slaughterhouse and were considered fit for slaughter for human consumption following an ante-mortem inspection.

### 1.5.2 Examples of Category 3

The list below provides some examples of the nature of Category 3 ABPs FSA staff encounter. The list is intended for guidance and is not exhaustive.

- Carcasses or parts of carcasses which have passed ante and post-mortem inspection, but for commercial or other reasons are not intended for human consumption.
- Examples: incised pig offal, pig spleens, stomachs and intestines from mammals or ratites empty of digestive material (except the last four metres of bovine small intestine and caecum which are Category 1), bovine head meat not intended for human consumption, bovine udders from animals that have passed ante and post mortem inspection and show no sign of any disease communicable to humans or animals, provided that the udders are not contaminated to the extent that they present a risk to human or animal health, skinned young lamb heads, sheep head meat, poultry necks, poultry intestines, testicles, pig rind, bones from a cutting plant.
- Unskinned bovine, ovine and caprine feet from animals that have passed ante mortem inspection, provided they are not contaminated to the extent that they present a risk to animal or public health.
- Unskinned bovine ears derived from carcasses that have passed ante mortem and post-mortem inspection and are free from ear tags, infection and abscesses.
- Unskinned young lamb heads from animals that have passed ante and post mortem inspection, and are not suspected of suffering from any disease communicable to humans or animals. Where such a suspicion exists, the heads should be skinned and inspected prior to making a decision regarding their classification.
- Unskinned pig heads from pigs that have been skinned rather than scalded, singed or depilated, and are from animals that have passed both ante and post mortem inspection. Such heads should show no signs of disease communicable to humans or animals, and must be visibly clean and free from contamination.
- Parts of a carcass or offal that are not permitted by the Hygiene Regulations to be used for human consumption but which are nevertheless no risk to animal or human health. Examples include livers with fluke lesions, milk spot lesions, Muellerius lung lesions, melanosis, material trimmed from the sticking point.
- Any carcass, part of a carcass or offal not produced, stored or transported in accordance with the Hygiene Regulations which consequently renders the meat unfit for human consumption. Examples include traceable meat with no health mark, meat stored or found over temperature to the extent of making it unfit for human consumption.
- Meat which falls on a visibly clean floor, is picked up promptly and which is rejected as unfit for human consumption for that reason.
- Material collected in drain traps or screens in non-ruminant slaughterhouses, where it is established that water is being used to transport ABPs that are exclusively Category 3 in origin, and the water is not being discharged from the establishment as waste water (such as feathers and hairs from water flumes).
- Trimmed fat or waste carcass meat, that having passed ante and post-mortem inspection, is not intended for human consumption.
- Fat trimmed prior to post-mortem inspection, provided this originates from animals which did not show any disease communicable through that fat to humans or animals.



- Obvious lymph nodes and nervous tissue removed during cutting of fat from bovine animals.
- Meat rejected by the producer because it no longer meets specification.
- Poultry heads and feet that have passed post-mortem inspection on the line attached to the carcase.
- Poultry heads and feet separated from the carcase prior to post-mortem inspection but which have passed ante mortem inspection.
- Hides, skins, hooves / feet, horns, pig bristles and feathers derived from animals, other than ruminants requiring TSE testing or with a negative result, that have passed ante mortem inspection.
- Heads, feet and feathers of small wild game.
- Product past its “use by” date. Note: If frozen, the AO needs to take into account whether the product was hygienically frozen before its UBD.
- Venison Skin-on Pizzles and tails, velvet, from wild game handling establishments and farmed game slaughterhouses.

### 1.5.3 Further examples of poultry Category 3

The following rejected poultry meat can be treated as Category 3, provided it has passed an official post-mortem inspection point (inspection at whole-bird point is deemed sufficient and carcase can be removed at that point).

Post mortem rejections caused by the slaughterhouse process (for example, machine damage, overscald, uncut, badly bled).

- Product that is not intended for human consumption even though it is fit for human consumption (runts; carcasses partially affected by abnormalities once the abnormalities are removed).
- Traumatic lesions such as bruises and fractures that are not infected.
- Carcasses affected with ascites, when such condition is proven to be caused by cardiac insufficiency.
- Carcasses contaminated by crop, upper digestive tract spillage or bile staining during the slaughter process.
- Unemptied poultry digestive track.
- Macerators: The use of macerators for cleaning digestive tract is acceptable providing it delivers a visibly clean product.

### 1.5.4 Downgrading of Category 3 material

Category 3 material that is showing signs of decomposition whilst in storage in approved premises does not need to be downgraded to Category 2 or Category 1, but cannot be processed further (for example, into pet food). The FBO should be required to separate such material from other Category 3 material. Unlike other category 3 material, decomposed category 3 material need to be stained.

This is an exception where the staining of category 3 material is required.

**Reference:** (EC) 1069/2009, Article 14(d).

The Animal By-Products (Enforcement) (England) Regulations 2013, Regulation 10 (f)

Enforcement: Where an FBO refuses to despatch such material from the premises, then a notice requiring the disposal of ABP under the ABP Regulations should be served by the OV. A copy of the document is at chapter 9 on ‘Forms’ (ENF 11/12). Updated [This notice is to be signed by the VEDM as per FSA policy.]

### **1.5.5 Blood intended for human consumption**

When blood is intended for collection for human consumption, the following three requirements must be observed:

- It is from animals which have passed both ante and post-mortem inspection.
- A workable system is in place which allows the correlation of the blood with the carcass until post-mortem inspection has been completed.
- Blood from any carcass that has not passed post-mortem inspection, along with any other blood it has already been mixed with, is prevented from being despatched for human consumption.

Blood from a carcass that has not passed post-mortem inspection for human consumption may still be considered Category 3 material and go for approved Category 3 uses (including its use as pet food) providing the blood is derived only from:

- pigs and poultry, which have passed ante-mortem inspection, or
- ruminant animals, which have passed ante-mortem inspection and have received negative TSE test result, where appropriate
- animals that did not show any signs of disease communicable through the blood to humans or animals

### **1.5.6 Blood products of porcine origin intended for use in feed for non-ruminant**

If porcine blood is to be used for the manufacturing of blood products for feeding to non-ruminant livestock:

- it should originate from animals which have passed ante and post mortem inspection
- or if rejected at post mortem inspection, it is not for any condition from the list below and:
  - a workable system is in place which allows the correlation of the blood with the carcass such as a multiple blood tank collection system operated in accordance with agreed protocols
  - blood from any carcass that has not passed post-mortem inspection for the reasons below, along with any other blood it has already been mixed with in the collection tank to which it has been identified as having been sent to, is prevented from being used for the manufacturing of blood products for feeding to livestock

### **1.5.7 Blood products of bovine origin intended for use in pet food**

If bovine blood is to be used for the manufacturing of blood products for pet food:

- it is from animals which have passed ante and post mortem inspection
- or if rejected at post mortem inspection, it is not for any condition from the table below and:
  - a workable system is in place which allows the correlation of the blood with the carcass such as a multiple blood tank collection system operated in accordance with agreed protocols
    - blood from any carcass that has not passed post-mortem inspection for the reasons below, along with any other blood it has already been mixed with in the collection tank to which it has been identified as having been sent to, is prevented from being used for the manufacturing of blood products for feeding to livestock

**Pigs and ruminants conditions rendering the blood unsuitable for pet food:**

Pigs	Ruminants
Septic peritonitis	Septicaemia / peritonitis
Septic pleurisy	Septicaemia / pneumonia
Suspect pyaemia / multiple abscesses	Suspect pyaemia / multiple abscesses
Suspect fever / septicaemia	Septicaemia / other
Tuberculosis (generalised)	Tuberculosis (generalised)
Erysipelas (generalised)	-
Any notifiable disease	Any notifiable disease

Blood rejected for any of the conditions above, although unsuitable for the manufacturing of blood products, can still go for other Category 3 uses including manufacture of bloodmeal (in the case of ruminants after TSE testing clearance).

In all circumstances, blood from animals with suspect levels of residues of authorised substances or contaminants above permitted levels should be disposed of as Category 2.

### 1.5.8 Pet food and raw pet food

Under (EC) No 183/2005 article 9 (2) any business producing ABP materials that are to be used for feeding animals (pets, zoo animals, etc) is to be registered as a feed business. The enforcement of these legislation falls under the LAs.

Updated [Pet food production in slaughterhouses, cutting plants and GHE can be permitted when FSA authorises the process and APHA has granted approval. In those cases, the FBO is to comply with the FSA [Guidance for the co-location of food and pet food production](#).

Not all Category 3 ABP materials can be used for the production of pet food. Some restrictions apply:

#### 1.5.8.1 Production of raw pet food

The FBO can only use Category 3 materials intended for the production of raw pet food if they comply with AEUR 1069/2009 Art 10 (a) and (b)(i) and b(ii). That is:

- product fit for human consumption not intended for human consumption for commercial reasons
- carcasses or bodies or parts rejected as unfit for legal reasons, but which not show any signs of disease communicable to humans or animals

- poultry heads

#### **1.5.8.2 Production of processed pet food**

In the case of processed pet food any Category 3 ABP can be used as long as it is not one of the materials referred to in Article 10(n), (o) and (p) of Regulation (EC) No 1069/2009; i.e.

- hides and skins, hooves, feathers, wool, horns, hair and fur originating from dead animals that did not show any signs of disease communicable through that product to humans or animals, other than those covered under the point (b) of the same Article
- Fat from livestock that passed ante-mortem inspection
- Catering waste unless it comes from means of transport operating outside the British Islands (which is Category 1)]

#### **1.5.9 Labelling**

There are requirements with regards to labelling that apply to such products. They are described in Commission Regulation (EU) 142/2011

- Category 2 material intended to feed animals is to be labelled as “Category 2 animal by-products to feed...” (the specie/s or kind of animals they are intended to be used as feed)
- Category 1 material intended to feed animals is also to be labelled as “Category 1 materials to feed... (the specie/s or kind of animals the product is intended for)”. Note, very few Category 1 materials can go for pet food. The one exception is for imported pet food which comes from third countries and comprising materials, from Category 1 material referred to in Article 8(c) of 1069/2009. Essentially this means material from countries which may use hormones banned in livestock production in the EU (for example, USA) maybe imported for pet food provided they comply with all the other Category 3 conditions.
- When any ABP is intended to be used as raw material for the production of raw pet food it is to be labelled as “for pet food only”.

The OV is to verify these requirements are met. The ABP periodic checks are to verify what products are sold for the production of feed, this includes checking the commercial documentation.

#### **1.5.10 Commercial documentation**

Generally, Category 3 materials may be used for the manufacturing of pet food and raw pet food. The OV is to be satisfied that the materials are Category 3 material. For example, viscera not presented for post-mortem inspection that has visually contaminated digestive track is not classed as Category 3.

The OVs must ensure the commercial documentation provided complies with the requirements (see sub-topic 4.1.3).

## **2. FSA Role**

### **In this section**

#### **[2.1 Frequency of checks](#)**

#### **2.1 Frequency of checks**

Checks should be performed as required to verify FBO compliance.

<b>Task</b>	<b>By</b>	<b>At a slaughterhouse (Recommended minimum frequency)</b>	<b>At a cutting plant or GHE (Recommended minimum frequency)</b>
Identification and separation	Any FSA team member who is appropriately authorised	As per Slaughter Hygiene Verification (SHV) system	At audit visits
Staining	Any FSA team member who is appropriately authorised	As per SHV system	At audit visits
Storage	Any FSA team member who is appropriately authorised	At the end of processing	At audit visits
Transport and disposal	Any FSA team member who is appropriately authorised	Monthly	At audit visits
Records	Any FSA team member who is appropriately authorised	Monthly	At audit visits
Blood Management	Any FSA team member who is appropriately authorised	Daily when carcasses are rejected	At audit visits

Task	By	At a slaughterhouse (Recommended minimum frequency)	At a cutting plant or GHE (Recommended minimum frequency)
Checks on Approval Status of receiving establishments	Any FSA team member who is appropriately authorised	Monthly	At audit visits
Enforcement	OV	As required in accordance with the hierarchy of enforcement	At audit visits
Audit of FBOs own procedures for ABP management	OV is responsible for the audit, but MHI may assist by collecting information	As determined by risk assessment	At audit visits
Supervision and assistance in collection of samples for educational, diagnostic or research purposes  <b>Note:</b> All requests for samples must be directed to the FBO as the owner of the product	OV or MHI	This work should only be completed where authorised by FVC  FSA can assist in collection of samples providing this does not require additional time or cause lapses in the normal controls	At audit visits

Dependent on the outcome of the checks and inspections, the OV may use their discretion to increase or decrease the number of checks undertaken.

If the FBO is shown to be compliant with ABP requirements, it would be appropriate to reduce inspection frequencies to less than daily. If the FBO is shown to have weaknesses in their ABP controls, it would be appropriate to intensify the daily inspections.

The 'Risk Based Decision Tool (RBT) for ABP and SRM' in chapter 2.7 on SRM Controls at Annex 1 is designed to assist the OV in deciding whether checks on the staining and further handling of SRM should take place on a daily basis, or less frequently. OVs should use the decision tool monthly or, in sites operating less than 3 times a week, quarterly, and record the outcome in the plant Daybook. If there are any areas of SRM handling that change, or weak areas that pose a risk of SRM entering the animal or human food chain, the OV can amend the level of checks, in consultation with the FVC. Any changes should be regularly reviewed.

## **3. Verification procedures**

### **In this section**

#### **[3.1 Introduction](#)**

#### **[3.2 Verification and inspection guidelines for ABP](#)**

### **3.1 Introduction**

#### **3.1.1 Verification**

During inspection, the FSA AO must verify the FBOs compliance in relation to the legislation.

#### **3.1.2 Verification procedure recording system**

SHV K2 form in red meat slaughterhouses must be completed whenever the AO is aware of non-compliance. The hierarchy of enforcement should be used if a non-compliance is identified. Updated [As in other areas of enforcement, all forms of written enforcement taken by non-FSA employees should be send to the VEDM as decision maker, accompanied by all related documentation that would facilitate this decision. See Chapter 7 for reference.]

#### **3.1.3 FSA Audit of FBO controls on ABPs**

SHV K2 data will be used by the veterinary auditor (VA) to gather information on FBO compliance levels for ABP controls during the audited period.

#### **3.1.4 ABP and SRM**

SRM is Category 1 ABP.

Any SRM non-compliance should be reported via the SRM recording system and not the ABP system.

### **3.2 Verification and inspection guidelines for ABP**

#### **3.2.1 Other references**

The following verification and inspection guidelines are not exhaustive. Reference should also be made to the relevant legislation.

The AO is to ensure the FBO complies with their own HACCP based system for handling ABPs when this requirement is applicable (for example, establishments handling more than one category of ABP).

Updated [The AO is to ensure the FBO complies with their own HACCP based system for handling ABPs when this requirement is applicable (for example, establishments handling more than one category of ABP or those that also produced pet food in line with the FSA [collocated pet food guidance](#))]

**Note:** see section 5 of this chapter on 'Enforcement' regarding declaring meat unfit for human consumption.

### 3.2.2 Identification and separation

Verify that the FBO ensures that:

- all material which is ABP has been identified as ABP
- all ABP has been identified as the correct category
- any lower category ABP which has come into contact with a higher category ABP has been treated as the higher category material
- floor waste is managed suitably to reduce any risks

### 3.2.3 Staining

Verify the FBO ensures that:

- suitable quantities of the correct dye available for the staining of:
  - Category 1 ABP (including SRM)
  - Category 2 ABP (colouring agent)
  - Updated [Category 3 only if shows signs of decomposition (see point 1.5.4 above) Colouring agent]
- the stain is properly prepared and there are suitable facilities for its application
- the stain is applied properly
- the stain is not contaminating meat intended for human consumption

Category 1 material containing SRM is stained with a dye. (Please note, the previous requirements on specific dye (Patent Blue V E 131) are no longer applicable).

**Note:** See chapter 2.7 on 'Specified risk material controls', sub-topic 3.6.1 on 'Staining of SRM' for action to take where it is suspected that the correct stain is not being used.

- Category 1 material which does not contain SRM is stained with a colouring agent using a solution of such a strength that the staining is clearly visible and remains visible after the ABP has been chilled or frozen, for example, wild deer carcasses affected with TB.
- Category 2 material, with the exception of blood, gut contents and green offal mixed with gut content, is stained with a colouring agent using a solution of such strength that the staining is clearly visible and remains visible after the ABP has been chilled and frozen, and:
  - the stain is applied to the whole surface of the ABP, whether by immersing it in the stain, spraying it with the solution or by any other equally effective means
  - all pieces of Category 2 red meat and all poultry by-products comprising the entire poultry carcase (whether or not de-feathered or eviscerated) have had the solution applied after the surface has been opened by multiple and deep incisions

#### Exemption:

- Category 2 or Category 3 material placed in a container, the contents of which is mainly green offal, need not be stained, but this refers only to small quantities. Larger amounts would require staining and disposal as Category 2 if mixed with digestive tract. Note that



this exception is granted when the use of this digestive tract mixed up with its contents deliver an equivalent effect to staining, so officers are to verify that effect is delivered (normally by slashing the intestine).

- ABP taken under the authority of a veterinary surgeon for examination
- ABP for educational, diagnostic and research purposes

### 3.2.4 Storage and labelling

ABPs must be stored and labelled in line with the legislation.

Verify the FBO ensures that:

- ABPs are stored in leak proof, impervious, lidded, indelibly marked and labelled bins
- bins are stored in a separate room or rooms capable of being securely locked or have closely fitting covers which are capable of being securely locked; storage of Category 3 ABPs in the same air space where meat fit for human consumption is also kept is possible provided cross-contamination is prevented
- the labels accurately reflect the ABP being held

**Note:** If there is a failure to implement this requirement, the FBO must be made aware of the non-compliance; although in cases where the labelling is legible it may be disproportionate to follow the hierarchy of enforcement to the level of recommendation for prosecution

- the storage of ABP does not risk the contamination of meat for human consumption
- ABPs stored frozen are kept in a dedicated building with separate boundaries entrances and reception bays that is approved as an ABP premises under (EC) 1069/2009. Staff and equipment must remain completely separate from the food premises and no food intended for human consumption can be taken into or stored in such premises
- any blood not intended for human consumption is stored in a leak proof, impervious facility and if it is disposed of before results from TSE tested animals have been received it is disposed of as Category 1 by incineration or co-incineration

**Note:** FSA is not the enforcement authority for the disposal of blood outside the premises.

- packaged ABPs bear the name of the producer and the address at which the ABP was packed, but not the ID mark
- meat declared unfit for human consumption which has been produced in slaughterhouses is stored in a locked facility when the site is closed; if the entire site is locked, the facilities where ABP is stored don't need to be additionally lockable
- storage bins / facilities are cleaned and disinfected after use to minimise any risks, attraction of insects, birds and vermin
- storage bins / facilities when not in use (being filled) must be proofed against insects, birds and vermin
- storage of hides intended for disposal as ABP should have adequate separation from hides intended for human consumption (for example, the production of gelatine or collagen)
- the requirements for labelling apply to storage containers and it is best practices for transfer bins. Where containers are used for collection within the processing area and transfer to storage containers, the FBO should identify the risk of failing to handle ABPs correctly and have a procedure on the HACCP plan to control that risk, such as appropriate labels provided so that a clear system of identification is in place, or colour coding, to ensure that ABP bins are:
  - used only for the correct category of ABP
  - not used for material intended for human consumption

Collection containers must also be cleaned before return to production areas and maintained in a satisfactory condition.

Verify the FBO has procedures to ensure that ABPs are categorised correctly until despatch. This must be part of the HACCP based procedures for handling ABP, which are to be documented for sites handling more than one category of ABP.

**Note:** Current Defra [guidance on hide storage](#) is available on Defra's website.

### 3.2.5 Disposal (including transport and despatch)

The following should be considered when disposing of ABPs:

- ABPs are despatched to plants approved or registered for the relevant category of ABP; this also applies to intermediate collection centres
- ABP hauliers must be registered. If they are part of an operation that is already approved (for example, approved renderer with own vehicles) the haulage part of the operation does not need a separate registration. The FBO can provide their vehicles and paperwork if they meet ABP rules. The FBO doesn't need separate ABP registration of the haulage operation if this is done by the same business approved under 852 or 853/2004

**Note:** Category 3 hides and skins may be returned by producers to their own premises after an animal has been taken to a slaughterhouse. Any producers wishing to follow this route need to be approved or registered with APHA.

- anyone collecting or disposing of ABP uses adequately covered (except when loading) leak-proof containers or vehicles, or new, sealed packaging
- Category 2 ABP may be consigned to recognised kennels or packs of hounds. The owner must have approval from APHA to obtain such material from a slaughterhouse. If such ABP are being consigned for disposal as feed for animals the ABPs must be labelled as 'For feeding to (the species of animal intended)'
- EU Regulations permit MS authorising the disposal of less than 20 kg of certain Category 3 material per week by other means. This provision is only applicable to products of animal origin, or foodstuffs containing products of animal origin, which **are no longer intended for human consumption for commercial reasons or due to problems of manufacturing or packaging defects or other defects** from which no risk to public or animal health arise.

**Reference:** (EU) No 142/2011

- The [complete list of derogations](#) can be found online.

**Reference:** (EC) 1069/2009 Article 18

The Animal By-Products (Enforcement) (England) Regulations 2013 Sch 1

The Animal By-Products (Enforcement) (Wales) Regulations 2014 Sch 1

### 3.2.6 Disposal by incineration

Some types of Category 1 ABP must be disposed of by incineration only.

**Reference:** See chapter 2.7 on 'Specified risk material controls' for additional information.

### 3.2.7 Drain traps and gratings

Drain traps or gratings with a maximum size of 6mm are in place to collect Category 2 and 3 material. If waste water is discharged to a sewer in plants processing ruminant carcasses the premises has drain traps or gratings with a maximum size of 4mm in place.

Updated [Note: The legal requirement that defines the need of a 6mm trap on drain traps is on AEUR 142/2011 Annex IV Section 2 (1)]

**Note:** Failure to comply with this requirement should be reported to the appropriate Water Authority.

### **3.2.8 Blood not for human consumption**

Blood intended for use as pet food is derived only from:

- pigs and poultry which have passed ante-mortem inspection, or
- ruminant animals which have passed both ante and post-mortem inspection and have received negative TSE test result where appropriate

**Note:** see point 1.5.7 for list of conditions found at PM inspection that may render the blood as Category 2 and therefore unsuitable for pet food.

### **3.2.9 Blood for human consumption**

When blood is intended for collection for human consumption, the following three requirements must be observed:

- it is from animals which have passed both ante and post-mortem inspection
- a workable system is in place which allows the correlation of the blood with the carcass until post-mortem inspection has been completed
- blood from any carcass that has not passed post-mortem inspection, along with any other blood it has already been mixed with, is prevented from being despatched for use as a blood product, including for human consumption

### **3.2.10 Digestive tract separation**

If mechanical means are used to harvest intestine from ingesta, the washings are passed through a 4mm screen for ruminant ingesta and a 6mm screen for non-ruminant ingesta to prevent tissue contamination of the ingesta.

### **3.2.11 Disposal of intestine**

The emptied intestine must be identified and disposed of correctly. Empty and visually clean green offal can be disposed of as Category 3, otherwise they are to be disposed of as Category 2.

### **3.2.12 Trade in Category 1 or 2 ABP and Processed Animal Proteins (PAP)**

Operators intending to move Category 1 material, Category 2 material and meat-and bone meal or animal fat derived from Category 1 and Category 2 materials to another EU Member State (MS) must comply with the conditions set out in Article 48 of Regulation (EC) No 1069/2009.

If products are to be moved to other MS, the operator must notify the Member State of origin and apply to the competent authority of the MS of destination for authorisation before any movements occur.

The standard format for the application that operators must submit for authorisation to dispatch Category 1 and Category 2 ABPs referred to in Article 48 (1) is set out in Chapter 3, section 10 of Annex XVI of Regulation (EU) No 142/2011 (as amended). The application must be sent to Defra. Imports and EU Policy Team Area 5a 17 Smith Square London SW1P 3JR Email: Updated [ [imports@apha.gov.uk](mailto:imports@apha.gov.uk) ]

### 3.2.13 Trade in Category 3 ABP

Trade is permitted between all EU MS. Category 3 materials can move between MS provided that they are accompanied by a commercial document, but they must be produced, transported, handled, processed, stored, placed on the market, distributed, used or disposed of in accordance with the requirements laid down in Regulation (EC) No 1069/2009 and Regulation (EU) No 142/2011. Updated [The product also needs to be accompanied by an EHC. Further details in the [Export or move animal bones, protein and other by-products guide.](#)]

Further guidance including a model commercial document is available in Annex VIII, Chapter III of Regulation (EU) No 142/2011.

### 3.2.14 Transport of Category 3 ABP

FBOs may use their own means of transportation for their ABPs to an acceptable ABP destination. In those cases, commercial documentation, labelling and any other requirement also apply.

If the FBO decides to transport Category 3 ABP and food in the same vehicle, adequate separation is to be maintained (such as clean, clearly labelled containers) to prevent cross contamination. The FBO is to comply with the requirements in food law so these ABP do not become a food safety hazard.

### 3.2.15 Dispatch of Category 2 or 3 ABP for Exhibition, Teaching, Scientific Research or Special Studies

On occasions requests of ABP can be made for research or educational purposes.

Before ABP are dispatched from an establishment for educational, diagnostic and research purposes, requests must be directed to the FBO as the owner of the product and Form ABP 7 must be completed. This would not be applicable, should the material be fit for human consumption (for instance, a pig head that has passed ante mortem and post mortem inspection as fit for human consumption would only need commercial documentation, however, for a liver with Fasciola, the relevant ABP form would need to be completed).

Depending on the ABP Category, the following forms should be used:

- For Category 1 (SRM)- Form ABP 7/1 (This form can be found in Annex 4 of this chapter)
- For Category 2 or 3- Form ABP 7/3 (This form can be found in Annex 3 of this chapter)

Both ABP forms consist of three Parts:

**Part 1** needs to be completed by the person responsible for the handling and disposal of ABP.

**Note:** On occasions the name and address of the research establishment will not be known at the time of the ABP collection, in this case, **the name and address of the authorised transporter** should be recorded.

**Part 2** needs to be completed by the local OV, who needs to carry out the necessary checks before signing the document. Once those are satisfactory, they can approve the application, allowing the release of the ABP to the applicant.

Updated [**Note:** The [animal by-product operating plants approved premises guidance](#) must be used to check if the disposal establishment is approved by APHA and authorised to handle the relevant ABP category included in the application.]

**Exemptions:** Research/Educational facilities can handle and collect category 1/2/3 without approval and/or registration as they are exempt under the ABP derogation (D12), however, they are still required to submit the ABP 7 application.

Note: The complete list of derogations can be found online.

**Part 3** needs to be completed by FSA staff at the establishment the ABP are dispatched from each time and shall include the following information:

- Date of dispatch of ABP;
- Type of ABP;
- Number/weight of ABP;
- Recipient's name and signature;
- Authorised Officer name and signature.

The completed form should be retained by Operations, in plant folder. Copies should be sent to:

- The applicant via email
- The FBO
- ABP [portfolio.FSA@food.gov.uk](mailto:portfolio.FSA@food.gov.uk)
- ABP team in APHA [CSCOneHealthABP@apha.gov.uk](mailto:CSCOneHealthABP@apha.gov.uk)
- Local FSA FVC/FVL
- the Local Authority in whose area the recipient establishment is situated.
- 

**Note:** When needed the OV is to contact local FSA FVC/FVL to seek further clarification.

A copy of the completed form must be retained in the plant folder for 1 year.

**Note:** A sample of 1-2 random consignments is to be checked every month, by the local FVC to verify the final destination of collected ABPs. When authorised by the APHA, the transporter is required to keep full records (commercial documents) to trace the ABPs. The OV in the relevant SH will need to request that information directly from the Applicant and send a monthly sample to FVC for them to check the destination.

## Enforcement

If there are concerns about the **ABP destination**, the AO is to contact APHA and notify these concerns using the following e-mails [CSCOneHealthABP@apha.gov.uk](mailto:CSCOneHealthABP@apha.gov.uk) (England) or [apha.cymruwales@apha.gov.uk](mailto:apha.cymruwales@apha.gov.uk) (Wales).

If there are concerns that animal by-products will be transported contrary to the requirements of (EC) 1069/2009 or ABPR, the AO should take the following action:

- Inform the FBO and transporter of the non-compliance
- Inform both the LA in which the approved premises are situated and also the LA in which the premises of the destination are situated of the potential breach of the legislation.

## 4. Record Keeping

### In this section

#### 4.1 FBO responsibility

#### 4.1 FBO responsibility

##### 4.1.1 ABP control systems

Under Article 29, of EC 1069/2009, FBOs handling ABP shall put in place, implement and maintain a permanent written procedure or procedures based on the HACCP principles for the handling and storage of **more than one category** of ABP or derived products in the same establishment or plant. This requirement also applies to business that process animal by-products or produce pet food.

In the case of single category (like an establishment declaring all their ABP as Category 1 for commercial reasons) the need of a written procedure is not legally required but is advisable. A system to handle that single category (store, identify, dispatch etc) is still needed and it is to be effective.

In the case on that single category of ABP Category 3 intended for feeding animals (pets, fur farms, zoos, etc) the establishment is by definition operating as a feed business and therefore should register itself as such.

HACCP principles apply under feed legislation, therefore operators are to ensure that they have a HACCP based system to handle ABP. The enforcement and supervision of activities related to the feed chain currently fall under the LA.

##### 4.1.2 Record details

Verify the FBO meets the requirements for commercial documentation (as for all ABPs, the commercial documentation is to be signed and dated by the responsible person).

Additionally, there should only be one reference per consignment. A single note for a period of time (for example a year) is not acceptable.

**Note:** Commercial documents can be used as the operator's records providing they contain the required information including the name and address of the carrier and the name and address of the receiver (this may not necessarily be the final destination).

##### 4.1.3 Commercial documents

Verify the FBO has generated commercial documents in at least triplicate (3 copies):

- one copy accompanies the consignment to its final destination and must be retained by the receiver
- another copy is retained by the producer
- a further copy is retained by the carrier for audit purposes

**Note:** An electronic system equivalent to the paper based system described above is acceptable.

**Reference :** (EC) 1069/2009, Article 21

#### **4.1.4 Commercial documents contents**

The AO is to verify the commercial document specifies:

- the date on which material was taken from the premises
- description of the material including:
  - the category of the material as per Articles 8 to 10 of 1069/2009
  - the animal species
  - if destined for feeding, the relevant point in Article 10 of 1069/2009 for Category 3 material and products derived therefrom
  - the ear-tag number, if appropriate
- the quantity of material, in volume, weight or number of packages
- the place of origin of the material, from where dispatched
- the name and address of the carrier
- the name and address of the receiver and, if applicable, its approval or registration number (under food, ABP or animal feed legislation)
- if appropriate, the approval number of the plant of origin, and the nature and methods of the treatment

Verify that the commercial document is signed by the responsible person, and that the colour of the signature is different to that of the printing. The requirements are clearly detailed in Commission Regulation (EU) 142/ 2011.

#### **4.1.5 ABP destroyed or used on the establishment**

Verify the FBO keeps records of any ABP destroyed or used at the establishment, for example, incinerated or rendered.

#### **4.1.6 ABP records retention**

Verify the FBO retains records for a minimum period of 2 years.

## **5. Enforcement**

### **In this section**

#### **[5.1 Introduction](#)**

#### **[5.2 Statutory notices](#)**

#### **[5.3 Declaring meat unfit for human consumption](#)**

#### **[5.4 Enforcement of transport requirements](#)**

#### **[5.5 ABP destination concerns](#)**

#### **[5.6 ABPs brought on to an FSA approved establishment](#)**

### **5.1 Introduction**

#### **5.1.1 Enforcement responsibility**

The FSA is responsible for enforcement within approved premises, acting on behalf of Defra, Scottish Government and Welsh Government. The Local Authority (LA) is responsible for

enforcement relating to ABPs outside of approved premises.

### 5.1.2 Approach

Where more than one legal provision is contravened:

- choose the specific provision that best fits the scenario
- escalate enforcement through the hierarchy
- this will be dictated by the powers available in the relevant implementing regulation
- once the enforcement has begun (verbal) under a particular Regulation, the escalation of the issue is to be undertaken always based on the same legal requirement; it is inappropriate to start enforcement under one legislative area (for example, verbal to written warning under Reg (EC) 1069/2009 and then decide to use Reg (EC) 852/2004 and to serve a RAN or HIN)

Where the non-compliance is a clear contravention of different EU regulations:

- it may be appropriate to escalate both issues in parallel, citing the separate legal references in all informal and formal enforcement
- this will always include verbal advice and if ignored, written letters of warning. Updated [Written advice must be referred to the VEDM unless the advice is provided by an FSA employee, see chapter 7 for further detail.]
- formal notices may only be served where the legislation provides such a power. Updated [Written advice must be referred to the VEDM unless the advice is provided by an FSA employee, see chapter 7 for further detail.]
- this may result in enforcement action for similar issues running in parallel but at a different pace, and referrals for investigation being put forward at different points in time where the non-compliances remain outstanding
- Updated [referrals are to be passed to Defra or Welsh Government unless they are exclusively linked to specific failures on staining.]

For TSE and other Regulations lacking of formal notices, where the power to issue a formal notice does not exist under the legislation verbal and written advice would naturally be followed by a referral for investigation where FBOs fail to correct the non-compliance.

Different issues escalated at different speeds can always be linked at a later date where they evidence similar problems.

Evidence identifies contraventions enforced by other competent authorities.

This evidence should be secured and passed on for action.

**Note:** Risk based enforcement also applies to ABP controls.

### 5.1.3 Offences outside premises

Where the OV suspects breaches of the legislation outside the premises, they must inform the LAs for both the transporter if it is a transport related problem and the receiving premises.

### 5.1.4 Non-compliance

For any non-compliance with (EC) 1069/2009, (EC) 142/2011, ABPR or (EC) 852/2004 within approved premises, the OV should use the hierarchy of enforcement and have regard to risk based enforcement principles.



If there is an imminent risk to public or animal health and the FBO refused to comply with verbal advice, immediate action must be taken.

Recurring offences: When the failures on ABP controls are the sign of a system failure the OV may consider taking action against the ABP handling HACCP based system. Sometimes, procedural failures are the root cause so action under Article 29, of (EC) 1069/2009 is to be considered when applicable (for example, more than one category of ABP being handled at that site).

**Reference:** See chapter 7 on 'Enforcement' for additional information.

## **5.2 Statutory notices**

### **5.2.1 Statutory notices for non-compliances with ABPR**

There are three statutory notices available to the OV to enforce contraventions of the ABPR:

- Notice for the Disposal of By-Products (ENF 11/12), where ABP are not being disposed of correctly.
- Cleansing and Disinfection Notice (ENF 11/13), where cleansing and disinfection of a vehicle, container or premises is necessary.
- Notice Prohibiting Animal By-Products being brought on to the Premises (ENF 11/14), where ABP are being brought into approved premises that are not approved as an intermediate plant.

**Reference:** See chapter 9 on 'Forms'.

### **5.2.2 Statutory Notices for non-compliances with EC 852/2004**

For contraventions of (EC) 852/2004, the OV should escalate the matter through the hierarchy of enforcement and where contravention persists, they may serve:

- a Hygiene Improvement Notice (ENF 11/23) under Regulation 6 of the Food Hygiene (Wales) Regulations 2006 (as amended), or Regulation 6 of the Food Safety and Hygiene (England) Regulations 2013

If an imminent risk to public health occurs, the OV may serve:

- a Remedial Action Notice (ENF 11/24) under Regulation 9 of the Food Hygiene (Wales) Regulations 2006 (as amended), or Regulation 9 of the Food Safety and Hygiene (England) Regulations 2013 where verbal advice is ignored

**Reference:** For additional information see chapter 7 on 'Enforcement', section 4.5 'Remedial Action Notices' and section 4.6 'Hygiene Improvement Notices'.

## **5.3 Declaring meat unfit for human consumption**

### **5.3.1 FSA role and responsibility**

As part of FSA verification duties, Regulation (EU) 2019/627 places certain obligations upon the OV to declare meat unfit for human consumption in specific circumstances. These include situations where any of the requirements contained in the provisions listed below are met:

- Articles 40 and 41, decisions concerning food chain information
- Article 43, decisions concerning live animals

- Article 45, decisions concerning meat

The OV must advise the FBO that the material in question can no longer be considered food, despite any previous intentions the FBO had with respect to that material. The OV must put in writing that the material is being formally 'declared unfit for human consumption' and cite the requirements of the European Regulations.

The material must be stained and disposed of as an ABP in accordance with the both the European and domestic ABP legislation.

Where the FBO fails to stain, dispose and consign the material in the correct manner, the OV must issue a formal 'Notice for the disposal of animal by-products' (ENF 11/12) requiring the disposal of the material within 48 hours. That 48 hour deadline can be altered if there are justifiable reasons for it. The Authorised Officer is to manually alter the date on the form.

Where the OV has served a notice which has not been complied with, they may arrange for it to be complied with at the expense of the person on whom the notice was served (Regulation 25(3) of the ABPRs (England), Regulation 25 (3) of the ABPRs (Wales)).

If the FBO refuses to comply with the formal notice, evidence must be gathered to support the breach of the notice and the matter must be referred for investigation (see chapter 7 on 'Enforcement').

**Reference:** See chapter 7 on 'Enforcement', annex 5.

## 5.4 Enforcement of transport requirements

### 5.4.1 AO action

If it is obvious that animal by-products will be transported contrary to the requirements of (EC) 1069/2009 or ABPR, the AO should take action as outlined in the table below.

AO	
Stage	Description
1	The AO informs the FBO and transporter of the non-compliance and that the matter will be reported to the LA who has enforcement responsibility for ABP during transportation.
2	The AO informs both the LA in which the approved premises is situated and also the LA in which the premises of destination is situated of the potential breach of the legislation.
3	The AO gathers evidence and records in the FSA daybook: <ul style="list-style-type: none"> <li>• accurate details of the non-compliance</li> <li>• the contact names and time of notification to the LA</li> </ul>

## 5.5 ABP destination concerns

There are scenarios where the FSA officer may be concerned about the final destination of a batch of animal by-products. That could be linked to the immediate disposal of large quantities of product after being rejected as unfit or found during a routine review of FBO records. In these cases, the AO is to contact APHA and notify these concerns using the following e-mails: CSCOneHealthABP@apha.gov.uk (England) or [apha.cymruwales@apha.gov.uk](mailto:apha.cymruwales@apha.gov.uk) (Wales).

## 5.6 ABPs brought on to an FSA approved establishment

There are scenarios where an FSA Officer may find evidence of Animal By-products brought onto an FSA approved establishment under Assimilated Regulations (EC) No 852/2004 and 853/2004.

Even in cases where dual approval has been granted (for example, production of pet food), those premises had been authorised to have dual approval under the condition that they only process ABPs generated on site by activities that they are approved for.

Therefore, when the AO finds evidence of ABPs brought onto an FSA approved establishment, the FSA Officer is:

- to request this practice to be stopped with immediate effect
- to verify that ABPs already on site are categorised appropriately, and
- that the establishment has the means to dispose all the ABPs through permitted disposable routes

When the FSA Officer is not satisfied with the correct categorisation of these ABPs, they may ask for this to be re-categorised, and in cases where the FBO is reluctant to comply, the following notice can be used:

- for England- Notice for the Disposal of Animal By-Products- ENF 11/12(E)
- for Wales- Notice for the Disposal of Animal By-Products- ENF 11/12(W)

In cases where the Food Business Operator fails to comply with the request of not bringing more ABPs, a Statutory Notice for Contraventions of (EC) 1069/2009 might be served under The Animal By-Products (Enforcement) (England) Regulations 2013, where verbal advice is ignored:

- for England- Notice Prohibiting Animal By-Products Being Brought onto the Premises - ENF 11/14(E)
- for Wales- Notice Prohibiting Animal By-Products Being Brought onto the Premises - ENF 11/14(W).

## 6. Annexes

**Updated [Note: These pages can only be accessed by FSA staff on FSA devices. Local Authorities should check in the Food Law Code of Practice and available on [FSA LINK](#) or within your local Food Liaison Group or on the Knowledge Hub to see if there are other LAs that are willing to share their template forms]**

Annex 1: AB31 Form - **REMOVED**

[Annex 2: Risk based decision tool for ABP and SRM inspections](#)

[Annex 3:](#) Updated [Form: [ABP 7-3](#) Dispatch of Animal By-products (Category 2 / Category 3) for Exhibition, Teaching, Scientific Research, Special Studies]

[Annex 4](#): Updated [Form: [ABP 7-1](#) Dispatch of SRM for Exhibition, Teaching, Scientific Research, Special Studies of Analysis]