Approach to considering rejection of red meat carcases at Post Mortem Inspection

1. At post mortem inspection (PMI), Official Auxiliaries and Official Veterinarians (OVs) routinely identify issues that prevent a carcase and / or its accompanying offal from being passed as fit for human consumption. The OV then makes a *determination* that they are minded to reject any such meat under the obligations placed on the OV in Regulation (EC) 854/2004, Annex I, Section II, Chapter V. This is communicated to the FBO and may be recorded electronically or on a "Rejected Meat Receipt".

2. If the event that the FBO does not accept the OV's opinion, they must retain the carcase and offal and may seek the opinion of another suitably competent vet with experience in veterinary public health within no more than 48 hours. In certain circumstances due to potential changes in pathology over time the OV may state that the timeframe needs to be shorter. The OV can seek the advice of another FSA veterinary representative, who will be selected from the Field Veterinary Leads, Audit Veterinary Leads or Area Veterinary Managers. These other FSA representatives who provide their opinion should not work in the same reporting chain/region as the original OV whenever possible.

3. All second opinions will be based on same PMI parameters that the OV used to make their original assessment, as set out in Regulation (EC) 854/2004, i.e. limited to visual inspection, palpation and incision.

4. The OV may take the views of the other veterinarians into account before making a *decision*; whether to pass the meat and accompanying offal as fit for human consumption or "declare the product unfit for human consumption". If passed as fit, a health mark may be applied to the carcase and an ID mark applied to the offal.

5. The OV's *decision*, once made, will be final and where the OV declares the carcase and / or offal unfit, confirmation of this decision will be provided in writing.

6. If declared unfit, the FBO shall categorise, identify, stain and dispose of any rejected product in accordance with the EU and domestic animal by-products, TSE and food waste legislation. The OV shall verify that the product has been disposed of correctly.

7. If the FBO refuses to accept the OVs decision and dispose of the meat, as in step 6 above, the OV will serve an Animal By-products disposal notice under Regulation 25, 2 (a) of the Animal By-Products (Enforcement) (England) Regulations 2013. The notice must be complied with at the expense of the person on whom it is served. If not complied with, the OV can arrange for it to be complied with at the

8. expense of that person and will refer the matter for formal investigation, as a breach of the notice is an offence under Regulation 25(5).

9. The OV remains in charge of this process and retains his or her full discretion and power under Regulation (EC) 854/2004.

10. The FBO must bear the cost of any veterinary representative they employ to provide a second opinion and of any legal action they may seek to pursue.

Notes:

This process will only apply:

- To disputes involving assessment of pathological conditions identified at the PMI of domestic ungulates.
- Up to the point at which the decisions and obligations placed on the OV in Regulation (EC) 854/2004 cease to have effect.
- Where the FBO has hygienically detained the carcase and all accompanying offal in suitable secure detention facilities as referred in the Regulation (EC) 853/2004. Direct or indirect contact with other meat must be prevented. Likewise, contamination of the floors with drips must also be prevented (e.g. through the use of dedicated detention chillers or through the use of suitable impervious trays placed under the meat in case of a detained cage).

The process does not apply in cases where:

- An animal has not received an ante-mortem inspection and has already been killed. The meat and offal from such animals can never be passed fit for human consumption.
- A carcase and / or its offal has not received post mortem inspection. The meat and offal can never be passed fit for human consumption.
- The decisions concerning food chain information have not been complied with under Regulation (EC) 854/2004, Annex I, Section II, Chapter II. The OV will declare any animals or meat from such animals unfit for human consumption.
- The decisions concerning live animals have not been complied with under Regulation (EC) 854/2004, Annex I, Section II, Chapter III. The OV will declare any animals or meat from such animals unfit for human consumption.
- A dispute occurs after health marking, through deterioration, poor handling, hygiene, temperature control etc. In such cases, the meat will have been placed on the market and may be subject to the “Certification” provisions set out under Regulation 29 of the Food Safety and Hygiene (England) Regulations 2013 and the “Condemnation” procedure set out in Section 9 of the Food Safety Act 1990.

If the FSA considers that an FBO is making excessive challenges to an OVs decision under the process outlined above, it retains a right to suspend the procedure in any or all establishment(s).