
INTERIM GUIDANCE

Animal By-Products Regulation

Questions and Answers

1. When does the Regulation come into effect?

The Regulation comes into effect on 1st July in England, 1st October in Scotland and 31st October in Wales

2. What dairy products are covered by the Regulation?

The Regulation includes raw milk, pasteurised milk, and animal by-products derived from dairy products intended for human consumption, and former foodstuffs, including returns from milk rounds.

3. What is the intention of the Regulation?

The Regulation is intended to protect public and animal health and to give rules for the safe use of animal by-products in animal feed, and rules for the use of animal by-products other than in feed, and for their disposal.

4. Does the Regulation apply to raw milk on the farm?

The regulation does not apply to raw milk and colostrum disposed of or used on the farm of origin.

5. When does a dairy product become an animal by-product?

A dairy product becomes an animal by-product when it is no longer intended for the human food chain. It should be noted that if a product does not meet a company's commercial standards this does not necessarily mean that it has become an animal by-product. For example a product can be sold, leaving the decision on its suitability for the human food chain to the purchaser, although the seller will of course need to describe the product being sold.

6. What is the significance of categories 1, 2 and 3?

Category 1 products are considered to pose the greatest risk to animal health or the environment. Category 2 products pose a lower risk, and category 3 products the lowest risk.

7. What dairy products are in category 1?

Milk or milk products will only rarely fall into category 1. Some examples are products over the permitted limits for PCBs, aflatoxin M1 and lead.

8. What dairy products are in category 2?

Included in category 2 are milk or milk products which contain antibiotic residues above the legal limits. It should be noted that milk which fails an antibiotic test may not necessarily exceed legal limits because the screening tests used by industry can operate at limits below the legal requirements. Screening tests can also give rise to false positives. It is also the responsibility of the operator to decide at what point milk is tested for antibiotics, and the frequency of such testing. This whole issue is currently being discussed with DEFRA, and DIAL has written to DEFRA to clarify that current disposal routes can continue while investigations are carried out.

9. What dairy products are in category 3?

Dairy products in category 3 are essentially products which are fit for human consumption, in that they come from healthy animals and do not contain residues above legal limits though they may have some minor defect. Most animal by-products from the dairy industry will come into this category.

Milk with blood, taint or extraneous water, assuming these come from animals which do not show clinical signs of any disease communicable through that product to humans or animals are examples coming into category 3.

Milk which is spoiled in such a way as to pose a risk to human or animal health is category 2.

10. Do these regulations have an impact on the disposal of fresh milk samples, milk samples stored refrigerated, milk samples stored frozen, when disposed of at payment test laboratories and haulier premises?

Milk samples in most cases come into category 3.

11. How are animal by-products to be disposed of?

Animal by-products are to be disposed of in plants approved under the Regulation. Disposal plants are approved for the disposal of particular categories of waste (i.e. category 1, category 2, or category 3).

DEFRA have been asked to supply lists of approved plants, particularly plants capable of disposing of liquid milk.

For category 3 milk, disposal routes can currently include animal feed. DIAL has written to DEFRA clarifying that all current disposal routes can be used for category 3 milk pending investigations. It is expected that later this year an amendment to the Animal By-products Regulation will be made clarifying that some or all products from establishments approved under Directive 92/46/EEC will be considered as equivalent to products coming from a category 3 approved processing plant.

For category 2 milk, DEFRA have clarified that land spreading, subject to authorisation and conditions is permitted, but DIAL has pointed out that this has limited applicability. DIAL has written to DEFRA clarifying that all current disposal routes can be used for category 2 milk pending investigations.

12. What are the requirements for labelling and record keeping?

Firstly, unless the decision has been taken that a product is no longer intended for the human food chain, the product is not an animal by-product and this section does not apply. In this context milk failing an antibiotics test could be rejected for commercial reasons, and the despatch note marked with the reason for the rejection (e.g. failed “X” test).

If the decision is taken that the product is no longer intended for the human food chain and the product is despatched a document must accompany the load giving information concerning category of the animal by-product, and

- a) in the case of Category 3 material the words “not for human consumption”
- b) in the case of Category 2 material, the words “not for animal consumption”
- c) and in the case of Category 1 material, the words “for disposal only”

and the following information:

- a) the date on which the material left the premises
- b) the description of the material
- c) the quantity, the material
- d) the place of origin
- e) the name and address of the carrier
- f) the name and address of the receiver

The commercial document must be produced in triplicate (one original and two copies). The original must accompany the consignment to its final destination. The receiver must retain it. The producer must retain one of the copies and the carrier the other. Documents must be retained for two years.

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