

Appendix B

Post Implementation Review of Regulation exempting low throughput slaughterhouses from the requirement for a separate place with appropriate facilities for cleaning, washing and disinfection of livestock vehicles

Introduction

1. National legislation was introduced in England in 2010 to allow certain low throughput slaughterhouses to be given approval to continue to operate which did not have a separate place with appropriate facilities for cleaning, washing and disinfection of livestock vehicles required under EU food hygiene legislation, where there was no increased risk to public health. These small slaughterhouses had not previously been required to have cleansing and disinfection facilities for livestock vehicles.
2. The Food Standards Agency is undertaking a routine non-statutory review of the exemption from the requirement for a separate place and facilities for cleansing and disinfection of livestock vehicles. This comes under the Government's commitment to review provisions in secondary legislation that regulate businesses.

Background

3. The EU food hygiene Regulation (EC) No 853/2004 came into force on 1 January 2006, and set down hygiene requirements for food businesses dealing with products of animal origin.
4. Annex III, Section I, Chapter II, point 6 of Regulation 853/2004 requires slaughterhouses slaughtering domestic ungulates to have "*a separate place with appropriate facilities for the cleaning, washing and disinfection of means of transport for livestock. However, slaughterhouses need not have these places and facilities if the competent authority so permits and official authorised places and facilities exist nearby.*" Similarly, Annex III, Section II, Chapter II, point 6 requires slaughterhouses slaughtering poultry and lagomorphs to have "*a separate place with appropriate facilities for the cleaning, washing and disinfection of: (b) means of transport. These places and facilities are not compulsory for (b) if officially authorised places and facilities exist nearby.*"
5. Some slaughterhouses that were licensed as low throughput¹ under the Fresh meat (Hygiene and Inspection) Regulations 1995 or Poultry Meat, Farmed Game

¹ The Fresh Meat (Hygiene and Inspection) Regulations 1995 (as amended) defined a low throughput slaughterhouse as: 'a throughput of animals whose meat is intended for sale for human consumption of not more than 1,000 livestock units each year at a rate not exceeding 20 each week'.

Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995, which applied before Regulation 853/2004 came into force, had been exempted from a having facilities for cleansing and disinfecting of livestock vehicles on site. Under Regulation 853/2004 they would have been required to have a place with appropriate facilities on site unless the facilities existed nearby before they could be approved by the competent authority.

6. Initial discussions with the meat industry revealed that some slaughterhouses were unable to meet the (then) new requirement because of their locations and lack of physical space. Additionally, where officially authorised facilities existed, they were not necessarily nearby or open at appropriate times. This would have meant that businesses without cleansing and disinfection facilities could not be approved as meeting all the relevant requirement, and would have effectively meant that they could no longer operate.
7. A national measure was adopted in England which in effect exempted those slaughterhouses classified as low throughput under the earlier 1995 Regulations from the requirement. The exemption was implemented by the Food Hygiene (England) (Amendment) Regulations 2010 (SI 2010 No. 543). The provision is currently in regulation 19(7) and (8) and Schedule 7 (parts 3 and 4) of the Food Safety and Hygiene (England) Regulations 2013 (SI 2013 no. 2996).
8. Where certain conditions are met to ensure they do not pose an increased risk to public health, the food business operator at such low throughput establishment is considered not to have contravened or failed to comply with the requirement in Regulation 853/2004; (food business operators must ensure that slaughterhouses in which the animals are slaughtered have a separate place with appropriate facilities for the cleaning, washing and disinfection of means of transport for livestock unless the otherwise permitted and official authorised places and facilities exist nearby).
9. Animal health requirements also apply.
10. The conditions include that:
 - a) on 31st December 2005 the slaughterhouse was licensed as a low throughput slaughterhouse under the relevant 1995 Regulations;
 - (b) the food business operator at the slaughterhouse only accepts domestic ungulates that have been transported direct from the holding of origin or from a market;
 - (c) the food business operator responsible for transporting the domestic ungulates undertakes in writing to the food business operator at the slaughterhouse that he will ensure that the means of transport are cleaned and, if necessary, disinfected after emptying;

(d) the food business operator at the holding of origin of the poultry or lagomorphs transports them from that holding direct to the slaughterhouse and undertakes in writing to the food business operator at the slaughterhouse that he will ensure that the means of transport are cleaned and, if necessary, disinfected after emptying;

(e) the food business operator at the slaughterhouse retains the undertaking referred to in paragraph (c) or (d) for one year; and

(f) the food business operator at the slaughterhouse acknowledges to the official veterinarian that he may be required under animal health rules to cease operating at the slaughterhouse in the event of an animal disease outbreak.

11. Extracts from the legislation are at the Annex to this document.

Aim and Purpose of the document

12. The Food Standards Agency is undertaking a routine non-statutory review of the exemption from the requirement for a separate place with appropriate facilities for cleansing and disinfection of livestock vehicles as part of the Government's commitment to review provisions in secondary legislation that regulate businesses. The conclusions will be set out in a report. This document:

- restates the objectives intended to be achieved by the exemption from having facilities for cleansing and disinfecting of livestock vehicles when it was introduced in 2010 including the baseline costs identified in the associated Impact Assessment²;
- seeks information to enable an evidence-based evaluation of the extent to which those objectives are being achieved; and
- seeks information to assess whether the objectives remain appropriate and, if they are, the extent to which they may be achieved within a framework that imposes less regulation.

Objective of the exemption from the requirement for facilities for cleansing and disinfecting of livestock vehicles in low throughput slaughterhouses

13. The objective of the measure in 2010 was to adapt the EU requirement in order to allow an exemption for certain low throughput slaughterhouses without facilities for cleansing and disinfecting of livestock vehicles to enable them to continue to operate, subject to there not being an increased risk to public health. It was considered that, if certain conditions were met, such low throughput slaughterhouses without cleansing and disinfecting facilities should not pose an increased risk to public health.

² The Impact Assessment of 2010 is at the following link:
http://www.legislation.gov.uk/ukia/2010/81/pdfs/ukia_20100081_en.pdf

14. A national measure to exempt them from the requirement to have a separate place with appropriate facilities for cleansing and disinfecting of livestock vehicles, would allow them to continue to operate. It would maintain the exemption for these slaughterhouses under the 1995 Regulations.

Animal health

15. Foot and mouth disease in 2001 highlighted the serious animal health risks associated with poor cleansing and disinfection of livestock transport. The Transport of Animals (Cleansing and Disinfection) (England) (No. 3) Order 2003 (SI:2003/1724) is intended to ensure that adequate cleansing and disinfection of vehicles takes place but provides an exemption to allow vehicles to leave slaughterhouses prior to cleansing and disinfection. At that time there was an expectation that industry would continue to improve cleansing and disinfection facilities but it is clear this has not been happening everywhere. Failure to cleanse and disinfect effectively puts the whole livestock and poultry sector at risk of spread of serious animal health diseases. The exemption from providing cleansing and disinfection facilities at certain low throughput slaughterhouses relies on livestock vehicles benefitting from this provision. Defra monitors compliance levels and, whilst there are no plans to remove the Cleansing and Disinfection Order exemption, keeps this under review. Provision of facilities at or near slaughterhouses is an important factor in retaining this exemption.

Original baseline costs/benefits for the exemption

16. It was estimated in 2007 that approximately 36 out of 124 slaughterhouses formerly classified as low throughput did not have facilities for cleansing and disinfection of livestock vehicles. It appears this may now apply for less than 4 of such low throughput establishments.

17. It was estimated that if the slaughterhouses were to install facilities for cleansing and disinfection of livestock vehicles, a supply of cold water with a portable pressure unit would be needed together with a supply of detergent. A suitable area for livestock vehicles would also need to be provided with the necessary drainage to remove the wash water and a screen to remove solid material. Assuming that the space was available to provide this facility, it was estimated by the then Meat and Livestock Commission that it would cost in the region of £3000 to £5000 to install the facility.

18. Space was seen as one of the main obstacles for slaughterhouses that did not have the facilities for cleansing and disinfection of livestock vehicles. Maintaining the exemption would enable slaughterhouses without the facilities to continue to operate and contribute to the rural economy.

19. At the time an estimate of the annual turnover for each slaughterhouse was about £567,000. Discussion with the industry established that building a small slaughterhouse could cost between £1 – 2 million, and renting premises approximately £12,000 a year. However, the rental would relate only to the building itself, and not the initial investment the food business operator would have needed to make in order to convert the building into a slaughterhouse that would meet all the requirements needed to obtain approval.
20. It was considered that the financial implications and other constraints, such as planning permission, adequate location and possible resistance from local residents, made the option of renting or building new premises unlikely to be viable.
21. A public consultation in 2007/2008 showed broad stakeholder support for the measure, though some disagreed.

Request for information: review of the exemption

22. The questions listed below will be the focus of the review of the exemption for low throughput slaughterhouses from the requirement in Regulation 853/2004 to have a separate place with appropriate facilities for cleansing and disinfecting of livestock vehicles. **Stakeholder input and evidence are requested.** Issues raised may be public health and/or animal health.
23. To what extent is the existing exemption working?
- i. Has the exemption prevented the requirement to have facilities for cleansing and disinfecting livestock vehicles from being a burden on these low throughput slaughterhouses?
 - ii. Has the exemption had any unintended effects?
 - iii. What have been the actual costs and/or benefits to these low throughput slaughterhouses (as defined in the footnote to paragraph 5) of having the exemption? How do these compare with the estimated costs/benefits set out in paragraphs 16 to 20 above?
 - iv. What has been the impact of the exemption on small slaughterhouses?
 - v. Has there been any increased risk to public health or animal health due to the exemption?
24. Is the exemption still needed?
- i. What number of these low throughput slaughterhouses currently do not have facilities for cleansing and disinfecting of livestock vehicles?

- ii. Is there still a need to maintain the exemption for low throughput establishments (that is, is the objective of the regulation still relevant)?
- iii. What would happen if the exemption was removed? Would its removal place a disproportionate burden on the low throughput slaughterhouses?

25. Is the current exemption from the requirement for facilities for cleansing and disinfecting of livestock vehicles still the most appropriate approach?

- i. Looking forward, what are the likely costs and benefits of continuing to maintain the exemption for low throughput slaughterhouses?
- ii. Are the conditions in paragraph 10 effective in reducing the risk of spread of disease of both public health and animal health?
- iii. Are there likely to be unintended effects in the future if the exemption continues?
- iv. Is the measure seen as giving these low throughput slaughterhouses an advantage over other slaughterhouses?
- v. How effective is the means by which the exemption has been implemented / enforced?
- vi. Does low throughput slaughterhouse compliance (or lack of compliance) with hygiene requirements indicate that the exemption is inappropriate?
- vii. Could the same benefits be achieved by non-statutory means?

26. If the exemption in the regulation is still needed, could it be improved?

Could refinements be made to the exemption:

- i. To improve enforcement /compliance levels?
- ii. To simplify how the exemption is implemented to reduce burden on low throughput slaughterhouses and reduce costs?
- iii. To otherwise improve how the exemption is implemented?

27. If it is considered that the exemption is no longer needed, but some form of government intervention is needed, for example to avoid the requirement for facilities for cleansing and disinfecting of livestock vehicles being a burden on low throughput slaughterhouses, is there an alternative that would be appropriate?

28. A Post Implementation Review report will consider whether the exemption set out in the regulation has achieved its objective and whether it is still needed.

Annex

Legislation on: Requirement for a separate place with appropriate facilities for cleaning, washing and disinfection of livestock vehicles

Regulation (EC) No 853/2004

Article 3(1) (General obligations)

1. Food business operators shall comply with the relevant provisions of Annexes II and III.

Article 4(1)(a) (Registration and approval of establishments)

1. Food business operators shall place products of animal origin manufactured in the Community on the market only if they have been prepared and handled exclusively in establishments:

(a) that meet the relevant requirements of Regulation (EC) No 852/2004, those of Annexes II and III of this Regulation and other relevant requirements of food law;

Annex III, Section I (domestic ungulates), Chapter II (requirements for slaughterhouses) point 6

There must be a separate place with appropriate facilities for the cleaning, washing and disinfection of means of transport for livestock. However, slaughterhouses need not have these places and facilities if the competent authority so permits and official authorised places and facilities exist nearby.

Annex III, Section II (poultry and lagomorphs), Chapter II (requirements for slaughterhouses) point 6

There must be a separate place with appropriate facilities for the cleaning, washing and disinfection of: (b) means of transport. These places and facilities are not compulsory for (b) if officially authorised places and facilities exist nearby.

The Food Safety and Hygiene (England) Regulations 2013 (SI 2013/2996)

Regulation 19(7) and (8)

(7) Provided the requirements of Part 3 of Schedule 7 are complied with, a person shall be considered not to have contravened or failed to comply with Article 3(1) or 4(1)(a) of Regulation 853/2004 as read in either case with paragraph 6 of Chapter II of Section I of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which domestic ungulates are slaughtered have a separate place with appropriate facilities for the cleaning, washing and disinfection of means of transport for livestock unless the competent authority permits them not to have such places and official authorised places and facilities exist nearby).

(8) Provided the requirements of Part 4 of Schedule 7 are complied with, a person shall be considered not to have contravened or failed to comply with Article 3(1) or 4(1)(a) of Regulation 853/2004 as read in either case with paragraph 6(b) of Chapter II of Section II of Annex III to that Regulation (food business operators to ensure that slaughterhouses in which poultry or lagomorphs are slaughtered have a separate place with appropriate facilities for the cleaning, washing and disinfection of means of transport unless officially authorised places and facilities exist nearby).

SCHEDULE 7 Derogations relating to low throughput establishments

PART 3 Requirements referred to in regulation 19(7)

1. The requirements are that —

- (a) on 31st December 2005 the slaughterhouse was licensed as a low throughput slaughterhouse under the Fresh Meat (Hygiene and Inspection) Regulations 1995;
- (b) the food business operator at the slaughterhouse only accepts domestic ungulates that have been transported direct from the holding of origin or from a market;
- (c) the food business operator responsible for transporting the domestic ungulates undertakes in writing to the food business operator at the slaughterhouse that he will ensure that the means of transport are cleaned and, if necessary, disinfected after emptying;
- (d) the food business operator at the slaughterhouse retains the undertaking referred to in paragraph (c) for one year; and
- (e) the food business operator at the slaughterhouse acknowledges to the official veterinarian that he may be required under animal health rules to cease operating at the slaughterhouse in the event of an animal disease outbreak.

PART 4 Requirements referred to in regulation 19(8)

1. The requirements are that —

- (a) on 31st December 2005 the slaughterhouse was licensed as a low throughput slaughterhouse under the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995;
- (b) the food business operator at the holding of origin of the poultry or lagomorphs transports them from that holding direct to the slaughterhouse and undertakes in writing to the food business operator at the slaughterhouse that he will ensure that the means of transport are cleaned and, if necessary, disinfected after emptying;
- (c) the food business operator at the slaughterhouse retains the undertaking referred to in paragraph (b) for one year; and
- (d) the food business operator at the slaughterhouse acknowledges to the official veterinarian that he may be required under animal health rules to cease operating at the slaughterhouse in the event of an animal disease outbreak.