

National Enforcement Priorities

**Feed law enforcement and food hygiene
law enforcement at primary production**

April 2021

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Summary

This publication aims to guide local authority (LA) enforcement officers in England in the prioritisation of the delivery of official controls for

- feed (at all stages of production, processing, storage, transportation and distribution including import/export and the primary production of feed) and
- food hygiene at primary production.

It will also be of interest to the feed industry and those responsible for food hygiene at primary production.

Legal status

The National Enforcement Priorities (NEPs) should be considered alongside the [Feed Law Code of Practice and Food Law Code of Practice and respective practice guidance](#). Links to legislation and guidance to support local authorities to embed these priorities within their annual plan of official feed and food controls can be found within this document.

Who is this publication for?

This document is for:

- local authority enforcement officers

It will also be of interest to feed business operators and food business operators at the level of primary production. Please note however that some links are only available to local authority enforcement officers.

Expiry or review date

This document will be reviewed before March 2022.

Main points

This document sets out the Food Standards Agency's (FSA):

- National Enforcement Priorities for England, in respect of animal feed and food hygiene at the level of primary production
- expectations of LAs to implement, where relevant, these priorities as part of their intervention programme
- National Targeted Monitoring Strategy (NTMS) for England

Introduction

The objectives of the priorities are to:

- drive an intelligence led approach to official controls, focusing resources on higher-risk and non-compliant businesses, placing an increased focus on outcomes
- maintain a level playing field for compliant food and feed businesses, which is in the interests of industry as a whole and supports trade in feed and food
- reduce unnecessary burdens on business by focusing LA activity on agreed areas of greatest threat to public and animal health
- drive up the quality and consistency of official controls
- realise our [approach to ensure food is safe and what it says it is](#)

The priorities:

- have been informed by the Strategic Animal Feed Threat Assessment 2019 (AFTA 2019)
- have been developed in consultation with feed industry and LA representatives; National Trading Standards ([NTS](#)); the National Agriculture Panel (NAP) and National Animal Feed at Ports Panel (NAFPP) members
- support our mission to safeguard public and animal health by driving up sustained improvements in compliance, through intelligence led enforcement
- support the intelligence led approach outlined in the [Food Law Code of Practice](#) for the prioritisation of interventions in food businesses operating at the level of primary production

National Priorities 2021/22

Animal Feed and Food Hygiene at Primary Production Priorities

The priorities are not listed in any particular order; the numbering is for reference only.

Priority 1: Effective information sharing, communication and exchange of intelligence to support delivery of official feed and food hygiene controls

Animal Feed Priorities

Priority 2: Verification of effective feed safety management systems at businesses supplying former foodstuffs or co-products

Priority 3: Verification of effective implementation and maintenance of permanent written procedures based on HACCP principles

Priority 4: Verification of the accuracy of feed labelling particulars

Priority 5: Effective monitoring of consignments of feed originating from non-EU countries, at points of entry

Food Hygiene at Primary Production Priorities

Priority 6: Effective identification, registration and inspection of food businesses producing higher-risk, fresh produce operating at the level of primary production

Further information on each priority is provided in the sections below.

Animal Feed and Food Hygiene at Primary Production Priorities

Priority 1: Effective information sharing, communication and exchange of intelligence to support delivery of official feed and food hygiene controls

Gathering and exchange of information, data and intelligence between Competent Authorities, central government departments and industry is a key element to an effective risk-based system of official feed and food controls.

LAs are expected to give priority to ensuring effective information sharing, communication and exchange of intelligence to support official feed and food control delivery by:

- a) proactively using the recognised trading standards national intelligence databases ([IDB](#) and Memex) to record intelligence, share with, and report to, the [National Food Crime Unit](#) all intelligence they become aware of in relation to known or suspected cases of food and/or feed fraud, including historic cases
- b) notifying incidents to the FSA incidents team in accordance with the relevant Feed or Food Law Code of Practice. Incidents can be reported using the online service [Report a food or feed safety incident](#) or where this is not possible to contact the Incidents Team email foodincidents@food.gov.uk Tel: 020 7276 8448
- c) in relation to earned recognition, sharing details of non-compliance via the [exception reporting mechanism](#)
- d) ensuring regular liaison with LAs in their area responsible for keeping registers of food business operators (FBOs) under Article 6(2) of [Retained EU Regulation 852/2004](#) on food hygiene

Additionally, in relation to animal feed

- e) liaising, as appropriate, with inland authorities and proactively sharing information and intelligence in accordance with the Association of Chief Trading Standards Officers (ACTSO) guidance on [inland referrals](#)
- f) acknowledging and responding, in a timely manner, to authorities, when matters are referred inland, to confirm action taken, providing as much supporting information as possible
- g) liaising with the LA responsible for the nearest large point of entry for feed, or other appropriate point of contact, to use their expertise and co-operation to assist in implementing a proportionate system of official controls
- h) proactively implementing the feed hygiene Memorandum of Understanding ([MoU](#)) between ACTSO (on behalf of LAs), the Veterinary Medicines Agency ([VMD](#)) and the Animal Plant and Health Agency ([APHA](#)), which supports an intelligence led, risk-

based approach to enforcement, prevents duplication of work and aids effective use of resources

Animal Feed Priorities

Priority 2: Verification of effective feed safety management systems at businesses supplying former foodstuffs or co-products

Every year in the UK, around [660,000 tonnes of former foodstuffs are processed as animal feed, worth £110 million](#).

LAs are expected to give priority to the verification of effective feed safety management systems at businesses supplying former foodstuffs or co-products by ensuring interventions include the examination of documented feed safety management systems (HACCP plans where they are used)¹.

This should include a focus on the following:

- a) the identification of control points to ensure that material is suitable for use as animal feed, for example feed for farmed animals does not include items such as meat, fish and shellfish (including products containing them or that have been in contact with them)
- b) appropriate segregation being in place with material not intended for use as feed
- c) the existence of an appropriate recorded training programme for staff in charge of dealing with former foodstuffs
- d) material is only supplied to a registered feed business
- e) suppliers and hauliers in the chain of processing of former foodstuffs to feed and co-products are all registered as feed businesses

Where former foodstuffs intended for use in feed are delivered with packaging, it must undergo further treatment to remove the packaging before being used as feed. This process is often carried out at a specialist former foodstuffs processing premises.

NTS have produced [toolkits](#) to support local authority officers in relation to businesses supplying former foodstuffs and co-products

¹ Recognising that where a business has a [primary authority](#) relationship, verification of compliance must take account of any primary authority assured advice issued and any active inspection plan.

Priority 3: Verification of effective implementation and maintenance of permanent written procedures based on HACCP principles

LAs are expected to give priority to verifying appropriate implementation and maintenance of permanent written procedures based on HACCP principles by ensuring Feed Business Operators (FeBOs) understand legal requirements, are implementing, maintaining and reviewing as appropriate, their feed safety management systems, having regard to the nature, size and scale of the business².

This should include a focus on the following:

- a) examination of written feed safety management systems
- b) identification of hazards ensuring all steps in the process have been considered and any grouping of steps (e.g. consideration of individual ingredients) is appropriate and not done in such a way that hazards are overlooked or risk-assessed incorrectly
- c) that Critical Control Points (CCP) are correctly identified, properly defined and controlled. Where hazards have been identified as a CCP but are adequately controlled by a prerequisite procedure, the necessity for a CCP should be raised with the FeBE. (NB. In relation to raw pet food this should include safe sourcing.)
- d) establishing that appropriate systems are in place to minimise cross-contamination between batches of feed (particularly in respect of those containing coccidiostats, veterinary medicines or [additives](#) with maximum permitted levels for any target species)
- e) appropriate sampling programmes at the feed business are in place to verify compliance with maximum levels of undesirable substances in feed materials and additives. Checks should include an examination of analytical results and consideration of whether appropriate action has been taken
- f) scrutinising traceability systems to ensure that products not intended for feed use are not diverted into the feed/food chain

² Recognising that where a business has a [primary authority](#) relationship, verification of compliance must take account of any primary authority assured advice issued and any active inspection plan.

Priority 4: Verification of the accuracy of feed labelling particulars

Information on feed labels is essential to enable FeBOs, throughout the feed chain, to make appropriate use of material used in the manufacture of feed or for direct feeding. The presence and accuracy of labelling information is critical in ensuring

- feed is provided to the correct species and their sub-category (e.g. weaned piglets), age of animal and in quantities that would not adversely affect human and/or animal health
- traceability to aid prompt recall and withdrawal of affected products in the event of a feed safety incident

LAs are expected to give priority to:

- a) verifying the accuracy of claims as set out in Article 13 of [Retained EU Regulation 767/2009](#) on the placing on the market and use of feed
- b) ensuring labelling and presentation of feed does not mislead the user, particularly in respect of the country of origin, quality and method of manufacture or production e.g. organic and non-Genetically Modified
- c) additives present in feed are authorised (included in the register of feed additives) in line with [Retained EU Regulation 1831/2003](#) on additives for use in animal nutrition

Priority 5: Effective monitoring of consignments of feed originating from non-EU countries, at points of entry

Imported feed makes up a significant proportion of feed used in the UK. To support a consistent and risk-based approach to monitoring imports LAs are expected to give priority to monitoring irregular consignments of feed originating from non-EU countries, in consideration of:

- a) [NTS guidance](#) on consistency and prioritisation of the delivery of official controls at points of entry
- b) sampling consignments which have not been sampled recently or have not been seen before at the point of entry or where there is reason to believe they might fail to comply with legal requirements
- c) the [Risk Likelihood Dashboard](#)

Food Hygiene Primary Production Priorities

Priority 6: Effective identification, registration and inspection of food businesses producing higher-risk fresh produce operating at the level of primary production

LAs are expected to give priority to the identification, registration and inspection of food businesses producing higher-risk fresh produce operating at the level of primary production.

These are:

- a) producers of soft fruits and berries, for example raspberries, blackberries, mulberries, loganberries and strawberries, for which a thorough wash post-harvest will be difficult to achieve without damaging the produce

- b) producers of leafy greens and vegetables
 - i) normally eaten raw, for example lettuce, micro leaves, baby leaves, watercress, spinach and herbs
 - ii) that have a short seed to harvest time meaning that they are likely to be harvested within 2 weeks of last irrigation. If irrigation water is contaminated, this contamination will not have had time to dissipate in short harvest crops

- c) producers of bulb and root vegetables, or vegetables with no protective skin, that are commonly consumed raw, for example salad onions, radishes and celery

National Targeted Monitoring Strategy (NTMS) for Animal Feed

The NTMS approach for 2021/22 in relation to R13 and R14 farms has been informed by:

- a) the findings of the AFTA 2019, in respect of feed business establishments
- b) the level of current compliance of the feed business establishment
- c) whether the feed establishment benefits from Type 1 or Type 2 [Earned Recognition](#)

LAs are expected to examine, where applicable:

- a) any former foodstuffs/co-products being used for feed:
 - i) is not contaminated
 - ii) does not contain prohibited substances³
 - iii) is being sourced from a registered feed business establishment
- b) for compliance with the record keeping requirements detailed in Annexes I and II of [Retained EU Regulation 183/2005](#) laying down requirements for feed hygiene

Table 1: NTMS Intervention Type and Frequency

	Level of current compliance		
Feed Business Establishment Type	Satisfactory - Not a member of an FSA Approved Assurance Scheme	Broad Compliance - Not a member of an FSA Approved Assurance Scheme Type 2	At least satisfactory compliance – A member of an FSA Approved Assurance Scheme Type 1
	Frequency of inspection or audit		
R13	0.75%	0.5%	0.25%
R14	0.75%	0.5%	0.25%

³ Annex III of [Retained EU Regulation 767/2009](#) on the placing on the market and use of feed

Guidance

Animal Feed

[FSA webpage](#) on animal feed legislation

[NTS Guidance](#) on Co-producers and Suppliers of Surplus Food including inspection form and data collection form

[FSA guidance](#) on the presence of food grade packaging material in feed

[PAS 222:2011](#) Prerequisite programmes for food safety in the manufacture of food and feed for animals

[APHA Guidance](#) on former foodstuffs eligible for feeding

[FSA guidance](#) on HACCP-related requirements of the Feed Hygiene Regulation for farmers

[Advisory Committee on Animal Feeding Stuffs \(ACAF\)](#) review of [on-farm feeding practices](#) - updated recommendations on identifying hazards and minimising risks

[Industry Codes of Practice](#) for on-farm feeding, which applies to farmers and covers all aspects of on-farm feeding, including on-farm mixing

[Good Practices for the feed industry](#) implementing the Codex Alimentarius Code of Practice on good animal feeding

[Defra Code of Practice](#) for the control of salmonella during the production, storage and transport of compound feeds, premixtures, feed materials and feed additives

[Codex Alimentarius Standards](#) relevant to feed

[EC Community Guides](#) to good practice developed in accordance with Article 22 of [Regulation \(EC\) No 1831/2003](#) laying down requirements for feed hygiene

[EU Code of Good Labelling Practice](#) for compound feed for food producing animals

[FEDIAF Code of Good Labelling Practice](#) for pet food

[European Feed Manufacturers \(EMFC\) guide](#) published by the European Feed Manufacturers' Federation (FEFAC) on good practices for the industrial manufacturing of compound feed and premixtures for food producing animals

[EU Community Guide](#) to good practice for feed additive and premixture operators

[EU Guide](#) to good practice for the industrial manufacture of safe feed materials

[EU Guide](#) to good hygiene practices for the collection, storage, trading and transport of cereals, oilseeds, protein crops, other plant products and products derived thereof

[EU Guide](#) on the manufacturing of safe feed materials from starch processing

[EU Guide](#) on the manufacturing of safe feed materials from oilseed crushing and vegetable oil refining

[EU Guide](#) on the manufacturing of safe feed materials from biodiesel processing

[EU Guide Salmonella factsheet](#) and [Salmonella checklist](#)

Industry Standards

Red Tractor Assurance [Scheme Standards](#)

AIC Feed Material Assurance Scheme Standards ([FEMAS](#))

AIC Universal Feed Assurance Scheme ([UFAS](#))

AIC Trade Assurance Scheme for Combinable Crops ([TASCC](#))

[BRC Voluntary Module 9](#) – Management of Food Materials for Animal Feed

Imported Feed

[ACTSO Guidance](#) on sharing information and intelligence to support delivery of imported feed controls

[Border Control Posts](#) applicable to imports of animal feed

Food Hygiene Primary Production

[FSA Guidance](#) Private Water Supply

[FSA Enforcement Guidance](#) for Fresh Fruit and Vegetable Production

[Health Protection Agency Guidelines](#) for Monitoring Microbiological Safety of Fresh Produce

[AHDB Horticulture Fact Sheet](#) – Monitoring Microbial Food Safety of Fresh Produce

[FSA Guidance](#) on Food Traceability, Withdrawals and Recalls within the UK Food Industry

[EU and National Guides](#) to Good Hygiene Practice

[EU Commission Guidance](#) document on addressing microbiological risks in fresh fruit and vegetables at primary production through good hygiene

[EU Register](#) of National Guides to Good Hygiene Practice

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About this publication:

download <https://www.food.gov.uk/business-guidance/national-enforcement-priorities-for-animal-feed-and-food-hygiene>

Reference: FSA-NEPS-2021



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