

00/04/2014

Revision of the Policy on the Authorisation to Transport Warm (Above Temperature) Meat from Domestic Ungulates

**SUMMARY REPORT OF RESPONSES TO CONSULTATION
FROM STAKEHOLDERS**

The consultation exercise on the proposed revised policy on the transport of warm (above temperature) meat from domestic ungulates was issued in England, Wales, Scotland and Northern Ireland on 16th August 2013 and closed on 27th September 2013.

EU Regulation 853/2004 (Annex III, Chapter VII) requires that post mortem inspection must be followed immediately by chilling in the slaughterhouse to ensure a temperature throughout the meat of no more of than 3°C for offal and 7°C for meat from domestic ungulates, i.e. cattle, pigs and sheep. These temperatures must also be maintained during storage and transport.

However, by way of a derogation the Regulation also allows for the transport of warm meat, i.e. meat which has not been chilled to the required temperature in the slaughterhouse immediately after post-mortem inspection. This can only take place where:

- the transport of warm meat between one given establishment and another for the production of specific products is authorised by the FSA;
- transport takes place in accordance with requirements specified by the FSA;
- the meat leaves the slaughterhouse, or a cutting plant on the same site as the slaughter premises, immediately; and
- transport takes no more than two hours.

It became apparent in 2012 that the operation of warm meat transport from some UK slaughterhouses was not in all cases fully compliant with the requirements of Regulation 853/2004. In light of this the FSA has reviewed the authorisation process and the way that the authorisations work in practice. The review included visits to a small number of slaughterhouses authorised to transport warm meat and the collection and analysis of data held by the Agency on this practice. A Task Group was also formed with representatives from industry and Defra to look at the issue and was central to the development of the proposed changes on which the FSA consulted.

The proposed changes will bring industry processes into line with EU legal requirements, address public health risks relating to current industry processes, and ensure a consistent approach to warm meat transport and therefore a level playing field for businesses. In summary the proposals would mean that:

- 'warm meat' should leave the slaughterhouse immediately after activity in the slaughterhouse on the meat has ceased with such activity including, where relevant, partial chilling and/or cutting in a co-located cutting plant;
- where the meat is not to be partially chilled, "immediate" will be interpreted to mean a maximum period of 3 hours between the completion of post mortem of the first animal which is to be transported and the departure of the vehicle from the slaughterhouse. The 3 hour time period is proposed as a practical maximum time to produce enough carcasses to load a vehicle. The assessment of risk was undertaken taking into account that up to 2 hours transport is permitted and estimating up to 3 hours at point of destination could occur before the meat is cool enough to halt the growth of pathogenic micro-organisms. The starting temperature of the surface of the carcass will be around 30 °C and is likely to be close to 15°C before active chilling commences depending on the ambient conditions. Under these conditions for up to a maximum of 8 hours, growth of pathogenic organisms can theoretically occur but as the surface temperature reduces growth will be slower than under ideal conditions. For example growth of Salmonella spp. from a starting temperature of 30 °C to a temperature of 15°C after 8 hours, based on model predictions, could increase 5 fold (1-1.7 log cfu).

This level of growth although increasing the risk was assessed as minimal and for practical reasons could be accepted. Model predictions will vary depending on the moisture and pH values assumed. The time periods proposed should be seen as the maximum at each stage rather than a total time and operators should aim to reduce the time at each stage where possible to minimise the risk. This will be regarded as a guideline figure to be used by the OV together with an assessment of the FBO's HACCP/food hygiene management systems;

- the legal requirement of a two hour transport limit for warm meat to reach its destination must be observed;
- chilling of meat to reach legally required temperatures en route to places of destination more than two hours away must end; and
- all current authorisations will be reviewed to ensure they are fully documented and record consistent information, including details relating to hygienic transport and the premises where the meat will be delivered.

- 1 The FSA is grateful to those stakeholders who responded and the table below sets out the responses in order of the issues considered.
- 2 The key proposals on which the consultation sought views were:
 - Warm meat to leave the slaughterhouse ‘immediately’: this is to mean within 3 hours from completion of PM inspection of the first animal slaughtered - to the departure of the vehicle transporting the batch that the first animal is part of;
 - The 2 hour transport limit must be observed;
 - Chilling of meat to reach legally required temperature whilst en route to places of destination to cease;
 - Meat that has been partially chilled to be transported in a way that allows the temperature to be maintained; and that
 - All current authorisations to be reviewed - to ensure that they are fully documented and record consistent information.
- 3 The Food Standards Agency’s considered responses to stakeholders’ comments are given in the last column of the table.

Summary of responses

- 4 A total of 11 responses were received to the consultation in GB (10 in England and 1 in Wales) and an additional response (in Scotland) from the Scottish Association of Meat Wholesalers indicated that they had no comments to submit.
- 5 There was some general agreement on issues between some of the respondents; that the warm meat exemption should apply to all meat that is despatched above temperature; and that it should not apply to the production of particular products. There were also comments on certain other issues, which reflected the text (exactly in certain paragraphs) submitted by AIMS indicating that these respondents had been encouraged to submit similar comments in their capacity as members of AIMS. Primarily, these focused on their opposition to the authorisation on a case by case basis that the Agency would require. The argument submitted was that Regulation 853/2004 only requires authorisation by the competent authority on a case by case basis where specified in legislation and that to require individual authorisations is gold plating of the EU legislation, is bureaucratic and will restrict trade.

- 6 The respondents also believed that the proposed revised system would not allow new customers to be supplied at short notice and would prevent the supply of freshly slaughtered sheep and goats direct to the final consumer from the curtilage of the slaughterhouse during religious festivals. Furthermore, there was a belief that this would have implications for animal welfare and would result in widespread illegal slaughter.

- 7 Additionally, concerns were raised by respondents that the use of probes by FSA staff to measure carcass temperatures might introduce contamination; and an exception to the 2 hour rule was requested during the Eid festival. A precedent for this festival was cited with the example of a 'small quantities' derogation from the scope of Regulation 853/2004 for the supply of small quantities of poultry which are slaughtered on the farm and which can be supplied directly to consumers outside the local area during Christian festivals (two week periods before Christmas and Easter).

SUMMARY OF SUBSTANTIVE COMMENTS TO THE FSA CONSULTATION – AUTHORISATION TO TRANSPORT WARM (ABOVE TEMPERATURE) MEAT FROM DOMESTIC UNGULATES

Issue – Scope of the proposal, the proposed authorisation process and other issues

Respondent	Method of Response	Comment	Response
Individual respondents	Email	Six individual respondents agreed with the Agency that the exemption should apply to all meat that is despatched above temperature and that it should not apply to the production of particular products.	Comments have been noted.
Individual respondents and the Association of Independent Meat Suppliers (AIMS)	Email	<p>Eight individual respondents did not agree with the proposed system of authorisation believing that it was bureaucratic, would restrict trade and gold plates EU requirements.</p> <p>Some of these respondents also believed that Regulation 853/2004 only requires authorisation by the competent authority on a case by case basis where specified in the legislation. They pointed out that this point was argued in a recent case in a Magistrates Court when it was accepted that national authorisation could be given but the FSA had decided not to grant such an authorisation. No case for moving to a system of a case by case authorisation system now, given that a national authorisation system existed prior to 2006 and no public health issues emerged as a result.</p>	The Agency believes that authorisation should be on a case by case basis. A decision of a District Judge in a relatively recent case in a Magistrates Court acknowledged that the Agency needed to consider each case in order to authorise the transport of warm meat from “one given establishment to another”. It considered that the use of the word “given” does imply a more detailed and specific authorisation than a national authorisation and that the legislation clearly contemplates a more detailed supervisory role for the FSA as competent authority.

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<p>Janan Meat Ltd Euro Quality Lambs Ltd J A Jewitt (Meat) Ltd</p>	<p>Email</p>	<p>Concerned about the implication that enforcement action might be increased in relation to the despatch of meat beyond two hours' drive. This might involve the use of temperature probes which might transfer pathogens from the surface of the meat to internal muscle that may be eaten rare,</p>	<p>This issue was raised and discussed with stakeholders at the Warm Meat Task Group. It was agreed that there was no expectation to increase checks beyond those put into place by FBOs to monitor compliance. FSA staff would receive guidance on how to verify compliance and best hygienic practices for the use of probes.</p>
<p>Euro Quality Lambs Ltd</p>	<p>Email</p>	<p>The changes could involve huge increases in bureaucratic burdens for plant OV's which could have negative effects on overall meat hygiene.</p> <p>Asked for an exemption to the 2 hour rule for the Eid festival.</p>	<p>As part of their current role, OV's already issue formal documented authorisations to FBOs to confirm which other establishments they may send warm meat to under this derogation.</p> <p>The FSA will consider this as a separate issue.</p>
	<p>Email</p>	<p>Proposed revised system would not allow new customers to be supplied at short notice and would prevent the supply of freshly slaughtered animals to the final consumer from the slaughterhouse.</p>	<p>The FSA agrees that it is important for decisions on authorisations (e.g. agreeing to new authorisations or adding new establishments of destination to authorisations) to be made with a minimum of delay and that decisions on such matters should normally be made by FSA staff at the slaughterhouse. The supply of freshly slaughtered animals to the final consumer is an issue the FSA is considering separately.</p>

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<p>Agriculture and Horticulture Development Board (AHDB)</p>	<p>Email</p>	<p>This respondent notes that EFSA has been asked to review the risk from the transport of warm meat. It strongly encourages the Agency to wait for EFSA to report and to study the outcomes of this work before making any risk based and proportionate changes to existing practice.</p> <p>It is not aware of any public health breakdown associated with current practice nor any newly identified risk or supporting evidence. It seeks clarification of the need to implement the proposed changes at the current time. The proposal to require individual receiving business authorisation appears burdensome and over and above the scope of Regulation 853/2004.</p> <p>The business of individual licensing will be costly and time consuming. The consultation does not specify how many current authorisations for receiving premises are in place so it is difficult to assess how big a task this will be but it assumes that it will require significant effort from both LA and Agency staff with little evidence of commensurate benefits. The proposed implementation date of 25 November appears unnecessarily swift and could potentially affect trade patterns over the implementation period.</p>	<p>The EFSA Opinion was published on 31 March 2014. EFSA’s Opinion along with the European Commission’s proposed options to the Opinion was discussed at a Commission Working Group meeting held in September 2014. No clear consensus on a preferred option emerged and the UK, along with a large number of other Member States, is actively considering the issue.</p> <p>The need to implement the revised policy is to ensure compliance with current EU requirements on the transport of warm meat.</p> <p>All 71 existing authorisations were reviewed by the FSA early in 2014. The revised policy will be implemented on 2 March 2015.</p>
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British Meat Processors Association	Email	<p>Would like the chill curve to be allowed to take place during transport from the slaughterhouse and believes this would have a significant saving for at least one member of this Association. Would like to see a similar exemption that is allowed for the supply of poultry meat at the time of religious festivals by certain producers who are exempt from the requirements of Regulation 853/2004.</p>	<p>The FSA would support change along these lines but such change would require an amendment to the legislation.</p> <p>The current exemption does not cover the supply of meat from domestic ungulates. However, the FSA will look at the supply of warm meat from the slaughterhouse to consumers at the time of religious festivals as a separate issue.</p>
Pembrokeshire Meat Co	Email	<p>Would like to be able to chill meat to the required temperature in transit because of insufficient chiller capacity during the busy winter months.</p>	<p>This FSA would support change along these lines but such change would require as amendment to the legislation.</p>
Birmingham Halal Abattoir Ltd	Letter	<p>The FSA has failed to show that there is a clear policy on this issue and there has been no viable research into the issue to prove that the transport of warm meat has any adverse effect in the market such that the FSA needs to introduce changes</p>	<p>The FSA policy on this issue is to ensure compliance with the requirements of the hygiene legislation.</p> <p>The FSA did ask the European Commission to seek an opinion from EFSA on the current requirements for the transport of warm meat and EFSA provided an opinion on the issue on 31 March 2014.</p>

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Respondent	Method of Response	Comment	Response

SUMMARY OF CHANGES MADE: No changes have been made to the proposed revised policy as a result of comments received. However, the way forward was discussed with an industry Warm Meat Task Group in January 2014.

Comment	Response

ACTIONS TO BE IMPLEMENTED:

FBOs at red meat slaughterhouse will be given advance warning before the revised policy is introduced.

The FSA will also consider separately the issue of the direct supply of meat and carcasses to the final consumer at times of religious festivals and whether or not warm meat can be supplied for a limited period at these times.

