

ANGUS COUNCIL

ENVIRONMENTAL AND LEISURE SERVICES COMMITTEE - 16 OCTOBER, 2003

EU ANIMAL BY PRODUCTS REGULATIONS 1774/2002

REPORT BY DIRECTOR OF ENVIRONMENTAL AND CONSUMER PROTECTION

ABSTRACT

The Animal By-Products (Scotland) Regulations 2003 came into force on 1 October 2003. These Regulations extend and enhance previous controls.

1. RECOMMENDATION

It is recommended that the Committee note the implementation of these regulations which will impact upon many businesses in Angus.

2. BACKGROUND

The Animal By-Products (Scotland) Regulations came into force on 1 October 2003. These regulations have to be read in conjunction with the EU Animal By Products Directive 1774/2002 and both are extensive and complicated pieces of legislation.

The Regulations apply fully in Angus with no part of the County considered to be remote and therefore within a deregulated area.

3. IMPLEMENTATION

The main thrust of the Regulations deal with the disposal of fallen stock on farms, waste from butchery operations and waste from fish and shellfish preparation. In general the regulations require that these types of waste must be treated by rendering, incineration, composting or biogas. It is not acceptable for those waste types to be dealt with by burial or disposal to a landfill site.

The enforcement of most parts of these regulations falls to Local Authority. The Scottish Executive Environment & Rural Affairs Department, Agricultural Division have issued guidance to Local Authorities dated 22 September which is attached as Appendix 1. A frequently asked questions information website entry has been reproduced as Appendix 2

4. SPECIFIC ISSUES**(a) Fallen Stock - In the guidance dated 22 September SEERAD state:-**

We would, expect farmers to relatively quickly be in a position to comply with the ban on the burial and open burning of fallen stock. Collection and disposal agents currently service all of those parts of Scotland not classified as "remote. Many of these commercial service providers are well known to farmers by virtue of their role in the BSE surveillance arrangements for fallen adult bovine. Collection agents also advertise regularly in the farming press. The subscription scheme for a national collection and disposal service for fallen stock should start in January 2004 with a new pricing structure. However, until then, there is already sufficient capacity at knackery yards, hunt kennels, incinerators, and rendering plants for disposal of fallen stock, and we would expect those farmers that do have their own disposal facility to use these outlets.

Realistically, it is impossible to account for all fallen stock and secure disposal of the carcasses. It should be recognised that on the extensive hill holdings there will be some deaths (known as black loss) which occur when stock wander into wet peat bog lands and burns, Also that in other dangerous and irretrievable locations, such as steep cliff faces, it will not be possible to retrieve the carcass for collection and disposal. Discretion needs to be exercised where such conditions prevent full compliance.

(b) Butchers Waste and Shellfish Waste – In the guidance dated 22 September SEERAD state:-

Although we hope that the majority of people and businesses will be able to comply with the Regulations from 1 October, we recognise that this will not be possible in all cases. In particular, we have been alerted to problems in the following areas:-

- (a) disposing of shells from shellfish (which are currently sent to landfill);
- (b) disposing of egg shells from egg breaking plants (which are currently sent to landfill or composted);
- (c) disposing of feathers (which are currently sent to landfill or composted);
- (d) separating meat waste from other former foodstuffs from retail outlets;
- (e) in some areas, disposing of butchers' waste;
- (f) disposing of rejected cans of pet food (but not other rejected pet food)

As it may genuinely take a little time of operators to find permitted alternative outlets we would ask that your officials take a proportionate approach in these cases. Provided steps are being taken by the individuals and businesses now affected by the new controls on by-products to in a position in to reply in a reasonable timescale, we would not envisage enforcement action being initiated. Instances of continual non-compliance, without any firm evidence of steps being taken to observe the new controls, should be treated as a breach of the statutory provisions and dealt with according to normal enforcement protocols. We hope that composting capacity will come on stream shortly to deal with much of this material, but unfortunately no biogas or composting plants are approved to receive this material from 1 October. In the meantime, it would be undesirable if landfill operators closed their doors to such material.

(c) Commentary:-

Given this advice, clearly it will take some time for all businesses with this type of waste to find suitable solutions. Meantime the ECP staff will work with the Traders to seek out suitable solutions for each of the problem areas.

For example, currently 22 butchers have their butchers waste removed by the Council's Commercial Waste collection service. This will require to be reassessed and a letter will be sent to each of the customers to keep them informed.

5. FINANCIAL IMPLICATIONS

The Animal By-Products (Scotland) Regulations 2003 as they progressively become live and implemented will require re-focussing of the Council's Animal Health function. This will require some re-organisation of the respective roles of a number of officers. This will require to be built into the 04/05 base departmental budget. No indication has been given of any additional resource being made by the Scottish Executive and the funding of this issue will require to be considered as part of the 04/05 budget process.

Additional costs will accrue in terms of waste disposal solutions for the non landfilling of these waste types and these will require to be passed on the commercial waste customers in full.

6. HUMAN RIGHTS

There are no human rights issues as a result of this report.

7. CONSULTATION

The Chief Executive, Director of Finance, Contract Services Manager and the Director of Law and Administration have been consulted on the content of this report.

S.R.Heggie
Director of Environmental and Consumer Protection

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing this report.