

National Enforcement Priorities

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

March 2020

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Summary

This publication aims to guide local authority 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 the food hygiene at primary production industry.

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 authorities
- feed business operators and food business operators at the level of primary production

Expiry or review date

This document will be reviewed before March 2021.

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 local authorities (LAs) to implement, where relevant, these priorities as part of their annual intervention programme
- National Targeted Monitoring Strategy (NTMS), for England

Introduction

The UK feed and food export industry is worth [£22 billion](#) currently and it is imperative that future official controls delivered provides assurance to the UK's trading partners. Like any major industry, it is vulnerable to a wide range of criminal activity.

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 Animal Feed Strategy mission to safeguard public and animal health by driving up sustained improvements in compliance, through intelligence led enforcement

The objectives of the priorities are to:

- drive an intelligence led approach to official controls, focusing resources on higher risk and non-compliant business, placing an increased focus on outcomes
- maintain a level playing field for honest and diligent food and feed businesses, which is in the interests of industry as a whole
- reduce unnecessary burdens on business by focusing LA activity on agreed areas of greatest threat to public and animal health
- create a flexible and intelligence-led approach to interventions, placing an increased focus on outcomes
- realise our strategic goal of '[Food We Can Trust](#)' and drive up the quality and consistency of official controls

Feed business operators have a legal obligation to comply with feed law and we call on the feed industry, and in particular FSA approved assurance schemes, to proactively promote the importance of driving up compliance in the identified risk areas.

National Priorities 2020/21

Animal Feed and Food Hygiene at Primary Production Priorities

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

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 3rd Countries, at points of entry

Food Hygiene at Primary Production Priorities

Priority 6: Effective identification of higher-risk, ready-to-eat food businesses operating at the level of primary production

Priority 7: Verification of effective systems and controls at higher-risk, ready-to-eat food business establishments operating at the level of primary production

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

Further information is available for each priority in the rest of the document.

Animal Feed and Food Hygiene at Primary Production Priorities

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

Our [strategic plan](#) refers to the 'importance of continuing to develop and apply a robust evidence base' in our work and a commitment to 'gather and use evidence to identify and understand the biggest risks and challenges'. 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. Where possible feed incidents should be [reported on-line](#) or alternatively email the [on-line incident report form](#) to 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 establishments (FBOs) under Article 6(2) of [Regulation \(EC\) No 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 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 [MoU](#) between 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](#). Within the UK, the Waste and Resources Action Programme ([WRAP](#)), is continuing to encourage businesses in the food supply chain to sign up to the [Courtauld agreement](#). The agreement aims to improve resource efficiency and reduce the carbon impact of the UK grocery sector, involving manufacturers and retailers reducing food waste by encouraging and developing its use as animal feed.

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 (and products containing them or have been in contact with)
- 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 being supplied is to a registered feed business
- e) former foodstuffs containing [packaging](#) intended for use in feed, that the material undergoes further treatment to remove the packaging before being used as feed. This is likely to be at a specialist former foodstuffs processing premises
- f) in the case of processors of former foodstuffs into feed that their suppliers and hauliers are all registered as feed businesses

¹ Recognising that where a business has a [primary authority](#) relationship verification of compliance should be in respect of agreed centralised systems

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 and maintaining and reviewing, as appropriate, their feed safety management systems, having regard to the nature, size and scale of 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 applied incorrectly
- c) that Critical Control Points are correctly identified, properly defined and controlled. Where hazards within the CCP are already adequately controlled by a pre-requisite procedure, the necessity for a critical control point should be raised with the FeBE. 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 particular target species)
- e) appropriate sampling programmes at the feed business are in place to verify compliance with maximum permitted levels of undesirable substances in feed materials and additives. Checks should include an examination of results of analysis 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 should be in respect of agreed centralised systems

Priority 4: Verification of the accuracy of feed labelling particulars

Information on feed labels is essential to enable FeBEs, throughout the feed chain, to make appropriate use of material used to manufacture feed or use as feed. The presence and accuracy of:

- labelling information is critical in ensuring feed is provided to the correct species, age of animal and in quantities that would not adversely affect human and/or animal health or impact on traceability
- batch codes aids 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 [Regulation \(EC\) No 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-GM³
- c) additives present in feed are authorised (included in the [register of feed additives](#)) in line with [Regulation \(EC\) No 1831/2003](#) on additives for use in animal nutrition

Priority 5: Effective monitoring of consignments of feed originating from 3rd Countries, at points of entry

Imported feed makes up 40% of feed used in the UK annually. Sampling imported feed is a key mechanism to ensure the safety and quality of feed entering the UK. To support a consistent and risk-based approach to monitoring 3rd country imports LAs are expected to give priority to monitoring consignments of feed originating from 3rd Countries, in consideration of:

- a) [ACTSO 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](#)

³ Genetically Modified

Food Hygiene Primary Production Priorities

Priority 6: Effective identification of higher-risk, ready-to-eat food businesses operating at the level of primary production

The identification of higher-risk, ready-to-eat food businesses, operating at the level of primary production, will assist in the future delivery of a more targeted, prioritised food hygiene inspection programme to achieve greater efficiencies and public health protection, whilst limiting inspection burdens on businesses.

LAs are expected to give priority to the identification of higher-risk, ready-to-eat food businesses operating at the level of primary production. For 2020/21 these are producers of micro leaves, baby leaves, herbs, watercress, lettuce, spinach, strawberries, salad onions, radishes, celery, and chicory.

Priority 7: Verification of effective systems and controls at higher-risk, ready-to-eat food business establishments operating at the level of primary production

One of the recommendations from a [European Commission audit](#) of the UK, which evaluated the system of official controls relating to microbial safety of the primary production of food of non-animal origin (FNAO), was that controls must adequately take into account identified risks to food safety, in light of [European Food Safety Authority \(EFSA\) opinions](#) on the microbiological hazards presented in ready to eat foods.

LAs are expected to give priority to the verification of effective systems and controls at higher-risk, ready-to-eat food business establishments operating at the level of primary production. With a particular focus on:

- a) confirming the water source is potable or clean, wherever necessary, to prevent contamination
- b) verifying there are records in place which are maintained and relate to the control of hazards in an appropriate manner. In particular any use of plant protection products and biocides, occurrence of pests and disease and the results of any relevant analyses carried out on samples that have importance to human health
- c) ensuring staff handling foodstuffs are in good health and undergo training on health risks
- d) ensuring, as far as possible, appropriate measures are in place to prevent animals and pests from causing contamination

National Targeted Monitoring Strategy (NTMS) for Animal Feed and Food Hygiene at Primary Production

The NTMS approach for 2020/21 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 food or feed business establishment
- c) whether the food or feed establishment benefits from Type 1 or Type 2 [Earned Recognition](#)

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	At least satisfactory compliance – A member of an FSA Approved Assurance Scheme
	Frequency of intervention*		
R13	0.75%	0.5%	0.25%
R14	0.75%	0.5%	0.25%

* inspection or audit

LAs are expected to:

- a) examine any former foodstuffs/co-products being used for feed to ensure it:
 - is not contaminated
 - does not contain prohibited substances⁴
 - is being sourced from a registered feed business establishment and
- b) complies with the record keeping requirements detailed in Annexes I and II of [Regulation \(EC\) No 1831/2003](#) laying down requirements for feed hygiene, as applicable to the establishment

⁴ Annex III of Regulation (EC) [No 767/2009](#) on the placing on the market and use of feed

Guidance

Animal Feed

[FSA webpage](#) on animal feed legislation

[ACTSO National Inspection Guidance](#) on Co-producers including inspection form and data collection form

[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 auditor checklist](#)

[Codex Alimentarius Standards](#) relevant to feed

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

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

[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

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

[Industry Code 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

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

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

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

[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

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

[Department of Agriculture, Environment and Rural Affairs \(Northern Ireland\) Guidance](#) Guidance on record keeping requirements

[Food Standards Scotland Guide](#) to Primary Production Food and Feed Hygiene Inspections

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

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

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