Animal By-products Trader Notice 03/2015

GUIDANCE ON THE PROCESSING, HANDLING AND USE OF CATEGORY 3 MILK AND MILK PRODUCTS AS ANIMAL FEED MATERIAL UNDER THE ANIMAL BY- PRODUCTS REGULATIONS (Regulation (EC) No. 1069 of 2009 and Regulation (EU) No. 142 of 2011).

1. Introduction

Milk and milk products are regarded as animal by-products (ABP) when they are no longer intended for human consumption. An Example of ABP includes product where for commercial reasons it is no longer intended for human consumption. It does not include floor sweepings Once classified as animal-by products these products cannot be used for human consumption.

This notice is only intended to provide practical guidance as to when Category 3 ABP milk and milk products can be used as animal feed. It is a not legally binding interpretation of the legislation, which is set out in Commission Regulations (EC) No. 1069/2009 and (EU) No. 142/2011.This notice does not deal with milk/milk products containing excess antibiotics or prohibited substances (Category 2 ABP) or Category 3 ABP milk and milk products which cannot be used as animal feed .

The Regulations divide milk/ milk product ABP for use as animal feed into 5 categories. Different restrictions apply to each of the 5 categories. These are explained below. For the purpose of this trader notice these will be referred to as Sections.

2. Section 1 Products: Annex X, Chapter II, Section 4, Part I of Commission Regulation (EU) No 142/2011

This Regulation allows certain milk, milk-based products and colostrum be used as animal feed subject to strict conditions. For the purposes of this trader notice, these products are referred to as "**Section 1**" products.

Milk must be subjected to one of the following treatments:

- sterilisation at an Fo value of 3 or more,
- UHT (132^{o}C for at least 1 second) **or** HTST combined with one of the following;

  (a) a subsequent physical treatment, by (i) a drying process, combined in the case of milk intended for feeding with additional heating to 72°C or more, or (ii) lowering the pH below 6 for at least 1 hour;

  (b) the condition that the milk or milk product has been produced at least 21 days before shipping and that during that period no case of foot-and–mouth disease has been detected in the Member State of origin.

- HTST applied twice.

Milk products must be either subjected to one of the treatments listed above or be produced from milk which was subjected to one of the above treatments.
For examples of these products see the Appendix. The final product must be packed in new containers or transported in containers that have been thoroughly cleansed before use.

These "**Section 1**" products may be used as animal feed on any animal holding. They may be freely traded to other EU countries.

3. Section 2 Products - Processed products and acidified milk products (pH<6): Annex X, Chapter II, Section 4, Part II, 3(a) of Commission Regulation (EU) No 142/2011

For the purposes of this trader notice, these products are referred to as "**Section 2**" products. They include processed products, whey and cleaning water that has been in contact with raw or pasteurised milk

In order to be used as animal feed, these products must be subjected to at least one of the following treatments:

- UHT (132^{o}C for at least 1 second) **or**
- Sterilisation at an Fo value of 3 or more is achieved, or which was carried out at a temperature of at least 115 °C for 15 minutes or an equivalent combination of temperature and time;
- HTST or sterilisation (other than above) **followed by** either (a) in the case of dried milk or dried milk-based products or milk-derived products, a drying process; or (b) in the case of acidified milk product, a process by which the pH is reduced and kept for at least one hour at a level below 6.

The final product must be packed in new containers or transported in containers that have been thoroughly cleansed before use.

These products may be used as animal feed on any animal holding within the Republic of Ireland. In certain circumstances they may be sent to Northern Ireland – see point 10 of this notice.

4. Section 3 Products - Processed products and whey (pH>6) Annex X, Chapter II, Section 4, Part II, 3(b)(i) of Commission Regulation (EU) No 142/2011

For the purposes of this notice, these products are referred to as "**Section 3**" products. They include derived products, including white water, which have been in contact with milk that has only received a single pasteurisation (whey with a pH greater than 6.0 derived from pasteurised milk).

It also includes whey produced from non-pasteurised milk collected at least 16 hours after milk clotting and where the pH must be recorded as less than 6.0 before being sent directly to authorised animal holdings.
(For examples of these products see the Appendix).

*(Whey derived from milk that has received a pasteurised heat treatment **and** that has a pH of less than 6.0 is a Section 1 product).*

"**Section 3**" products may be used as feed provided that the products are sent to a limited number of animal holdings for which prior authorisation has been obtained from DAFM.

5. Section 4 Products - Raw Products: Annex X, Chapter II, Section 4, Part II, 3(b)(ii) of Commission Regulation (EU) No 142/2011

For the purposes of this trader notice, these products are referred to as "**Section 4**" products. They include raw products and cleaning water that has been in contact with raw milk, and other products for which the treatments referred to earlier in this notice cannot be ensured. (For examples of these products see the Appendix)

They may be used as feed provided:

(a) The products are sent to a limited number of authorised animal holdings, approved for this purpose by DAFM; and,
(b) The animals from these authorised holdings can only be moved:

- Either directly for slaughter in the Republic of Ireland, or
- with prior approval from DAFM to another holding in the Republic of Ireland.

6. Section 5 Products – Colostrum: Annex X, Chapter II, Section 4, Part II, 4 of Commission Regulation (EU) No 142/2011

For the purposes of this trader notice, these products are referred to as "**Section 5**" products. They refer to colostrum which does not conform to the treatment detailed for section 1 products.
Such products may be used as feed from one farmer to another within the Republic of Ireland with prior approval from DAFM.

7. Approval and registration

Where DAFM has approved or registered a milk-processing establishment under S.I. No. 432 of 2009 this will fulfill the requirements referred to in this notice. Where the establishment is not approved or registered under S.I. No 432 of 2009 and where its primary activity is processing and handling animal by-products, separate approval under the ABP Regulations will be required.

Applications must be made in writing to the Animal By-Products Section at the address listed at the end of this notice.

8. Authorised Animal Holdings

Only authorised animal holdings may receive "**Section 3**", "**Section 4" and/or "Section 5**" products. The operator of a registered or approved establishment should apply in advance in writing with details of the animal holding (name, address and the official holding reference number, if applicable, e.g. herd number) and full details of the product(s) to Animal By-Products Section at the address below. The authorised holding and the applicant will be formally notified in relation to the outcome of the application.

9. Traceability

Establishments who distribute animal by-products must put a system in place to ensure traceability of such products.

10. Cross-border Areas

"**Section 1**" products may be traded freely between Member States as long as traceability is ensured.

"**Section 2**" products may only be used as feed material in cross-border areas when the Member States concerned have a mutual agreement to that effect. The operators of an approved or registered establishment wishing to engage in cross-border trade in this material must apply in advance and in writing to the Animal By-Products Section. The applicant will be formally notified in relation to the outcome.

No cross-border trade is permitted in "**Section 3**", "**Section 4**" **or "Section 5"** products.

11. Control measures

DAFM will take the necessary measures to control compliance by operators of approved or registered establishments, carriers transporting animal by-products and animal holdings receiving animal by-products with the requirements set out in Regulations 1069/2009 and 142/2011.

12. Identification and Transport Requirement

All necessary measures must be taken to ensure that milk and milk product ABP are identifiable and kept separate during collection and transportation from products for human consumption, so that cross-contamination does not occur. During transportation of Category 3 ABP to another Member State, a label using the colour green with a high content of blue must be attached to the vehicle, container, carton or other packaging material indicating the category of animal by-products or, in the case of processed products, the category of the animal by-products from which the processed products were derived.

The words "*not for human consumption*" must also be included. Road tankers used to transport liquid products must display a sign with the words "*Category 3 not for human consumption*" and the letters must be at least 15 cm in height.

This requirement does not apply to vehicles collecting returned goods such as out of date milk and dairy products from retail outlets, catering establishments etc.

13. Vehicles and containers

ABP must be collected and transported by a registered ABP haulier, in sealed new packaging or covered leak-proof containers or vehicles. Vehicles and reusable containers, and all reusable items of equipment or appliances that come into contact with the products must be:

(a) cleaned, washed and disinfected after each use,
(b) maintained in a clean condition and
(c) clean and dry before use.

Reusable containers must be dedicated to the carriage of a particular product to the extent necessary to avoid cross-contamination. Packaging material must be incinerated or disposed of by some other means as laid down by DAFM.

14. Commercial Document

During transportation of ABP material within the Republic of Ireland a Commercial Document must accompany animal by-products and processed products and the onus is on each operator of an approved or registered establishment to provide a Commercial Document. A template of this document can be found in TN01/2015 (attached) which is also available on the DAFM website, http://www.agriculture.gov.ie/agri-foodindustry/animalbyproducts/animalbyproducts-tradernotices,

This Commercial Document must at a minimum specify the following information:

(a) The date on which the material was taken from the premises;
(b) The description of the material, e.g. SMP, Whey, Raw Milk;
(c) Article 10 of Reg (EC) 1069/2009 reference; e.g.10(f) or(e) or (h)
(d) The words 'Category 3' and in the case of material destined for animal feed material the animal species derived there from e.g. ruminants milk;
(e) the quantity of the material expressed in weight/volume or number of packages;
(f) the place of origin of the material;
(g) the name and the address of the carrier;
(h) the name and the address of the receiver and if applicable, its approval number;
(i) if appropriate the approval number of the plant of origin and the nature and the methods of the treatment, e.g. this product has been derived from milk that has been subject to a heat treatment of at least 72^{o}C for at least 15 seconds.

The Commercial Document must be produced at least in quadruplicate (one original and three copies). The original must accompany the consignment to its final destination and be retained by the receiver. The consignor must retain one copy and the carrier the other. In the case of the final copy, the receiver must acknowledge receipt of the consignment by endorsing it and returning it to the consignor. The colour of the signature of the responsible person must be different to that of the printing.

Commercial Documents are not required when operators of milk-processing establishments approved or registered in accordance with S.I. No. 432/2009, are collecting and returning to their establishments products that they have previously delivered to their customers.

In the case of products being sent to another Member State, a more detailed Commercial Document must be used. A separate trader notice on this EC Commercial Document *(Animal By Products Trader Notice 01/2015)* is available from on DAFM's website.

15. Record of ABP Material Movements

By way of derogation operators do not have to keep the information referred to in point 1(a) and points (b)(i), (c)(i) and (iii) and d(ii) and (iii) of Chapter IV Section 1 2 separately, if they keep a copy of the commercial document as laid down in Section 14 above for each consignment and make such information available in conjunction with the other information required under this Section.

In addition to the Commercial Document;

(1) The **Consignor** must keep r**ecords** of the following:

(a) The name and the address of the carrier of the material;
(b) The name and address of the receiver of the material and, if applicable, its approval number.

(2) The **Carrier** must keep a record of the following:

(a) The place of origin of the material;

(3) The **Receiver** must keep a record of the following:

(a) The date of reception of the material.

These records and the Commercial Document must be retained for a period of at least two years from the date of issue.

16. Plants own-checks

Under the ABP regulations, operators and owners of processing plants must have a HACCP system in place. In addition, samples of the final products

must be taken during storage or at the time of withdrawal from storage and shall at least comply with the microbiological standards set out in Annex X, Chapter I of Commission Regulation (EU) No. 142/2011. Microbiological testing should be carried out, using laboratory methods approved by DAFM, for both Salmonella and Enterobacteriaceae.

17. Storage of Products

There is a requirement that the storage of products takes place at an appropriate temperature, in order to avoid risk to public or animal health. This may be either:

(a) In a dedicated storage plant approved for that purpose in accordance with the ABP Regulations or,
(b) In a dedicated, separate storage area in an establishment registered or approved in accordance with S.I. No. 432 of 2009.

18. Animal Feed Regulations (EC) (183/2005 & 767/2009)

Category 3 ABP intended for animal feed must also comply with the animal feed regulations above including specific animal feed labelling requirements. A combined label meeting both ABP and animal feed requirements is acceptable once it satisfies both requirements. A food business operator intending to supply Category 3 material as feed material must be registered with the Animal Feed Division of the Department of Agriculture, Food and the Marine.

Contact details

If you have any queries regarding this Trader Notice, please contact the Animal By-Products Section, Department of Agriculture, Food and the Marine, Grattan House, Grattan Business Centre, Dublin Road, Portlaoise, Co. Laois.

Tel: 0761 064440 Fax: 057-8694386.
E-mail: AnimalByProducts@agriculture.gov.ie

Date of issue: 31 March 2015

Appendix - Examples of Processing Category 3 Materials & Requirements for Disposal as Feed Material.

Products	Examples	Requirements				
	(Note: This is not a definitive list of examples)	**Premises registered and/or approved under S.I 432 of 2009, or premises approved under S.I. 187 of 2014**	**Delivered to an authorised holding**	**Traceability of delivery**	**For use only within MS of production**	**Cross border trade**
Section 1 Milk and/or Milk based products processed as per Annex X, Chpt II, Section 4, Part I of Reg 142/2011	Powder Product. Whey, cheese or yoghurt produced from pasteurised milk at pH<6 for at least 1 hr.	Yes	No authorisation required	Yes	No restriction	Allowed
Section 2 Processed product and acidified milk products including wash water in contact with milk not processed as per Section 1 but complying with Annex X, Chapter II, Section 4, Part II, 3(a) of 142/2011	Milk containing wash water that has received a UHT treatment (132^{o}C for at least 1 second)	Yes	No authorisation required	Yes	No restriction	Contact ABP Division as a mutual agreement is required between Member States
Section 3 Processed product and whey including wash water in contact with milk not processed as per Section 1 but complying with Annex X, Chapter II, Section 4, Part II, 3(b)(i) of 142/2011	Milk containing wash water that has received a pasteurised treatment, Non heat treated whey with a pH<6. Drinking milk shop returns.	Yes	Delivered directly to an authorised holding (1)	Yes	Restricted to Member State only	Cross border trade not permissible

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Section 4 Raw products including wash water complying with Annex X, Chapter II, Section 4, Part II, 3(b)(ii) of 142/2011	Raw milk, wash water in contact with raw milk	Yes	Delivered directly to an authorised holding (2)	Yes	Restricted to Member State only	Cross border trade not permissible
Section 5 Colostrum not processed as per Section 1 but complying with Annex X, Chapter II, Section 4, Part II, 4 of 142/2011	Colostrum	Yes	Delivered farmer to farmer with permission from DAFM	Yes	Restricted to Member State only	Cross border trade not permissible

(1) the products are sent to a limited number of authorised animal holdings, fixed on the basis of the risk assessment for the best and worst case scenarios carried out by the M S concerned in preparation of the contingency plans for epizootic diseases, in particular foot and mouth disease.

(2) they are sent to a limited number of authorised animal holdings, fixed on the basis of the risk assessment for the best and worst case scenarios carried out by the Member State concerned in preparation of the contingency plans for epizootic diseases, in particular foot-and-mouth disease, and provided that the animals present in the authorised animal holdings can only be moved:
(i) either directly to a slaughterhouse located in the same Member State; or
(ii) to another holding in the same Member State, for which the competent authority guarantees that animals susceptible to foot-and-mouth disease may leave the holding only:
(a) either in accordance with point (i); or
(b) if the animals have been dispatched to a holding not feeding '**Section 4 products'**, after a 21- day standstill period has elapsed from the introduction of the animals.