

Analysis of Submissions: Review of Ruminant Protein Regulations

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Further copies

Requests for further copies can be obtained:

By writing to:

Don Crump
MAF Policy
PO Box 2526
WELLINGTON

By telephone:

Moira Jones
Personal Assistant
(04) 470 2734

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1. Purpose

In September 2002, the Ministry of Agriculture and Forestry (MAF) released a discussion paper (No.34) titled *Review of Ruminant Protein Regulations* and invited public submissions.

This document summarises the issues raised in the submissions and presents MAF's comments and analysis.

Some of the proposals put forward by MAF have been modified as a result of the public consultation and further proposals have been developed in response to matters raised in submissions. These outcomes and MAF's decisions on implementing the review are presented in the section *Consultation Outcome*.

2. Glossary

Blood and bone	a common name for MBM, often used for MBM sold as garden fertiliser.
BSE	bovine spongiform encephalopathy.
Discussion paper	<i>Review of Ruminant Protein Regulations: MAF Discussion Paper No.34, September 2002.</i>
ELISA	enzyme-linked immunosorbent assay - a test (assay) capable, in this context, of detecting cooked ovine or bovine protein in compounded animal feed.
Fishmeal	processed whole fish or the co-product, with fish oil, of rendering fish waste. Imported fishmeal must be derived solely from marine species.
GM	genetically modified.
Home mill	feedmill that is located on a farm to produce feed for the animals (usually pigs or poultry) kept on that farm.
IHS	import health standard, issued under section 22 of the Biosecurity Act 1993.
MBM	meat and bone meal - protein-rich feed ingredient rendered from the tissues of mammals or birds (includes bone meal and blood meal; excludes feather meal).
OIE	Office International des Épizooties - the world animal health organisation.
Regulations (the)	the Biosecurity (Ruminant Protein) Regulations 1999.
Registered programme	a ruminant protein control programme registered under the regulations.
Save-all	primary sedimentation technology for recovering protein and fat from slaughter wastewater. Other primary physical treatments include screening and/or dissolved air flotation (DAF) systems.
Specified animal protein	for the purposes of the discussion paper: protein derived from the tissue of any mammal (other than a ruminant) or any bird (other than eggs and feathers).
Tallow	fat rendered from the body tissues of ruminant animals.
TSE	transmissible spongiform encephalopathy.

3. Consultation Outcome

MAF received 26 submissions from renderers, animal feed, pet food and fertiliser manufacturers, meat and dairy producers, processors and exporters, land care groups and government departments.

After reviewing the submissions, the project team recommended that the original proposals should proceed, with minor changes and with the exception of controls on specified animal protein. Some new proposals were developed in response to some of the matters raised in submissions.

The consolidated proposals were submitted to the interdepartmental TSE Steering Group that has oversight of New Zealand's TSE Programme and to the independent BSE Expert Science Panel that advises Ministers. The steering group decided that some measures (Part A below) should be put forward as amendments to the regulations and others (Part B) should be held over for consideration in a wide-ranging review of New Zealand's TSE measures following the confirmation of the first indigenous case of BSE in North America.

PART A - MATTERS TO PROCEED

Recommended changes to the Biosecurity (Ruminant Protein) Regulations 1999

1. To re-categorise as strict liability offences the absolute liability offences contained in the regulations.
2. To regulate a time-based charge on operators so that MAF can recover the cost of registering ruminant protein control programmes required under the regulations.
3. To amend the definition of feed in the regulations so that the exclusion in relation to tallow applies only to tallow having a maximum level of impurities of 0.15 percent in weight.
4. To amend the definition of feed in the regulations to require the labelling of food waste that is collected for feeding to ruminants, and the labelling of any associated material collected for pigs, using the appropriate form of notice prescribed in the regulations.
5. To amend the definition of ruminant protein in the regulations so that certain highly processed ruminant products accepted by the OIE as safe in international trade may be used in feeds prepared for ruminants.
6. To regulate the disposal by irrigation to pasture of wastewater from the slaughter, cutting and rendering of ruminants. The controls proposed are that:
 - The wastewater receive prior primary treatment to industry standards for recovery of protein;
 - The pasture or other land treatment area must not be grazed, or harvested for ruminant feed, at times when the foliage is visibly contaminated with any slaughter wastewater or wastewater residues; and
 - The supplier, irrigator, harvester and/or ruminant owner must take all steps necessary to achieve the purposes of the regulations.

(New regulations that are being made under the Biosecurity Act 1993 are normally made available in draft form to representatives of affected groups for limited consultation.)

PART B - MATTERS HELD FOR FURTHER CONSIDERATION

7. Controls on specified animal protein. (For consideration in the context of contingency measures developed should a case of BSE ever be confirmed case in New Zealand.)
8. Sampling of every consignment of imported fishmeal and testing for ruminant protein, either offshore in accordance with the import health standard, at the border, or under the MAF-industry animal feed monitoring programme.
9. Review of the level of fines that may be imposed for breaches of biosecurity regulations. (Any changes would need to be put forward in a bill to amend the Biosecurity Act 1993.)
10. Registration of feedmills, feed bagging premises, and importers of protein meals for use in feeds.
11. Automatic recognition of accredited verifiers of risk management programmes registered under Part 3 of the Animal Products Act 1999 as suitable persons to undertake annual verification audits of ruminant protein control programmes.
12. Collation of industry guidelines and standards on the use of fertilisers and soil conditioners containing ruminant protein on farmland.

4. Background

New Zealand livestock is entirely free from bovine spongiform encephalopathy (BSE), scrapie and all other transmissible spongiform encephalopathies (TSEs). It is important for New Zealand to stay free of these diseases to protect human and animal health. Overseas markets want assurances that TSE-free countries such as New Zealand are nonetheless actively looking for the disease and enforcing prudent measures against any spread.

MAF therefore has instituted the TSE Programme, a collaboration of government departments and the meat and feed industries in the following areas:

- trade risk mitigation: to ensure consumer protection (i.e. TSE-freedom) remains the priority for measures taken in relation to the food supply;
- animal health status: to ensure New Zealand maintains its TSE-free status as recognised by the world animal health organisation (OIE);
- imported processed food: to ensure that standards for imported food for New Zealand consumers are appropriate; and
- communications: to deliver accurate and timely information to all interested parties and members of the public.

The legislation controlling the feeding of ruminant protein to animals is fundamental to the success of the TSE Programme because BSE is a feed-borne disease. The Biosecurity (Ruminant Protein) Regulations 1999 prohibit the feeding of ruminant protein in any form, composition, or admixture to ruminants because of the risk of amplifying and spreading TSEs, such as BSE, by doing so.

Feed (and also fertiliser) containing ruminant protein must be labelled: “Notice: not to be fed to sheep, cattle, deer, alpacas, goats, or other ruminant animals.”

Each operator of milling premises where ruminant protein is used must develop and register a ruminant protein control programme before diversifying into the production of feed for ruminant animals. Each programme must specify how the operator will manage and minimise the risk of contamination of such feed by ruminant protein. Each programme must name an independent auditor engaged by the operator to verify the ongoing implementation of the programme. Ruminant feed produced under a registered programme carries a prescribed label notice to show that it may lawfully be fed to ruminant animals.

In September 2002, MAF published a discussion paper as part of its review of the regulations. The consultation was notified in *Biosecurity* magazine and by media statement. Copies of the discussion paper were sent directly to 240 businesses and stakeholder groups associated with the animal feed industry.

5. Issues for Review

The discussion paper canvassed the following issues:

1. Controls on specified animal protein.
2. Regulation of slaughter wastewater applied to pasture.
3. Proposed charge for registering a ruminant protein control programme.
4. Proposed change in certain offence provisions from absolute liability to strict liability.
5. Exemption for certain highly-processed ruminant products.
6. Exemption for protein-free tallow.
7. Use of legislation.
8. Review of present controls.

6. Submitters

	Issues (key above)
1. Milligans Food Group Ltd	1, 3, 6, 8
2. Blue Sky Meats (NZ) Ltd	2
3. Mike Turner, Verification Auditor	8
4. Wallace Corporation Ltd	1, 2, 6
5. Ministry of Health	2, 3, 8
6. NZ Petfood Manufacturers Association	1, 2, 4, 7
7. NZ Fertiliser Manufacturers Research Association	1, 2, 3, 4, 5, 6, 8
8. Ministry of Justice	4
9. Canterbury Meat Packers Ltd	2
10. NZ Feed Manufacturers Association	1, 2, 3, 4, 5, 6, 7
11. Southern Grain & Seed Ltd	1, 2, 3, 5, 6, 8
12. NZ Environmental Education Trust	2
13. Progressive Meats Ltd	2
14. Crusader Meats NZ Ltd	2
15. Dairy InSight / Fonterra / Tatua	1, 2, 3, 4, 5, 6, 7, 8
16. New Zealand Renderers Group	1, 2, 3, 4, 5, 6, 7, 8
17. PVL Proteins Ltd	1
18. Bernard Matthews NZ Ltd	2
19. Federated Farmers of NZ Inc	1, 2, 3, 4, 5, 6, 7
20. Meat New Zealand	1, 2, 3, 4, 5, 6, 8
21. Progressive Gisborne Ltd	2
22. Deer Industry New Zealand	1, 4, 8
23. Reliance Stockfoods	1, 2, 3, 5, 6, 8
24. Lamb Packers Feilding Ltd	2
25. Molteno Ophthalmic Limited	1
26. Alliance Group Ltd	1,2,3,4,5,6,7

7. Analysis

SPECIFIED ANIMAL PROTEIN

Submissions were divided on the merits of excluding porcine and avian MBM from the protein sources available for use in ruminant feed. Provided an effective screening test was imminent, however, the weight of opinion was against the proposal.

The impact of specified animal protein controls on the rendering and feed industries would be minimal, although likely to increase over the medium term. One business would have been significantly affected immediately.

A new ELISA was under evaluation by MAF during this consultation and has been adopted as a screening test for the animal feed monitoring programme. MAF therefore accepts that the proposed controls on specified animal protein are not warranted in the present operating environment. Such controls should be considered, however, in the context of contingency plans should there ever be a case of BSE in New Zealand livestock.

A new proposal was to test every shipment of imported fishmeal. While fishmeal falls outside the definition of specified animal protein, this is a prudent measure that has been referred to the TSE programme steering group. Options for implementation include amending the IHS for fishmeal and/or extending the current sampling target for imported fishmeal under the animal feed monitoring programme.

REGULATION OF SLAUGHTER WASTEWATER APPLIED TO PASTURE

A majority of submissions supported the proposed controls for the disposal by irrigation to pasture of wastewater from the slaughter, cutting and rendering of ruminants.

On the basis of technical submissions, MAF considers that the primary treatment of wastewater sent for land treatment should be in accord with good manufacturing practice in the New Zealand meat processing and rendering industries. Suitable processes include, but are not limited to, current milliscreening or save-all technologies.

Several submissions asked for regulations to cover the safe disposal of other forms of slaughter waste and the use of ruminant blood and bone fertiliser on farmland. In the absence of TSEs, MAF has been reluctant to regulate in this low risk area beyond duty of care and mandatory labelling. As regards ruminant blood and bone fertiliser, MAF has noted the absence of any economic incentive or technical need to rely on this form of nitrogen for pasture nutrition.

PROPOSED CHARGE FOR REGISTERING A RUMINANT PROTEIN CONTROL PROGRAMME

A majority of submissions on this issue supported the proposal and recognised that meat exporters and the meat industry as a whole are the primary beneficiaries of registered programmes. However, the charge will be paid by operators (as defined in the regulations) and may be passed on indirectly to meat exporters and the meat industry as a whole.

The proposal to list feed commercial feedmills, home mills, mobile mills and other feed suppliers (e.g. re-bagging premises, protein importers on a register has merit for communications and educative purposes. This proposal has been referred to the TSE programme steering group for its consideration.

PROPOSED CHANGE IN OFFENCE PROVISIONS FROM ABSOLUTE TO STRICT LIABILITY

A majority of submissions accepted the need to re-categorise the absolute liability offences in clauses 5, 13 and 14 of the regulations.

There was a significant degree of concern that the change might lead to a reduced level of care within the animal feed industry. MAF was asked to consider whether the level of penalties should be increased as a counterbalance to the reduction of certainty of obtaining convictions.

EXEMPTIONS FOR CERTAIN HIGHLY PROCESSED RUMINANT PRODUCTS

All submissions supported the proposal except, in one instance, the exemption for dicalcium phosphate (with no trace of protein or fat).

EXEMPTION FOR PROTEIN-FREE TALLOW

With one exception, all submissions supported the proposal. The proposed amendment should apply to virgin ruminant tallow, recycled tallow and prepared feed ingredients based on tallow. Other fats and oils would not be affected by the amendment. This material would continue to be eligible for use in ruminant feed unless previously used to cook ruminant meat.

USE OF LEGISLATION

The submissions did not question the use of the Biosecurity Act 1993, as the principal act for regulating the feeding of ruminant protein. Secondary impacts should continue to be regulated under animal products and agricultural compounds legislation. Submissions exhorted regulators to work cohesively to ensure there are no “gaps” in the TSE programme. An example of complementary regulation is the inclusion of ruminant feeding statements on the animal status declaration required under the Animal Products Act 1999. A potential example might be the registration of the names and addresses of feed premises under the Agricultural Compounds and Veterinary Medicines Act 1997.

REVIEW OF PRESENT CONTROLS

MAF invited feedback on the impact of the regulations since they came into force on 1 January 2000. Two submissions commented on the regulatory and business compliance costs. Several other submissions focussed on the coverage of the regulations, such as:

- requiring all feedmillers to register programmes;
- prescribing accreditation criteria for verification auditors and listing available auditors;
- prescribing conditions on the use of fertilisers containing ruminant protein on agricultural land; and
- prescribing the testing of feed for the presence of ruminant protein (using a test that does not rely on the presence of bone fragments).

The recommendations arising from the submissions are presented under *Consultation Outcome*.