

Mr P Pendergast
Health & Consumer Protection Directorate- General
Directorate D - Food and Veterinary Office
Belfield Office Park
Beech Hill Road
Dublin 4
IRELAND

21st March 2000

Dear Mr Prendergast

**MISSION REFERENCE NUMBER: DG(SANCO)/1211/1999
INSPECTION MISSION TO THE UNITED KINGDOM FROM 30 JULY
TO 6 AUGUST AND 23-27 AUGUST 1999 CONCERNING POULTRY
MEAT**

Further to my letter of 7 January, acknowledging receipt of the report (ref. no DG(SANCO)1211/1999MR Final, and the working documents (ref. DG(SANCO)1211/1999 WD Final, I am writing with the United Kingdom's response to the final report.

The detailed comments from the UK Government on the Mission Report are given in the annex attached.

However, this response to the FVO is not the only action which the UK Government is taking following the publication of the Report. We have also begun a programme of action at the national level, designed to address problems where they exist, and so to improve the overall quality of poultry meat production in the UK. This programme includes working with the key stakeholders in poultry meat production and consumption, involving the poultry meat plant operators; the enforcement authorities, such as the Meat Hygiene Service; and representatives of consumer groups.

This programme has already begun, under the leadership of MAFF, and will pass to the UK's new Food Standards Agency when that body comes into existence on 1 April 2000.

The UK Government firmly believes that the focus of our work should be to take those actions which are needed and justified to protect public health and provide the assurances the consumer is seeking on the safety of food. We believe that goal is best served by the adoption of risk based, hazard analysis policies, which build on the latest developments of food safety science, and which focus the attention of both operators and enforcement authorities where it is really needed. That kind of approach will, we consider, offer greater

protection than the strongly prescriptive philosophy which underlies the current directives, most of which were established some thirty years ago. Both food science and food production technology have changed significantly since then, and our regulatory approach should reflect this.

Indeed, in light of the continued development of the poultry meat industry, it may be argued that some requirements of existing law are now unrealistic and impractical whilst others could lower the level of public health protection. The FVO is conducting inspections of transposition of the current European law on poultry meat production in other Member States. From the reports which have been published so far, there is an emerging pattern of similar problems in each report, arising mainly over levels of veterinary supervision, and post mortem health inspection. These trends illustrate our concerns.

Therefore, the UK Government firmly believes that the Commission and Member States should work together to develop the revised regulatory systems which will offer the consumer the levels of food safety which we all desire.

With this in mind, we have recently sent to the Commission a copy of the report recently commissioned by the UK Government on the control of red tape in the meat sector. This makes several important recommendations concerning the nature of future regulation, and of the staff who should be employed for that purpose. A copy of that report is attached for your information.

In view of the contents of this response, I am copying this letter and attachments to Mr Coleman in DG SANCO in Brussels.

Yours sincerely

J M Scudamore
Chief Veterinary Officer

Annex

Action taken/planned in response to Conclusions and Recommendations

1. Approval procedures for poultry meat establishments (Paragraph 5.1.1)

First indent: plant not seen in operation

As part of a recent review of enforcement we have examined the way in which licensing of new plants is conducted. As a result of this, in addition to meeting structural requirements, greater emphasis will be placed on operators demonstrating adequate planning to operate at the required standards. Matters such as cleaning procedures, training, water quality testing and record-keeping can and should be fully established in advance of production commencing. The veterinarians who advise Ministers on the licensing of new plants will be consulted on and agree plans for these matters before a licence is issued. New guidance has been prepared for operators on the systems they must have in place before a licence can be issued. This guidance will be issued in April, a copy of the text is attached.

In England, the new Meat (Enhanced Enforcement Powers) Regulations 2000, which came into force on 1 March 2000, amend the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995, to give additional powers, to enable immediate action to be taken where the operation is unsatisfactory on any breach of the Regulations. These include stopping an operation or prohibiting a specified process until the problem has been resolved, and suspension of the licence. A copy of this legislation is attached. Similar legislation will follow in the rest of the UK later this year.

Second indent: packaged meat cold stores

The absence in UK law of a legal requirement for packaged meat cold stores to be approved was also noted by Mission XXIV/1414/98, on fresh meat. As in our response to that Mission, we recognise that about half of all UK packaged meat cold stores are unapproved. We accept that their non-approval breaks the chain of traceability and trade documentation of health marked meat. Draft regulations to rectify this under-implementation of the directives are currently the subject of statutory consultation with interested organisations. A copy of the consultation package is attached.

Third indent: UK authorities not fulfilling the law

Official Veterinary Surgeons (OVSs) or Principal OVSs (POVSs) from the Meat Hygiene Service now accompany Veterinary Meat Hygiene Advisors (VHMAs) when carrying out licensing inspections of plants. It is a condition of the licence that any significant alterations must comply with the provisions of

the UK regulations. However, existing operating instructions have been amended to emphasise the close liaison expected between the OVS and the VMHA over licensing matters (a copy is attached). In particular, where premises are new the MHS are consulted on proposed methods of operation and VMHAs are advised by the MHS when existing operators plan substantial changes to licensed premises. The duties of the OVS listed in Chapter 1 of the MHS Operations Manual include alerting the POVSS and VMHA to any changes made or proposed to structure, layout equipment or operational procedures where these changes do not appear to comply with the Regulations. New licences now include an outline plan of the licensed premises, which will in future be amended as appropriate following substantial alteration. Where premises have altered adversely and MHS enforcement action has failed to secure compliance, the case can be referred to the VMHA. The new enhanced enforcement powers allow revocation of licences to be on structural as well as hygiene grounds.

2. Veterinary supervision of establishments (Paragraph 5.1.2)

First indent: Levels and qualifications of veterinary staff

In its response of 24 July 1998 to the Reasoned Opinion of the Commission on Emergency Measures to Protect Against Bovine Spongiform Encephalopathy, the UK explained the constraints it was under in achieving full compliance with the veterinary supervision requirements of Council Directive 64/433/EEC. Similar constraints apply to the supervision of poultry meat premises. The programme established to achieve full compliance includes both fresh and poultry meat slaughterhouses, cutting plants and cold stores. The Commission has informed the UK that it expects the fresh meat programme to be completed by the middle of the year 2001.

However, levels of veterinary supervision is one key area where the UK government believes that the regulatory approach needs to be reviewed and revised, so that the valuable and scarce resource of qualified veterinarians can be used to maximum effect. The report of the recent Meat Industry Red Tape Working Group in the UK made several important recommendations on this. The UK Government welcomes the European Commission's advice of 5 May 1999 on the veterinary supervision requirements for permanently derogated premises, and is considering how best to implement this advice for the benefit of these premises.

Second indent: Use of HAS

The Mission report appears to misunderstand the nature and purpose of the Hygiene Assessment System (HAS). It is not a legal requirement of Community law, nor is it designed to ensure fulfilment of European law on veterinary supervision. It does not deal with the performance of the enforcing authority, nor is it meant to.

HAS is a practical management tool, developed by the UK authorities, to use in assessing the hygiene performance of the individual plant. It provides a measure of the current overall hygiene performance of a particular plant. That level of hygiene performance is primarily dependent on the work of the plant's own management and staff, and does not directly depend on the level of veterinary supervision provided by the enforcement authorities. We would be happy to give the FVO further information on HAS, and to invite FVO colleagues to see the system in operation if that would be helpful.

HAS is only one part of the UK Government's policy on poultry meat hygiene. As noted above, the Government has been working with the Commission over levels of veterinary supervision, to explain both the constraints which must be faced and the commitments made to raise the levels towards the standards required by European law.

The UK has completed the review of HAS, which had already been started. Revised guidance, aimed at ensuring greater consistency in the results has been issued and applied from 1 July 1999.

Third indent: Neglect of non-hygiene aspects of Directive

We are pleased to note that the EC Mission recognises that the UK places great emphasis on enforcement of hygiene requirements.

Chapter 1 of the MHS Operations Manual lists the duties and responsibilities of the MHS. In relation to poultry meat premises, these are as follows:

- to provide the statutory meat inspection service in licensed slaughterhouses through the pre-slaughter health inspections of poultry, post mortem inspection of fresh meat and the official control of unfit meat;
- to ensure Operator compliance with Regulations laying down the "Duties of the Occupier";
- to ensure compliance with the Hygiene rules including maintaining and encouraging good Hygiene practices;
- to ensure compliance with structural rules including maintenance of fabric and equipment;
- to ensure compliance with welfare at slaughter rules in licensed white meat slaughterhouses, including licensing of poultry meat slaughterhouses and to encourage the maintenance and improvement of animal welfare standards;
- the collection and despatch of samples for statutory veterinary medicines residue testing;

- animal health checks and reporting suspicion of notifiable disease and testing for certain diseases;
- checking imported meat and inspection of imported livestock for immediate slaughter and taking action when contraventions are found; and
- training, authorisation and supervision of Plant Inspection Assistants (PIAs).

OVSs as the team leaders of the MHS in licensed plants are responsible for ensuring compliance with the requirements of the hygiene regulations in their plants including structural, hygiene, inspection, health marking, and welfare requirements of the Regulations. OVSs are also responsible for ensuring operator compliance with the “Duties of the occupier” in the licensed premises.

OVSs should note changes to structure, layout, equipment or operational procedures that are made or proposed and inform the POVS and the VMHA where these changes do not appear to comply with the Regulations. Major shortcomings should be brought to the attention of the POVS and, where there are licensing implications, to the VMHA responsible for the premises.

As part of its Continuing Professional Development (CPD) programme for OVSs, the MHS has developed training material building on the advice provided by the FVO during this mission to assist OVSs in enforcing the legislation. A CPD day using this material will be delivered before the end of March this year, and a second day will be provided before the end of June 2000.

The duties and responsibilities of the OVS in poultry meat premises in Northern Ireland are similarly itemised in Veterinary Service staff instructions. A Veterinary Service review of its internal auditing programme, intended to ensure that all the necessary supervisions are being carried out, will be completed and implemented by the end of June 2000.

3. Ante-mortem and post-mortem inspection (Paragraph 5.1.3)

Pre-slaughter health inspection/ante-mortem inspection

The UK believes that its requirements for pre-slaughter health inspection are satisfactory, and meet the requirement in Annex 1, Chapter VI, point 25 (a) (ii) of the Directive for relevant up-to-date information to be provided.

Schedule 22 of the GB Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995, and equivalent in Northern Ireland, lists the minimum information required in a production report. This includes the holding of origin; the intended date of arrival at the

slaughterhouse; expected number of birds in the specified group; mortality data; details of any diseases diagnosed; results of any laboratory examination; and details of any medication given. Additional information which the OVS may request, if he/she is not satisfied with the information contained in the production report, includes: suppliers of feeding stuffs; hatchery details; information on growth rates and breed performance; results of previous post-mortem inspections; and feed additives and vaccines used. Guidance for OVSs on the content of production reports, and arrangements for requesting additional information, where appropriate, is set out in the model production report, at Annex 1 of Chapter 7 of the MHS Operations Manual.

Responsibility for enforcing pre-slaughter inspection lies with the OVS, and is one of the duties mentioned in section 2 above, on which OVSs have been reminded.

Post-mortem inspection

The requirement for the OVS to carry out a random inspection following post-mortem checks, and for a special examination of unfit carcasses is implemented in national legislation. We have reminded OVSs of their responsibility to inspect carcasses rejected by inspectors. We accept, however, that we have not complied fully with the requirements of the Poultry Meat Hygiene Directive with regard to the size of the random sample, as OVSs are permitted to determine the random sample size themselves. We consulted with industry earlier in the year on proposals to amend our regulations to comply with this requirement. However, we note from the draft proposals for official controls which form part of the package of proposals on the hygiene of foodstuffs (VI/1881/98-rev 2 - III/5227/98 rev. 4) (the “simplification” of the vertical food hygiene directives) that a figure is no longer specified for the random sample size, and we are therefore reviewing what action to take in these circumstances. This is an example of our concerns that the current law is in need of revision.

We have noted the points cited in respect of veterinary supervision on ante-mortem inspection and post-mortem inspection and levels of inspection staff. These are being actively considered. Action on levels of veterinary supervision is reported on in section 2 of this Annex, commenting on paragraph 5.1.2 of the report.

4. Veterinary supervision of slaughter hygiene (Paragraph 5.1.4)

The Mission has identified a number of deficiencies of supervision of slaughter hygiene, and the enforcement authorities are addressing these points. The finding that HAS does not ensure satisfactory supervision is not directly relevant, due to an apparent misunderstanding of the role of HAS. As noted above (in comments on paragraph 5.1.2), HAS measures the performance of the plant itself, not that of the enforcement authority.

5. Own Checks (Paragraphs 5.1.5)

On the legal and procedural level, the responsibility for the own checks that are carried out rests with the operators of individual establishments. This is reflected in regulation 18 (1) of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995, and equivalent in Northern Ireland. Chapter 2 of the MHS Operations Manual makes clear that OVSs must be familiar with the systems used by the plant to monitor procedures for the general hygiene of production. Many plants have systems of microbiological checks to monitor cleaning procedures. In these plants, the OVS is required to encourage the plant management “to ensure that the records of microbiological checks clearly identify the action taken in respect of unsatisfactory results”.

There is at present no requirement in either European or UK law establishing the nature or the frequency of checks, sampling and bacteriological examination methods to be used to ensure hygiene of production. We await the action by the Commission to fulfil the obligation placed on it by virtue of Article 6. 2 of Directive 71/118/EEC, as amended by 92/116/EEC, to make provisions for such checks.

On the practical level, we accept the finding that there are shortcomings in the set-up of own checks in some of the plants visited. We have therefore taken action. First, we have written to the management of all UK plants to remind them of their obligations to operate own checks. This letter has also been sent to all OVSs/VOs to remind them of their duties to confirm that the own checks systems are functioning properly. We have also written to the management of all UK poultry meat plants to inform them of the problems identified in the Mission report, to encourage all operators to review their own procedures and to make improvements where necessary. This letter has also been copied to all OVSs/VOs. Copies are attached. Lastly, we are following up these letters by discussing the issues in the Report with the industry and with the enforcement authorities.

6. Use of immersion chiller (Paragraph 5.1.6)

We recognise that there were some problems with immersion chilling at one poultry premises. The plant concerned has been formally advised of deficiencies and corrective action has been taken by DARD in Northern Ireland. The legal requirements on these points are fully implemented in schedules 8 and 12 of the Poultry Meat Hygiene Regulations.

The question of bacteriological examinations to check for any contamination has been covered in the issue of letters on operators’ own checks. The nature and frequency of such microbiological checks are decided by the plant

management, taking into account the precise circumstances of the plant. The letters that have been sent to all POVVs and OVVs remind them of their duty to ensure that operators fulfil this responsibility.

7. Use of potable water (Paragraph 5.1.7)

The Commission has already initiated infraction proceedings against the UK over the use of hyperchlorinated water in some UK poultry premises. Infraction fiche no 97/2138 refers.

However, the UK believes that chlorination of water plays a central role in food safety, and therefore in the protection of the public.

We consider that there is scientific evidence that chlorine can play a valuable role in reducing the risks of cross contamination of poultry carcasses produced using immersion chilling, thereby protecting public health. We therefore strongly supported the decision of the Commission to ask the Scientific Committee on Veterinary measures relating to Public Health to look at the evidence. The report of the SCVPH on “The Benefits and Limitations of Antimicrobial Treatments for Poultry Carcasses” was published in late 1998. It recognised that chlorine is an aid to hygienic processing, by controlling bacterial pathogens on equipment and the build-up of micro-organisms in immersion chiller water (parts 5.4 and 5.7 of the report refer). The report said: “Addition of chlorine to water used in processing eliminates any spoilage bacteria in the water supply. It also helps to control the spread of bacterial pathogens and the build-up of microorganisms on working surfaces and equipment and in chiller water.” The UK therefore believes that these scientific issues need to be discussed further, and considers that the Commission should convene a meeting of Member States to discuss the SCVPH report.

The SCVPH report called for further research into the public health significance of certain mutagens formed when chlorine is used. The UK Government has itself commissioned research in this area, and the results of the project have found that residues are present at levels below those occurring in potable water. We will be happy to share these results with the Commission.

8. Veterinary Supervision on Poultry farms (Paragraph 5.1.8)

Where the pre-slaughter inspection entails the use of a production report, a declaration is required from the producer’s veterinary surgeon that the holding is under his/her supervision. That veterinary surgeon rather than an official veterinarian is considered best placed to have knowledge of and to supervise the flock health, and to take appropriate disease precautions at the holding and to provide the health attestation. The veterinary surgeon also has an ethical responsibility to provide the producer with sufficient information for the

producer to keep records about use and disposal of veterinary medicines including those for which a withdrawal period must be observed.

We have met with the industry and professional veterinary bodies to review current practice, and work is in hand to clarify the role and responsibility of the veterinarian and provide more effective guidance.

9. Veterinary supervision during transport and at the time of slaughter regarding animal welfare (Paragraph 5.1.9)

We welcome the recognition that supervision of animal welfare at the time of slaughter, and documentation is satisfactory.

10. Trade in meat - trace back -meat export (Paragraphs 3.10.3 and 5.1.10)

Paragraph 5.1.10

The requirements for maintaining commercial documentation and recording details of incoming and outgoing meat are reflected in regulations 15(2) and 18(1) of the Poultry Meat, Farmed Game Bird Meat and Rabbit Meat (Hygiene and Inspection) Regulations 1995, and equivalent in Northern Ireland. These apply to national and intra-community trade, and we believe that this meets Community requirements to keep a 'register'.

The Commission will wish to note that additional measures have been introduced in England to clarify the requirements for all operators to maintain records, including those for incoming meat, and for inspection by the OVS, as part of the new Meat (Enhanced Enforcement Powers) Regulations 2000, which took effect in England from 1 March 2000. Similar legislation will be implemented in the rest of the UK later in the year. We will also be reviewing existing guidance on the responsibilities of the OVS regarding checks on records maintained by the operator, which will, among other things, cover checks on commercial documentation.

Paragraph 3.10.3

There is no requirement under the poultry meat Directive, 71/118/EEC, as amended, to mention freezing dates on the boxes of frozen packaged products, or on commercial documents. Therefore there is no such requirement in UK law. We have noted the Commission's view, in paragraph 3.10.3, that this would be "good practice", and we will draw this to the attention of the industry.

11. Veterinary control on Zoonoses (Paragraph 5.1.11)

Procedures exist to audit the monitoring procedures at hatcheries required under the Directive. An informal audit of the monitoring carried out at the rearing stages is also carried out when staff visit the major companies. We

will, however, look at ways in which this audit might be improved in relation to the samples taken at the rearing stage of breeding domestic fowl.

All investigations to confirm/rule out suspicion of salmonella infection when an official/ unofficial test has indicated that infection may be present in a single flock, are carried out in accordance with the procedures in Directive 92/117. However, when salmonella isolates are made from a number of flocks as a result of official sampling carried out on the same day at a hatchery, an ELISA test is offered to owners of unvaccinated flocks in order to eliminate non-infected ones and minimise the extensive on-farm testing necessary in order to identify an infected flock. This is the only circumstance in which an ELISA test is offered. In the light of the comments made by the Commission the UK will review this procedure.

The option to use antimicrobial treatment instead of slaughter in broiler breeder parent flocks confirmed as infected with *S. enteritidis*, was withdrawn on 1 November, 1999. Since that date, all breeding flocks of domestic fowl in which infection with *S. enteritidis* or *S. typhimurium* is confirmed have, and will be, compulsorily slaughtered with compensation.

12. The welfare of laying hens kept in battery cages (Paragraphs 3.11.3 and 5.2)

Paragraph 3.11.3

We take a rigorous approach to the measurement of battery cages. Dimensions are taken to the nearest millimetre and a central computer bureau is used to evaluate compliance. A non-compliance is recorded if the horizontal space is deficient by as little as 1 sq.cm or if the floor slope is more than 0.5 degrees too steep. The cage height is calculated with full regard to any slope or protrusion.

Paragraph 5.2

Prosecution on discovery of non-compliance is not always the most effective use of resources. The policy of ensuring compliance by issuing advice and warnings in appropriate cases is well established in the UK and follows the principles of good enforcement.

We do not accept that this has contributed to the apparent level of non-compliance. The written advice and warnings given go well beyond 'recommendations'. The letters sent by our Veterinary Officers make the specific areas on non-compliance quite clear to producers and set a time scale within which these must be rectified. Follow up visits are made to check on this.

New regulations should strengthen this process by providing for the issue of a statutory notice of rectification. Failure to comply with such a notice within the specified time scale will itself be an offence.

Battery Hens General

The UK Government has long been pressing for measures to ensure consistency of implementation and enforcement of this Directive throughout the EU.

13. Recommendations to the Member State (Paragraph 6.2)

1. Deficiencies found in establishments visited

Appropriate action has been taken in all the plants visited to ensure that all the contraventions of the legislation identified during the inspections have been rectified.

2. Deficiencies in other approved UK plants

Action has also been taken to rectify any contraventions of the legislation of the same type at all other licensed poultry meat premises in the United Kingdom.

In addition, we have reviewed the findings of this Mission, and of the 1998 Fresh Meat Mission, and have written to all operators of poultry meat establishments with a schedule of the most frequent faults found during the missions. We are working with the industry to develop a training strategy to help all plants address these points.

3. Supervisory systems

This is being addressed in the programme to increase the level of OVSs, and in the additional training that has been developed for OVSs (see paragraph 2, above).