

## **Enforcement of controls on international catering waste - roles and responsibilities**

### **1. Aim**

This document aims to provide information on the roles and responsibilities of county councils, unitary authorities, metropolitan borough councils, London borough councils, port health authorities and Animal Health for effective enforcement of regulatory requirements relating to the correct disposal of international catering waste (ICW) from ports and airports.

The guidance is intended to provide clarity of roles and responsibilities, increase communication between delivery partners and thus generate a consistent enforcement approach. It is hoped that the guidance can prevent duplication of resources across local authorities and Animal Health.

Enforcement of international catering waste should be carried out in partnership between port health authorities, local authorities and Animal Health.

An FVO mission in November 2006 registered their concerns about communications between the various delivery partners, however, we believe the actual controls are being enforced effectively. We want to ensure that all delivery partners feel comfortable in their understanding of the roles and responsibilities in relation to International Catering Waste and therefore recommend that Animal Health use this document to initiate a discussion on ICW with local authorities, possibly during their regular quarterly meetings where these take place. Animal Health contacts with responsibility for major ports and airports should contact the relevant enforcement authority/ authorities specifically to arrange a discussion about this guidance.

### **2. Legislation**

#### **2.1 EU legislative requirements**

##### **Community Regulation No 1774/2002/EC (as amended)**

Article 4(1) - categorises international catering waste as a category 1 by-product.

Article 4 (2) – lays down disposal arrangements for category 1 material. Material should be collected, transported and identified without delay in accordance with Article 7. International catering waste may be disposed of by burial in an approved landfill, unlike other Category 1 animal by products. International catering waste can also be disposed of at an approved incineration plant or rendering plant approved under Article 13 and then marked and incinerated or buried.

Article 4 (3) – requires that intermediate handling and storage of category 1 by products only takes place in an intermediate plant approved for category 1 material.

Article 7 & Annex II - lay down collection, transportation and storage requirements for animal by-products. During transport the ICW should be accompanied by commercial document (a model is provided in Annex II). Annex II also contains requirements for separation and identification of by-products, marking and cleaning of vehicles/containers, record keeping and transport conditions.

Article 13 and 14 require that any premises cannot be used for the storage, processing, treatment, disposal or use of animal by-products unless it is approved in accordance with the Community Regulation.

Community Regulation No 1774/2002/EC can be found at [http://www.defra.gov.uk/animalh/by-prods/publicat/en\\_2002R1774\\_do\\_001.pdf](http://www.defra.gov.uk/animalh/by-prods/publicat/en_2002R1774_do_001.pdf)

## **2.2 Implementation in England**

The English legislation is listed below but similar legislation is in place for Scotland, Wales and Northern Ireland.

### **2.2.1 Animal By-Products Regulations 2005**

These regulations provide for the domestic implementation of EC Regulation 1774/2002/EC for handling and disposal of international catering waste as a category 1 animal by-product

Articles 13 and 40 provide the Secretary of State with the power to approve disposal premises for animal by-products, which is in effect delivered by Animal Health.

Article 49 states that the Secretary of State, through the Meat Hygiene Service, are responsible for enforcement of the regulations in licensed slaughterhouses, cutting plants and cold stores.

Article 49 (3) states that the local authority, as defined in the Animal Health Act 1981, is responsible for the enforcement of the Regulations in all other relevant premises.

*For the purpose of this guidance “responsible person” means any person who has in his possession or under his control international catering waste*

A copy of the Animal By-Products (England) Regulations 2005 is available at <http://www.opsi.gov.uk/si/si2005/20052347.htm>

### **2.2.2 The Products of Animal Origin (Third Country Imports) (England) Regulations 2006 as amended by The Products of Animal Origin (Third Country Imports) (England) (Amendment) Regulations 2007**

Regulation 29 requires those in control of international catering waste dispose of it in accordance with Regulation 1774/2002/EC

Regulation 30 states that Defra/Animal Health are responsible for approval of landfills that accept international catering waste

Regulation 5(1)(c) includes the duty for local authorities to enforce the Regulations (a definition of Local Authority for the purposes of the regulations is given in Regulation 2).

A copy of The Products of Animal Original (Third Country Imports) (England) Regulations 2006 is available at [http://www.opsi.gov.uk/si/si2006/uksi\\_20062841\\_en.pdf](http://www.opsi.gov.uk/si/si2006/uksi_20062841_en.pdf)

and the amendment regulations , The Products of Animal Origin (Third Country Imports) (England) (Amendment) Regulations 2007, are available at [http://www.opsi.gov.uk/si/si2007/uksi\\_20071605\\_en\\_1](http://www.opsi.gov.uk/si/si2007/uksi_20071605_en_1)

### **3. Local authority enforcement at ports and airports**

#### **3.1 Local authority roles at ports and airports**

*Note: where the guidance refers to local authorities this also includes port health authorities.*

It is expected that the lead enforcement authority for ICW at *major* sea or air ports will be port health authorities and district / unitary councils as the statutory enforcement body for international catering waste under the POAO Regulations.

As a guide, *major* ports are those where there is a BIP, 3<sup>rd</sup> country imports of food and/ or regular international transport movements.

Where there is no port health activity, i.e. at a small port or marina where there are not regular international transport movements, responsibility lies with the relevant county council, unitary authority, metropolitan borough council or London borough using powers under POAO legislation or the ABP Regulations as appropriate.

The lead role, and other roles and responsibilities assumed by the enforcing authorities in the regulation of the collection and disposal of international catering waste will need to be agreed by all parties in accordance with the arrangements set out below.

#### **3.2 Local authority responsibilities at major ports and airports**

i) The lead local authority, whether the unitary authority, district council or port health authority, should have detailed knowledge of the handling, storage and collection arrangements for ICW **within the port** and should also have a clear understanding of the disposal arrangements outside the port (through liaison with the relevant enforcing authority where this is different). The lead authority will be expected to act as the liaison point in the event of a FVO mission or an AH audit.

ii) The lead authority at major ports and airports should establish that appropriate arrangements are in place at the port/airport for the collection and onward disposal of ICW, and that ICW is being correctly channelled into the established waste stream. This may be achieved through:-

- liaison meetings with the port operator (where facilities are supplied centrally)
- visits to in-flight caterers and discussion with airlines
- visits to the port area and checks on the disposal facilities
- discussion with ships master/ captain

The lead authority may fulfil these responsibilities through the course of existing activity and inspections within the port. Alternatively, as a result of this guidance, it may be agreed that Animal Health take the lead on some of the activities.

Any activity under taken by the local authority would be in consideration of local enforcement policy and risk.

- iii) The risk based enforcement approach to be adopted should be agreed at a local level during discussions with Animal Health instigated by this guidance. This decision should be based on knowledge about international arrivals, any risk information provided by Animal Health/Defra, as well as compliance with the legislation.
- iv) The local authority should contact the responsible person when there is evidence of non-compliance to notify them of the failure and require correction. Local authorities should then take any further action in consideration of the Compliance Code and their local enforcement strategy. Local authorities should advise AH of any formal action.
- v) The local authority should keep a record of any enforcement visits made and any enforcement action taken in accordance with their standard procedures.
- vi) The local authority should aim to ensure that advice is provided at ports/airports on the controls on ICW.
- vii) Local authorities should meet with Animal Health to discuss this guidance, agree a common understanding of responsibilities, consider joint inspections, share intelligence and agree communication processes, to ensure that best use of resources is made and that effective regulation takes place.

The initial meeting should take place within six months of this guidance being issued. The meeting should be initiated by the relevant Animal Health contact. Where there is both a port health authority and a county council / unitary authority then both authorities should attend the initial meeting.

- viii) At the initial meeting about this guidance both Animal Health and the local authority should consider whether further meetings are held and agree communication processes where non compliance is identified by either party.
- ix) Where the local authority has regular liaison meetings with AH in relation to the Animal Health and Welfare Framework Agreement or in relation to their activities as a Border Inspection Post, ICW should be covered at these meetings.

### **3.3 Local authority roles and responsibilities at small ports and airports**

County councils, unitary authorities, metropolitan borough councils and London boroughs are responsible for enforcing international catering waste requirements at smaller ports and airports where there is no ongoing enforcement presence from a port health authority or district council in relation to international means of transport or imports. This role is taken under the ABP Regulations.

The enforcement approach at such ports and airports will depend on size, risk, local intelligence and local priorities. It is likely that the majority of small ports and airports would only ever require very limited inspections, though authorities may want to consider visits during one off events such as an air show or regatta but only then in consideration of both resource and risk.

Authorities should try to ensure that relevant ports and airports have details of a specific contact within the local authority should they have any queries and have information on the basic disposal requirements for international catering waste where appropriate.

County councils, unitary authorities, metropolitan borough councils and London boroughs will have regular meetings with their Divisional Veterinary Manager in Animal Health in relation to the Animal Health and Welfare Framework Agreement and any work relating to smaller ports and airports can be discussed within this environment if appropriate. Discussions under the Framework Agreement ensure that local authorities take a risk based approach that considers the local needs, national priorities and intelligence across the whole animal health and welfare remit, of which ICW forms one small part.

#### **4. Animal Health responsibilities at ports and airports**

- i) As a result of this guidance Animal Health should initiate a meeting with port health authorities/ local authorities in their area and the county / unitary authority to discuss who is taking the lead responsibility at all major ports and air ports where there is a BIP, 3<sup>rd</sup> country imports of food and/or regular international transport movements. The initial meeting should take place within six months and consider this guidance to ensure clarity in relation to roles and responsibilities.
- ii) Where the lead responsibility for international catering waste is assumed by the county council, unitary authority, metropolitan borough council and London borough the Animal Health should ensure that international catering waste is discussed as part of the regular meetings taking place in relation to the National Animal Health and Welfare Framework Agreement, unless agreed otherwise. Animal Health would not need to arrange a separate initial meeting where this is the case, but rather cover at the next scheduled Framework meeting.
- iii) Animal Health and the relevant local authority should agree the frequency of future meetings in relation to international catering waste at major ports and airports. Defra recommend that these meetings are about every 6 months, but is recognised that specific meetings may not be necessary as ICW can be discussed during the course of other scheduled meetings.
- iv) The meetings should continue to support a common understanding of responsibilities, consider joint inspections, share intelligence and agree communication processes. This meeting should also discuss ICW arrangements for any special events such as air shows and international maritime events.
- iv) Animal Health may on occasions want to visit specific premises. Animal Health should contact the relevant authority in advance to ensure they are aware of this action and can conduct a joint inspection if appropriate.
- v) Animal Health should agree with the local authority responsibilities for enforcement. Defra recommend that this is in writing if Animal Health are taking the lead.
- vi) Animal Health should provide advice on animal health risks associated with ICW and collection and storage methods if requested.
- vii) Animal Health should notify the relevant local authority of any problems with ICW identified during the course of other work. Animal Health should discuss these with the authority to agree the most effective enforcement approach. Enforcement letters should not be sent to operators unless agreed with the local authority.

viii) Animal Health staff meet 3 or 4 times a year to discuss the situation at ports and air ports. ICW is a standard part of the agenda for meetings and therefore they can be used to share issues and ensure a common approach is taken across AH.

## **5. Landfill sites**

### **5.1 Approvals**

Animal Health are responsible for approving landfill sites to take international catering waste. Detailed instructions for inspection and approval of landfill sites are given VIPER Chapter 26C. All sites disposing of animal by-products, including rendering, composting and incineration plants, need to be approved by Animal Health. Animal Health should ensure that details of approvals are shared with the relevant county council or unitary authority.

### **5.2 Non compliance**

Any non-compliance identified should be notified to the operators of the landfill with a request for correction. If the deficiency is not corrected, suspension or revocation of the approval may be considered. A copy of all communications should be sent to the local authority and direct engagement take place if suspension or revocation of the approval is due to take place.

If a non-compliance with the procedures at the port/airport is identified from the trace back, Animal Health should contact the port health or local authority for that port/airport so they may investigate the issue with the waste manager and liaise with Animal Health accordingly.

## **6. Policy guidance**

Policy guidance is available from Defra by emailing [IAH-IMPORTS@defra.gsi.gov.uk](mailto:IAH-IMPORTS@defra.gsi.gov.uk)

The local AHDO and AHIT at Chelmsford can be contacted by emailing [AHITChelmsford@animalhealth.gsi.gov.uk](mailto:AHITChelmsford@animalhealth.gsi.gov.uk). They should also be copied in on guidance requested directly from Defra.

Further information is available on the Defra website at <http://www.defra.gov.uk/animalh/int-trde/icw/index.htm>

Local authorities can access a range of guidance in relation to animal by-products at [www.lacors.gov.uk](http://www.lacors.gov.uk)