

URGENT

**To: Heads of Environmental Health Services (England)
Chief Port Health Officers (England)
Directors of Trading Standards (England)**

Cc: LACORS, CIEH, TSI, APHA

20 October 2006

Reference: **ENF/E/06/068**

Dear Colleague

APPLICATION OF EU HYGIENE RULES IN THE DAIRY SECTOR

You will know that the Food and Veterinary Office (FVO) of the European Commission is due to audit the entire UK dairy industry between 20 and 28 November this year. In the light of this it is essential that **immediate** steps are taken to ensure that hygiene rules are fully enforced at approved dairy establishments.

The Food Standards Agency is writing to enforcement authorities to emphasise a number of points following earlier FVO audits in May/June and September this year. In particular your attention is drawn to the revised approach to the presence of antibiotic residues in milk set out below. This follows the Decision¹ adopted by the European Commission prohibiting the placing on the market of curd cheese produced by a dairy establishment in the UK. That Decision sets out how dairy hygiene legislation, as it applies to antibiotic testing of milk, should be operated. Member States accepted the Decision at the Standing Committee for the Food Chain and Animal Health on 6 October.

Antibiotic testing of milk

Where raw milk gives a positive result to a rapid antibiotic screen test, the food business operator has two options:

¹ Commission Decision 2006/694/EC

- i) carry out a chemical confirmatory method that will identify and quantify the antibiotic in question and therefore will demonstrate whether the maximum residue limit (MRL) for this particular antibiotic has been exceeded or not²; or
- ii) reject the milk and send it for disposal in accordance with the rules laid down in Regulation (EC) No 1774/2002 on animal by-products^{2,3}.

The annex attached provides a little more background to this.

Interface milk⁴

Food business operators must be able to demonstrate that interface milk is fit for purpose and does not contain contaminants carried over from cleaning operations. This must be appropriately addressed by the application of HACCP principles and demonstrated in documents and records which must also indicate how the controls are verified. Both suppliers and users of interface milk will need to contribute to effective controls in this regard.

Bursting of milk cartons

Any activity involving the removal of milk from cartons or other packages (whether by mechanical or other means) for subsequent processing into food intended for human consumption must be undertaken hygienically and in accordance with the regulations. HACCP procedures must demonstrate how microbiological, physical and chemical hazards are controlled and how the process is monitored and controlled.

Food Authorities should inform the Food Standards Agency where they are aware of such activities, using the contact details below.

Cheese recovery⁵

Premises involved in cheese recovery operations must be approved under the terms of Regulation (EC) No 853/2004. HACCP plans and procedures, records and raw material specifications must demonstrate clearly how hazards associated with cheese recovery are controlled by the food businesses and that raw materials are fit for purpose. In addition, appropriate traceability arrangements must be in place. The Food Standards Agency has already asked enforcement authorities to identify and notify us of cheese recovery operations.

² Defra advise that if the milk exceeds the MRL, or its status in relation to the MRL is unknown, it must be disposed of as Category 2 animal by-product in accordance with Regulation (EC) No 1774/2002.

³ Guidance on the disposal treatment and use of milk and milk products not intended for human consumption under this regulation is available from Defra.

⁴ Typically, this term is used to describe a mixture of milk and potable water that derives from the start up and close down procedures for pasteurisation equipment. Such milk is suitable for processing, but its water content precludes its use for the liquid milk market.

⁵ Previous contact references: ENF/16/044 (update) and ENF/E/06/064

Enforcement authorities have earlier been notified that the use of 'floor sweepings' in the food chain is wholly unacceptable, regardless of any further processing to which the sweepings may be subjected. Such material must be disposed of in accordance with the rules laid down in Regulation (EC) No 1774/2002 on animal by-products. Food authorities have also been advised that urgent action must be taken to ensure any such activities are immediately stopped.

Pending European level consideration of the public health issues associated with cheese recovery operations, the Food Standards Agency will be developing precautionary and provisional guidance on such operations. It is planned to issue this guidance in the next few weeks.

This information is being distributed to enforcement authorities across the UK and industry interests are being informed simultaneously. The FSA will be writing to all approved dairy establishments, and to registered milk producers, to draw this to their attention.

Contact details for responses and enquiries:

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Yours faithfully,

Chris Pratt

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COMMISSION DECISION 2006/694/EC

At a meeting of the Standing Committee for the Food Chain and Animal Health (SCoFCAH) on 18 October, the Commission drew Member States' attention to recitals (3), (4) and (5) in Decision 2006/694/EC prohibiting the placing on the market of curd cheese manufactured in a dairy establishment in the United Kingdom. This Decision was accepted by Member States by qualified majority at SCoFCAH on 6 October, and subsequently adopted by the Commission on 13 October. The Decision sets out how dairy hygiene legislation is expected to operate in respect of milk that has failed a rapid screen test for antibiotics across the EU.

Extract from the recitals to the Decision

(3) Section IX, Chapter I, Part III, point 4 of Annex III to Regulation (EC) No 853/2004 lays down the conditions to be complied with when producing and placing raw milk on the market. Under those provisions, food business operators in the dairy sector are not allowed to place on the market raw milk containing levels of antibiotic residues exceeding those laid down in Annexes I and III to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin.

(4) Milk which does not meet those standards must be disposed of as an animal by-product of Category 2 as laid down in Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption.

(5) In order to comply with those requirements, food business operators in the dairy sector carry out rapid screening tests on milk before placing it on the market. Those tests are aimed at determining the presence of antibiotic residues and have been designed to provide positive results when such residues are close to the maximum residue limit, but do not quantify the actual level of residues present. Under those circumstances, only a test identifying and quantifying the antibiotic residues can demonstrate that the maximum residue limit is not exceeded. If such a confirmatory test is not carried out, milk showing a positive result of a screening test is deemed to be unsafe.

The full Decision may be viewed at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_283/l_28320061014en00590061.pdf