



"Working for our members to be the voice of
government on waste minimisation and recycling issues"

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ADVISORY COMMITTEE

Mr Ian Murdoch
The Scottish Government
Animal Health - Disease Prevention
P Spur, Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD

13 October 2010

Dear Mr Murdoch

**Consultation Response – CONSULTATION ON THE ANIMAL BY-PRODUCTS
(ENFORCEMENT) (SCOTLAND) REGULATIONS 2011**

I am writing to present the LARAC response to the Scottish Government consultation on the Animal By-Products (Enforcement) (Scotland) Regulations 2011, which is contained below, and I thank you for the opportunity to respond to the above consultation.

The comments below are sent on behalf of the Local Authority Recycling Advisory Committee (LARAC). LARAC is an association of 90% of the 440 local authorities across England, Scotland Wales and Northern Ireland whose waste management and recycling professionals' co-ordinate and operate waste management services. Membership is drawn from all types of authority including statutory Waste Collection (WCA), Waste Disposal (WDA) and Unitary.

Overall LARAC welcomes the introduction of the new regulations to replace the current Animal By-Products (Scotland) Regulations 2003 and provide the powers necessary to enforce the requirements of EU Regulation 1069/2009 (ABPR 1069/2009). Overleaf are our detailed comments as requested in the consultation.

If you have any queries on this response or would like to discuss the matter further then please contact me on 028 37529624 or email: larac@armagh.gov.uk

Yours faithfully,

Ms Liz Drew
Policy Support Officer, LARAC Policy Team



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Consultation Response – CONSULTATION ON THE ANIMAL BY-PRODUCTS (ENFORCEMENT) (SCOTLAND) REGULATIONS 2011

Q.1 Are there any particular controls or condition that you think should apply to the use of animal by-products for research and other specific purposes?

Please comment on any practical difficulties that the conditions might impose on you. What would the impact be on affected sectors (both benefits and costs)? Please quantify if possible.

With regard to Articles 16 (a) and 17 of EC 1069/2009, LARAC would support the conditions detailed in 17 (1)(b) that prohibit any subsequent use of the animal by-products or derived products for other purposes, and place an obligation to dispose of the animal by-products or derived products safely, or re-dispatch them to their place of origin if appropriate.

LARAC members would further suggest that final disposal or use should take into consideration the Waste Hierarchy, as defined in Article 4 of the revised Waste Framework Directive, European Directive 2008/91/EC (rWFD).

Q.2 Do you agree with our proposal to restrict the derogation for 'wild animals' (part (e)) to feeding Category 3 material only to garden birds? ; and

Q.3 Do you think we should make use of the derogation to allow certain Category 2 and Category 3 material to be fed to dogs and cats in shelters (part (g))?

If 'yes' please explain how you would propose this be done safely. What would the impacts be on affected sectors (both benefits and costs)? Please quantify if possible.

LARAC does not have specialist knowledge in this area.

Q.4 Do you have any comments on our proposal to allow Category 1 zoo animals and 'entire bodies/parts of dead animals containing SRM' to be fed to zoo animals?, and

Q.5 Do you agree with our proposal not to activate the derogation for feeding necrophagous birds with Category 1 material in the 2011 regulations but instead to amend them subsequently if the demand arises?

What would the impacts be on affected sectors (both benefits and cost)? Please quantify if possible.

LARAC does not have specialist knowledge in this area.

Q.6 What are your views on our proposal to restrict the derogation to pet horses only? Are there any particular control measures you consider should be in place?



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What would the impacts be on affected sectors (both benefits and costs)? Please quantify if possible.

With regard to Articles 16 (d) and 19 (1)(a) of EC 1069/2009, LARAC would support the derogation restriction for pet horses when means of management higher up the Waste Hierarchy are not possible.

Q.7 Do you agree with our proposal to allow in all circumstances the burial of diseased wild animals in remote areas? Comments on any particular control conditions you think should apply to the derogation in general are welcome.

What would the impacts be on affected sectors (both benefits and costs)? Please quantify if possible; and

Q.8 Do you have any views on our proposal to allow disposal by burial and burning or by others means of fallen stock in areas where access is impractical, or there are health and safety risks of collection? Please state circumstances in which you think this derogation would be needed and the conditions that should apply.

What would the impacts be on affected sectors (Both benefits and costs)? Please quantify if possible.

With regard to Articles 16 (c), 19(1) (b) and 19 (1)(d) of EC 1069/2009, LARAC would support alternatives to burning or burial where suitable facilities, infrastructure and technology is available.

Again, LARAC members support final disposal or use that takes into consideration the Waste Hierarchy, as defined in Article 4 of the revised Waste Framework Directive, European Directive 2008/91/EC (rWFD). Use, for example for the manufacture of organic fertilizers or soil improvers, composting or transformation into biogas as outlined in Articles 13 (d), 14 (d)(iv), 13 (e) and 14 (f) of EC 1069/2009 would be preferable to burial or burning, where feasible.

Q.9 Do you have any comments on our proposal to allow disposal of small quantities of category 3 material? Please state how this would work in practice for you and give any conditions you think should apply.

What would the impacts be on affected sectors (Both benefits and costs)? Please quantify if possible.

No.

Q.10 Do you agree with our proposal to allow category 2 and 3 materials to be used for the predation and application to land of bio-dynamic preparations? Please state type of material and volumes likely to be used, and any conditions that you think should apply.

What would the impacts be on affected sectors (Both benefits and costs)? Please quantify if



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possible.

With regard to Article 16 (f) of EC/1069/2009, LARAC members would in principle support the proposal to allow category 2 and 3 materials to be used for the predation and application to land of bio-dynamic preparations, provided that treatment ensures that diseases are not transmitted during their application to land, as per Regulation 34 of EC1069/2009.

LARAC would welcome applicable standard requirements on animal by-products and derived products intended for use as organic fertilizers and/or soil improvers in order to ensure protection of the food and feed chain. Pre-treatment via, for example anaerobic digestion could increase the value derived from such material in the form of energy, and digestate that would minimise potential nuisance odours.

By 2013, local authorities in Scotland will be required to separately collect Animal By-Products waste materials through separate food waste collections. As a result, there will be significant tonnages of Animal By-Products materials being collected for treatment and application to land after 2013. LARAC members would therefore support the proposal to allow category 2 and 3 materials to be used for the predation and application to land, and would particularly welcome such use being counted towards recycling and composting targets.

LARAC believes that such materials could benefit agriculture, the environment and the economy by improving the organic matter content in soils, reducing the need for artificial fertilizers, and sequestering carbon in the soil. As such, LARAC supports the activity of applying such waste on land where:

1. Application is seen as a recycling activity and not disposal
2. Application meets all legislative and minimum standard requirements that are necessary to protect the environment, human, animal and plant health
3. Spreading is conducted in a manner that is beneficial to agriculture and ecological improvement, and is matched to the needs of planned crop rotation

Q.11 Do you think that we should maintain the existing conditions and only allow 'petfood' (processed and raw as defined by ABPR 1069/2009) to be fed to pets or do you consider that individuals should be allowed to feed all Category 3 material to their pets? For the latter, please comment on any conditions you think should apply.

What would the impacts be on affected sectors (both benefits and costs)? Please quantify if possible.

LARAC does not have specialist knowledge in this area.

Q.12 Do you agree with our proposal to allow only Category 3 material from surgical intervention on live animals, or during birth of animals on farm, to be disposed of on farm, by burning or burial only? Please state any conditions that you think should apply.



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**What would the impacts be on affected sectors (both benefits and costs)?
Please quantify if possible.**

With regard to Articles 16 (h) of EC 1069/2009, LARAC would only support the above proposal when means of management higher up the Waste Hierarchy are not possible/available.

Q.13 Do you agree with our proposal to allow all these Category 2 ABPs to be composted or turned into biogas without prior treatment? Please also provide any comments here you have on existing composting/biogas rules, for example national rules on composting of catering waste and mixture of catering waste with other materials, the prevention of access to catering waste or other animal by-products by animals except for wild birds and composting catering waste on the premises on which it originates.

What would the impacts be on affected sectors (both benefits and costs)? Please quantify if possible.

As stated previously, LARAC supports wastes management that takes into consideration the Waste Hierarchy, as defined in Article 4 of the rWFD, and would welcome a broader range of category 2 Animal By-Products to be treated by composting or anaerobic digestion.

However, members would have concerns that some Category 2 materials may potentially give rise to nuisance odours, and thus would recommend that where composted, this is via In-Vessel Composting rather than, for example, via the open-windrow method. Consideration and enforcement of pre-existing national public health, planning and environmental health legislation should also help mitigate against any possible nuisance issues which may could arise from this form of waste management.

LARAC would support the treatment of catering wastes on the premises at which it originates which would meet with the proximity principle of waste management.

Q.14 Do you agree with our proposal to allow all these Category 2 and 3 materials to be spread to land? Please comment on any perceived risk of disease spread e.g. spreading of raw milk.

**What would the impacts be on affected sectors (both benefits and costs)?
Please quantify if possible.**

As for Question 10, above.

Q.15 Do you agree with our proposal to allow eggshells and/or shells from shellfish to be spread to land provided the above conditions are met? Please comment on any alternative conditions you think could or should apply.

**What would the impacts be on affected sectors (both benefits and costs)?
Please quantify if possible.**



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LARAC does not have specialist knowledge in this area but again in terms of the waste hierarchy and proximity principle we would support your proposal to allow eggshells and/or shells from shellfish to be spread to land, provided the detailed conditions are met.

Q.16 Do you have any comments on our proposed conditions for use of OF/SI, particularly with regard to the mixing criteria?

**What would the impacts be on affected sectors (both benefits and costs)?
Please quantify if possible.**

LARAC members would in principle support the mixing criteria, and would welcome the use of anaerobic digestate in this process; this could help stimulate much needed outlets for digestate.

LARAC welcomes clearly defined grazing restrictions, but does not have the specialist knowledge to comment on whether 2 months (pigs) and 21 days (other livestock) is sufficient.

Q.17 Are you content for us to maintain the current national derogation that allows disposal of certain former foodstuffs to authorised landfill?

What would the impacts be on affected sectors (both benefits and costs)? Please quantify if possible.

LARAC would in principle support the current national derogation that allows disposal of certain Category 3 foodstuffs to authorised landfill.

However, as part of our commitment to support Zero Waste Scotland, LARAC members would suggest that this option is only considered when means of waste management higher up the Waste Hierarchy are not possible/available.

Q.18 Do you think this derogation on the feeding of colostrum should be applied? If so what controls should be applied to ensure such feeding happens safely?

**What would the impacts be on affected sectors (both benefits and costs)?
Please quantify if possible.**

Q.19 Do you support this derogation on unprocessed wool? If so what controls should be applied to ensure that unprocessed wool can be transported stored and used safely?

**What would the impacts be on affected sectors (both benefits and costs)?
Please quantify if possible.**

LARAC does not have specialist knowledge in this area.

Q.20 Are you content with our proposal to transfer provisions (and remove current restrictions)



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from the 2010 TSE (Scotland) regulations to the more appropriate ABP regulations?

What are your views on use of ash derived from incineration of Category 1 material? What risks if any are there if such controls are removed?

**What would the impacts be on affected sectors (both benefits and costs)?
Please quantify if possible.**

Whilst LARAC members would, in principle, support the application of incineration ash on land over landfill disposal, LARAC does not have the specialist knowledge to comment further on this. Provided the incineration ash is free of all pathogens, and is certified as such by the state veterinary service we would support the re-use or recycling of the ash by spreading on land over its disposal to landfill.

Q.21 Do you consider that the provisions of the Animal By-Product (Identification) Regulations 1995 (as amended) should be retained, in full or in part? Please provide comments to justify.

LARAC considers that the provisions of the Animal By-Product (Identification) Regulations 1995 should be retained in full as a means of protecting public health.