

2007 No. 3008

AGRICULTURE, ENGLAND

**The Feed (Specified Undesirable Substances) (England)
Regulations 2007**

<i>Made</i> - - - -	<i>22nd October 2007</i>
<i>Laid before Parliament</i>	<i>26th October 2007</i>
<i>Coming into force</i> - -	<i>30th November 2007</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred on him by sections 66(1), 68(1), 74A and 84 of the Agriculture Act 1970(a), as read with regulation 14 of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) (England and Wales) Regulations 2000(b) and with Articles 2 and 6 of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002(c).

There has been consultation during the preparation of these Regulations in accordance with the requirements of section 84(1) of the Agriculture Act 1970 or as appropriate of Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council(d) laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

Title and Commencement

1. These Regulations may be cited as the Feed (Specified Undesirable Substances) (England) Regulations 2007 and come into force on 30th November 2007.

Amendments to the Feeding Stuffs (England) Regulations 2005

2.—(1) The Feeding Stuffs (England) Regulations 2005(e) are amended in accordance with paragraphs (2) to (5).

(2) In paragraph 11(c)(iv) of Part 1 of Schedule 3 (contents of the statutory statement or other declaration etc), for the word “soluble” substitute “insoluble”.

(a) 1970 c.40. Section 66(1) contains definitions of the expressions “the Ministers”, “prescribed” and “regulations”. The definition of “the Ministers” was amended by the Transfer of Functions (Wales) (No. 1) Order 1978 (S.I. 1978/272), Schedule 5, paragraph 1. Functions of “the Ministers”, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 and thereafter transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32). Those functions, so far as exercisable in relation to Scotland, were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (1998 c. 46). By virtue of S.I. 1999/3141, functions of the Secretaries of State for Wales and Scotland previously exercisable in relation to England ceased to be so exercisable and were transferred to the Minister of Agriculture, Fisheries and Food. Section 74A was inserted by the European Communities Act 1972 (1972 c. 68), Schedule 4, paragraph 6.

(b) S.I. 2000/656.

(c) S.I. 2002/794.

(d) OJ No. L31, 1.2.2002, p.1, as last amended by Regulation (EC) No. 575/2006 (OJ No. L100, 8.4.2006, p.3).

(e) S.I. 2005/3281, as amended by S.I. 2006/113, S.I. 2006/2808 and S.I. 2006/3120.

(3) The table entries and footnotes comprising Chapter D of Schedule 5 (prescribed limits for undesirable substances) are replaced by the entries and footnotes set out in Schedule 1 to these Regulations.

(4) The table entries set out in Schedule 2 to these Regulations are added at the end of the table in Schedule 6 (control of certain protein sources).

(5) In column 4 of Chapter A of Schedule 7 (permitted feeding stuffs intended for particular nutritional purposes and provisions relating to their use), opposite the entry in column 1 relating to reduction of cystine stones formation, for the word “acidifying” substitute “alkalising”.

Signed by authority of the Secretary of State for Health.

22nd October 2007

Dawn Primarolo
Minister of State,
Department of Health

SCHEDULE 1

Regulation 2(3)

Entries to comprise Chapter D of Schedule 5 to the Feeding Stuffs (England) Regulations 2005

<i>Column 1: Undesirable substances</i>	<i>Column 2: Products intended for animal feed</i>	<i>Column 3: Maximum content in mg/kg of feeding stuffs referred to a moisture content of 12%</i>
Aldrin ⁽¹⁾ Dieldrin ⁽¹⁾	All feeding stuffs except: – fats and oils – feeding stuffs for fish	0.01 ⁽²⁾ 0.1 ⁽²⁾ 0.02 ⁽²⁾
Campechlor (toxaphene) – sum of indicator congeners CHB 26, 50 and 62 ⁽³⁾	Fish, other aquatic animals, their products and by-products except: – fish oil Feeding stuffs for fish	0.02 0.2 0.05
Chlordane (sum of cis- and trans-isomers and of oxychlordane, expressed as chlordane)	All feeding stuffs except: – fats and oils	0.02 0.05
DDT (sum of DDT-, TDE- and DDE- isomers, expressed as DDT)	All feeding stuffs except: – fats and oils	0.05 0.5
Endosulphan (sum of alpha- and beta-isomers and of endosulphansulphate expressed as endosulphan)	All feeding stuffs except: – maize and maize products derived from the processing thereof – oilseeds and products derived from the processing thereof, with the exception of crude vegetable oil – crude vegetable oil – complete feeding stuffs for fish	0.1 0.2 0.5 1.0 0.005
Endrin (sum of endrin and	All feeding stuffs	0.01

delta-keto-endrin, expressed as endrin)	except: – fats and oils	0.05
Heptachlor (sum of heptachlor and of heptachlorepoide, expressed as heptachlor)	All feeding stuffs except: – fats and oils	0.01 0.2
Hexachlorobenzene (HCB)	All feeding stuffs except: – fats and oils	0.01 0.2
Hexachlorocyclohexane (HCH) – alpha-isomers	All feeding stuffs except: – fats and oils	0.02 0.2
– beta-isomers	All feed materials except: – fats and oils	0.01 0.1
	All compound feeding stuffs except: – compound feeding stuffs for dairy cattle	0.01 0.005
– gamma-isomers	All feeding stuffs except: – fats and oils	0.2 2.0

⁽¹⁾ Singly or combined, expressed as dieldrin.

⁽²⁾ Maximum level for aldrin and dieldrin, singly or combined, expressed as dieldrin.

⁽³⁾ Numbering system according to Parlar, prefixed by either “CHB” or “Parlar”:

— CHB 26: 2-endo,3-exo,5-endo,6-exo,8,8,10,10-octochlorobornane,

— CHB 50: 2-endo,3-exo,5-endo,6-exo,8,8,9,10,10-nonachlorobornane,

— CHB 62: 2,2,5,5,8,9,9,10,10-nonachlorobornane.

SCHEDULE 2

Regulation 2(4)

Entries to be added to Schedule 6 to the Feeding Stuffs (England) Regulations 2005

<i>Name of product group</i>	<i>Permitted products</i>	<i>Designation of nutritive principle or identity of micro-organisms</i>	<i>Culture substrate (specifications, if any)</i>	<i>Composition characteristics of product</i>	<i>Animal species</i>	<i>Name of product and specified particulars</i>	
2.2	By-products from the production of amino acids by fermentation						
	2.2.1	Concentrated liquid by-products from the production of L-glutamic acid by fermentation with <i>Corynebacterium melassecola</i>	Ammonium salts and other nitrogenous compounds	Sucrose, molasses, starch products and their hydrolysates	Nitrogen expressed as crude protein: minimum 48% Moisture: maximum 28%	Ruminants from the beginning of rumination	Declarations to be made on the label or packaging of the product: – the name “by-products from the production of L-glutamic acid” in the case of product 2.2.1; “by-products from the production of L-lysine” in the case of product 2.2.2; – nitrogen, expressed as crude protein; – crude ash; – moisture; – animal species or category, – approval number.
	2.2.2	Concentrated liquid by-products from the production of L-lysine	Ammonium salts and other nitrogenous compounds	Sucrose, molasses, starch products and	Nitrogen expressed as crude protein: minimum		Declarations to be made on the label or packaging of compound feeding stuffs: – percentage of the total

<p>monohydrochloride by fermentation with <i>Brevibacterium lactofermentum</i></p>	<p>their hydrolysates</p>	<p>45%</p>	<p>crude protein provided by non-protein nitrogen; – indication, in the instructions for use, of the level of total non-protein nitrogen which should not be exceeded in the daily ration of each animal species or category.</p>
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EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations make further amendments to the Feeding Stuffs (England) Regulations 2005 (SI 2005/3281 as already amended by SI 2006/113, SI 2006/2808 and SI 2006/3120) (“the Feeding Stuffs Regulations”).

2. These Regulations provide for the implementation of Commission Directive 2006/77/EC amending Annex I to Directive 2002/32/EC of the European Parliament and of the Council as regards organochlorine compounds in animal feed (OJ No. L271, 30.9.2006, p.53).

3. The Regulations amend Chapter D of Schedule 5 to the Feeding Stuffs Regulations, principally by —

- (a) setting new limits in relation to aldrin and dieldrin;
- (b) setting new limits in relation to endosulphan in crude vegetable oil; and
- (c) replacing the term “fats” by the term “fats and oils”, (*regulation 2(3) and Schedule 1*).

4. The Regulations also correct an omission in Schedule 6 and typographical errors in Schedules 3 and 7 to the Feeding Stuffs Regulations (*regulation 2(2), regulation 2(4) and Schedule 2, and regulation 2(5)*).

5. A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Animal Feed Unit of the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website.

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