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FOOD STANDARDS AGENCY CONSULTATION

Consolidation of animal feed legislation in Wales for Composition, Marketing and Use and for Hygiene, Sampling, etc. and Enforcement

Response from the Government Chemist

As Government Chemist, I am responsible under certain Acts of Parliament¹ for providing independent analytical measurement and expert opinion to help avoid or resolve the disputes over scientific data which arise from time to time between local authorities and the businesses that they regulate. My public remit also covers wider advice to UK government and other affected parties on the role of analytical measurement in effective policy, standards and regulations. My staff liaise with regulatory services involved in sampling, analysis and product testing linked to the investigation of alleged non-compliances. I am pleased to be able to respond to this consultation particularly as many of the aspects covered appear frequently as the subject of referee casework².

Firstly, however, I should say that the regulations 16 – 19 of the draft Animal Feed (Hygiene, Sampling, etc., and Enforcement) (Wales) Regulations 2015, that refer to secondary analysis by me, are satisfactory and I am grateful for the opportunity to review these provisions.

Q1. Does the consolidated legislation make it easier to identify animal feed requirements on composition, marketing and use, and hygiene, sampling etc. and enforcement?

Yes

Q2. Does the order and structure of the consolidated animal feed legislation seem logical?

Yes

Q3. Does the language used in the consolidated animal feed legislation make it easier to understand?

¹ Boley, N. Government Chemist Legislation, Annual Statement of Statutory Scope, January 2013, available at <http://www.governmentchemist.org.uk/Generic.aspx?m=77&amid=1623>

² Michael J Walker and Kirstin Gray, 2013, *Quis custodiet* – a Review of the Resolution of Disputed Chemical Results in the UK Official Feed and Food Control System 2010 – 2011, *J Assoc Public Analysts* (Online) 2013, 41, 1-27



Insofar as legislation is concerned the language is as straightforward as is usual.

Q4: Have we properly identified the groups of businesses affected by the proposal? If not, please identify those not included?

We are not in a position to comment or add to this.

Q5: Do you agree that the costs of the consolidations to businesses would be negligible?

The proposed measures consolidate 5 pieces of legislation down to two, however these do need to be read and considered. If already familiar with the prior 5 pieces of legislation this is indeed a fairly trivial exercise and costs would be negligible.

Q6. Do you agree that the costs of the consolidations to enforcers would be negligible?

See Q5 above.

Q7. Do you consider that there may be an impact on consumers as a result of these consolidations? If yes, how would they be affected?

We do not envisage a direct impact on consumers.

Q8: Do you agree with the explanation at paragraphs 22 and 23 of the IA, that the consolidation of the animal feed regulations into two statutory instruments will reduce the familiarisation costs for new entrants to the sector? If not, please explain why and how this could be improved.

While the proposed measures do consolidate 5 pieces of legislation down to two, these do need to be read and considered. If already familiar with the prior 5 pieces of legislation this is indeed a fairly trivial exercise and costs would be negligible. From the point of view of someone who had no previous familiarity with the legislation, while two measures will take less time than five to absorb, the exercise of familiarisation is not trivial. Hence although the costs of the consolidation are negligible the costs of familiarisation for new entrants to the sector are not. We estimate at least 2 hours to read and absorb the new measures. Cross referencing to the European legislation is necessary for complete understanding in many instances. Some web based training and guidance, with, for example signposting to Eur Lex would be helpful.

Q9. Do you agree with the explanation at paragraph 24 of the IA that the consolidation of the animal feed regulations into two statutory instruments would reduce the familiarisation costs for new entrant Enforcement Officers? If not, please explain why and how this could be improved.

See Q8.

Q10. We have been unable to identify the number of new entrant feed officers and therefore unable to monetise ongoing familiarisation costs (paragraph 24 of the IA refers). Any information that stakeholders can provide on the average annual number of new entrants engaged in feed enforcement activities would be welcome.

We are unable to assist with this.



Thank you for the opportunity to comment. Due to pressure of work I was unable to send comments on the English consultation but as a matter of courtesy I am copying this letter to FSA in England, Mandy Jumnoodoo Food Safety Policy/Animal Feed TSEs and Animal By-products Branch, Food Standards Agency, 125 Kingsway WC2B 6NH
mandy.jumnoodoo@foodstandards.gsi.gov.uk

Thank you for this opportunity to comment.

Yours sincerely



Derek Craston
The Government Chemist