

2001 No. 1515

ANIMALS, ENGLAND
ANIMAL HEALTH

The Rendering (Fluid Treatment) (England) Order 2001

Made - - - - - *20th April 2001*

Coming into force - - - *15th May 2001*

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by sections 1(a), 7(1) and 72 of the Animal Health Act 1981(a), and of all other powers enabling him in that behalf, hereby makes the following Order—

Title, extent and commencement

1. This Order may be cited as the Rendering (Fluid Treatment) (England) Order 2001, shall extend to England and shall come into force on 15th May 2001.

Interpretation

2.—(1) In this Order, unless the context otherwise requires—

“animal by-product” means—

- (a) animal by-product as defined in the Animal By-Products Order 1999(b); and
- (b) specified risk material as defined in the Specified Risk Material Order 1997(c) and the Specified Risk Material Regulations 1997(d);

“controlled waters” shall have the same meaning as for the purposes of the Water Resources Act 1991(e);

“fluid” includes any liquid, and any property of, or any organism or substance contained in, any liquid;

“ruminant related fluid” means fluid arising in relation to the rendering or part rendering of ruminant animal by-products from premises at which such rendering or part rendering is carried out and includes fluid a constituent part of which is ruminant related fluid;

“rendering” and “part rendering” have the same meaning respectively as they have for the purposes of the Animal By-Products Order 1999 and the Specified Risk Material Regulations 1997.

(a) 1981 c. 22; see section 86(1) for definitions of “the Minister” and “the Ministers”. Functions of “the Ministers”, so far as exercisable in relation to England, were transferred to the Minister of Agriculture, Fisheries and Food by the Transfer of Functions (Agriculture and Food) Order 1999 (S.I. 1999/3141).

(b) S.I. 1999/646.

(c) S.I. 1997/2964, as amended by S.I. 2000/2726, S.I. 2000/3243 and S.I. 2000/3377.

(d) S.I. 1997/2965, amended by S.I. 1997/3062, S.I. 1998/2405 (itself amended by S.I. 1997/2431), S.I. 1999/539, S.I. 2000/656, S.I. 2000/2672, S.I. 2000/3381 and S.I. 2001/817.

(e) 1991 c. 57.

(2) For the purposes of this Order, a biochemical oxygen demand shall be ascertainable by reference to a five day incubation period with attenuated nitrification.

Rendering of ruminant animal by-products and treatment and discharge of ruminant related fluid

3. No person shall render or part render any ruminant animal by-product on any premises unless—

- (a) he subjects all the ruminant related fluid arising to such treatment on the premises as will ensure the fluid has—
 - (i) a biochemical oxygen demand of no more than 60mg/litre; and
 - (ii) a level of suspended solids of no more than 80 mg/litre; or
- (b) he discharges or releases or disposes or consigns for disposal all the ruminant related fluid—
 - (i) into a public sewer in accordance with a trade effluent consent or agreement from the relevant sewerage undertaker under the Water Industry Act 1991(a); or
 - (ii) into controlled waters in compliance with a discharge consent from the Environment Agency under the Water Resources Act 1991.

Testing of ruminant related fluid

4.—(1) Where ruminant related fluid is treated by a renderer for the purposes of article 3(a) above, the renderer shall ensure that the treated fluid is tested with the following frequency—

- (a) the biochemical oxygen demand to be tested once per week by a method which conforms with the “5 day Biochemical Oxygen Demand (BOD5)”(b); and
- (b) the level of suspended solids to be—
 - (i) tested 3 times every day or continuously monitored;
 - (ii) and tested once each week by a method which conforms with:

“Suspended Settleable and Total Dissolved Solids in Waters and Effluents”(c).

(2) For the purposes of paragraph (1) above, the point of testing shall be immediately prior to the discharge, release, disposal or consignment for disposal of the ruminant related fluid from the premises on which it arises.

Records

5.—(1) Any person who renders or part renders any ruminant animal by-products on any premises shall keep a record of the discharge, release, disposal or consignment for disposal of the ruminant related fluid arising from the rendering or part rendering.

(2) For this purpose the record shall show—

- (a) in respect of fluid treated for the purposes of article 3(a) above, the dates and results of the tests referred to in article 4 above; and
- (b) in respect of treated and untreated fluid—
 - (i) the date and method of the discharge, release, disposal or consignment concerned;
 - (ii) the quantity of the ruminant related fluid concerned and a description of it sufficient to enable an inspector to identify it;
 - (iii) the place of discharge, release or disposal, or premises from which, and destination to which, it is consigned or carried; and
 - (iv) if consigned or carried, the name of the consignee or carrier concerned.

(3) A record required to be kept under paragraph (1) above shall be kept by the renderer for at least 10 years.

(a) 1991 c. 56.

(b) This is set out in Methods for the Examination of Waters and Associated Materials HMSO Second Edition 1988 ISBN 0117522120. Copy of the text is available from the Environment Agency, Wheatcroft Office Park, Landmere Lane, Edwalton, Nottingham NG12 4DG.

(c) This is set out in Methods for the Examination of Waters and Associated Materials HMSO 1980 ISBN 011751957X. Copy of the text is available from the Environment Agency, Wheatcroft Office Park, Landmere Lane, Edwalton, Nottingham NG12 4DG.

(4) Any person who consigns any ruminant related fluid for carriage from any premises for discharge, release, or disposal shall give to the carrier a record containing the following information—

- (a) the address of the premises from which the fluid is collected;
- (b) the date on which the fluid is collected;
- (c) the quantity and description of the fluid, and whether treated or untreated;
- (d) the place to which it is to be discharged, released or disposed of.

(5) A carrier receiving a record under paragraph (4) above shall keep it for at least 2 years.

Cleansing and disinfection

6.—(1) This article applies where an inspector has reasonable grounds to suspect that any—

- (a) ruminant related fluid; or
- (b) means of movement, including any vehicle or any container or pipe, by, in or through which, any ruminant related fluid is discharged, released, disposed of or carried from any premises to any place, constitutes a disease risk.

(2) Where an inspector has such a suspicion in respect of any ruminant related fluid or means of movement, he may serve a notice on the person in charge of the ruminant related fluid or means of movement.

(3) The notice may—

- (a) specify the method of cleansing and disinfection of any means of movement concerned;
- (b) specify the method of disposal of any ruminant related fluid, or any fluid or any material or liquid other than such fluid, remaining in the means of movement by, in or through which, the ruminant related fluid was discharged, released, disposed of or carried;
- (c) prohibit the use of such means of movement of the ruminant related fluid until an inspector is satisfied that the required cleansing and disinfection has satisfactorily been carried out; and
- (d) require compliance with any provision of this Order within such reasonable period as may be specified in the notice.

Powers of inspectors

7.—(1) An inspector who enters any premises in exercise of his powers under the Animal Health Act 1981 may—

- (a) carry out any inquiries, examinations and tests;
- (b) take any samples; and
- (c) examine and copy any records,

he believes are necessary to ascertain whether any provisions of this Order have been or are being complied with.

(2) An inspector may mark anything in relation to which any of the powers in paragraph (1) above have been exercised.

(3) No person shall, or attempt to, deface, obliterate or remove any such mark as is referred to in paragraph (2) above.

(4) The occupier of any premises, or any person in his employment, shall give such reasonable assistance to an inspector as the inspector may require for the purpose of facilitating the exercise of his powers under paragraphs (1) and (2) above and, in particular, shall provide a printout of any records kept in electronic form.

Compliance with notices

8.—(1) Any notice served under article 6(2) above shall be complied with at the expense of the person on whom the notice is served.

(2) If a notice served under article 6(2) is not complied with, an inspector may arrange for it to be complied with at the expense of the person required to comply with the notice.

Offences

9. Any person who, without lawful authority or excuse, proof of which shall lie on him,—
- (a) contravenes or fails to comply with any provision of articles 3, 4 or 5 of this Order;
 - (b) fails to comply with a notice served under article 6(2) of this Order or fails to comply with any provision of such a notice;
 - (c) defaces, obliterates or removes any mark applied to any thing under article 7(2) of this Order; or
 - (d) knowingly causes or permits any such contravention or non-compliance, or any such defacement, obliteration or removal,
- commits an offence against the Act.

Enforcement

10. This Order shall be enforced and executed by the local authority.

20th April 2001

Hayman
Minister of State,
Ministry of Agriculture, Fisheries and Food

EXPLANATORY NOTE

(This note is not part of the Order)

This Order has effect in England.

Article 2 of the Order defines ruminant related fluid and Article 3 makes provision in relation to the rendering, treatment and discharge of ruminant related fluid. Article 4 makes provision in relation to the testing of treated fluid.

Article 5 imposes record keeping requirements and Article 6 imposes requirements in relation to cleansing and disinfection. Article 7 makes provision in relation to powers of inspectors and Article 8 makes provision in relation to compliance with notices. Article 9 provides offences and Article 10 provides for enforcement of the Order.

Copies of the texts referred to in Article 4 are available from the Environment Agency, Wheatcroft Office Park, Landmere Lane, Edwalton, Nottingham NG12 4DG.

A Regulatory Impact Assessment in relation to this Order has been prepared and placed in the Library of each House of Parliament. Copies can be obtained from the BSE Division of the Ministry of Agriculture, Fisheries and Food, 1A Page Street, London SW1P 4PQ.

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