

# **EXPLANATORY MEMORANDUM TO**

## **The Animal Feed (Basic Safety Standards) Regulations (Northern Ireland) 2018**

### **SR 2018 No 16**

#### **1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Food Standards Agency in Northern Ireland to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under by sections 66(1), 74A(1) and 84 of the Agriculture Act 1970, as read with regulation 14 of the Food Standards Act 1999 (Transitional and Consequential Provisions and Savings) Regulations (Northern Ireland) 2000, and section 2(2) of the European Communities Act 1972.
- 1.3 The rule is due to come into operation on 6th February 2018.

#### **2. Purpose**

- 2.1 The Animal Feed (Basic Safety Standards) Regulations (Northern Ireland) 2018 provide for the provisions of a revised EU Basic Safety Standards Directive laying down basic safety standards for the protection against the dangers arising from exposure to ionising radiation as it applies to animal feed. In particular –
  - prohibit the intentional addition of radioactive substances in the production of animal feedingstuffs;
  - prohibit the import or export of animal feedingstuffs to which radioactive substances have been intentionally added during production; and
  - provide the accompanying enforcement powers to deal with non-compliance.

#### **3. Background**

- 3.1 The 2013 Basic Safety Standards Directive (2013 BSSD) consolidates and updates existing Euratom radiation safety legislation. The new Directive takes account of developments in the recommendations and standards issued by the International Commission on Radiological Protection and the International Atomic Energy Agency. Its scope includes medical, occupational and public radiation exposures and it provides for three different types of exposure situation:
  - Existing public exposure situations, including the management of legacy radioactive contaminated land and exposure to naturally occurring radon gas in homes;

- Planned exposure situations, in relation to authorised activities involving radioactive substances, for example for power generation or healthcare; and
- Emergency exposure situations that could arise for example following an accident.

3.2 Within these sections the Directive also includes a requirement specifically prohibiting the addition of radioactive substances in the production of foodstuffs, animal feedingstuffs and cosmetics.

3.3 Consideration of the need to amend food law to implement this Article concluded that there was already adequate protection afforded by the Food Safety (Northern Ireland) Order 1991 - in particular paragraphs 6 (rendering food injurious to health) and 13 (selling food not of the nature or substance or quality demanded). However, it was considered that a transposition of the Directive was required for animal feedingstuffs.

#### **4. Matters of Special Interest to the Health Committee**

N/A

#### **5. Consultation**

5.1 A six week public consultation was conducted from 2nd October to 13th November 2017 seeking comments on the draft Statutory Rule. We received one response from the Government Chemist. This response did not require any amendment to the draft Statutory Rule, nor highlighted any costs that arise out of the Regulations. It did raise some technical issues on analysis of samples that will need to be addressed in guidance for enforcement authorities. As our investigations have not uncovered any issues with the deliberate addition of radioactive substances to animal feed, it is considered that this guidance can be prepared after the coming into operation of the Regulations.

#### **6. Position in Great Britain**

6.1 Similar legislation is being made in England, Wales and Scotland.

#### **7. Equality Impact**

7.1 These Regulations will apply in equal measure to all Section 75 groups. It is not expected that any of these changes will impact differentially across any of the section 75 groups.

## **8. Regulatory Impact**

8.1 A Regulatory Impact Assessment has not been prepared to accompany these Regulations as there are no operators in Northern Ireland known to be currently adding radioactive substances to feed (or importing such feed). It is not considered that there will be any costs incurred in the implementation of the Regulations, either by Government, enforcement authorities or the feed industry. Enforcement sanctions will be consistent with those provided to enforcement authorities by existing animal feed Regulations.

## **9. Financial Implications**

9.1 N/A

## **10. Section 24 of the Northern Ireland Act 1998**

10.1 These Regulations will apply in equal measure to all groups. It is not expected that any of these changes will impact differentially across any as determined by Section 24.

## **11 EU Implications**

11.1 N/A

## **12 Contact**

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