



CONSULTATION ON THE LANDSPREADING OF WASTES FROM ABATTOIRS AND THE PREPARATION AND PROCESSING OF MEAT, FISH AND OTHER FOODS OF ANIMAL ORIGIN IN NORTHERN IRELAND

SUMMARY OF CONSULTATION RESPONSES

1. Introduction

- 1.1 The Department of the Environment issued a consultation document on the landspreading of wastes from abattoirs and the preparation and processing of meat, fish and other foods of animal origin in Northern Ireland on 20 December 2010. The purpose of the consultation, which ran until 14 March 2011, was to seek views on the recommendation that the Department should amend existing legislation to provide for this activity to be carried out under exemption from waste management licensing regulations, subject to certain conditions, which are necessary to ensure the protection of the environment, animal and human health.
- 1.2 In total, 7 responses to the consultation document were received. Overall, there was support for the Department's proposals.
- 1.3 The breakdown of respondents is as follows:
 - **Public Sector** – includes government departments and agencies, district councils, the NI waste groups and other representative bodies.
 - **Private Sector** – private sector agri-food operators
 - **Third Sector** – covers all not for profit organisations, campaign groups and individuals
- 1.4 The summary is divided into the following sections:
 - Section 1 - Breakdown of responses;

- Section 2 - Consultation questions and responses received;
- Section 3 - Detail of responses and Departmental comments on points raised;
- Section 4 – The Department’s conclusions; and
- Section 5 – List of respondents.

Section 1 – Breakdown of responses received

Table 1 – Responses by Group

Category	Number of Responses	% of Responses
Public Sector	3	42
Private Sector	2	29
Third Sector	2	29
TOTAL	7	100

Table 2 – Responses by Question

Question	Overall		Public Sector				Private Sector		Third Sector	
	No of Responses	Response Rate %	Government Departments	District Councils	Waste Groups					
			No	No	No	Rate	No	Rate	No	Rate
1	6	86	0	2	1	100	2	100	2	100
2	6	86	0	2	1	100	2	100	2	100
3	4	57	0	2	1	100	2	100	0	0
4	6	86	0	2	1	100	2	100	2	100
5	4	57	0	2	1	100	2	100	0	0
6	7	86	0	2	1	100	2	100	2	100

Section 2 - Consultation questions and responses received

A summary of the answers given to the individual questions are listed below. However, a number of general comments were also made and these are reflected in Section 3.

Consultation Questions

(Q1): Do you agree with the Department’s proposal to retain EWC 02 02 03 (blood and gut contents) within the controls of exemption 9 until it is

removed by way of the revised Animal By-Products Regulations (ABPR)?

Who Responded

All sectors.

How they Responded:-

Public Sector

One of the three public sector organisations who responded agreed with the Department's proposal to retain EWC 02 02 03 within the controls of exemption 9 until it is removed by way of the revised ABPR.

Two made no specific comment.

Private Sector

All Private Sector organisations agreed with this position, although one identified a need to clarify that it is not deregulating, but adopting a risk-based approach, based on the consultant's recommendation. Operators will still require an exemption which will include pre-treatment of the material prior to spreading. One Private Sector respondent commented on the '*deregulation*' of the landspreading of gut contents and that "*this has come after the Meat Processing Industry has spent many thousands complying with the Exemptions.*"

Third Sector

Both third sector organisations agreed with the Department's proposals.

Departmental response:

The revised ABPR is now in place. Under ABPR the landspreading of untreated blood is not allowed. The Northern Ireland Environment Agency (NIEA) published a Regulatory Position Statement (RPS), which is very similar to the Environment Agency paper in England and Wales, setting out how it intends to regulate certain activities, including the landspreading of blood. Paragraph 9 of Schedule 2 to the Waste Management Licensing Regulations (Northern Ireland) 2003 (WML) will still provide for an exemption for the landspreading of blood but only "blood treated to fertilizer standards in an ABPR approved plant."

It should be noted that NIEA has had no registered exemptions for the landspreading of blood for a considerable amount of time, therefore, zero cost to industry.

Also as a result of the revised ABPR, paunch (gut contents) is no longer a waste and will no longer require a waste exemption. NIEA notified relevant

members in the agri-food industry - they were, however, already aware of the change. As a result of this change the reference to 'stomach contents' as listed in Table 3 to paragraph 9 of Schedule 2 to the WML will be removed. The 'deregulation' of gut contents was made by the European Council under the revision of ABPR. Prior to that, it was required to be treated as a controlled waste. Neither this Department nor the Department for Agriculture and Rural Development had any powers to allow it to be otherwise.

(Q2): Do you agree with the Department's proposal to provide for an exemption for the landspreading of EWC 02 02 04 (Sludges from on site Effluent Treatment of wastes from the preparation and processing of meat, fish and other foods of animal origin) subject to certain controls? If not, please explain why?

Who Responded

All sectors.

How they Responded:-

Public Sector

All public sector respondents agreed with the proposal to provide an exemption for the landspreading of EWC 02 02 04 subject to certain controls.

Private Sector

Both private sector organisations fully supported the Department's proposals.

Third Sector

Both third sector respondents strongly agreed with the Department's proposals.

Departmental response:

As there appears to be some confusion about the purpose of the draft Regulations, some clarification is required. Under current Northern Ireland legislation the landspreading of waste which is classified in the EWC as 02 02 04 (sludges from on-site effluent treatment of wastes from the preparation and processing of meat, fish and other foods of animal origin) requires a full waste management licence. The proposed Statutory Rule will amend WML to provide for an exemption for sludges from on-site effluent treatment plants for abattoirs and/or meat and fish processing plants, following site specific assessment and 'conventional' or 'enhanced' treatment. This will provide a 'lighter touch' to the industry.

(Q3) Do you agree that the requirements established under amendment to Table 12 of Schedule 2, Part 3 to the Waste Management Licensing Regulations (Northern Ireland) 2003 are sufficient? Please explain your answer.

Who Responded

Public and private sectors only.

How they Responded:-

Public Sector

One public sector respondent agreed that these requirements are sufficient.

Two made no comment.

Private Sector

Both private sector respondents commented that these requirements are above and beyond what the industry might deem sufficient, in particular they questioned the need for analysis of EWC 02 02 04 sludges for the presence of potential toxic elements given that the sludges in question will have arisen from human food processing activities where toxic elements are unlikely to have been in use.

Third Sector

None of the third sector respondents made a comment.

Departmental response:

This amendment was made on the recommendation of WYG consultants Report who were commissioned by the Department to examine the potential impact of legislative change in this area. Their Report, while recognising that these sludges originated from food processing activities, identified a number of chemical and biological risks associated with landspreading of EWC 02 02 04 wastes. It was considered that these would have the potential to impact the environment and cause risks to human health and food safety. For this reason, the Department believes that the proposed requirements are justified.

(Q4) Do you agree that the mitigatory measures proposed by the Department are sufficient to ensure the protection of the environment and human health as required by Article 13 of the revised Waste Framework Directive?

Who Responded

All sectors.

How they Responded:-

Public Sector

Two of the public sector respondents provided no specific comment, another felt that the mitigatory measures primarily address nutrient management requirements allied to hydrogeological controls with no reference to prevent malodours.

Private Sector

Both private sector organisations agreed that the Department's mitigatory measures are sufficient.

Third Sector

Both third sector organisations agreed with the Department's mitigatory measures.

Departmental response:

The issue of mal-odours is outside the remit of the proposed Regulations. However, 'nuisance' issues, such as mal-odours are already covered by other legislation, which is enforced by district councils.

(Q5) Are there any further measures you think should be included?

Who Responded

Public and private sectors only.

How they Responded:-

Public Sector

One of the public sector organisations suggested that the mitigatory measures should explicitly address minimising odour control; a further two made no specific response to this question, but included odour control as a general comment.

Private Sector

One of the private sector organisations did not think any further measures should be included and the comments provided by the other were not relevant to this consultation.

Third Sector

None of the third sector organisations provided a response to this question.

Departmental response:

Restrictions on timing and frequency of landspreading applications are covered by the Nitrates Regulations – See No. 4. The issue of mal-odours is also addressed in No. 4.

(Q6) What further measures, if any, do you think may be necessary?

Who Responded

All sectors.

How they Responded:-

Public Sector

One of the public sector respondents referred to their response to Question 5; a further two made no specific response.

Private Sector

One of the private sector bodies indicated no further measures to be necessary, but on a general point they were in agreement with the response of the other private sector body to question 6. Both felt that the whole process of waste licensing and registration of exemptions would benefit from considerable simplification and standardisation and would encourage benchmarking of NIEA's regulatory controls and licensing/exemption charges with other agencies and departments throughout the EU.

Third Sector

The comments made by both third sector respondents were not relevant to this consultation, but have been passed on.

Section 3 – General Issues

The following are comments received which are not specific to any particular question but rather apply generally to the response.

1. One of the third sector respondents suggested a rationalisation strategy to encompass DARD Rivers Agency, DCAL Fisheries and NIEA Water

Management Unit within the same Department to facilitate consistency of approach.

2. The industry would cite that its competitors in other parts of the EU do not have to operate to the same degree of complex regulation as applies in Northern Ireland. The purpose of the WYG contract was to highlight specific Northern Ireland difficulties.

Section 4 – Next steps

Having taken into consideration the views received during the consultation process the Department is proceeding to make the Statutory Regulations required to amend the Waste Management Licensing Regulations (Northern Ireland) 2003 to allow for an exemption for sludges from on-site effluent treatment plants, following site specific assessment and 'conventional' or 'enhanced' treatment.

Annex A: List of respondents to Landspreading consultation

- 1. arc21**
- 2. Banbridge District Council**
- 3. The Livestock and Meat Commission (LMC)**
- 4. The Chief Environmental Health Officers Group (CEHOG)**
- 5. Northern Ireland Environment Link (NIEL)**
- 6. Northern Ireland Food & Drink Association (NIFDA)**
- 7. Ulster Angling Federation (UAF)**