

**GUIDANCE NOTE ON THE
DISPOSAL
OF
ANIMAL BY-PRODUCTS
AND CATERING WASTE**

Ministry of Agriculture, Fisheries and Food
January 2001

A GUIDANCE NOTE ON THE DISPOSAL OF ANIMAL BY-PRODUCTS

Introduction

1.1 The aim of this note is to clarify the legislative position relating to -

- the burial in licensed landfill sites of animal by-products from slaughterhouses, butchers' shops and other sources; and
- the disposal of fallen stock on-farm

and to answer some common queries on the disposal of animal by-products and catering waste.

It also provides a summary of the legal requirements which apply to the handling of animal by-products.

1.2 The note is intended to be used by those with enforcement responsibilities relating to the disposal of animal by-products. It is suggested that they use it to coordinate policy at a local level, for example to agree on the circumstances in which the burial of fallen stock may be permitted in their areas. It is not an authoritative document on the law as only the Courts can ultimately interpret the Law.

1.3 It has been prepared by the Environment Agency and the Ministry of Agriculture, Fisheries and Food, the Scottish Executive Rural Affairs Department and the National Assembly of Wales Agriculture Department in consultation with the Department of the Environment, Transport and the Regions, the Scottish Environment Protection Agency (SEPA), the Local Authorities' Co-ordinating Body on Food and Trading Standards (LACOTS), the Food Standards Agency, the Local Government Association and the Convention of Scottish Local Authorities.

1.4 This note replaces the guidance note issued by MAFF, WOAD and SOAEFD on 2 July 1998, which dealt mainly with the burial of waste from slaughterhouses and butchers' shops.

1.5 This note cannot answer all the questions that may arise. Where enforcement bodies or those needing to dispose of animal by-products have queries they should contact -

- the Divisional Veterinary Manager at the local [Animal Health Divisional Office](#), about animal health controls;
- the local authority (County, Unitary or Metropolitan Authorities), about compliance with the Animal By-Products Order 1999 (other than in slaughterhouses);

- the local authority (District, Unitary or Metropolitan Authorities), about planning and environmental controls eg for determining whether burning has constituted an offence under the Clean Air Act 1993 or a statutory nuisance under the Environmental Protection Act 1990;
- the Meat Hygiene Service, about enforcement of the Animal By-Products Order 1999 in slaughterhouses and in meat plants where the Service enforces meat hygiene legislation; or
- the local office of the Environment Agency in England & Wales or the Scottish Environment Protection Agency (SEPA) in Scotland, about environmental controls.

Scope

1.6 This note applies to unprocessed animal by-products (animal carcasses and parts of animal carcasses which are not intended for human consumption) and to catering waste which contains meat or other products of animal origin. It does not apply to the handling or disposal of BSE suspects, Specified Risk Material (SRM) or material from the Over Thirty Months Scheme, or to animals suspected of carrying a notifiable disease.

1.7 Each person who collects animal by-products, even as part of a trade waste collection service, must comply with the legislation described in this note. They must dispose of the by-products in accordance with the legislation and keep records of the quantities of by-products collected, transported and disposed of. The use of landfill is unlikely to be permitted under the ABPO except in very limited circumstances (see Advice Note 1 for further details). Local authority staff are asked to ensure that their colleagues in appropriate departments are made aware of these constraints and that waste collection contracts are reviewed in the light of these requirements.

Abbreviations:

ABPO	-	Animal By-Products Order 1999
EPA	-	Environmental Protection Act 1990
PEPFAA	-	Prevention of Environmental Pollution from Agricultural Activity Code
PPC		Pollution, Prevention and Control Regulations 2000
SEPA	-	Scottish Environment Protection Agency
SRM	-	Specified Risk Material
WMLR	-	Waste Management Licensing Regulations 1994
WRA	-	Water Resources Act 1991

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Background

2.1 The collection and disposal of animal by-products and of catering waste containing meat or products of animal origin are subject to control under the Animal By-Products Order 1999 (ABPO) and, in certain cases, to the waste management controls described in [paragraph 2.7](#).

The Animal By-Products Order 1999 (SI 1999/646)

2.2 The ABPO is made under the Animal Health Act 1981 and controls all material derived from animals which is not intended for human consumption (other than excreta). The important point is that the material is no longer **intended** for human consumption; it does not matter whether or not it is fit for that purpose. As soon as it is decided that it will not be used for human consumption, it is controlled by the Order.

2.3 The ABPO divides such material into two categories: animal by-products and catering waste. The definitions of animal by-products and catering waste and their respective disposal routes are described in more detail in Appendices [1](#) and [2](#) respectively.

Animal by-products

2.4 The ABPO requires that animal by-products are consigned to rendering, incineration, or another permitted route (see [Appendix 1](#)). The key rule is that burial (including in a licensed landfill site) and burning (other than in an incinerator) are **not permitted**. The only exceptions are if:

- i. the animal by-products are in a place where access is difficult; or
- ii. the quantity of by-product and the distance to premises in which disposal is otherwise permitted (eg a rendering plant or an incinerator) do not justify transporting it.

2.5 This note provides guidance on the interpretation of these exceptions in relation to -

- the burial in licensed landfill sites of animal by-products from slaughterhouses, cutting plants, butchers' shops and other sources ([Advice Note 1](#)); and
- the burial or burning of fallen stock on-farm ([Advice Note 2](#)).

Catering waste

2.6 The ABPO does not restrict the use of landfill to dispose of catering waste containing meat or products of animal origin. However, it does require that ruminant animals, pigs or poultry do not gain access to the catering waste. Further details are at [Appendix 2](#).

Waste management controls

2.7 Where animal by-products or catering waste are to be disposed of as waste (eg by burial or incineration), additional controls apply. For example, if the burial of butchers' shop waste is considered permissible under the ABPO, the burial must take place in a landfill site which is licensed under the Waste Management Licensing Regulations 1994 (WMLR) or has a permit under the Pollution, Prevention and Control Regulations 2000 (PPC). Further details are in [Appendix 3](#).

Advice Note 1: Burial in licensed landfill sites of animal by-products from slaughterhouses, cutting plants, butchers' shops and other sources

3.1 In general, the burial (including landfill) of animal by-products from slaughterhouses, butchers' shops and other sources is prohibited if an alternative permitted disposal route exists. If it is possible to take (or to arrange for someone else to take) the by-products to a disposal route which does not involve burial or landfill, that route must be used, even if it is more expensive than disposal to landfill. As specialist animal by-product collectors operate throughout the country, there are likely to be only a small number of circumstances in which it might be reasonable to permit the person in possession of the by-products to dispose of them to landfill.

Exceptions for slaughterhouses, cutting plants, etc.

3.2 There will be few, if any, situations in which waste from slaughterhouses may be disposed of to landfill under the terms of the ABPO. Exceptions are only likely to concern slaughterhouses in remote areas that have a very low throughput and where there is no collection service. In such cases, it should be considered whether it would be unreasonable (i.e. the cost in time or money would be disproportionate) to expect the operator to transport the material to an alternative permitted disposal route such as an approved rendering plant, an incinerator or a registered petfood plant, or to arrange for someone else to do so. The quantity of by-products and the distance to the alternative permitted disposal route must be taken into account. The same considerations apply to cutting plants and wholesale butchers. It must be stressed that, if a collection service exists to take by-products to a permitted disposal route, that service must be used or the operator of the cutting plant or butchers' shop must take the by-products to the disposal outlet. Landfill is never an option in these circumstances.

Retail butchers

3.3 So far as small quantities of by-products and bones from retail butchers are concerned, the legality of disposal to landfill under the Order will again depend on whether there is a collection service which could collect the material and transport it to a permitted disposal route (eg a rendering plant or an incinerator). If there is, the collection service must be used. If there is no such service, it should be considered whether it would be reasonable to expect the butcher (or an agent) to transport the material to a permitted disposal route. In such cases, the amounts and distances involved must be considered. If the retail butcher has a small quantity of waste and takes it (either by himself or through an agent) to landfill, it is possible that this would be permitted under the exemption from article 5 of the ABPO. But if the butcher or his agent collects the waste from more than one butcher's shop and takes it to landfill, it is likely that he commits a criminal offence as the quantity might no longer be small enough to fall within the exemption. A person cannot dispose of a large quantity of waste just because it is made up of an aggregation of small quantities.

3.4 Each person who possesses or has control of animal by-products must decide -

- (a) whether a collection service exists; and/or
- (b) if there is no collection service, whether their individual circumstances are such that the amount of by-products and the distance to be covered justify transporting the by-products to a permitted disposal premises (eg a rendering plant or an incinerator).

Responsibility for complying with the ABPO rests initially with the originator (e.g. the butcher or slaughterhouse) but may then be transferred to a collector and, ultimately, to the operator of the disposal premises. Any offence is therefore committed by all or any of those persons.

3.5 For practical purposes the assessment of whether the quantity of by-products and the distance to be moved justify transport to a permitted disposal premises should be made at the stage at which it is intended to transport the by-products to their final destination. In some cases this assessment will concern the amount of by-products from, for example, a single butcher's shop, while in others it will mean the combined by-products from a number of butchers' shops. It should be remembered that the Order requires the assessment to take account of the **amount** of by-products and the **distance** to permitted premises. The cost of transporting by-products to a permitted premises rather than to a suitably licensed landfill site may be a relevant consideration (but see the second indent of paragraph 3.7 below), but it is thought unlikely that the courts would take into account the cost differential of the disposal element (eg that rendering is more expensive than landfill), unless the charge was significantly higher than other operators were paying for the same route and no alternative was available.

3.6 It should be borne in mind that article 17 of the ABPO requires everyone who consigns, transports or receives animal by-products to keep records of that material. Thus slaughterhouses and butchers' shops must keep records of the material that they give to a collector. The collector must keep records of what he receives and how he disposes of it. (Trade waste collectors who collect animal by-products must also comply with these rules, in the same way as any other collector of animal by-products. This is the case regardless of whether or not the services are run by the local authority, when the local authority may be both collector and enforcer.) The operator of the disposal route (rendering plant, landfill site, incinerator, etc.) must also keep records.

3.7 In determining acceptable destinations, local authorities may find the following points useful:-

- Cases in which the disposal route has changed should be investigated. For example, if by-products that were previously disposed of by rendering are now being disposed of to landfill, consideration should be given to whether circumstances have changed in such a way that this move can be justified under the ABPO.

- Specialist animal by-products collectors are understood to offer a collection service in all parts of Great Britain, disposing of the material to a small number of rendering plants. Because the collectors can provide the necessary economies of scale, it is not unreasonable to expect animal by-products to be transported considerable distances to a rendering plant.
- The Landfill Directive requires member States to reduce the quantities of biodegradable waste being disposed of to landfill sites to 35% of 1995 levels by 2020 at the very latest. Encouraging alternative disposal routes for animal by-products may be a relatively simple way for local authorities to contribute to the achievement of these targets.
- The Landfill Directive will further discourage the use of landfill to dispose of animal by-products, by requiring the pre-treatment of waste. It is also expected that a revision of the EC Animal Waste Directive will ban the burial (including landfill) of animal by-products such as those from slaughterhouses, cutting plants, butchers' shops, etc.
- Animal by-products remain subject to the ABPO rules even if they are mixed with other waste.

3.8 Enforcement agencies are asked to liaise with waste collection departments to review the terms of waste collection contracts in the light of this advice. Compliance is important not only in its own right, but to ensure that the interests of commercial animal by-product collectors are not unfairly affected.

Authorised landfill sites

3.9 If the ABPO permits the use of burial, the by-products must be buried in a landfill site which holds either -

- a current Waste Management/Waste Disposal Licence; or
- a current PPC Permit

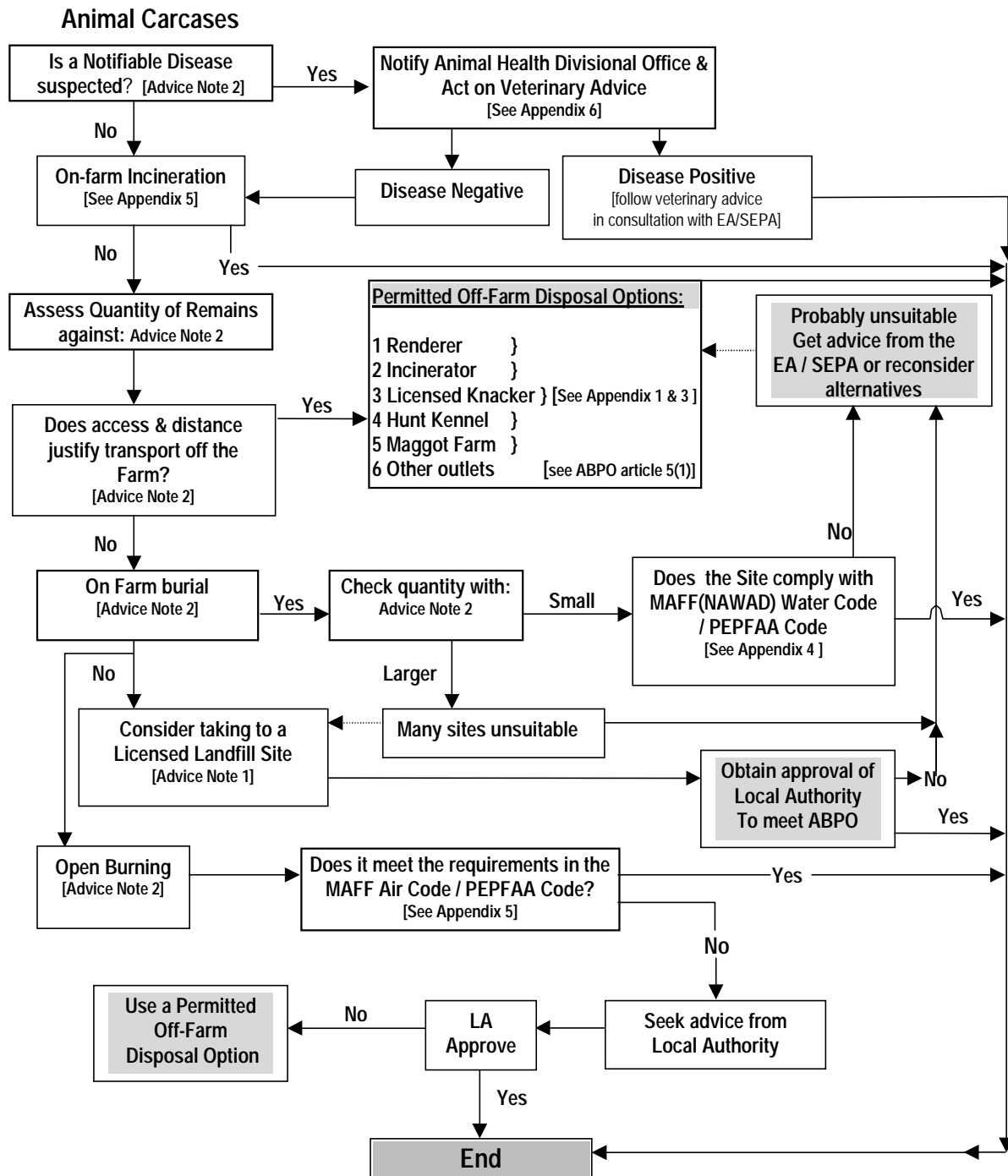
which permits the disposal of animal by-products.

3.10 Part II of the EPA 1990 makes it an offence to deposit, keep, treat, or dispose of controlled waste at sites which are not licensed for that purpose. Licences are issued subject to conditions that restrict the type and quantity of wastes that can be accepted and the range of activities which can be undertaken at the site.

Advice Note 2: Burial or burning of fallen stock on-farm

DECISION TREE

DISPOSAL OF ANIMAL CARCASSES



Modflow5

12 January 2001

1. Decision Tree

4.1. The following sections provide more advice on the questions raised in the [Decision Tree](#).

2. Notifiable Disease

Checklist:

- ◆ Was death sudden or unexplained?
- ◆ Is a notifiable disease suspected?

Detailed Guidance:

4.2 If it is thought that a notifiable disease may have caused the death of an animal, it is a legal requirement for the death to be reported to the Divisional Veterinary Manager at the local [Animal Health Divisional Office](#). In such cases, the carcass must be available to be examined by post-mortem and must be retained until permission is received to release it. The possibility of anthrax should be considered if the death is sudden or unexplained.

4.3 The method of disposal will be decided by the Veterinary Officer in consultation with the Environment Agency / SEPA as necessary.

3. Does ABPO permit burial or burning?

Checklist:

4.4 Where an alternative disposal route exists, the burial or burning of fallen stock will generally be prohibited. If burial is proposed, the question to be answered is whether it would be unreasonable, taking into account the *quantity* of fallen stock, the *distance* to a permitted premises, and any other extenuating circumstances, to require transport to an alternative disposal outlet. Consider -

- Is the fallen stock in a place where *access* is difficult?
- What *species* of dead animal(s) are to be disposed of? Is there a permitted outlet prepared to collect/receive that species?
- How big is the carcass (s)?
- How *frequently* does fallen stock need to be disposed of (e.g. daily, weekly, seasonally, one-off)?

- What are the *approximate quantities* of waste arising on each occasion? Is there a permitted outlet prepared to collect/receive that quantity?
- Are the carcasses the result of culling?

Detailed Guidance:

4.5 The presumption should generally be, that where an alternative permitted disposal route exists, the burial or open burning of fallen stock is prohibited. However, there will sometimes be circumstances in which it would not be reasonable to expect the farmer to utilise the alternative permitted disposal route.

Difficult access

4.6 The Order permits the burial or burning of fallen stock when it is in a place where access is difficult. This is likely to mean land to which suitable wheeled vehicles cannot gain access, and not land which is accessible by vehicle but which may be some distance from a permitted disposal facility.

Quantity of by-products

4.7 In deciding whether or not burial or burning is permitted, it is important to consider how often fallen stock needs to be disposed of and thus the overall quantity of fallen stock that a farmer may need to dispose of. For example, there is a big difference between burying one or two animals a year, and burying one or two animals every day. Although the quantity buried on each occasion may be the same, the total quantity could be considerably different. Even though decisions will need to take account of the individual case, the cumulative total will therefore be a major consideration.

4.8 The frequency with which the by-products arise, as well as the quantity on each occasion, should therefore be taken into account. For example, an intensive pig or poultry farmer may need to dispose of by-products on a daily basis. In such cases, it may be reasonable to expect them to temporarily store the carcasses for subsequent collection. It may also be reasonable to expect them to contract with a rendering plant or other operator for regular collection of the by-products, bearing in mind the need to avoid “undue delay” (see [paragraphs 5.1-5.4 of Advice Note 3](#)).

4.9 In other cases, the by-products may arise only at particular times of the year, for example during the lambing season, or as a result of planned culling. At those times, it may be reasonable to expect the farmer to temporarily collect them together in a suitable container or other secure manner for subsequent collection/transport to permitted disposal premises. In particular, where a number of carcasses require disposal because of culling, the carcass disposal should be planned in advance. At other times of the year, however, collection may not be justified. For example, if a

farmer has one lamb to dispose of, transport costs would make it unlikely that the hunt or knacker would be prepared to collect it other than at disproportionate cost.

4.10 Some hunts and knackers are only prepared to collect or receive bovine animals, including calves, but are not prepared to collect or receive sheep. Others will collect or receive sheep, but only at a disproportionate cost. (For example, if the average price for collection or disposal of one sheep is £10-15, it is unlikely to be reasonable to expect the farmer to pay £50). In such circumstances, local authorities may conclude that the hunt or knacker is not prepared to collect or receive sheep.

Distance to permitted disposal premises

4.11 It is not possible to be precise on the maximum distance over which it might be considered worth transporting animal by-products. Such decisions will need to be made on **an individual basis**, taking account of local circumstances. However, as a general rule, it would be reasonable to expect large quantities of by-products to be transported over longer distances than small quantities. For instance, it might be reasonable to expect a skip-load of by-products to be transported to the nearest permitted premises. However, unless the disposal premises was close to the farm, it might be considered unreasonable to expect a farmer to transport a single small animal to the same premises.

Burial of offal from wild animals

4.12 By-products from wild birds and animals (including whole carcasses) are exempted from the scope of the ABPO unless the by-products are produced in a processing premises. Thus offal produced by the gralloching (the removal of the unwanted offals) of deer on a hillside need not be disposed in accordance with the ABPO, although it would of course be good practice to do so. However, by-products produced from the dressing of the carcass in a deer larder must be disposed of in accordance with the Order. In such cases, if burial of the by-products is permissible under the ABPO, but the by-products arise (i.e. the carcass is cut up) on non-agricultural premises, it is likely that the disposal site will need to be licensed under the WMLR 1994. Operations such as forestry are not considered to be “agriculture” unless they are ancillary to agriculture. Anyone considering action which might require a waste management licence should consult the Environment Agency in England and Wales, or SEPA in Scotland.

4. Environmental conditions for burial

4.13 If a particular burial is considered acceptable under the ABPO, it should be carried out in accordance with the Water Code (in England and Wales) or the Prevention of Environmental Pollution from Agricultural Activity Code (in Scotland) (See [Appendix 4](#)). If farmers or local authorities have any doubts about the suitability of a burial site, or if farmers intend to bury significant quantities of carcasses, they

should consult the Environment Agency or the Scottish Environment Protection Agency.

4.14 In addition, disposal on farm must only be undertaken in accordance with the Groundwater Regulations 1998. The following table and paragraphs 4.15-4.22 summarise the way in which the Environment Agency intends to implement the Regulations in England and Wales.

Likely Quantities of Animal Carcasses suitable for on farm burial in England & Wales

4.15 It should be noted that both the ABPO and the Groundwater Regulations must be complied with. If the circumstances are such that burial is permitted under the ABPO, the Groundwater Regulations must **also** be complied with. But if the Groundwater Regulations permit burial yet the ABPO does not, then burial must **not** be carried out.

Quantities for disposal per annum per farm unit	Location does not meet conditions in paragraph 276 of the Water Code ‡	Location within Zone I of a Source Protection Zone §	Any other location on an aquifer	Any other location
0 – 2 tonnes	No disposal	*	*	*
2 – 8 tonnes	No disposal	Notify Agency – Notice may be served	Notify Agency – Notice may be served	** Notify Agency
Over 8 tonnes	No disposal	No disposal	Authorisation required	** Notify Agency - Notice may be served

← Increasing risk to groundwater

‡ These criteria must be satisfied **before** considering groundwater risks.

§ A source protection zone in accordance with the Environment Agency's Groundwater Protection Policy.

* Disposal allowed without notification to the Environment Agency.

** Disposal allowed without authorisation at the discretion of the Environment Agency.

NB Source Protection Zone I is defined on the basis that groundwater (water below the water table) beneath the site will take less than 50 days to reach the water supply source in question. Zone I is designed specifically to provide protection from the risk of microbiological contamination.

4.16 Disposal that does not meet the conditions in the Water Code (see [Appendix 4](#)) may result in enforcement action (which could lead to prosecution) under the Groundwater Regulations 1998 or the Anti-Pollution Works Regulations 1999, which seek to **prevent** pollution of controlled waters. Any person causing or knowingly permitting pollution of controlled waters may also be subject to prosecution under the Water Resources Act 1991.

Restrictions on Quantities relevant to Groundwater Regulations

4.17 As explained in paragraph 4.15 above, if the ABPO does not permit burial, it must not be carried out, even if the Groundwater Regulations would permit it. Although a full explanation of the Environment Agency's approach to enforcement of the Regulations is given below, it is unlikely that burial of quantities above the lower weight range would ever be permissible under the ABPO, apart from certain emergency disease control situations.

4.18 Total quantities of **2 tonnes or less** per farm unit per annum (approximately equivalent to 25-30 sheep), that are buried according to good practice and meet the location conditions in the Water Code, are considered to be outside the scope of the Groundwater Regulations and authorisation is not required.

4.19 All quantities for disposal **above 2 tonnes** per farm unit per annum potentially come within the scope of the Groundwater Regulations and must be notified to the Environment Agency.

4.20 An authorisation under the Groundwater Regulations is usually required for quantities **in excess of 8 tonnes** per annum per farm unit (approximately equivalent to 100-120 sheep). Application forms may be obtained from the Environment Agency. A prior investigation will be necessary to determine the risk of pollution of groundwater from the disposal. It is unlikely that authorisations will be given for higher risk areas as noted below. Conversely in areas where there is no groundwater to protect due to the low permeability of the underlying strata, then the Agency may determine that an authorisation is not required.

4.21 For quantities **between 2 and 8 tonnes** per annum per farm unit the Agency's position is that an authorisation will not normally be required, provided that good practice and the conditions in the Water Code ([Appendix 4](#)) are followed. However, on major aquifers and particularly in areas where there is a higher risk to groundwater the Agency may serve a Notice under the Groundwater Regulations prohibiting burial or requiring additional precautions to be taken to prevent pollution, possibly including the monitoring of groundwater.

4.22 Higher risk areas would normally include Source Protection Zone 1 as defined under the Agency's Groundwater Protection Policy. **Disposals over 2 tonnes per annum per farm unit within Zone I should be notified to the Agency.** The

locations of Source Protection Zones for larger potable abstractions in England & Wales are indicated on maps that are available for inspection at the Environment Agency's offices and on the Agency's web site (www.environment-agency.gov.uk).

5. Environmental conditions for burning

Checklist:

- ◆ Will burning be continually supervised?
- ◆ Can the site meet the requirements of the Air Code/PEPFAA Code?
- ◆ Is it likely to cause a statutory nuisance? Tyres/fuels that produce dark smoke must not be used.
- ◆ Fire accelerants can pose a particular risk to groundwater.
- ◆ Ensure carcasses will be completely destroyed (reduced to ash).

4.23 The burning of animal carcasses on the farm where they arise does not at present require a waste management licence under the WMLR although such burning is proposed to be banned, other than for emergency disease control purposes, when changes to the WMLR are introduced in 2001. In the meantime, it should be carried out in accordance with the Air Code (in England and Wales) and the PEPFAA Code (in Scotland). (See [Appendix 5](#)).

4.24 If burning is not carried out properly, the owner may be committing an offence under the Clean Air Act 1993 (which makes it an offence to burn material which produces dark smoke) and/or be creating a statutory nuisance under Part III of the EPA 1990.

4.25 There is a also risk of pollution to surface and groundwaters from 'fire accelerants' such as diesel fuel. The Environment Agency / SEPA can advise on the likely risks, but as a general rule the sites should always be at least 50 metres from any spring, well, or borehole, and 10 metres from a watercourse.

Advice Note 3: Common Queries on the Animal By-Products Order

Definition of “without undue delay”

5.1 It is sometimes suggested that the requirement in the Animal By-Products Order 1999, to consign or dispose of by-products “without undue delay”, means that farmers must dispose of their by-products immediately, thus preventing them from holding by-products for subsequent collection. This is not the case. In essence, “without undue delay” means as soon as is reasonably practicable, taking account of the circumstances of the case.

5.2 In deciding whether or not by-products were disposed of “without undue delay”, a Court will look at what was reasonable, given all the circumstances of the case. Where the circumstances do not provide justification or a reasonable explanation for the delay, the delay could be considered undue.

5.3 For instance, it may be that the farmer has arranged for his fallen stock to be collected, but the collector has a regular collection round which visits only every 3 days. Alternatively, he may have arranged for a regular collection of his by-products, perhaps on a weekly basis. It is considered that a court may conclude that these delays are reasonable, having taken account of the availability of the collection service, the need to collect a sufficient quantity of material to justify collection, and the conditions under which it is stored. External conditions, such as the weather and other pressures on the farmer’s time, may also be relevant. For example, the length of time for which fallen stock can be stored without presenting a health risk will be shorter in hot weather (when the carcasses will decompose more quickly) than in cold weather. Similarly, material that is refrigerated can be kept for longer than material which is kept at ambient temperature.

5.4 Where carcasses are held pending collection, they must be held in such a way that carnivorous animals cannot gain access to them. In practice, it would be reasonable to expect them to be covered and held securely.

Spreading of blood and gut contents from abattoirs

5.5 It is illegal to spread any untreated abattoir by-products onto agricultural land, other than blood from healthy animals and the contents of intestines (“gut contents”). This is because gut contents are considered to fall outside the scope of the ABPO. Blood is only controlled by the Order where it is to be used in feedingstuffs or is from an animal which at ante-mortem inspection showed signs of a disease which is communicable to man or animals.

5.6 Gut contents and blood from animals which passed ante-mortem inspection can be spread to land under an exemption from the WMLR if the spreading results in a benefit to agriculture or an ecological improvement. The person planning to spread the

material to land must first register with the Environment Agency / SEPA in accordance with Paragraph 7 Schedule 3 of the WMLR. However, it is expected that this paragraph of the Regulations will be amended in the future.

5.7 Spreading should also be carried out in accordance with the provisions of: in England and Wales, the Water Code (paragraphs 163-167), and in Scotland, the Prevention of Environmental Pollution from Agricultural Activity (PEPFAA) Code (pages 31-39). This means that livestock or poultry should be prevented from access where this waste has been spread until none of it is left on plants or the ground surface. This will depend on factors such as rainfall but should normally be a minimum of 3 weeks after spreading.

Maceration of guts

5.8 It is understood that, prior to landspreading, some abattoirs macerate gut contents to reduce the volume of material for disposal. As gut contents are not controlled by the ABPO, this is permitted, as is the landspreading of the macerated material.

5.9 However, only the gut contents and not the intestines themselves may be disposed of in this way. If the walls of the intestines of non-bovine animals are macerated along with the contents, the macerated material must be disposed of in accordance with the ABPO. Landspreading is not therefore a permitted disposal route.

5.10 The intestines of any bovine animal are classed as Specified Risk Material (SRM) and so must be disposed of in accordance with the SRM legislation. The SRM legislation does not allow these intestines to be processed through maceration. If maceration should include any part of such intestines, then the whole of the macerated material including the liquid phase must be treated as SRM; again, landspreading is not a permitted disposal route.

Disposal of waste from premises which handle animal by-products

5.11 Premises such as maggot farms, hunt kennels and petfood manufacturers are likely to have unused or surplus animal by-products to dispose of. Unless they have been fully treated in accordance with the ABPO, such products remain animal by-products and must be disposed of accordingly. Although in the past animal by-product waste from maggot farms has often been composted or stored prior to disposal, often by landspreading, this has not been a legal disposal route since 1992.

Composting/Biodigestion

5.12 There is increasing interest in the use of biodigesters and composting to dispose of animal by-products and catering waste. It appears that some operators are proposing to collect such waste, biodigest or compost it and spread the resultant slurry on land.

5.13 Composting and biodigestion are not permitted disposal routes for animal by-products under the ABPO, and in general, such operations should not be permitted. The only exceptions are:

- purpose built on-farm burial pits where the animal by-products remain permanently buried in such a way that carnivorous animals cannot gain access to them and the Water Code is complied with. As with other forms of burial, article 5 of the Order prohibits the burial of animal by-products in such pits except in limited circumstances.
- catering waste which does not contain, and has not been in contact with, any meat or products of animal origin.
- catering waste to which ruminant animals, pigs or poultry (including wild birds) will not gain access.

5.14 The composting or biodigestion of waste may require a Waste Management Licence or be the subject of an exemption under the WMLR.

Holding premises/notice procedure

5.15 The ABPO does not provide for holding premises (other than for the collection of animal by-products for the production of petfood) because it requires animal by-products and catering waste intended for feeding to pigs or poultry to be disposed of **without undue delay**. However, it is accepted that the material may not always be taken to a permitted disposal outlet immediately, for example because there is a need to visit a number of premises to obtain a sufficient load. Any delay must be reasonable in the light of the individual circumstances (see [paragraphs 5.1-5.4](#) of this Advice Note).

5.16 Where the delay is not reasonable (i.e. it is “undue”), article 27 of the ABPO permits an inspector to serve a notice on any person in possession of animal by-products or catering waste, requiring disposal within a specified time. If the person in receipt of the notice fails to act, the inspector is empowered to remove the waste and dispose of it at the expense of the person on whom the notice was served (article 31).

5.17 Where carcasses are held pending collection, they should be held in such a way that carnivorous animals cannot gain access to them. In practice, it would be reasonable to expect them to be covered and held securely.

Mixing of animal by-products and other material

5.18 Where animal by-products and other waste streams are mixed, it is considered that the waste as a whole must be treated as if it were an animal by-product, and be disposed of accordingly. If mixed with other waste that requires special controls, then both controls must be applied.

Disposal of imported catering waste

5.18 The Importation of Animal Products and Poultry Products Order 1980, as amended, requires the appropriate Minister to license imports of waste food containing animal or poultry products from aeroplanes, ships, trains, etc. The licence must specify how the material is to be transported and disposed of (i.e. to landfill or incineration). In addition, the ABPO requires that no ruminant animal, pig or poultry may be fed, or have access to, catering waste imported into Great Britain and originally intended for consumption on the means of transport on which it was imported. Strict enforcement of these controls is critical, as imported catering waste represents the most likely route by which major exotic diseases such as foot and mouth disease, swine fever, and swine vesicular disease would enter Great Britain.

ANIMAL BY-PRODUCTS

Definition of animal by-products

6.1 The Animal By-Products Order 1999 defines animal by-products as -

- animal carcasses;
- parts of animal carcasses (including blood); or
- products of animal origin;

not intended for human consumption, with the exception of animal excreta and catering waste.

6.2 This definition includes all animal carcasses and parts of animal carcasses which are outside the human food chain. It includes the carcasses of animals which die on farm (fallen stock) as well as waste from slaughterhouses, cutting plants, butchers' shops, etc. But it excludes catering waste (see [Appendix 2](#)).

6.3 The definition of animal includes poultry and fish. Thus poultry and fish material which is not intended for human consumption is an animal by-product in the same way as such material from other species.

6.4 The Order does not apply to animal by-products from wild mammals or wild birds other than those produced in processing premises.

Disposal routes for animal by-products

6.5 Article 5(1) of the ABPO requires that any person who has in his possession or under his control any animal by-product shall without undue delay consign it (i.e. remove it from the premises) for, or dispose of it by -

- (a) rendering or part-rendering in approved premises;
- (b) incineration;
- (c) burning other than in an incinerator, or burying, if –
 - (i) it is in a place where access is difficult; or
 - (ii) the quantity of by-product and the distance to premises in which disposal is otherwise permitted under this article do not justify transporting it;
- (d) use for diagnostic, educational or research purposes;

- (e) in the case of low risk material, production of petfood or pharmaceutical or technical products, or storage for the production of petfood, at premises registered under article 12;
- (f) treatment at an approved knacker's yard, or feeding to zoo, circus or fur animals, recognised packs of hounds or maggots farmed for fishing bait at premises registered under article 13, provided that the material consigned is –
 - (i) a by-product referred to in paragraph (b), (c) or (g)(i) of the definition of high risk material in article 3(1) (provided that it is not from an animal slaughtered as a result of the presence or suspected presence of a notifiable disease listed in the Annex 1 to the Council Directive 82/894/EEC (on the notification of animal diseases in the community));
or
 - (ii) low risk material.
- (g) export from Great Britain.

CATERING WASTE

Definition of catering waste

7.1 Catering waste is defined as the following products when they are no longer intended for human consumption -

- (a) waste from catering and domestic waste;
- (b) waste from the production of products which are intended to be used for human consumption without further cooking; or
- (c) waste from the production of bread, cakes, pasta, pastry, pizzas and similar products (whether or not intended to be used for human consumption without further cooking).

7.2 Material may fall into one or more of the parts of the definition. Each part is described in more detail below -

(a) *Waste from catering and domestic waste*

We consider that waste from catering is waste from premises on which food is produced for immediate consumption. This part of the definition therefore includes waste from restaurants and sandwich bars but not waste from retail outlets such as supermarkets. It may also include waste from premises such as sandwich factories (which are producing food for immediate consumption) but would not include waste from food factories producing other products for retail sale.

Domestic waste in this context means food waste arising from individual households.

(b) *Waste from the production of products for consumption without further cooking*

In drafting the Order, there was a need to make a clear distinction between the definition of an animal by-product and that of catering waste. There was also a need to prevent the feeding of pig slaughterhouse waste as swill, while permitting waste from as many food manufacturing premises as possible to continue to be fed to pigs as swill.

We concluded that the distinction should be made between cooked and raw meat. Thus, for example, slaughterhouse waste, waste from cutting plants and butchers' shops should be considered to be animal by-products. Waste from

food factories producing cooked products should be considered to be catering waste.

This part of the definition therefore permits waste from food factories to be considered as catering waste if the waste arose during the production of products intended to be used for human consumption **without further cooking**. This would include all waste (cooked and raw) which arose during the **production** process. It would not, however, include any products which were not used in the production process (i.e. unusable or surplus meat); these would have to be disposed of as animal by-products.

(c) *Waste from the production of bread, pastry, pizzas, etc.*

This paragraph refers to waste from the production of bread, pastry, etc. It seems unlikely that the production of any of these products, other than pizzas, would result in a product containing meat. For example, the production of a steak and kidney pie entails the production of the pastry, the production of the filling and then the combination of the two. The waste from the production of the pastry is catering waste within the terms of this paragraph. However, the addition of the steak and kidney to the pastry is not part of the process of producing pastry. It can therefore only be considered as catering waste if it falls within the scope of part (b) of the definition i.e. if it is waste from the production of a cooked, not a raw, pie.

Disposal routes for catering waste

7.3 Article 19(4) of the ABPO states that the Order only controls catering waste which contains or has been in contact with animal carcasses, parts of animal carcasses (including blood) or products of animal origin (other than milk, eggs, rennet or melted fat which have been incorporated into another product).

7.4 ABPO permits the use of landfill to dispose of catering waste which is controlled by the ABPO. The only constraint is that no ruminant animal, pig or poultry (including wild birds) may gain access to the unprocessed catering waste.

7.5 If the catering waste is to be fed to pigs or poultry, it must be processed on approved premises in accordance with the ABPO (see [Appendix 3](#)). It may not be fed to ruminant animals.

SUMMARY OF LEGAL REQUIREMENTS WHICH APPLY TO THE HANDLING OF ANIMAL BY-PRODUCTS

General

8.1 Any person who has animal by-products in his possession or under his control must dispose of them without undue delay by a permitted disposal route (or consign them for such disposal). Details of the disposal routes are in [Appendix 1](#). In addition, article 17 of the ABPO requires them to keep records (of the date, quantity, description and origin or destination of the by-products).

Transporters of animal by-products or catering waste

8.2 Article 5 of the ABPO requires that anyone who consigns or transports animal by-products shall consign or transport them, **without undue delay**, to one of the permitted premises for disposal. For this reason the Order does not recognise collection centres (other than for the storage of by-products intended for the production of petfood). The use of such premises, for example to “bulk up” a load, is not prohibited but any delay in delivering the by-products to the disposal route must not be undue.

8.3 Transporters of animal by-products or catering waste will generally need to be registered as a waste carrier with the Environment Agency/SEPA, under the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991. However, there is an exception in the Regulations for operators of premises that are registered or approved under the ABPO. This exemption does not apply to those who transport catering waste intended for feeding to pigs or poultry as swill. Waste producers carrying their own waste do not need to be registered under the Regulations.

8.4 Producers, carriers and disposers (i.e. “holders”) of controlled waste are subject to the Duty of Care imposed by section 34 of the EPA 1990. Amongst other things, this duty requires that waste holders keep the waste securely and ensure that it is only transferred to authorised persons (usually a licence holder or registered waste carrier). In addition, it is a requirement that a written description of the waste is transferred along with a waste transfer note containing details of the transfer and the parties involved.

Rendering plants

8.5 Rendering plants must be approved under article 7 of the ABPO. Approvals are granted by the appropriate Minister and specify the type of animal by-product(s) which may be rendered (i.e. high or low risk, and mammalian or non-mammalian) and the parameters to which the cookers must operate.

8.6 Where SRM or whole ruminant carcasses are rendered, the rendering plant must be approved by the appropriate Minister under the SRM Regulations 1997, as amended.

8.7 Additional controls on the use to which the rendered product may be put are imposed by legislation such as the BSE (No 2) Order 1996 (which prohibits the feeding of mammalian meat and bone meal to livestock), the Fertilisers (Mammalian Meat and Bone Meal) Regulations 1998 (which prohibit the spreading of rendered mammalian material to agricultural land) and the Bovines and Bovine Products (Trade) Regulations 1999 (which specify processing standards for UK bovine tallow and restrict the uses of the tallow).

8.8 In addition to the above, the rendering of animal by-products is an activity scheduled for control under the PPC Regulations 2000, extending the Air Pollution Control under the EPA. These require that a permit be obtained from the local authority (in England and Wales) or SEPA (in Scotland) if the plant has a daily capacity of 10 tonnes or more. The requirement for a PPC permit applies now to any new plant. Operators of existing plant will have to apply for a permit either -

- when a substantial change to the plant is proposed; or
- for the remainder, between June and August 2004 (inclusive).

Incinerators

8.9 Incinerators do not need to be approved or registered under the ABPO; the Order only requires that animal by-products are completely incinerated.

8.10 Incinerators which are intended to deal with specified risk material (those tissues of cattle, sheep and goats which are known to, or might potentially, harbour BSE infectivity in infected animals) or whole ruminant carcasses must be approved by the appropriate Minister for that purpose, under the SRM Regulations 1997, as amended. Such incinerators must be fitted with a refractory lining and be capable of removing all moisture and reducing the material to ash.

Environmental controls

8.11 General recommendations to avoid polluting the air can be found in the Air Code or the PEPFAA Code.

8.12 Currently incinerators which operate at more than 1 tonne/hour are authorised by the Environment Agency / SEPA as an Integrated Pollution Control process under Part I of the EPA 1990. In due course these will be regulated by the PPC Regulations 2000.

8.13 Currently incinerators which operate at between 50 kg/hour and 1 tonne/hour are authorised by the local authority in England & Wales, or SEPA in Scotland, as a

Local Air Pollution Control (LAPC) process under Part I of the EPA 1990. In due course these will be regulated by the PPC Regulations 2000.

8.14 Premises on which there are incinerators with a capacity to operate at less than 50 kg/hour in total are controlled by the waste management provisions under Part II of the EPA 1990 and will not be affected by the introduction of the PPC Regulations. These premises are required to either -

- a) be controlled by a waste management licence; or
- b) operate within the exemption from licensing provided by paragraph 29 of Schedule 3 of the WMLR 1994. This is subject to a number of restrictions and applies only if the waste is incinerated at the site of production by the person producing it, and there is no risk to human health or the environment.

8.15 During negotiations on the EC Waste Incineration Directive, 2000/76/EC, the European Commission agreed that environmental standards for animal carcase incinerators should be brought forward in the proposed EC Animal By-Products Regulation. On that basis, such incinerators have been excluded from the Waste Incineration Directive. Environmental standards for small animal carcase incinerators are therefore expected to be introduced by the proposed Regulation, due to come into force in 2003.

8.16 Residues from incinerators are controlled wastes, and can only be consigned for disposal at a licensed landfill facility, unless a Waste Management Licence is obtained for disposal on land. Checks should be made to confirm that all organic material has been combusted. To date not all operators of SRM incinerators have been required to comply with this requirement. However, they are likely to be required to do so when a new SRM Order comes into force, probably on 1 April 2001.

Planning controls

8.17 Planning permission may be required, particularly for incinerators which operate at more than 50 kg/hour.

Knackers Yards

8.18 Knackers' yards must be approved by the appropriate Minister under article 14 of the ABPO.

Hunt Kennels, maggot farms, etc.

8.19 Premises which wish to receive animal by-products for feeding to recognised packs of hounds (e.g. at hunt kennels), zoo, circus or fur animals or maggots farmed for fishing bait must be registered by the appropriate Minister under article 13 of the ABPO.

8.20 “Recognised packs of hounds” are considered to be packs of hounds which are used for hunting; they do not include greyhound kennels.

8.21 Commercial maggot farms are currently authorised by the local authority in England & Wales, or SEPA in Scotland, as a Local Air Pollution Control (LAPC) process under Part I of the EPA 1990, but will be subject to PPC controls, enforced by the local authority, from April 2004.

Petfood Plants

8.22 Premises which wish to receive animal by-products for the production of petfood must be registered by the appropriate Minister under article 12 of the ABPO and may only receive low-risk animal by-products. A list of renderers, knackers, hunt kennels, etc. in England, Scotland and Wales which are approved or registered to take animal by-products is available from MAFF (tel: 020 7904 6407), SERAD (0131 244 6413) and NAWAD (029 2082 5641) respectively. For local premises, please contact the relevant Animal Health Office ([Appendix 6](#)).

8.23 Petfood plants are currently authorised by the local authority in England & Wales, or SEPA in Scotland, as a Local Air Pollution Control (LAPC) process under Part I of the EPA 1990 but will be subject to PPC controls, enforced by the local authority, from April 2004.

Swill Feeders

8.24 Premises on which catering waste or non-mammalian animal by-products are cooked for feeding to pigs or poultry as swill must be approved by the appropriate minister under article 22 or 7 of the ABPO. No premises may be approved to feed mammalian animal by-products to ruminant animals, pigs or poultry as swill. Under article 25 of the ABPO, the appropriate Minister must approve the consignment of swill from the holding on which it was processed. In addition, premises on which swill is to be fed to pigs must be approved by the appropriate Minister under article 26 of the ABPO.

Burial

8.25 Article 5 of the ABPO makes it an offence to bury animal by-products unless -

- the by-product is in a place where access is difficult; or
- the quantity of by-product and the distance to premises in which disposal is otherwise permitted do not justify transporting it.

8.26 Article 12 of the ABPO requires that any person burying animal by-products shall -

- sprinkle them with a suitable disinfectant if this will help prevent the spread of disease; and

- bury them in such a way that carnivorous animals cannot gain access to them.

Carcases should not normally be sprinkled with disinfectant, as this may slow down decomposition of the carcass and pose a risk to controlled waters. The use of disinfectant is only recommended where there would otherwise be a serious risk of spreading disease, and should only be undertaken on advice from an officer of the State Veterinary Service in discussion with the Environment Agency / SEPA.

8.27 Section 6 of the Dogs Act 1906 makes it an offence to leave carcasses unburied where dogs can gain access. The Act is silent on enforcement, although it is customary for it to be enforced by local authorities.

The Waste Management Licensing System under Part II of the Environmental Protection Act 1990

8.28 If animal by-products are discarded (i.e. consigned for disposal or recovery) they are regarded as controlled waste unless they arise from premises used for agriculture. If buried in England or Wales (i.e. in circumstances permissible under the ABPO), they must be disposed of in a landfill site that is suitably licensed or permitted by the Environment Agency under the WMLR or PPC Regulations. In Scotland SEPA is the competent licensing authority. Operators of landfill sites may accept and dispose of animal by-products only where their licences or permits authorise them to do so.

8.29 Carcasses arising on **agricultural** premises are not currently regarded as controlled waste and hence waste management licensing controls are not applicable to the disposal of carcasses on-farm. However, it is expected that this will change during 2001.

The Water Resources Act 1991 & Control of Pollution Act 1974

8.30 Under Section 85 of WRA 1991, it is an offence in England and Wales to cause or knowingly permit a discharge of poisonous, noxious or polluting matter or solid waste matter into any controlled waters without the proper authority. Section 161 provides powers for the Environment Agency to undertake anti-pollution works and operations (and recharge the costs) inter alia to prevent polluting matter from entering surface or groundwaters. In cases where the Agency consider that improper burial poses a serious threat to water quality, these powers might be used. Under such circumstances the Agency would normally give the person responsible the option of undertaking the necessary work themselves before initiating action. In the event that the Agency take action, it is Agency policy to recover costs. In Scotland, Section 31 of the Control of Pollution Act 1974 contains similar provisions.

Groundwater Directive

8.31 The disposal of animal by-products and any associated activities that could give rise to contamination of groundwater, must have regard to the requirements of the Groundwater Directive (Protection of Groundwater against certain dangerous substances - 80/68/EEC). For activities that are subject to a waste management licence, the Directive is implemented via the WMLR 1994. All other activities either come within the scope of the Groundwater Regulations 1998, or are exempted from these Regulations. The Groundwater Regulations apply across England, Wales and Scotland.

8.32 Under the Directive, pollution of groundwater by listed substances should be prevented by controlling discharges and disposals, including accidental loss. There must be no discharge of List I substances to groundwater (e.g. pesticides, solvents, hydrocarbons) and no pollution by List II substances (e.g. ammonium and substances, such as carcase breakdown products, which could affect the taste and odour of groundwater). There is no definition of what constitutes a substance and in certain cases (e.g. some biocides) this could include biological agents. For the most part, the disposal of animal by-products and ancillary activities will involve only List II substances.

8.33 As the Directive and the Groundwater Regulations are preventative in nature, they can be applied not only to direct disposal of listed substances, but also to activities which may give rise to releases of such substances into groundwater. A system of authorisations is used for the purposes of the Regulations. This includes strict authorisation, notices and statutory codes of practice.

8.34 Disposal of small quantities of animal by-products in a controlled manner, subject to good practice, will not require authorisation under the Regulations as long as the Agencies consider it of “a quantity and concentration so small as to obviate any present or future danger of deterioration in the quality of the receiving groundwater”. However, due to a legal ruling, this assessment must be by virtue of the amount and character of the source material and not based on the results of an investigation of ground conditions at any particular site.

8.35 Larger disposals potentially come within the scope of the Regulations and formal controls may be necessary, preceded by prior investigation of the disposal site and monitoring (where necessary) of the impact of the disposal. Detailed guidance on the application of the Regulations is available from the Environment Agency / SEPA, but an indication of the enforcement position for various activities is given in [Advice Note 2](#).

Water Supplies

8.36 Local authorities in Scotland have a statutory duty under Section 76F of the Water (Scotland) Act 1980 to keep themselves informed about the wholesomeness and sufficiency of both public and private water supplies in their area. The quality of public water supplies is monitored by the Water Authorities. However, under Section 76F(2) of the Act, local authorities have a statutory duty to notify a water authority of anything which suggests that a supply by that Water Authority is, has been, or is likely to become unwholesome; or that such a supply is, has been, or could be a danger to life or health. In England and Wales, local authority responsibilities with respect to the safety of water supplies fall under the Water Industry Act 1991 and the Private Water Supplies Regulations 1991. Under Sections 77 and 78 of the Act, local authorities have a statutory duty to take all such steps as they consider appropriate for keeping themselves informed about the wholesomeness and sufficiency of both public and private water supplies in their area.

8.37 Local authorities, when monitoring private water supplies, should be alert to the potential for pollution from improperly buried carcasses. Under the Private Water Supplies (Scotland) Regulations 1992, local authorities in Scotland are required to monitor the quality of water supplies in two categories: water supplied for domestic purposes and for food production purposes. If a private water supply becomes unwholesome, the local authority can serve a notice on the owner and/or users of the supply requiring improvements. Under the Private Water Supplies Regulations 1991, local authorities in England and Wales are required to monitor the quality of private water supplies in two categories: water supplied for domestic purposes and water supplied for food production. If a private water supply becomes unwholesome, the local authority can serve notice to require improvements.

Dumped or improperly buried carcasses

8.38 In England and Wales, responsibility for removing dumped or improperly buried animals rests primarily with local authorities (District and Unitary Councils). The Environment Agency has internal policy guidance to ensure that carcasses in or near rivers which are likely to cause pollution or public health risk are removed swiftly. Where possible the owner of the animal will be identified and held responsible but where this is not possible, the Agency will remove the carcass from the watercourse, then liaise with the local authority over final disposal. Very similar arrangements are used in Scotland.

8.39 In other cases, responsibility rests with the owner of the land on which the animals are dumped, although in practice local authorities may be able to assist in disposing of such carcasses. Where a carcass is dumped or improperly buried on private land, the local authority has powers under the statutory nuisance provisions of the EPA 1990, to deal with "accumulations or deposits which are prejudicial to health or a nuisance". Appropriate action can subsequently be taken against the owner of the carcass or the landowner. Where a carcass is dumped elsewhere, including on public

land or highways, responsibility for disposal rests with the local authority. The precise local arrangements should be subject to discussion and agreement between the local office of the Environment Agency / SEPA, and the local authority in that area.

Burning

8.40 The Clean Air Act 1993 makes it an offence to burn material which produces dark smoke. If burning is not carried out properly, the operator may also be creating a statutory nuisance under Part III of the Environmental Protection Act 1990.

**EXTRACT FROM THE 1998 MAFF AND WOAD (NOW NAWAD)
WATER CODE**

Introduction

271 There are a number of ways to dispose of animals and poultry that die on the farm. For example they could be taken by a licensed knacker's yard or hunt kennel, or sent to an incinerator or authorised rendering plant. On some farms burial, burning or incineration may be chosen, particularly for small carcasses. Whichever route is chosen, the carcasses should be disposed of without delay.

272 If carcasses are buried, this section of the Code must be followed to minimise the risk of causing water pollution. Never dispose of carcasses in or near watercourses, boreholes or springs. Apart from being prosecuted for causing water pollution, you could also spread disease to animals on neighbouring farms.

Burying carcasses on the farm

275 Under the Specified Risk Material Regulations 1997 (as amended) cattle, sheep and goats containing specified risk material may only be buried on farm if they are whole carcasses or following a veterinary post-mortem inspection.

276 The burial site must:

- be at least 250 metres away from any well borehole or spring that supplies water for human consumption or to be used in farm dairies;
- be at least 30 metres from any other spring or watercourse, and at least 10 metres from a field drain;
- have at least 1 metre of subsoil below the bottom of the burial pit, allowing a hole deep enough for at least 1 metre of soil to cover the carcass;
- when first dug, the bottom of the hole must be free of standing water.

If you do not know whether a burial site is suitable, or you need to dispose of carcasses on a regular basis, you should first talk to the Environment Agency. Do not bury carcasses in a manure store.

277 Cover the carcass with topsoil straightaway, that dogs and foxes may not get to it. Under the Animal By-Products Order 1992¹, burial must be to a depth beyond the

¹ Now replaced by the Animal By-Products Order 1999 which requires that carcasses are buried in such a way that carnivorous animals cannot gain access to them.

reach of carnivorous animals. In addition, it is an offence under the Dogs Act 1906 to leave carcasses unburied where dogs can gain access.

278 Small carcasses and waste from a birth may put in a lined pit without a base, if the site meets the rules in paragraph 276. The pit must be covered with a substantial top that has manhole cover that is locked when it is not being used.

279 Keep a field plan of the burial site and record of the dates of burial and the number and types of livestock buried.

**EXTRACT FROM THE 1998 MAFF AND WOAD (NOW NAWAD)
AIR CODE**

Burning carcasses on the farm

Incineration

183 If you think that a notifiable disease has caused ill health or death you must report it to the Divisional Veterinary Manager at the local [Animal Health Office](#) of the Ministry of Agriculture Fisheries and Food or Welsh Office Agriculture Department. Carcasses should be available for post-mortem examination in these cases. Always consider the possibility of anthrax if death is sudden or unexplained.

184 If animal carcasses are burnt on farm it should be done in an incinerator wherever possible. The incinerator used should be fitted with a secondary combustion chamber so that high temperatures can be achieved throughout incineration to give complete combustion of all products. Get advice about siting, choosing, installing and running incinerators, chimneys, associated buildings and carcass storage facilities.

If you intend to install an incinerator designed for, or to be operated at, loading rates of more than 50 kg/hour, you must first get approval for the installation of the appliance in question from the local authority Environmental Health Department under Part I of the Environmental Protection Act 1990. It must comply with the Secretary of State's Guidance Note on animal carcass incineration processes under one tonne per hour (paragraph 18).

For units with a loading rate of less than 50 kg/hour, the Clean Air Act 1993 which prohibits the emission of dark smoke from chimneys and Part 111 of the Environmental Protection Act 1990 which relates to statutory nuisances still apply (paragraphs 7-10 and 14-16).

185 Incinerate dead animals as soon as possible. Do not exceed the design loading rate of the incinerator at any time.

Open burning

186 Using suitable on-site incineration equipment is strongly preferred to open burning.

187 Under the Clean Air (Emission of Dark Smoke) (Exemption) Regulations 1969, emission of dark smoke, caused by the burning of carcasses of animals or poultry which:

- have died or are reasonably believed to have died because of disease;

- or have been slaughtered because of disease;
- or have been required to be slaughtered under the Animal Health Act 1981;

is exempt from the prohibition in Section 1 of the Clean Air Act 1993, provided that:

- there is no other reasonably safe and practicable method of disposing of the matter;
- and the burning is carried out under the direct and continuous supervision of the occupier of the premises concerned or a person authorised to act on their behalf.

The Environmental Protection Act 1990, Part III, which relates to statutory nuisances, still applies (paragraphs 7-10).

If burning is essential, follow the general precautions on open burning given in paragraph 214. A shallow pit should be dug with cross trenches to provide a good air supply to the base of the fire. Use only dry fuels which are not likely to produce dark smoke and which burn easily. Do not use tyres or liquids as a fuel and do not use the fire to dispose of other materials not recommended for burning. Gas-fired equipment may be used to start the fire. Place the primary fuel in the base of the fire and place the carcasses on top. Use enough fuel to ensure that the carcasses are completely burned. Do not overload the fire with carcasses. Burning should begin as early in the day as possible.

214 If burning in the open is the only practicable method of disposal, take the following precautions to prevent producing dark smoke and causing a nuisance.

- Do not burn plastics, rubber, tyres or other materials known to produce dark smoke;
- Avoid burning if it will cause a nuisance to nearby residential areas.
- Materials should be dry and have a low moisture content. Do not burn green vegetation.
- Keep fires small and continually add combustible material, minimising the depth of the combustion area. Do not pile material high on fires.
- Minimise the quantity of incombustible material which is added to the fire. Wherever possible keep incombustible materials separate.
- For better combustion agitate the base of the fire to improve the air supply.

- If a fire produces dark smoke, don't add any more material that burns slowly.

CONTACT POINTS

Environment Agency	0645 333 111 (general enquiries) 0800 80 70 60 (emergencies only)
Scottish Environment Protection Agency	Local SEPA Office (general enquiries) 0800 80 70 60 (emergencies only)
LACOTS 10 Albert Embankment London SE1 7SP	020 7840 7200 Fax: 020 7735 9977 Web: www.lacots.com

State Veterinary Service**Animal Health Offices in Scotland**

Ayr	Russell House, King Street, Ayr, KA8 0BE Telephone: 01292 268525 Fax: 01292 611724
Galashiels	Cotgreen Road, Tweedbank, Galashiels, TD1 3SG. Telephone: 01896 758806 Fax: 01896 756803
Inverurie	Thainstone Court, Inverurie, AB51 5YA Telephone: 01467 626300 Fax: 01467 626321
Inverness	Longman House, 28 Longman Road, Inverness, IV1 1SF. Telephone: 01463 234141 Fax: 01463 711495

Perth

Jeanfield House,
4 Jeanfield Road,
Perth, PH1 1PQ.
Telephone: 01738 625148
Fax: 01738 637920

Animal Health Offices in England

Carlisle (Cumbria, Durham,
Cleveland, Tyne & Wear,
Northumberland)

Hadrian House,
Wavell Drive, Rosehill Industrial Estate,
Carlisle CA1 2TB
Telephone: 01228 591999
Fax: 01228 591900

Preston (Lancashire, Greater
Manchester, Merseyside)

Barton Hall,
Garstang Road, Barton,
Preston PR3 5HE
Tel: 01772 861144
Fax: 01772 861798

Leeds (South Yorkshire, West
Yorkshire, North Yorkshire,
Humberside)

Government Buildings
Otley Road,
Lawnswood,
Leeds LS16 5PZ
Tel: 0113 2300100
Fax: 0113 2610212

Stafford (Staffordshire, Cheshire,
Derbyshire)

Castle House,
Newport Road,
Stafford ST16 1DL
Tel: 01785 251147
Fax: 01785 259377

Lincoln (Lincolnshire,
Nottinghamshire, East Yorkshire)

Animal Health Office,
Ceres House, No 2 Searby Road,
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Fax: 01522 560668

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Camden, Enfield, Hackney,
Haringey, Tower Hamlets,
Barking, Havering, Newham,
Redbridge, Waltham Forest).

Beeches Road,
Chelmsford CM1 2RU
Telephone 01245 358383
Nightline (answerphone) 01245 353632
Fax: 01245 351162

Reading (Oxfordshire, Berkshire,
Buckinghamshire, Hampshire,
Isle of Wight, Hillingdon, Brent)

Coley Park
Reading RG1 6LY
Tel: 01189 596695
Fax: 01189 392500

Leicester (Leicestershire,
Northamptonshire, Warwickshire,
West Midlands)

Government Buildings
Tigers Road,
Wigston,
Leicester, LE18 4UY
Tel: 01162 787451/9
Fax: 01162 770153

Reigate (Surrey, West Sussex,
Kent & East Sussex, Ealing,
Hounslow, Kingston-upon
Thames, Sutton, Richmond-upon-
Thames, Croydon, Hammersmith,
Kensington, Chelsea,
Wandsworth, Lambeth,
Southwark, Merton, Harrow,
Bromley, Lewisham, Greenwich,
Bexley)

Liberty House
105 Bell Street
Reigate, Surrey RH2 7JB
Tel: 01737 242242
Fax: 01737 241189

Exeter (Devon)

Clyst House,
Winslade Park, Clyst St Mary,
Exeter EX5 1DY
Telephone: 01392 266373
Fax: 01392 266375

Gloucester, Wiltshire and Avon

Elmbridge Court,
Cheltenham Road,
Gloucester GL3 1AG
Telephone: 01452 316400
Fax: 01452 316483

Taunton (Somerset Council
Area and Dorset)

Quantock House,
Paul Street,
Taunton TA1 3NX
Telephone: 01823 337922
Fax: 01823 338170

Truro (Cornwall)

Pydar House,
Pydar Street,
Truro, Cornwall TR1 2XD
Telephone: 01872 265500
Fax: 01872 265555

Worcester (Hereford,
Worcestershire and
Shropshire)

Block C, Government Buildings
Whittington Road,
Worcester WR5 2LO
Telephone: 01905 767111
Fax: 01905 764352

Animal Health Offices in Wales

Caernarfon (Unitary authorities of
Aberconwy & Colwyn, Wrexham,
Caernarfonshire and
Merionethshire, Denbighshire,
Flintshire, Anglesey and part of
Powys (Montgomeryshire))

Crown Building,
Penrallt,
Caernarfon, Gwynedd LL55 1EP.
Telephone: 01286 674144
Fax: 01286 674626

Carmarthen (Unitary authorities
of Pembrokeshire, Cardiganshire
and Carmarthenshire)

Government Buildings,
Picton Terrace,
Carmarthen, Dyfed SA31 3BT.
Telephone: 01267 225300
Fax: 01267 223019

Cardiff (Unitary authorities of
Vale of Glamorgan, Swansea,
Bridgend, Newport, Merthyr
Tydfil, Cardiff, Monmouthshire,
Neath & Port Talbot, Blaenau
Gwent, Caerphilly, Torfaen and
Rhondda-Cynon-Taff and part of
Powys (Brecknock & Radnor))

Government Buildings
66 Ty Glas Road,
Llanishen,
Cardiff CF14 5ZB.
Telephone: 029 2032 5200 (GTN 1283)
Fax: 029 2032 6526