

GUIDANCE ON THE DISPOSAL, TREATMENT AND USE OF MILK AND MILK PRODUCTS NOT INTENDED FOR HUMAN CONSUMPTION UNDER THE ANIMAL BY- PRODUCTS REGULATION

Under the Animal By-Products Regulation (EC) no. 1774/2002 liquid milk and colostrum used and disposed of on farm of origin is not covered by the animal by-product controls. The waste management controls on the use and disposal of waste milk will however apply as referred to below under further information (see page 4).

(1) CATEGORISATION OF MILK UNDER THE ANIMAL BY-PRODUCTS REGULATION (ABPR) (EC) NO. 1774/2002

Milk and milk products become a category 1 animal by-product (ABP) under the Animal By-Products Regulation (ABPR) (EC) no. 1774/2002 when:

- they are derived from animals to which substances prohibited under Directive 96/22/EEC have been administered e.g. thyrostatic substances, stilbenes, beta-agonists; or
- they contain residues of environmental contaminants and other substances listed in Group B3 of Annex I of Council Directive 96/23/EC e.g. organochlorine compounds including PCBs, organophosphorus compounds, chemical elements etc.

Milk and milk products become category 2 ABP when:

- they contain residues of veterinary drugs listed in group b(1) and (2) of annex I to Directive 96/23/EC e.g. antibacterial substances including sulphonamides, quinolones, anticoccidials etc and residues exceed levels set down in community legislation
- derived from animals showing clinical signs of disease communicable to humans and animals via the milk.

Milk and milk products become category 3 ABP when:

- they are former foodstuffs fit for human consumption but no longer intended for that purpose;
- they are derived from the production of products intended for human consumption; or

in the case of raw milk when it -

- originates from animals that do not show clinical signs of any disease communicable to humans or animals through the milk.

(2) DISPOSAL, TREATMENT AND USE

Under the ABPR milk that is an ABP may be used, treated or disposed of as described below. The disposal, treatment and storage of waste milk must also be in accordance with the duty of care principle in the Environmental Protection Act 1990, the Pollution Prevention Control Regulations 2000 and also the Waste Management Licensing Regulations 1994.

ABPs must be collected and transported in leak-proof, covered vehicles and kept separate from other categories of by-product. Anyone transporting ABPs must complete a commercial document in full before ABPs are transported. The commercial document must include a record of the origin, quantity and description of the material, the date of transport, the carrier and the destination. The completed form must accompany the ABPs during transit and must be retained by the receiver. Copies of the commercial document must be retained by the consignor and the carrier. All documents must be retained for at least two years. For further details, please see Annex II of Regulation 1774/2002.

For the carrier of ABP milk (handled in accordance with the ABPR) there is an exemption from registration as a 'Waste Carrier' under the waste legislation. There is, however, a requirement for certain exemptions to be registered with the Environment Agency and transporters of ABPs under the ABPR fall into this from 15 November 2006.

Category 1 milk and milk products must be:

- collected, transported and labelled as category 1 'for disposal only' without undue delay; and then
- disposed of by incineration; or
- treated in an approved category 1 rendering plant.

Category 2 milk and milk products must be:

- collected, transported and labelled as category 2 'not for animal consumption' without undue delay; and then
- disposed of by incineration or treated in an approved category 1 or 2 rendering plant; or

in the case of milk and colostrum it may also be

- treated in an compost or biogas plant approved under the ABPR and licensed in accordance with the Waste Management Licensing Regulations 1994; or
- used as a fertiliser and soil improver in accordance with the rules on pasture land in the Regulation 181/2006 (below) and in accordance with the Waste Management Licensing Regulations 1994; or
- applied to land in accordance with article 5.2 (e) under the ABPR and the Waste Management Licensing Regulations 1994.

Category 3 milk and milk products must be:

- collected, transported and labelled as category 3 'not for human consumption' without undue delay; and then
- disposed of by incineration or treated in an approved category 1, 2 or 3 rendering plant; or
- treated in an compost or biogas plant approved under the ABPR and licensed in accordance with the Waste Management Licensing Regulations 1994; or
- used as a fertiliser and soil improver in accordance with the rules on pasture land in Regulation 181/2006 (below) and in accordance with the Waste Management Licensing Regulations 1994; or
- in the case of milk and colostrum applied to land in accordance with article 5.2 (e) under the ABPR and the Waste Management Licensing Regulations 1994; or
- disposed of to landfill in accordance with the rules in Regulation 197/2006 on former foodstuffs of animal origin and the EU Landfill Directive; or
- treated in accordance with Regulation 79/2005 (below) to be used in animal feed (when milk or milk products are sourced from food premises approved under the food hygiene legislation) or in accordance with the rules on former foodstuffs when strict separation from other animal by-products must be applied and agreed with the Local Authority. A test must be carried out to establish that the milk is in fact category 3 and does not contain residues of the veterinary drugs that exceed community levels or other substances mentioned above.

Regulation 79/2005

This Regulation allows milk and milk products that are category 3 ABPs from dairy processing premises approved under the hygiene legislation to be used as feed material. The Regulation is attached below and lists the various treatment standards the milk must have passed. In order to feed this material to farmed animals the premises supplying milk or milk products and the farm feeding it must be registered with Defra. See link below.

Land Spreading

Category 2 and 3 milk is permitted to be spread to land under the ABPR if the competent authority does not consider it to present a risk of spreading any serious transmissible disease. In addition, there are specific rules if milk is applied to pasture land. Pasture land is land which is intended for grazing by animals or for cropping feedingstuffs for animals. If milk is applied to pasture land then grazing restrictions apply until the land can be used again by farmed animals:

- 2 months until pigs are permitted access; and
- 3 weeks for other farmed animals.

In addition, the Waste Management Licensing Regulations 1994 only permit milk to be applied to land if an exemption (from licensing) has been registered with the Environment Agency.

**Department for Environment, Food and Rural Affairs
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For further information see guidance mentioned below:

Guidance on milk registrations

<http://www.defra.gov.uk/animalh/by-prods/guidance/register.htm>

Regulation 79/2005 on the use of milk and milk products in animal feed

<http://eur->

[lex.europa.eu/LexUriServ/site/en/oj/2005/l_016/l_01620050120en00460050.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2005/l_016/l_01620050120en00460050.pdf)

Regulation 197/2006 on former foodstuffs of animal origin

<http://eur->

[lex.europa.eu/LexUriServ/site/en/oj/2006/l_032/l_03220060204en00130014.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_032/l_03220060204en00130014.pdf)

Guidance on former foodstuffs of animal origin

<http://www.defra.gov.uk/animalh/by-prods/wastefood/formerfoodstuffs.htm>

Regulation 181/2006 on the use of certain ABPs as fertiliser or soil improver

<http://eur->

[lex.europa.eu/LexUriServ/site/en/oj/2006/l_029/l_02920060202en00310034.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_029/l_02920060202en00310034.pdf)

Environment Agency guidance on the milk spreading exemption under the Waste Management Licensing Regulations- *Please phone the Environment Agency's Waste Registration number (08456 033 113) for copies of this guidance.*

Link to Environment Agency webpage on waste management licensing

<http://www.environment->

[agency.gov.uk/subjects/waste/1416460/?version=1&lang=e](http://www.environment-agency.gov.uk/subjects/waste/1416460/?version=1&lang=e)

Link to information on agricultural waste at

<http://www.environment->

[agency.gov.uk/business/444304/1224648/660279/241420/?lang=e](http://www.environment-agency.gov.uk/business/444304/1224648/660279/241420/?lang=e)