

Title: PROPOSAL TO INTRODUCE SPECIFIC APPROVAL FOR THE PRODUCTION OF MINCED MEAT / MEAT PREPARATIONS INTENDED TO BE EATEN LESS THAN THOROUGHLY COOKED

CONSULTATION SUMMARY PAGE

Date launched:	5 JULY 2016	Closing date:	26 SEPTEMBER 2016
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Who will this consultation be of most interest to?

Slaughterhouses processing meat, Food Business Operators, Local Authorities and others with an interest. The proposed changes will be applicable in England, Wales and Northern Ireland.

What is the subject of this consultation?

The proposal to introduce specific approval in Food Standards Agency (FSA) approved establishments for the production of minced meat / meat preparations intended to be eaten less than thoroughly cooked ("rare burgers").

What is the purpose of this consultation?

To provide stakeholders with the opportunity to comment on the Food Standards Agency proposal for specific approval for the production of minced meat / meat preparations intended to be eaten less than thoroughly cooked.

Responses to this consultation should be sent to:

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PROPOSAL TO INTRODUCE SPECIFIC APPROVAL FOR THE PRODUCTION OF MINCED MEAT / MEAT PREPARATIONS INTENDED TO BE EATEN LESS THAN THOROUGHLY COOKED

DETAIL OF CONSULTATION

Introduction

1. The Food Standards Agency (FSA) is seeking your views on the proposal to introduce specific approval in FSA approved establishments for the production of minced meat / meat preparations intended to be eaten less than thoroughly cooked.
2. Restaurants and catering settings who intend to serve burgers less than thoroughly cooked need to ensure that all reasonable steps have been taken to protect consumers. Therefore the safe production of less than thoroughly cooked burgers at catering establishments is likely to rely in part on controls and/or interventions applied at slaughterhouses and cutting establishments.
3. We would also welcome comments on any cost implications to business on the proposal to introduce specific approval as outlined in paragraphs 9-14 below.
4. The proposed changes will be applicable in England, Wales and Northern Ireland. Food Standards Scotland (FSS) are considering this matter separately and do not intend to consult on the possibility of making the supply of minced meat intended to be eaten less than thoroughly cooked an approvable activity.

Background

5. The sale and consumption of burgers served less than thoroughly cooked and pink in the middle is a trend that has been steadily increasing in the UK and a number of catering chains and outlets now offer this option to customers.
6. Current FSA advice to both consumers and businesses, which takes account of previous advice from the Advisory Committee on the Microbiological Safety of Food (ACMSF), continues to be that the potential risk associated with minced beef products, such as burgers, means the safest approach is to thoroughly cook them all the way through (i.e. to a minimum internal temperature of 70^oc for 2 minutes (or equivalent) to allow sufficient heat treatment to destroy *Salmonella enteritidis*), to ensure a 6-log reduction in bacteria.
7. In September 2015, the FSA Board considered the risk associated with the preparation of rare burgers. The Board concluded that the risk from such burgers served in catering establishments is acceptable if :
 - a) Business intending to serve this type of burger pre-notify their local authority as part of the registration required by law;
 - b) A validated and verified food safety management plan is applied by the food business operator that is either equivalent in its level of protection to existing FSA and ACMSF advice on a 6-log reduction, or one that combines:

- “source control” through the sourcing of meat only from approved establishments for the supply of minced meat intended to be eaten raw or lightly cooked and whose sampling is carried out in accordance with microbiological criteria for mince to be consumed raw;
 - specific identification of Salmonella and STEC, among other pathogens, as particular hazards within food safety management plans, with evidence that controls for these organisms have been validated and their effective application is verified. Sampling and testing regimes should be established within those plans to validate and verify controls, with specific corrective action in the event of adverse results;
 - “pathway management”, in which any prior treatment in the catering establishment (such as steam treatment or searing), together with cooking lead to a combined reduction of at least 4-log in the load of microbiological flora (demonstrated by challenge testing or alternative validation): and
 - “receptor protection” through the adoption of an appropriate consumer advisory statement at the point of ordering food, for example on menus and the practice that children are only served burgers that are well done.
 - The FSA Board has requested that consideration is given to the possibility of introducing specific approval for those slaughterhouses and cutting plants which supply minced meat / meat preparations for use in the production of foods that are intended to be eaten less than thoroughly cooked.
8. On 6 May 2016, the FSA published advice to Food Business Operators (FBO’s) throughout the supply chain on controls and associated verification methods including sampling that can be implemented (advice on transport and subsequent storage of minced meat/meat preparations was also provided). (<http://www.food.gov.uk/business-industry/guidancenotes/meatregsguid/less-than-thoroughly-cooked-beef-burgers>). The advice included information on the surface decontamination of the meat used to make burgers. At present only potable water and lactic acid are permissible with the latter only permitted in slaughterhouses on whole, half and quarter carcasses. Approved establishments can also carry out ‘sear and shave’ techniques prior to mincing. Any treatment used in approved establishments must be in compliance with the current regulatory requirements.

Details of Proposal

9. The proposed change only relates to competent authority approved establishments which produce minced meat / meat preparations intended to be eaten less than thoroughly cooked, to ensure that this activity is specifically addressed in the scope of the approval.
10. It is envisaged that approval would be granted by the competent authority once it had verified that the FBO had appropriate systems in place as part of their food safety management plan to minimise food safety risks associated with this activity.

11. Slaughterhouses and cutting establishments supplying restaurants and catering settings must have in place appropriate Hazard Analysis Critical Control Points (HACCP) based procedures which reduce the risk presented by the relevant hazards associated with raw beef.
12. Caterers wishing to serve burgers less than thoroughly cooked who rely on controls in the supply chain as part of their overall system of HACCP-based controls have been advised that they need to demonstrate that they are satisfied that the product specification and the HACCP based procedures that suppliers put in place, are appropriate for minced meat / meat preparations that will ultimately be served less than thoroughly cooked.
13. HACCP plans of establishments supplying minced meat / meat preparations which are to be used in burgers that will be less than thoroughly cooked must take this into account to ensure that the presence of relevant pathogens, e.g. STEC and Salmonella are (more rigorously) controlled and, provide evidence that any additional measures have been implemented and verified.
14. Approvals for specific activities can already be granted by local authorities (LAs). The FSA has not yet provided advice to LAs on the scope of specificity of approvals for establishments under their jurisdiction supplying minced meat and meat preparations that will not be thoroughly cooked; however this consultation will also inform the approach that the FSA advises LAs to take with their approved establishments.

Benefits and Concerns of Introducing Specific Approval of Suppliers

15. The perceived benefits of introducing specific approval for this activity are:
 - Delivery of the product specific processing requirements to minimise food safety risk associated with the intended use. Approval of this activity is considered to be an important step in delivering a high level of public protection.
 - Assurance that approved establishments known to be supplying this product are subject to official controls that specifically consider whether food businesses have implemented appropriate controls which mitigate the potential risks associated with minced meat / meat preparations intended to be eaten less than thoroughly cooked.
 - Establishments approved for the production of minced meat / meat preparations would be able to explore new markets where their product is to be less than thoroughly cooked.
 - A definitive list of establishments approved for this activity would be held and published by the FSA and help food business operators more easily identify mince / meat preparations which are suitable for use in less than thoroughly cooked burgers.
 - Catering establishments may find that potential suppliers are not included on the aforementioned list which will act as a prompt to the supplier to apply for approval.
16. The perceived concerns of introducing specific approval for this activity are:

- Concern has been raised by some industry representatives that whilst the steps needed to obtain the proposed specific approval for this activity are achievable, the introduction of a specific approval for a new activity is bureaucratic and “gold-plates” existing legislation. The FSA does not view the proposal as gold-plating. Article 31(c) of Commission Regulation (EC) No. 882/2004 states:
 - c) It (the competent authority] shall approve an establishment for the activities concerned only if the feed or food business operator has demonstrated that it complies with the relevant requirements of feed or food law.

17. Consideration would need to be given as to how approval for this proposed new activity would be introduced without interrupting the current supply of mince / meat preparations for use in less than thoroughly cooked burgers.

Key Proposals

To introduce specific approval for the production of minced meat / meat preparations intended to be eaten less than thoroughly cooked.

Impact on Business and Competent Authority

18. We would welcome comments in respect of any cost or benefit implications that may arise from the proposal (whether these can be put into monetary terms or non-monetary terms). However, it is expected that there will not be a significant impact on food business operators in terms of costs and benefits associated with the specific approval for the production of minced meat / meat preparations. It is likely that there will not be significantly more costs over and above one-off costs associated with food business operators becoming familiar with the proposed change. If you agree or disagree with this assessment, please provide evidence to support your views.

19. The process of seeking prior approval for certain activities is routine for approved businesses that introduce new or change their existing activities. We are aware of two FSA approved establishments known to currently produce mince/patties intended to be eaten less than thoroughly cooked. Both establishments have recently been visited and appropriate controls are in place. We do not anticipate any significant cost burden to be borne by these businesses from incorporating this high risk activity into the approval process. We believe that costs to business for the implementation to introduce specific approval are likely to be minimal. If you agree or disagree with this assessment, please provide evidence to support your view.

20. In England, Wales and Northern Ireland there are there are 1,152 establishments (see table below) approved to produce minced meat and/or meat preparations [*figures correct as at 1 June 2016*].

Country	No of establishments Approved for Meat Preparations and/or Minced meat (FSA*/LA)
England	982 (535*/447)
Wales	101 (37*/64)
Northern Ireland	69 (47*22)
Totals	1,152 (619*/533)

Purpose of the Consultation

21. The purpose of this twelve week consultation period is to provide interested parties with the opportunity to comment and express their opinion on the proposal to introduce specific approval for the production of minced meat / meat preparations intended to be eaten less than thoroughly cooked and comment on the associated costs.
22. We have not produced an Impact Assessment (IA) for this proposal, because we believe that there will be no significant incremental financial impact as a result of the proposed approval process. If however, the consultation identifies any significant impacts, we will reconsider the need for an IA.

Consultation Process

23. Any comments that interested parties are able to provide in relation to the proposed approval process for minced meat / meat preparations would be gratefully received. We are particularly interested to hear from small and medium enterprises on the likely impact but would encourage comment on all aspects of this proposal.
24. Following the consultation, we will review the responses received and consider whether any changes are required to the proposal. A summary of all the comments received will be published on the FSA website within 3 months following the end of the consultation period.

Other Relevant Documents

25. Guidance to assist UK meat plant operators whose premises require approval and veterinary control under the European Union Food Hygiene Regulations can be viewed at:
<http://www.food.gov.uk/business-industry/meat/guidehygienemeat#toc-2>

Responses to the Consultation

- Responses are required by close of business on Monday 26 September 2016. Please state, in your response whether you are responding as a private individual or on behalf of an organisation / company (including details of any stakeholders your organisation represents).

Thank you on behalf of the FSA for participating in this public consultation.

Yours faithfully,

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Enclosed

Annex A: Standard Consultation Information

Publication of personal data and confidentiality of responses

1. In accordance with the FSA principle of openness we shall keep a copy of the completed consultation and responses, to be made available to the public on receipt of a request to the [FSA Consultation Coordinator](#) (020 7276 8308). The FSA will publish a summary of responses, which may include your full name. Disclosure of any other personal data would be made only upon request for the full consultation responses. If you do not want this information to be released, please complete and return the Publication of Personal Data form, which is on the website at <http://www.food.gov.uk/multimedia/worddocs/dataprotection.doc> Return of this form does not mean that we will treat your response to the consultation as confidential, just your personal data.
3. In accordance with the provisions of Freedom of Information Act 2000/Environmental Information Regulations 2004, all information contained in your response may be subject to publication or disclosure. If you consider that some of the information provided in your response should not be disclosed, you should indicate the information concerned, request that it is not disclosed and explain what harm you consider would result from disclosure. The final decision on whether the information should be withheld rests with the FSA. However, we will take into account your views when making this decision.
4. Any automatic confidentiality disclaimer generated by your IT system will not be considered as such a request unless you specifically include a request, with an explanation, in the main text of your response.

Further information

5. A copy of this document has been published on the FSA's website under the "*Help Shape Our Policies*" section. The document can be viewed at: <http://www.food.gov.uk/news-updates/help-shape-our-policies/specific-approval-for-production-of-rare-burgers>
6. A list of interested parties to whom this document is being sent can be found at: <http://www.food.gov.uk/enforcement/sectorrules/meatplantsprems/approvedmeatplans/>. Please feel free to pass this document to any other interested parties, or send us their full contact details and we will arrange for a copy to be sent to them direct.
7. A Welsh version of the consultation package can be found at www.food.gov.uk.
8. Please contact us if you require this consultation in an alternative format such as Braille or large print.
9. This consultation has been prepared in accordance with HM Government consultation principles¹.

¹ <http://www.bis.gov.uk/policies/bre/consultation-guidance>