

CabinetOffice



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HM Customs and Excise



**FOOD
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LACORS

Changes to the law concerning the use of waste cooking oil from catering premises

From the 31st October 2004 waste cooking oil from catering premises can no longer be used as an ingredient in animal feed. Waste cooking oils from food manufacturing, and fresh or unused cooking oil, can continue to be used in animal feed.

This change has been introduced as a measure to safeguard animal health and the subsequent food chain under the Animal By-Products Regulation EC 1774/2002 (ABPR) and applies across Europe, including the UK. In most Member States the ban has applied since May 2002.

After the 31st October 2004 anyone using waste cooking oil from catering premises as an animal-feed, as an ingredient in animal-feed or who consigns their waste cooking oil to such animal feed operations commits an offence.

It is anticipated that once the ABPR comes into force on the 1st of November the majority of catering premises will be able to continue to have their waste cooking oil taken away by their usual collectors. However, the collector will now be expected to supply the waste cooking oil to either the biodiesel producers as a raw material for transport fuel, to incinerators who will be able to use it in the generation of electricity or for other uses such as in the olechemical industry.

The Government strongly supports the recovery of waste cooking oil for such purposes as it underpins its strategies in both reducing dependency upon landfill sites as a means of waste disposal and reducing the use of fossil fuels for energy generation.

If you produce waste cooking oil as a part of your catering business, (for example as a chip shop or other take away outlet or restaurant), then you must ensure that it is stored properly, that none is allowed to spill and that it is collected by an authorised collector who will take your waste to an authorised site for recovery or disposal.

Waste cooking oil must not be poured down drains or sewers as this inevitably leads to blockages and odour or vermin problems and may also pollute watercourses leading to problems for wildlife. Such action could also result in your potential prosecution. Nor should waste cooking oil be disposed of with the rest of your catering or kitchen waste as it may cause spillages leading to odour or pollution problems or your waste contractors may refuse to remove it.

Waste cooking oil should not be taken to household recycling centres (also known as Civic Amenity sites or CA sites) for disposal in engine oil banks. CA sites are not for commercial waste and placing cooking oil into an oil bank will render the entire contents of the drums unsuitable for recycling. Further advice on disposal will be available from your Local Authority.

Further advice and details on how this change will affect YOU can be found in the frequently asked questions overleaf.

FREQUENTLY ASKED QUESTIONS

1. What is waste cooking oil?

Waste cooking oils, also known as used cooking oils or recovered vegetable oils result from the cooking of food by food manufacturers and catering establishments such as restaurants and industrial kitchens

2. Why are vegetable oils used in animal feed?

The addition is to produce high energy diets for certain intensive livestock enterprises. Fats and oils, such as those used in cooking, contain essential fatty acids, these occur in all living organisms, including plants and are used to bind ingredients of compound animal feed together. A level of fatty acids in the diets of animals is essential, since some unsaturated acids cannot be synthesised by the animal. Most animal diets contain comparatively low levels of fat, but supplementation with fat or oil is sometimes made.

3. Why is waste cooking oil from catering establishments being banned from use in animal feed but used cooking oils from manufacturing premises permitted?

The Animal By-Products Regulation bans the feeding to livestock of catering waste. The European Commission interprets catering waste to include used cooking oils from restaurants and catering facilities but not include used cooking oils from manufacturing premises. Oils from manufacturing premises are felt to be identifiable, traceable and contains no specified deleterious or prohibited contaminants. A scheme, audited by the Products Authentication Inspectorate Ltd. (PAI), allowed their use in animal feed until 31 October 2004. The scheme which involved collaboration between feed industry sectors and introduced a Hazard Analysis and Critical Control Point (HACCP) principles to the collection and processing of used cooking oils to be incorporated in feed will continue for oils from food manufacturing premises. Further information on the work of the PAI can be found at www.food-standards.com.

4. What is the Government doing to prepare for when the ban comes into effect?

We have joined forces under an umbrella task force being led by the Cabinet Office Business Regulation Team to look both at the market dynamics and at the more immediate issue of how to ensure that waste cooking oil is only used for legitimate purposes. This co-operative approach is proving extremely productive. This leaflet is a good example of how much value can be added by working in partnership.

5. Won't this just lead to oils been tipped down the drain?

This leaflet adds to existing education initiatives to ensure that waste cooking oil is disposed of correctly, legally and in a manner that doesn't cause pollution or harm to health. We believe the existing authorised collectors will continue to collect your waste and that producers from catering premises should not be directly affected. Local Authority inspectors have been asked to check what catering premises are doing with their waste cooking oil.

6. How do I know who is an authorised collector?

An authorised collector will need to be registered with the Environment Agency as a waste carrier. A carrier will have evidence of his registration and you should ask for proof. If you have any doubts you should contact your local office of the Environment Agency.

7. If the collector is authorised, surely as a producer that's all I need to do?

Producers, indeed anyone in the waste collection chain, have a Duty of Care to ensure that waste goes to an authorised person, is handled properly and consigned to authorised disposal or recovery. A general guidance leaflet on the Duty of Care can be obtained by phoning Defra Publications on 08459 556 000 or at the following website: www.defra.gov.uk/environment/waste/management/doc/index.htm

8. Authorised uses include the production of biodiesel or burning as a fuel. What exactly is biodiesel?

Most quality bio-diesels sold commercially are produced by subjecting waste cooking oil to a chemical process, though there is some limited scope for production from physical processes. Waste cooking oil can also be burnt in a suitably authorised power station to generate electricity. Both these uses are seen as a valuable alternative to fossil fuels, particularly by contributing to the Government's targets for reducing gaseous emissions as part of its climate change and renewable energy policies.

9. Are biodiesel production plants and plant burning waste cooking oil subject to control?

Any establishment wishing to produce biodiesel or burn waste cooking oil or tallow will need to apply for authorisation from the Environment Agency prior to commencing production. This is to ensure that the plant operates to the necessary environmental standards. The nature of the authorisation will vary depending on the type of operation. In addition you will need to register with HM Customs and Excise to pay road fuel duty. Biodiesel currently enjoys a 20 pence per litre duty reduction compared with fossil diesel. Further details on which can be found at www.hmce.gov.uk/ - HMCE reference: Notice 179E.

10. What should I do if I have any further concerns or questions?

This will obviously depend upon the nature of your enquiry. Issues concerning animal health and food safety should be directed to your Local Authority Trading Standards Department, those concerned with waste, the environment or pollution should be directed to the Environment Agency. Enquiries on PAI certified members should be made to PAI. HM Customs should be approached on all duty exemption issues.