

## Regulations governing classified installations and the animal feed industry

### 1. Regulatory principles

In order to protect the environment against hazards or drawbacks engendered by human activities, the law provides mechanisms for classifying and managing these activities based on their inherent risks as a stationary sources of hazards, otherwise referred to as "Installations". Like any other industrial activity, the Animal Feed Industry is required to respect and comply with these regulations.

The regulations provide a nomenclature that can be used to classify animal feed installations based on the list of activities carried out in compound feedstuff plants. Installations carrying out such activities are classified under either the declaration or the authorisation system according to the seriousness of the related hazards. This classification takes account of all activities carried out at an installation (e.g. storage, grinding-pressing, etc.), and is established based on their maximum capacity. This is why a plant may contain certain classified installations that are subject to authorisation and others that are subject to declaration.

The regulations set out which procedures an operator should follow in terms of their installation's classification to allow them to lawfully pursue their business activities. There are procedures or regulatory requirements that apply to the creation or extension of classified installations, and also to their operation.

In practical terms, this means that before they can operate a classified installation, whether for the creation of a new installation or the extension of an existing installation, an industrial has to:

- file a declaration with, or apply for an authorisation from, the Classified Installations Bureau in the Prefecture of its department,
- receive from this Prefecture, the operating permit (authorisation) or the receipt of declaration together with the requirements that apply to its establishment.

This permit specifies the requirements governing the business's classified installations. These are designed to limit an installation's environmental

footprint (air, noise, waste, water, safety, etc.) in terms of the hazards they may cause.

Any installations commissioned prior to being listed in the classified installations nomenclature will benefit from irrevocable accrued rights to operate without an authorisation or declaration provided that the operator files a declaration of existence within twelve months of publication of the decree amending the installation classification (e.g. where a non-classified installation becomes classified following a nomenclature amendment).

Inspectors at the DRIRE (Regional Department for Industry, Research and the Environment) check that industrial plants are effectively implementing the regulatory requirements relating to classified installations.

### 2. Main texts applying to the animal feed industry

The two benchmark texts applying to classified installations are the law of 19 July 1976 and its implementing decree of 21 September 1977.

These texts cover installations classified for environmental protection, and address the concepts of hazard, drawback and the protection of interests concerning:

- neighbouring populations,
- public health, safety or hygiene,
- agriculture, protection of nature and the environment,
- or, lastly, the conservation of sites and monuments.

In addition to these benchmark texts, classified installations are subject to several other texts (Table 1). As regards the animal feed industry, these texts mainly concern the following sectors: air (dust, substances emitted by combustion facilities, odours), noise (thresholds, emission periods, etc.), waste (common or special industrial waste, packaging waste), water (sampling, discharges, etc.) and safety (fire, explosion of dust, storage and handling of hazardous products).

Regulatory text	Scope
<b>Air:</b>	
➤ order of 20 June 1975	➤ equipment and operation of thermal industrial plants aimed at limiting airborne pollution and saving energy
➤ order of 11 August 1983	➤ sets out the technical rules that have to be met by silos and storage facilities for cereals, grains, feedstuffs and any other organic product that generates flammable dust, in terms of environmental protection
➤ law of 30 December 1996	➤ general law on air and rational use of energy
<b>Noise:</b>	
➤ order of 20 August 1985	➤ limitation and control of airborne noise emitted by classified installations.
➤ order of 23 January 1997	➤ limitation and control of noise emitted by classified installations subject to authorisation.
<b>Waste:</b>	
➤ law of 15 July 1975	➤ waste disposal and reclamation of materials
➤ decree of 1 April 1992	➤ provisions applying to packaging designed for household end-users (e.g. packaging for pet foods or chicken feed)
➤ decree of 13 July 1994	➤ implementing decree for law No. 75-633 of 15 July 1975, relating to the disposal of packaging waste not designed for household use
➤ decree of 18 November 1996	➤ waste disposal plans
<b>Water:</b>	
➤ law of 3 January 1992	➤ general water act
➤ law No. 95-101 of 2 February 1995 and circular of 8 February 1995	➤ provisions setting out the regulations that apply to water in classified installations
<b>Classified Installations:</b>	
➤ amended law No. 76-663 of 19 July 1976	➤ general provisions applying to classified installations, and specific provisions applying to installations subject to authorisation or declaration.
➤ amended decree No. 77-1133 of 21 September 1977	➤ implementing decree for law No. 76-663 of 19 July 1976, that details authorisation and declaration procedures in particular
<b>Installations subject to authorisation:</b>	
➤ order of 1 March 1993 (cancelled by the Council of State on 20/10/96)	➤ sampling and consumption of water, and discharges of any nature generated by installations subject to authorisation
<b>Installations subject to declaration:</b>	
➤ amended decree of 20 May 1953	➤ standard order stating the technical provisions applying to various activities subject to declaration
➤ circular of 14 June 1994	➤ general principles and standard order template concerning installations subject to declaration
<b>Nomenclature:</b>	
➤ amended decree of 20 May 1953	➤ classification of installations according to activity type and scope
<b>Safety:</b>	
➤ order of 31 March 1980	➤ regulations governing electrical facilities in installations that are regulated by legislation on classified installations and likely to pose a risk of explosion.
	➤ lightning arresters at certain classified installations
➤ order of 28 January 1993	➤ sets out the technical rules that have to be met by silos and storage facilities for cereals, grains, feedstuffs and any other organic product that generates flammable dust, in terms of environmental protection
➤ order of 11 August 1983	

Table 1: Main texts applying to the animal feed industry

Note that the Council of State's cancellation of the order of 1 March 1993 (installations subject to authorisation) created three situations, (i) installations authorised before 28 March 1994 (ii) installations authorised after 28 March 1994 (iii) installations deriving from the creation or extension of installations authorised after 21 October 1996. Prefectural authorisations for the latter shall refer to the principle of best available techniques under the decree of 21 September 1977, given that the values shown in the order of 1 March may be applied and made more restrictive according to the sensitivity of the surrounding environment.

### 3. Nomenclature and classification of activities in the animal feed industry

The decree of 20 May 1953 (Table 2) lists the main activities governed by the law of 19 July 1976).

Number	Description of the activity	System (a)
211 (B)	Storage of pressurised, liquid fuel gas in a stationary tank, with a total tank capacity of: - greater than 120 m <sup>3</sup> - greater than 12 m <sup>3</sup> , but less than or equal to 120 m <sup>3</sup> .	A D
253	Airborne deposits of reference grade flammable liquids (coef. 1): - design capacity greater than 100 m <sup>3</sup> - design capacity greater than 10 m <sup>3</sup> , but less than or equal to 100 m <sup>3</sup> .	A D
1131 (2)	Use or storage of toxic substances and preparations (e.g. formol) - greater than or equal to 10 t, but less than 200 t - greater than or equal to 1 t, but less than 10 t	A D
1434	Flammable liquid filling or distribution installation, concerning reference grade flammable liquids (coef. 1): - greater than or equal to 20 m <sup>3</sup> /h - greater than or equal to 1 m <sup>3</sup> /h, but less than 20 m <sup>3</sup> /h.	A D
2160	Storage silos for cereals, grains, feedstuffs or any organic product that generates flammable dust: - storage volume greater than 15000 m <sup>3</sup> - total storage volume greater than 5000 m <sup>3</sup> , but less than 15000 m <sup>3</sup>	A D
2260	Grinding, cracking, sieving, shredding, ... of all natural organic products. The rated power of all fixed machinery used to operate the facility being: - greater than 200 kW - greater than 40 kW, but less than or equal to 200 kW	A D
2910	Combustion, thermal power of the installation: - greater than or equal to 20 MW - greater than 2 MW, but less than 20 MW	A D
2920	Compression installation: - absorbed power greater than 500 kW - absorbed power greater than 50 kW, but less than or equal to 500 kW	A D
2930	Maintenance and repair workshops for motorised engines and vehicles with a workshop surface area that is: - greater than 5000 m <sup>2</sup> - greater than 500 m <sup>2</sup> , but less than or equal to 5000 m <sup>2</sup>	A D

A: installation subject to authorisation, D: installation subject to declaration

Table 2: Main headings of the animal feed industry nomenclature

### 3.1. The nomenclature of animal feedstuffs

Most production sites are classified as an installation subject to **authorisation** based on the installed capacities present at animal feed production plants (heading 2260, grinding, cracking, sieving, shredding, etc.). Other activities are generally subject to **declaration**. This involves maintenance and repair workshops for motorised engines and vehicles (2930), combustion activities (2910), fuel gas storage tanks (221 B), overhead flammable liquid tanks (253 and 1430), storage silos for cereals and grains (2160), distribution of flammable liquids (1434), PCB and PCT contained in transformers (1180), compressors (2920), use of toxic substances (1000 N, 1131, 1150), preparation and storage of pet foods (2221).

## 4. Classification procedures

The procedures to be implemented differ depending on whether the installation is subject to authorisation or declaration. They are described in the law of 19 July 1976, the implementing decree of 21 September 1977 and the circular of 9 June 1994.

### 4.1. Installations subject to authorisation

The authorisation application covers new installations and authorised installations whenever the changes made generate a significant increase in output (e.g. increase of over 10% in the level of polluting discharges).

The authorisation application dossier includes general information (company name or business name, legal form, address of the headquarters, etc.), installation drawings, evidence of the building permit application, impact study, waste study, hazards study and notice on employee health and safety.

It may take up to 8 to 10 months to complete the application appraisal process.

### 4.2. Installations subject to declaration

The declaration concerns all creations or extensions of an installation that have to be declared on the basis of the nomenclature classification.

The operator has to file the application at the Prefecture prior to operational start-up of the installation.

The dossier includes the operator's identity, the location of the installation, the general layout drawing of the installation, the land registry map covering an area with a radius of 100 metres, the nature and volume of the work activities, the nomenclature

headings covering the plant's activities, the procedures and conditions governing water usage, liquid discharges, gaseous discharges, waste, the measures to be implemented in the event of accident or damage. If the operator has to obtain a building permit, they will have to attach the receipt of declaration to their permit application.

Legally speaking, the declarant may begin operations as soon as they have received the acknowledgement of receipt for their application.

## 5. Operating a classified installation

### 5.1. General rules

The requirements listed in the authorisation order, or the standard order where a declaration is concerned, reproduce point-by-point all the prevention and control measures relating to noise, airborne emissions, water discharges and waste. For animal feeds, there is a large chapter on the preventive measures to take in relation to fire and explosion risks.

All operating incidents or accidents that are likely to damage legally protected interests must be declared to the Classified Installations Inspectorate as soon as possible, even if they do not actually cause a "temporary" shut-down of the installation.

Either on a regular basis, or at the request of the Classified Installations Inspectorate, operators have to analyse and inspect the discharges at their plants, at their own cost, and send the results to the Classified Installations Inspectorate. These inspections are carried out by approved inspection bodies, at the operator's cost.

Anyone who is interested may obtain the results of discharge or emissions inspections (means, breaches of the limits) from Classified Installations Inspectorate departments.

The CI inspector may also make spot checks at any time.

If the CI inspector notifies a situation that is non-conform with the technical requirements, the Prefect may specify a deadline for making the necessary changes or order the suspension, closure or removal of the installation.

### 5.2. Changes to operating conditions

Should plant operations be shut down on a voluntary or accidental basis, the Prefect may demand that the authorisation or declaration procedure be renewed before the plant can resume operations.

Should changes be made to the installation or its operating procedure, the operator may have to file a declaration or apply for authorisation.

Should there be a change of operator, the new operator will have to submit their declaration to the Prefect within one month of the change.

Should the plant close down, the operator will have to notify the Prefect within one month of ceasing their business activity. The operator will also have to rehabilitate the site to ensure that it presents no hazard or drawback cited in the authorisation or declaration order.

## 6. Tax system

### 6.1. Classified Installations

Classified installations are subject to two specific taxes: the single tax and the annual fee.

The single tax applies when one of the establishment's installations is subject to authorisation. The tax amounts to 12,000 F, and is collected each time an authorisation is delivered (creation or extension of the installation).

The annual fee applies to certain installations subject to authorisation, the activities of which are specified in a list established by decree. The base-rate tax is 1.800 F, multiplied by an activity-related coefficient.

In the Animal Feed Industry, this fee concerns nomenclature heading 1131 (storage of formol), whenever the stored quantity is greater than or equal to 10 t (coefficient of 2).

### 6.2. Packaging tax

There is a tax on packaging targeting household end-users. In the animal feed sector, this tax only applies to manufacturers of animal feeds sold in major retail outlets or "green" stores. This tax is levied on pet foods that are packaged by the manufacturer or sold under the manufacturer's brand name (i.e. pet food, poultry feed).

## 7. Bibliography

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