Response to the Public Consultation on Proposals to Amend the Legislation on BSE Testing to Facilitate Trade in Cattle Over Thirty Months for Human Consumption

Introduction:

1. The British Veterinary Association (BVA) is the national representative body for the veterinary profession in the United Kingdom and represents over 10,000 members. Our chief interest is to protect and promote the interests of the veterinary profession in this country and we therefore take a keen interest in all issues affecting the veterinary profession, be they animal health, animal welfare, public health or employment concerns.

2. Members of the British Veterinary Association welcome the opportunity to comment on the proposed changes to the Over Thirty Month Scheme which would facilitate trade in cattle over 30 months for human consumption. The consultation document has been considered within the BVA and its representative divisions and the composite response which follows is based upon written comments received from The British Cattle Veterinary Association (BVCA), the Veterinary Public Health Association (VPHA), and the Scotland Branch, North of Scotland Division and the vets involved in the Highlands and Islands Veterinary Services Scheme (referred to as the Scotland Associations).

Support for the Scheme:

3. The responses received give general support to the proposed changes as detailed in the consultation document of 11 March 2005, particularly the requirement for a legally binding and robust “required method of operation” (RMOP) to ensure consistency of approach. It is believed that MHS monitoring of the strict adherence to the RMOP is essential to ensure consumer confidence in the end product from the outset. Strong support is also given to the provision of pre slaughter checks on the age of cattle and the use of barcode readers.

Concerns highlighted:

4. There are, however, a number of concerns that have been highlighted by the Divisions:
   - The VPHA feel that allowing movement of over 30 month carcases to additionally licensed cutting plants is a matter of some concern. It is felt that the process of approval seems last minute and that enforcement will be a problem when cutting plants are some distance from a slaughterhouse.
• The VPHA also feel that it is unnecessary to enforce the current EU requirement that cattle not requiring vertebral column to be removed as SRM are identified with a blue stripe label.

• Although it is agreed that inclusion of the obex region of the brainstem in testing is desirable, there is disagreement as to whether it should be a legal requirement. The BCVA think it is appropriate to make it a legal requirement, whilst the VPHA feel that it is not appropriate and that this should be addressed by proper training and, quality assessments, rather than legislation.

• Concerning presentation of inappropriate animals for slaughter - VPHA feel that for very strong animal health reasons there should be no relaxation on the movement. However BCVA feel that legislation should be enabled to allow the OVS at an abattoir to licence the movement on an animal to another abattoir that has the capability to deal with the specific class of animal.

• It has been stressed by the Scotland Associations that it is important that the cost of slaughter and testing for BSE of over thirty month cattle does not approach or exceed the value of the live animal.

• The Scotland Associations also feel that training for vets and farmers, on how to deal with cattle over thirty months destined for human consumption, should be provided free of charge and that every veterinary practice dealing with BSE testing should be compelled to have at least one vet undertake this training.

• The VPHA feel that the trade may react strongly to the need to dispose of additional carcases in the event of a 'no test', and BCVA have stressed that some form of compensation should be considered.

Individual Responses

5. When putting together this response the BVA received comments from the following divisions: BCVA, VPHA and the Scottish Branch/Divisions. Copies of these responses are attached at Annex 1,2 and 3. Their contents can be summarized as follows:

6. BCVA

- General support is given to the scheme
- Support for pre slaughter checks on the age of cattle
  - Support for the use of barcode readers to carry out such checks in larger plants
  - Suggestion that such checks should be the responsibility of the MHS.
- Support for the inclusion of obex material in samples as a legal requirement to improve sensitivity and confidence in the tests.
o If a ‘no test’ result is recorded – support is given to the disposal by incineration of the ‘affected’ carcase, and disposal of the preceeding and two following carcasses (as outlined in the additional amendment letter to the consultation)

o As no compensation would be paid for the three additional carcase’s to be disposed it is felt that industry should operate some sort of levy system to provide funds for them - so as not to disadvantage producers.

• Presentation of inappropriate animals for slaughter:
  o In the event of animals born after August 1996 being presented at an abattoir that only deals with UTN stock - it is felt that legislation should be enabled to allow the OVS at the abattoir to licence the movement to another abattoir that has the capability to deal with the specific class of animal
  o If an animal born before the deadline of August 1996 is submitted to the abattoir, it is agreed that the animal should be humanely destroyed and disposed of as fallen stock
  o It is felt that all BSE testing in both instances could be performed at the appropriate site.

• Partial RIA: It is felt that the only option that can be pursued for partial RIA is option 2.

7. **Veterinary Public Health Association**

• It is acknowledged that the UK is slipping behind in terms of BSE controls and fully accepts the need to bring controls in line with the rest of the EC.

• Support is given to the need for RMOPs to ensure consistency of approach, with the necessary changes in SIs.

• Concern is expressed for allowing the movement of over 30 month carcases to additionally licensed cutting plants. The process of approval seems last minute and the problems of enforcement are very real with cutting plants some distance from a slaughterhouse.
  o VPHA would like to know what MHS attendance there will be in such premises, now and after January 2006

• The need for enforcement of the current EU requirement that cattle not requiring vertebral column to be removed as SRM are identified with a blue stripe label - is felt to be an unnecessary complication.

• Support for pre slaughter checks on the age of cattle
  o Support for the use of barcode readers to carry out such checks in larger plants - although outlines the risk of inaccuracy

• Support the inclusion of the obex region of the brainstem in testing
However do not feel that it is appropriate to make this a legal requirement – feel that this should be addressed by proper training and, quality assessments, rather than legislation.

- Would not like to see any relaxation of the movement controls at abattoirs
- Feel that the trade may react strongly to the need to dispose of preceding and the two following carcases in the event of a ‘no test’
- VPHA are concerned that the scheme is a zero tolerance scheme – and not based on the risk to human health. VPHA would support a more robust system to prevent any part of the animal born before August 1996 reaching the consumer.

8. **Scottish Branch British Veterinary Association, North of Scotland Division BVA and the vets involved in the Highlands and Islands Veterinary Services Scheme**

- General support is given to the scheme
- Suggest that a period of at least three years be given to permit cattle over thirty months and born before 1996 to be culled from herds before the present OTMS arrangements for these animals are removed.
- Suggest the inclusion of certain low BSE incidence breeds to be allowed into the food chain after post-mortem BSE testing.
- Would like to seek assurance that all obstacles within the EU to free trade of beef and beef products from cattle over thirty months and tested for BSE be removed prior to the changes in the present OTMS.
- It is felt that farmers should be required to understand the requirement for withdrawal periods for any veterinary treatments administered to this category of cattle.
- Would like training to be given to vets and farmers on how to cope with the scheme.
- Feel it is important that the scheme does not exceed the cost of cattle.
Annex 1
Response from the British Cattle Veterinary Association to the following consultations:

1. Proposals to amend the legislation on BSE testing of cattle over thirty months for human consumption (DEFRA)
2. Public consultation on proposals for implementing a managed transition from the over thirty month rule to BSE testing. (FSA)

The British Cattle Veterinary Association (BCVA) consists of some 1400 members and is a specialist division of the British Veterinary Association. Most BCVA members are veterinary surgeons in private practice whose main work focus and interest is the health welfare and productivity of cattle, within the dairy and the beef sector, Outside of veterinary practice other members work within research, academia the pharmaceutical industry as well as various government departments such as Defra. BCVA structure consists of an elected council and executive who seek to represent the views and interests of both its members and the industry that it serves.

As both consultations are similar our comments are not restricted directly to either and will be copied to both organisations.

DEFRA:

Executive summary.

BCVA agree with points 1-9 in particular the requirement for a legally binding and robust “required method of operation” (RMOP). We believe that MHS monitoring of the strict adherence to the RMOP is essential to ensure consumer confidence in the end product from the outset.

Para 10

Pre slaughter checks on the age of cattle are essential and the use of the barcode readers within plants to increase the efficiency of this exercise is supported. However we agree that a derogation should be applied to low throughput abattoirs where a manual system would be preferable to the increased overheads incurred by the use of the barcode reader. The current definition of low throughput premises ie 20 cattle units per week would seem logical in this instance. It is our opinion that such checks should be the sole responsibility of the MHS within the plant whatever the size and not the responsibility of the management. The additional pre slaughter passport checks and post slaughter dentition checks, both carried out by MHS personnel should achieve the stated aim of permanent exclusion of cattle born prior to August 1996 from the food chain and the segregation of both UTM and OTM cattle.
Para 11

Confidence in the testing procedure must be high and thus a legal requirement for the inclusion of obex material to ensure the highest possible test sensitivity is to be supported. We would agree with the suggested consequence if no obex material is present and a ‘no test’ result is recorded requiring the disposal by incineration of the “affected” carcase and all related body parts and hide. We would further presume that since the initial consultation process was initiated the interpretation of legislation suggests that the carcase preceeding and the two carcases following the ‘no test’ animal will be disposed of in the same way. This in our view enhances the degree of control over any likely cross contamination and further minimises any risk to the consumer. However we note that in such a situation no compensation would be paid. It is our opinion that industry should operate some levy system to this class of animal to provide funds for the three additional carcases to be paid for (subject to a negative test result) and thus not disadvantage producers through no fault of their own.

Para 12

We agree that there are likely to be situations when cattle are presented for slaughter at abattoirs that are not approved for dealing with that class of animal. The first suggestion as detailed in the paragraph of an animal born after August 1996 presented at an abattoir that only deals with UTM stock is the more likely of the two situations. The second situation is the presentation of an animal born prior to August 1996 at either an abattoir that has a RMOP in place or at an abattoir that deals in only UTM stock.

In the first instance we are of the opinion that legislation should be enabled to allow the OVS at the abattoir to licence the movement to another abattoir that has the capability to deal with the specific class of animal. This would of course assume that there are no overriding welfare considerations that would preclude its transport (which of course there shouldn’t be). If further onward transport was not an option or indeed the submitted animal was a carcase delivered as a schedule 19 on farm emergency slaughter then disposal, as fallen stock, would in our opinion be the only option available. In this situation the producer would be responsible for the onward transport costs and any additional expenses incurred by the licensing procedure. Further lapses by the producer in submission of the wrong class of animal to the abattoir could be dealt with by some punitive means.

In the situation whereby an animal that is born before the deadline of 1st August 1996 is submitted to the abattoir, the animal should be humanely destroyed in the lairage and disposed of as fallen stock. No compensation should be paid, should such a scheme be available and the producer should receive an advisory visit to scrutinise his records and ensure that the placing on the market of this class of animal does not occur again.
All BSE testing in both instances could be performed at the appropriate site.

Annex A

Schedule 1A of the proposed S.I.

Para 15- Testing the effectiveness of the controls put in place.

It is absolutely correct that all controls that are put in place within the slaughterhouse are tested to ensure that they are effective. We agree that the only way to test these controls is by the use of cattle that are UTM and thus not subject to the rigours of the RMOP ultimately resulting in the need for disposal should the controls be found to be ineffective.

Annex B. Partial RIA.

BCVA are of the opinion that the only option that can be pursued is option 2. This provides an overall cost benefit to the industry whilst removing the costs incurred to the treasurery in the current OTM scheme. Option 1 is not sustainable to the UK taxpayer.

FSA

Many of the points covered within the FSA consultation are also embedded within the Defra consultation to which we add no further specific comment.

The draft legislation would appear to be satisfactory for the purpose intended.

The difference in the two S.I concerning the Restriction on Sale vs. the Restriction on Placing on the Market is not immediately apparent within the two instruments. BCVA would agree that the UK legislation needs to be coherent with the new EU legislation due to be implemented 1st January 2006. The wider implication of placing on the market in that it precludes gifts rather than a direct monetary transaction will in our opinion close any potential loopholes that may exist and thus be of benefit to the consumer.

As above option 2 is the option that BCVA would support.

If there are any points contained within this response that require further comment or clarification, please contact the association at the above address.

John M Blackwell MRCVS
Anton Lowe MRCVS
Annex 2

Veterinary Public Health Association:
The VPHA wishes to make comment on Consultations it receives but due to circumstances, which at present are not clear we were not made aware of this consultation until 27th May 2005 which makes it impossible for us to consult our member’s representatives in such a tight time scale. However we will do our best in the circumstances.

With regard to your letter of 8th March 2005, we have already commented on the proposed changes to the TSE Regulations and the need to include goats. It is clear from those changes that we need to move to a much closer alignment to the procedures that the rest of EC have adopted. At one time we were ahead of the game in BSE controls but we in fact are now slipping behind and VPHA fully accept the need to bring our controls in line with the rest of the EC. The need for RMOPs seems fully justified in ensuring consistency of approach, with the necessary changes in SIs. It is hoped the devolved assemblies follow the same direction. Inconsistencies across borders just cause confusion to the enforcement authorities.

Paragraph 8 allowing movement of over 30 month carcases to additionally licensed cutting plants has always been a matter of some concern. The process of approval always seems last minute and the problems of enforcement are very real with cutting plants some distance from a slaughterhouse. What MHS attendance will there be in such premises, now and after January 2006?

Paragraph 9 just seems to be an unnecessary complication. As we read this it will apply to all carcases from animals under 30 months of age. If we accept that are procedures are robust and that meat from animals killed for human consumption why do we need this additional label?

Paragraph 10 would seem to be a sensible approach and one that would be well received by most AIMS members. I am not sure whether the bar code on the passport is actually any more reliable than passport checks and dentition. Unless matters have improved recently there were enough errors in the dates of birth supplied by farmers, that we do not see the level of accuracy actually being much improved. In fact there is a risk that the bar code will be taken as the only accurate figure, even in the face of contrary information. The definition of low throughput is a well understood definition and should be used in these circumstances.

Paragraph 11 is likely to be a difficult one. VPHA do not think it is appropriate to make this a legal requirement. As the IAG suggest the brain stem should include the obex material but that should be addressed by proper training, quality assessments, rather than legislation. If it was a legal requirement, who would make the judgement that the sample was deficient, a technician in a laboratory with no knowledge of the problems on the ground. The penalty would seem to be disproportionate and one the trade would find difficult to accept.
Paragraph 12 seems to produce a problem when none exists. For very strong animal health reasons there should be no relaxation on the movement controls. Slaughterhouses should be a one way ticket for notifiable diseases and welfare reasons. If that is accepted then if an OTM animal arrives at a slaughterhouse that has no RMOP it has to be disposed of, as not meeting one of the key proposals, mentioned earlier in your document. The trade will soon get its act together once animals like this have been condemned.


Though the view of the VPHA is that there is no particular logic in taking 3 or 4 animals off the line and disposing of them, if a "no test animal" is received there will clearly be a need to comply with the EU legislation. If this applies to the information on your earlier letter of 8th March, paragraph 11, then I think the reaction of the trade might be quite strong when they realise the consequences of a mistake in extracting the brain stem.

Comment:
We have tried to respond to the particular points raised but many of us in the VPHA feel that the proposals, some linked to EU regulation and some to domestic law are working on a zero tolerance which is not in line with any risk based system which Defra and FSA are promoting as the way forward. BSE is a fascinating disease because we know so little about it. All the controls we have in place are compromises because we do not know the detail to come up with a fool proof system. How can you possibly apply a zero tolerance approach to arrangements that are compromised? We all agree that we should move away from the OTM concept but we seem to be producing a political solution and not one based on risk to human health. Food safety control measures should be proportional to the real risk and by the same token enforcement of these controls should also be proportional. Perfection is desirable but in practice it is unattainable all the time. If we quote the MHS statistic that 99.998% of all cases of BSE in slaughterhouses are detected then the veterinary profession seems to be taking a lot of flack for the 0.0002% failure. A focus on a robust system to prevent any part of an animal born before August 1996 reaching the consumer would seem to be better use of resources than some of the extreme proposals on 'no test' animals.

I am sorry we are not in a position to offer a more comprehensive response.
Annex 3
Response by Scottish Branch British Veterinary Association, North of Scotland Division
BVA and the vets involved in the Highlands and Islands Veterinary Services Scheme

Members of the British Veterinary Association in Scotland welcome the opportunity to comment on the proposed changes to the Over Thirty Month Scheme which would facilitate trade in cattle over 30 months for human consumption. It seems wholly appropriate in view of the rapid decline in clinical cases and sub-clinical cases (as determined by survey of fallen stock etc) of BSE to permit these animals to enter the food chain.

The Scottish Branch of the BVA would agree with all the proposed changes as detailed in the consultation document of 11 March 2005.

We would seek reassurance that all obstacles within the EU to free trade of beef and beef products from cattle over thirty months and tested for BSE be removed prior to the changes in the present OTMS. This would then allow for export of meat which will be difficult to use within the UK market alone. It will also allow time to re-establish the markets.

It is important that the cost of slaughter and testing for BSE of over thirty month cattle does not exceed or approach the value of the live animal otherwise there could be a temptation on the part of farmers to retain these animals on farm.

There should be a period of at least three years to permit cattle over thirty months and born before 1996 to be culled from herds before the present OTMS arrangements for these animals are removed.

There may be a case for cattle of certain breeds, eg Highland, to be allowed into the food chain provided they are tested post-mortem for BSE even if they were born before 1996 based on the low incidence of BSE in the breed.

There will be a requirement for training and re-training of vets and farmers on how to deal with cattle over thirty months which are destined for human consumption since there are many vets who qualified since 1996 who have never dealt with this type of stock other than through OTMS. This training should be provided free of charge and every veterinary practice should be compelled to have at least one vet undertake this training.

Farmers will require to understand the requirement for withdrawal periods for any veterinary treatments administered to this category of cattle.
Overall if the changes are made in a co-ordinated fashion, then there should be less problem than dealing with them piecemeal. The return to systems and markets in place pre-1996 is essential and necessary for the livestock industry in these times when subsidies are being withdrawn. There is little requirement to maintain a system to protect the public if other measures can more than adequately deal with the risk, a risk which is infinitely less now than 10 years ago.

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