COUNTRY LAND AND BUSINESS ASSOCIATION

Consultation on the proposed Transmissible Spongiform Encephalopathies (England) Regulations 2009

Introduction
The Country Land and Business Association (CLA) represents more than 35,000 land managers and rural businesses in England and Wales who between them own and manage some 50% of the rural land. Our members are involved within the supply chain for red meat at all levels.

The Questions
Q1: Do you have any comments on these proposals?

The CLA was a little perturbed by the comment “However optional increases in the BSE testing age resulting from any future amendments of the new Decision would only be implemented if they were acceptable to the FSA Board and Health Ministers.” We struggle to see any reason why such increases should not be acceptable, and implemented within the UK. To do otherwise would lead to the ridiculous situation where meat produced by Germany or even Scotland in circumstances considered unsafe in England, could be imported into England for consumption, out-competing English producers who are handicapped by arbitrary bureaucratic restraints.

Q2: Do you have any comments on the proposals for implementing the requirement for BSE testing of home slaughtered cattle?

The CLA would ask, frankly, whether including the 100 home slaughtered cattle is worth it. As far as we can tell the sole effect of these regulations is to impose considerable extra costs on a very small group of people who are providing meat for their own consumption, and with no measurable public health benefit. We were left with the feeling that the regulation was not merely being gold plated, but hand tooled and individualised as well.

Q3: Do you agree that slaughterhouse operators should have the option of submitting samples for BSE testing to laboratories approved in another Member State?

The CLA can see that this option may not be widely taken up, but feel that it is a valuable addition. It both holds out the potential for competition, and sets an invaluable precedent to refer back to when looking at reforms in the whole Meat Inspection system.

Q4: Do you agree that the system for slaughterhouses to identify and handle OTM carcases containing vertebral column does not need to be set out in an approved RMOP?

This seems reasonable. The removal of obsolete regulation is to be encouraged.

Q5: Do you agree that only slaughterhouses that wish to handle cattle that require BSE testing need an approved RMOP?

Again this seems reasonable. However the CLA is a little nervous that we could be left with large areas of the country which no longer have abattoirs capable of handling cattle over a
certain age. We would suggest that provision be made for all abattoirs to be able to take occasional individual animals known to be of an age to be BSE tested, whether as welfare or ‘casualty’ cases without an inordinate burden of paperwork. Such a system should be available as a result on one phone call and take perhaps ten minutes to put into place.

Q6: Do you have any comments on the proposal for new powers for the Secretary of State to issue a direction to operators of animal by-products disposal plants to select and sample fallen sheep or goats for TSE testing?

Whilst the CLA can understand the thinking behind the proposals, we would not like to see these proposals being used to shift cost from government to industry.

Q7: Do you agree that the requirement to dispose of the milk of a cow suspected of being infected with TSE should be omitted from the new Regulations?

In such matters the CLA believes we should be guided by sound science. Given that this procedure was never regarded as a risk by the EU and ceasing it has the support of SEAC we agree that this requirement should be omitted.

Q8: Do you have any comments on the practical implications of these restrictions on sheep and goat milk and milk products?

The CLA is a little disturbed about the practicalities of how this will work. As far as we can see, an inspector could serve a notice to prohibit the movement of sheep or goat milk or milk products from a holding on which a TSE is suspected in a flock of milking sheep or goats. Twelve working days later, or sixteen calendar days later the restrictions are lifted because a TSE was not confirmed or because the TSE was confirmed as atypical scrapie. The inspector would then walk away and the keeper would have to stand the loss of up to sixteen days output.

It would be hoped that government had learned the lesson that penny-pinching in this sort of area merely incurs larger costs for government further down the line. The short sighted decision only to pay 50% of the value of cows slaughtered because of suspected BSE was a fine example of the sort of return that sort of saving brings us. If government wants to encourage goat and sheep keepers to report suspected TSE cases, then it is unwise to set up a situation which leaves an honest person, acting as a good citizen should, out of pocket.

Q9: Do you have any comments on the practical implications of these restrictions on sheep and goat milk and milk products?

The CLA suggests that it should be borne in mind that some of the goat keepers covered by the regulations will produce milk that will be used “for feed for non-ruminants” by the simple expedient of the goat keeper carrying the milk down the village street in a stainless steel can. Hence being told that they have to “comply with the documentation and packaging requirements” and “with the requirements for transport and cleaning and disinfection of vehicles” is going to cause some head scratching.

Q10: Do you have any comments on the practical implications of these restrictions on sheep and goat milk and milk products or on the proposed rate of compensation for milk destroyed where BSE cannot be excluded

The CLA would be interested to know exactly how a ‘market value’ was to be established. We would recommend that the keeper be paid for the milk at the price they were contracted for prior to the milk being seized. Thus the process would ideally be revenue neutral, they earn no more and no less than they would have done had there not been a TSE suspect.
Q11: Do you agree that Defra should delay the killing of goat herds in which classical scrapie has been confirmed for up to 5 breeding years (18 months in dairy herds)?

Yes

Q12: Do you have any comment on the proposals for applying the EU derogation which allows the killing of animals in flocks or herds in which classical scrapie has been confirmed, to be delayed under certain circumstances?

We would only comment that this is one of the matters where we must be guided by the science and as such we consider the proposals are probably reasonable.

Q13: Do you agree with the proposal to use dedicated tags to control the intensified TSE testing requirement and the ban on exports in holdings in which atypical scrapie is confirmed? If you do not agree, what alternative do you propose?

Given the amount of time, effort and money that is being poured into implementing the Sheep and Goats EID regulations it has to be asked, if this system is so inadequate that a whole new system is being introduced to mark animals with atypical scrapie, should we not just scrap the individual ID for Sheep and Goats altogether and spend the money on something more useful. Under the current scheme for Sheep and Goat EID all breeding animals with be individually identified anyway. Whilst there is a possibility that during the transition period there will be breeding animals identified under the old system, under the EID regulations it is possible to bring older animals within the new system. It is also possible, under the EID regulations, to give individual EID to animals intended for slaughter. Finally it is possible quite simply to ensure these animals cannot be exported. If a red replacement tag is used, these animals are not eligible for export.

We would refer you to Terry Gurnhill,

Livestock ID, Sheep & goats EID
020 7238 5637,
terry.gurnhill@defra.gsi.gov.uk

A sheep only has a fixed number of ears, and a finite amount of space on each ear. If we start festooning them with tags so that they look more like a Christmas tree decorated by an over-enthusiastic five year old, we could end up with a welfare problem.

Q14: Do you have any comments on the proposed approach for standard values for categories of animals/animal products killed or destroyed to control TSE in sheep and goats? If you do not agree with the proposal could you suggest alternative categories or values as appropriate?

The CLA has always opposed standard values. We recommend that a fair system using competent independent valuers be used instead.

Q15: Do you have any comments on the proposals for administering controls on the manufacture and feeding of fishmeal to unweaned ruminants in reconstituted milk replacer?
As always the CLA would prefer these matters were guided by sound science. We note that
the experts of the Scientific Panel on Biological Hazards concluded that if there is any risk of
TSE in fishmeal, this could arise from the mammalian feed being fed to this fish or through
fishmeal contaminated by Meat and Bone Meal (MBM).¹ Provided that adequate tests are in
place to check any feedstuffs produced, we think the proposals are a useful step in the return
to normality.

Q16: Do you have any comments on the proposals for carrying out a risk assessment
following the detection of traces of bone fragments in animal feed, arising from
unavoidable environmental sources?

Given what is available to those animals grazing naturally, is there not a danger that we are
being a little precious about very small levels of contamination. A risk assessment that is set at
a sensible level is acceptable, but we do not want to see a situation similar to that currently
occurring with GM where standards lacking proportion or international scientific endorsement
merely add massively to the costs of the industry for no discernable public benefit.

Part IV - Amendments Proposed by the Food Standards Agency

Q17: Do you have any comments on the proposals to amend the definitions of “animal
by-product” in Schedule 3 of the Animal By-Products (identification) Regulations 2005,
and to amend Schedule 7 of the TSE (England) Regulations?

The CLA would suggest care when it comes to implementing the changes suggested in 4.4
Paragraph 7(3) – Point 4.1(a) of Annex V of the EU TSE Regulation states that SRM shall be
removed at slaughterhouses or, as appropriate, “other places of slaughter”. To implement this
requirement, we propose adding a new paragraph in Schedule 7 of the new Regulations
making it an offence not to remove SRM from cattle, sheep and goats slaughtered at “other
places of slaughter” (i.e. from a home-slaughtered animal).

Whilst the CLA does not disagree with the aim of the suggested changes, we can envisage a
situation, especially with ‘home-slaughtered’ animals but also with animals killed as casualties
on farm but allowed to enter the food chain. We would not like the new regulation to insist that
the SRM had to be removed on the site where the animal is actually killed, but rather the site
where the carcass is skinned and split as these two sites may not necessarily be the same.

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November 2009