

Department for Environment, Food and Rural Affairs

Bovine TB: Proposals for new bovine TB control measures: tackling transmission between cattle herds

A summary of responses to the consultation exercise and way forward

June 2014

Contents

1. Introduction	1
2. The proposals	1
3. Responses to proposals	2
Proposal 1: To Abolish the Pre-Movement Testing Exemption for Movements of Cattle to and from Common Land by April 2014.....	2
Proposal 2: To Phase out the Practice of De-Restricting Parts of TB-Restricted Premises by September 2014.....	3
Proposal 3: Sharing of TB Breakdown Information	4
Proposal 4: Compulsory slaughter of wild and untestable cattle	5
Annex A: List of organisations and sectors that responded to our consultation exercise.....	7

1. Introduction

1.1 This document provides a summary of responses to Defra's public consultation on proposals for new cattle measures to tackle Bovine TB. The consultation ran from 28 November 2013 to 10 January 2014. Defra received 107 written or online responses to the consultation, of which 62 were from individuals, including farmers and vets, and 45 were from organisations. The organisations are listed in Annex A. Five of the respondents requested that their comments be treated as confidential. Two responses were out of scope, as they focused on areas outside this consultation.

1.2 Copies of responses can be obtained from:

Cattle Measures Team
Defra, Bovine TB Programme
Area 5D Nobel House
17 Smith Square
London SW1P 3JR

2. The proposals

2.1 Bovine tuberculosis (bTB) is the most pressing animal health problem in the UK. It is a devastating zoonosis that threatens our cattle industry and presents risks to other livestock, wildlife species such as badgers, domestic pets and humans.

2.2 In line with the "Strategy for Achieving 'Officially Bovine Tuberculosis-Free' Status for England", in developing new cattle controls we aim to strike an appropriate balance between robust disease control aimed at achieving official bovine TB free status for England and helping to maintain a sustainable livestock industry.

2.3 The proposed new TB control measures were based on sound disease control principles and sought to build on changes introduced in 2012 and 2013. They would reinforce the accelerated bovine TB eradication programme that we are obliged by European Union law to maintain. The proposals were:

- Remove the pre-movement testing exemption in the Tuberculosis (England) Order 2007 for cattle movements to and from common land – the exemption allowed cattle from higher TB risk herds to move to common land without a pre-movement test and potentially mix with animals from other herds on common land.
- Phase out the practice of partially de-restricting TB-restricted premises by the end of September 2014.
- Revise the 2007 Order to make it clear that wild or untestable cattle could be destroyed without being tested.

- Provide location information on cattle herd breakdowns, so cattle keepers are better informed about the TB risks in their area.

3. Responses to proposals

Proposal 1: To Abolish the Pre-Movement Testing Exemption for Movements of Cattle to and from Common Land by April 2014

3.1 Most respondents, including vets and farmers, were supportive of the measure from a disease control perspective. However comments from members of the farming community who use common land and commoners' organisations were less supportive. In particular they highlighted the negative impacts on graziers' businesses and the potential environmental damage if (as a result of this policy change) the number of cattle grazing on some environmentally sensitive commons dropped.

3.2 We asked 3 questions on how the proposal could be delivered:

- What are your views on the proposed amendment to remove the common land pre-movement testing exemption from the TB Order (England) 2007?

Agree – 35%; Disagree – 38%; Other with constructive suggestions – 22%; No comment – 5%

- Do you agree that cattle could be tested after they have returned to the home farm from common land if it is not possible to test them on the common land?

Agree – 54%; Disagree – 8%; Other with constructive suggestions – 12%; No comment – 26%

- What are your views on the possibility of waiving the pre-movement test in certain prescribed circumstances, subject to a distance limit?

Agree – 41%; Disagree – 18%; Other with constructive suggestions – 15%; No comment – 26%

Main issues raised

3.3 The following points were made by respondents:

- Some felt that cattle grazing on common land posed negligible TB risks. Others suggested common land represents a potential for both cattle to cattle and cattle to wildlife (and *vice versa*) disease spread.
- There is limited veterinary resource available for TB testing and the changes proposed would add to the pressures.
- The proposals would not be affordable by graziers and could alter the whole structure of farming on some commons, which could have a detrimental effect on conservation management.

Way forward

After taking account of responses to the consultation, Ministers decided that, from 30 June 2014, the common land section in the Schedule to the Tuberculosis (England) Order 2007 should be removed. TB pre-movement testing requirements would then apply to all cattle moving onto and back from common land. Legislation to put this change into effect was made on 6 April 2014 and AHVLA are working with commoners associations to develop the control plans.

Representative organisations will be invited to produce a TB control plans for specific commons. On the basis of those TB control plans AHVLA veterinary inspectors may be able to license some cattle movements off of the common without the need for a pre-movement test.

The date of implementation (30 June) addresses industry and veterinary profession concerns that there could have been insufficient veterinary capacity this year to complete the required additional testing before cattle are turned out for grazing in spring.

Proposal 2: To Phase out the Practice of De-Restricting Parts of TB-Restricted Premises by September 2014

3.4. This proposal received comments mainly from representative stakeholder organisations.

Agree – 22%; Disagree – 43%; Other with constructive suggestions – 11%; No comment – 24%

Main issues raised

3.5 Some respondents highlighted the benefits for business of partially de-restricting parts of premises/isolation units and opposed the proposal as they felt there were only limited trade options to mitigate the loss of these facilities.

3.6 The CLA stated that “Many herds that have been under continuous movement restrictions have seen this as a vital measure in ensuring their economic viability. The measure allows many of those farms to continue trading, where other parts of their holding may be under restrictions. The CLA believes that because of the requirement to have two clear tests before relevant partially de-restricted premises can move stock, this measure demonstrates that it does not represent a disease risk. The CLA believes that further evidence would need to be provided by Defra which demonstrates this measure is deemed a disease risk. Until this is provided, it will be seen as a broad, draconian approach to a measure that has greatly benefitted many farm businesses, particularly in high risk areas of TB.”

3.7 Similarly, the NFU stated “We believe that ending the practice of partial de-restriction and prohibiting the use of TB isolation units will increase the costs of testing for

government as more animals and more tests will need to be carried out over a longer period than would be the case if low risk animals are isolated from the main herd and tested separately. We acknowledge that there is a difference between partial de-restriction of separate farmsteads and of premises which are much more obviously linked and we believe that Defra should examine the alternatives.”

“Instead of phasing out partial de-restriction, the NFU would like to work with Defra to look at how to improve this process, putting in place minimum guidelines to ensure that we have good disease controls while allowing parts of a farming business that are distinct from each other to resume normal trading following clear tests.”

3.8 The BVA/BCVA stated “We agree that from a disease control perspective, the phasing out of the option for partial de-restriction of premises affected by TB breakdowns is appropriate. However, we do think that partial de-restriction could still be applied to assist in herd management without necessarily posing a risk of translocation under carefully prescribed and adequately monitored circumstances.”

Way forward

After taking account of responses to the consultation, Ministers have decided that, from 1 October 2014, the practice of partially de-restricting premises affected by TB breakdowns will be phased out. However, the establishment of TB Isolation Units will continue to be permitted subject to conditions, including complete separation from the main herd on a separate CPH.

Proposal 3: Sharing of TB Breakdown Information

3.9 This proposal was generally well supported.

Agree – 49%; Disagree – 4%; Other with constructive suggestions – 22%; No comment – 25%

Main issues raised

3.10 The pros and cons raised by different respondents were summarised in the NFU’s response, “This is something that has been requested by NFU members from all incidence areas and it is positive that Defra are looking at how to be more open with this information. We must find a way to provide farmers with the information of where a breakdown is taking place to allow them to take informed decisions on where to move livestock without leaving affected farms open to harassment.”

“We must also balance this need for information to ensure that these details are not used to victimise or harass farmers who are unfortunate to have had a breakdown. Farm contact details can easily be found on the internet and we saw that in the early days of Schmallenberg virus incursion into the UK that media outlets bombarded affected farmers who were openly identified with calls. We believe that Defra should look at how the

Government Gateway log on information could be used to control access to this information.”

3.11 CAAV stated that “This seems a sensible proposal in order to identify the pattern of disease spread. Farmers within a locality tend to know quickly if a neighbouring farmer has been closed down due to TB, however overall transparency in sharing this information would seem a preferable approach.

3.12 The Livestock Auctioneers' Association Limited said “We would support such a scheme if the information was available through a real-time database that could be accessed at the point of sale.”

Way forward

After taking account of responses to the consultation, Ministers have decided to make the necessary changes to legislation to give them the power to disclose TB breakdown location information. Preparatory work on making the changes to the Tuberculosis (England) Order 2007 is in progress. The earliest these might come into effect is October 2014. In the meantime, Defra will liaise with stakeholders on how this information will be shared and communicated, with a view to that starting in early 2015.

Proposal 4: Compulsory slaughter of wild and untestable cattle

3.13 Most respondents were not aware of the disease risks from such animals and agreed that a legal provision allowing their compulsory slaughter, as last resort, was sensible. Some were concerned that the power might be abused by government.

Agree – 49%; Disagree – 4%; Other with constructive suggestions – 21%; No comment – 26%

Main issues raised

3.14 The majority of respondents agreed with this proposal, although there was concern about herds deliberately managed as wild herds being affected.

3.15 The NFU agreed with this proposal, stating “Farmers have a duty to present animals for testing and it is essential that we have a robust national testing and surveillance programme. We welcome efforts from AHVLA in some parts of the country to offer mobile handling equipment to help test cattle on premises with inadequate facilities but recognise that in cases when tests are running long overdue because of wild and untestable animals, this poses a risk to wildlife and neighbouring herds. In extreme instances like this, we recognise that Defra should have the ability to deal with these animals to safeguard our disease eradication programme.”

3.16 The Trading Standards Institute welcomed this as a proposal: “We suggest, however, that for this piece of legislation to be used effectively, there needs to be a clear understanding of the circumstances for use. This would be particularly necessary if it is intended that this provision be used if access for testing is refused, as suggested in the consultation document. It is additionally considered that there needs to be the inclusion with any such provision that the cost for such actions be borne by the person(s) owning the cattle and for recovery of expenses incurred by regulators as a civil debt if appropriate.”

Way forward

After taking account of responses to the consultation, on 6 April 2014 the Tuberculosis (England) Order 2007 was amended to include provision to cull untestable cattle in England. Defra has stated that this power is only to be used in exceptional circumstances.

Annex A: List of organisations and sectors that responded to our consultation exercise

Organisations

Animal Welfare Group

British Cattle Veterinary Association

British Veterinary Association

The Brown Swiss Cattle Society UK

Central Association of Agricultural Valuers

Farming Partnership

CLA

International Fund for Animal Welfare

Livestock Auctioneers' Association Limited

Local Authorities and the Animal Health and Welfare Panel

National Beef Association

National Farmers Union

Natural England

Open Spaces Society

Royal Association of British Dairy Farmers

RSPCA

Rural Environmental Lawyers Association

South West TB Farm Advisory Service

Tenant Farmers Association

Trading Standards Institute

Veterinary Association of Wildlife Management

Wiltshire College

Commoners' Groups

Dartmoor Hill Farmers' Discussion Group

Dartmoor Commoners' Council

Dartmoor Hill Farm Project

Dartmoor National Park Authority

Federation of Cumbria Commoners

Foundation for Common Land

Forest of Dartmoor Commoners Association

New Forest Commoners Defence Association and the local New Forest branch of the National Farmers Union

Peter Tavy Commoners Association

South West Uplands Federation

Verderers of the New Forest

Whitchurch Commoners Association

Individual responses were also received from:

Livestock keepers and rural businesses

Private veterinary surgeons

© Crown copyright 2014

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit www.nationalarchives.gov.uk/doc/open-government-licence/ or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or e-mail: psi@nationalarchives.gsi.gov.uk

Any enquiries regarding this document should be sent to us at:

TB Programme
Defra, Area 5D
Nobel House, 17 Smith Square
London SW1P 3JR

Or email to:
bTBengage@defra.gsi.gov.uk