

Consultation on amendments to The Welfare of Animals (Slaughter or Killing) Regulations 1995

August 2011

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This document/publication is also available on our website at:
www.defra.gov.uk/consult/2011/08/09/animal-welfare-regulations/

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Part I: This consultation

Scope of this consultation

This consultation is seeking views on a proposal to make changes to The Welfare of Animals (Slaughter or Killing) Regulations 1995 (WASK) to:

- permit the use of a biphasic carbon dioxide gas mixture to kill poultry in slaughterhouses;
- extend the range of birds which may be killed on-farm by gas mixtures; and
- extend the time limit for bringing a prosecution under WASK.

As legislation on welfare at slaughter is a devolved matter any changes would apply in England only.

Basic information

To:	We would like to hear from poultry and egg producers, animal welfare organisations, veterinarians, and anyone else concerned about welfare of poultry at slaughter or killing.
Body/bodies responsible for the consultation:	Defra - Animal Welfare Team.
Duration:	Six weeks (9 th August – 20 th September).
Enquiries:	Enquiries about the content or scope of the consultation can either be addressed to Geoff Webdale on 020 7238 5755 or emailed to animalwelfareconsultations@defra.gsi.gov.uk Requests for hard copies should be sent to the above email address or Animal Welfare Team, Defra, Area 8B, 9 Millbank, c/o 17 Smith Square, London, SW1P 3JR or tel: 020 7238 5901.
How to respond:	Please send responses to either: Rob Peters, Animal Welfare Team, Defra, Area 8B, 9 Millbank, c/o 17 Smith Square, London, SW1P 3JR or email: animalwelfareconsultations@defra.gsi.gov.uk , clearly stating the name of the consultation in the subject header, e.g. Amendments to the Welfare of Animals (Slaughter or Killing) Regulations 1995.
Additional ways to become involved:	The proposal to amend WASK will be primarily of interest to poultry slaughterhouse operators, poultry and egg producers and animal welfare organisations. There has already been contact and discussion with industry stakeholders so the purpose of this consultation is to seek written views from industry, animal welfare organisations and the wider public.
After the consultation:	A copy of the responses will be placed in the Defra library at Ergon House, London. We will also summarise all responses and aim to place this summary by a date to be confirmed on our website at: www.defra.gov.uk/consult/2011/08/09/animal-welfare-regulations/

Part II: Background

The Welfare of Animals (Slaughter or Killing) Regulations 1995 (WASK) implement the requirements of Council Directive 93/119 which establishes common minimum standards across the EU for the protection of animals at the time of slaughter or killing.

The Directive applies to the movement, lairaging, restraint, stunning, slaughter and killing of animals bred and kept for the production of meat, skin, fur or other products and to methods of killing animals for the purpose of disease control.

Council Regulation (EC) 1099/2009 on the protection of animals at the time of killing entered into force on 8 December 2009 and will be directly applicable in all Member States from 1 January 2013. The Regulation will replace Directive 93/119 and it is anticipated that new domestic regulations will be introduced to repeal the existing provisions in WASK and enforce the directly applicable obligations in the Regulation.

This consultation does not consider measures to implement any aspects of Regulation 1099/2009 which will be the subject of a separate consultation exercise. However, the proposed amendments to WASK considered in this consultation are consistent with the requirements of Regulation 1099/2009.

The changes proposed are deregulatory and will inform investment decisions in the run up to January 2013.

Part III: Current legislation and proposed amendments

1. Killing birds by exposure to gas mixtures in slaughterhouses

Current legislation

Schedule 7 of WASK (as amended in December 2001) sets out the arrangements to protect the welfare of pigs and birds killed by exposure to gas mixtures in slaughterhouses. Part 3 of Schedule 7 limits the use of gas mixtures to kill birds in a slaughterhouse to:

- Argon, nitrogen, or other inert gases, or any mixture of those gases in atmospheric air with a maximum of 2% oxygen by volume; or
- Any mixture of argon, nitrogen, or other inert gases with atmospheric air and carbon dioxide providing the carbon dioxide volume does not exceed 30% by volume and the oxygen concentration does not exceed 2% by volume.

Regulation 1099/2009 permits the use of carbon dioxide in two phases to kill poultry where this involves successive exposure to a gas mixture containing up to 40% carbon dioxide followed, when animals have lost consciousness, by a higher concentration of carbon dioxide.

Proposed amendment

It is proposed that:

- Schedule 7, paragraph 7 (2) of WASK is amended to permit the use of biphasic carbon dioxide in slaughterhouses comprising a mixture of up to 40% of carbon dioxide in atmospheric air (phase 1) followed by a mixture containing a minimum of 70% carbon dioxide in atmospheric air (phase 2). Amendments will also be made to paragraphs 8, 9 and 10 of Schedule 7 to reflect the use of this additional gas mixture.

When Part 3 of Schedule 7 of WASK was drafted and subsequently amended in 2001 it was considered that anoxic gas mixtures were more humane than hypercapnic hyperoxygenated gas mixtures followed by a second euthanasia phase. The main reason for this was that there was evidence of aversion, indicated by withdrawal from the feeding area, seen at higher concentrations of CO₂ (40%, 55% and 70%).

Carbon dioxide is known to be aversive in high concentrations and is a potential respiratory stimulant that can cause respiratory disruption in birds, however it also has anaesthetic effects. Research has demonstrated that anoxic gas mixtures (i.e. a

gas mixture lacking oxygen) with carbon dioxide concentrations of <30% are a humane method to render birds unconscious and presents further welfare benefits as it removes the need to shackle live birds (in Schedule 7 of WASK, bird means any domestic fowl or turkey).

Later research has reported that hypercapnic hyperoxygenated gas mixtures (i.e. a gas mixture containing carbon dioxide and a relatively high level of oxygen that will cause excess levels of carbon dioxide in the blood) are linked to strong respiratory responses (i.e. gasping) but there is limited evidence of pain and aversiveness in birds at low to intermediate carbon dioxide concentrations (<30-40%). Further research has indicated that anoxic gas mixtures induce unconsciousness faster, however, they are linked to an early onset of stronger behavioural responses in the form of wing flapping before the bird reaches unconsciousness. The onset of this response was earlier in anoxic gas mixtures than with the 2-phase approach. The most recent papers report that the smoother transition to unconsciousness produced by hypercapnic hyperoxygenated gas mixtures is preferred to the fast induction and convulsions associated with anoxic mixtures.

Literature reports that gas mixtures comprising 30% Carbon Dioxide / 40% Oxygen / 30% Nitrogen and 40% Carbon Dioxide / 30% Oxygen / 30% Nitrogen render birds unconscious within 1 minute. This is followed by a killing gas mixture containing 80% Carbon Dioxide and no more than 2% oxygen in air or 80% Carbon Dioxide / 5% Oxygen / 15% Nitrogen. As this biphasic approach cannot be used in poultry slaughterhouses at present, an amendment is proposed to WASK to allow the use of biphasic carbon dioxide gas mixtures in slaughterhouses. This will enable, business operators to make investment decisions and, in some cases, plant modifications before 1 January 2013.

Note: See page 9 of the accompanying Impact Assessment for scientific references

Benefits

The use of gas-killing systems for poultry has a number of welfare and commercial advantages in comparison to conventional electrical waterbath stunning. These include:

- minimal pre-slaughter handling and no need for live shackling, reducing levels of suffering, pain, distress and potential risk of injury to the welfare of the animals;
- improved health and safety of persons hanging birds on the shackle line hangers, who will hang dead rather than live birds;
- birds are killed within their crates;
- the possibility of pre-stun shocks is eliminated;
- the possibility of birds receiving inadequate current levels or missing stunning altogether is eliminated; and

- the killing of birds using gas mixtures is associated with a lower incidence of broken bones and internal haemorrhaging compared to electrical waterbath stunning, which can improve carcase quality.

Further, the Impact Assessment shows that the use of biphasic carbon dioxide will reduce operating costs for slaughterhouse operators. It is therefore anticipated that the proposed changes to WASK will facilitate a switch to gas killing and reduce use of waterbath stunning systems which are generally acknowledged to provide a lower standard of welfare.

Science has moved forward since the last changes to gas mixtures were made in 2001. The latest evidence indicates that hypercapnic hyperoxygenated gas mixtures, such as those used in biphasic CO₂ systems, are at least as humane method of stunning poultry as anoxic gas mixtures. These sources also confirm gas killing methods address some of the major concerns associated with other stunning methods.

The former Farm Animal Welfare Council looked at the most recent research while preparing its report on the welfare of farmed animals at slaughter or killing, published in 2009: www.fawc.org.uk/pdf/report-090528.pdf They also compared the benefits associated with gas killing with electric waterbath stunning. This led to a recommendation that the authorised gas mixtures in Great Britain should be extended to include others that have been proven to be effective, such as the biphasic system used in Europe.

2. Killing birds by exposure to gas mixtures elsewhere than in a slaughterhouse

Current legislation

Schedule 7A of WASK limits the use of gas mixtures to kill birds (in Schedule 7A of WASK bird means any domestic fowl, turkey, pheasant, quail, partridge, goose, duck or guinea fowl) on the premises where they have been kept to end of lay / end of life breeder hens or any bird affected by movement restrictions if authorised by the Secretary of State.

Proposed amendment

It is proposed that:

- Schedule 7A of WASK is amended to extend the range of birds which may be killed outside a slaughterhouse by gas mixtures to include any domestic fowl, turkey, pheasant, quail, partridge, goose, duck or guinea fowl subject to the existing conditions imposed by Schedule 7A.

Large numbers of birds sometimes need to be culled on-farm for a number of reasons e.g. to deal with a disease outbreak, natural emergencies (e.g. flooding), etc. At present, gas may only be used on-farm to cull end-of-lay hens and end-of-life

breeder hens or birds affected by movement restrictions e.g. during a disease outbreak.

Other types of birds that are not end-of-lay hens or end-of-life breeder hens may only be culled on-farm using one of the following methods: free bullet; electrocution; decapitation; lethal injection; or neck dislocation. It is also lawful to kill poultry on-farm by stunning them first using a captive bolt or by concussion or electronarcosis followed by one of the killing methods listed or bleeding (ensuring the animal does not recover consciousness during the process). Manual neck dislocation is the most commonly used on-farm killing method for poultry. This requires individual live bird catching and handling. It is time consuming, requires additional labour and can be expensive. None of the permitted killing methods are well suited for culling large numbers of birds.

The current on farm arrangements were introduced in 2007 although, to date, little use has been made of existing permitted on-farm gas killing methods due to the limited range of birds to which they apply. The Salmonella national control plans (introduced in 2008 for laying flocks, 2009 for broilers and 2010 for turkeys) place legal responsibilities in the farming industry to test flocks for Salmonella strains of public health relevance (i.e. Salmonella Typhimurium or enteritidis) and take action where flocks are positive. The National Control Plans do not require all salmonella positive birds to be culled on farm, however, in most instances it can be uneconomic to keep / finish affected flocks which have tested positive for Salmonella strains of public health relevance (i.e. Salmonella Typhimurium or enteritidis). As a result birds other than end-of-lay hens or end-of-life breeders may now need to be culled on-farm in large numbers and it would therefore be beneficial to allow those birds to be killed by exposure to gas

Moreover, when Regulation 1099/2009 comes into effect on 1 January 2013 neck dislocation will restrict manual neck dislocation to 3 kg birds and mechanical neck dislocation will only be permitted for birds up to 5 kg with a limit on 70 birds per person per day. This will make neck dislocation even less suitable for mass culling as it will either slow the culling process considerably or require increased staff resources to ensure prompt dispatch of large numbers of birds. For poultry over 5 kg it will remove the option to kill them by neck dislocation completely. The industry is keen to find a solution and representatives have indicated that the industry would be willing to invest in on-farm gas culling equipment. This would involve the use of Containerised Gassing Units or Whole House Gassing techniques.

3. Extending the time limit for bringing prosecutions to Court

Current legislation

Action taken in relation to an offence under WASK must currently be brought to the attention of the prosecutor within six months of the alleged offence being committed.

Proposed amendment

It is proposed that:

- A new provision (regulation 26A) is inserted in WASK to allow a prosecution for a summary offence if the information is laid within three years of the offence being committed and within six months of the date on which sufficient evidence is put to the prosecutor to justify proceedings

At present, a prosecution for a summary offence under WASK must be brought within six months of the offence being committed pursuant to section 127(1) of the Magistrates' Courts Act 1980. This has recently compromised our ability to prosecute a potentially serious offence, where it was brought to our attention by a third party some time after the alleged offence took place. In view of this we are proposing an amendment to WASK to allow prosecutions to be brought within three years of the date an offence was committed and before six months after the prosecutor is given sufficient evidence to justify proceedings. This would bring WASK in line with enforcement of legislation in other areas, such as the Animal Welfare Act 2006.

A draft Statutory Instrument and an Impact Assessment accompany this consultation document.

Part IV: Responding to this consultation

We welcome your views on the proposal contained in this consultation.

Please send comments to:

Rob Peters
Animal Welfare Team
Defra
Area 8B
9 Millbank
c/o 17 Smith Square
London
SW1P 3JR

or email: animalwelfareconsultations@defra.gsi.gov.uk clearly stating the name of the consultation in the subject header, e.g. Amendments to the Welfare of Animals (Slaughter or Killing) Regulations 1995.

or fax: 020 7238 6009, clearly stating the name of the consultation and addressed to the Animal Welfare Team.

Part V: Consultation Criteria

This consultation is in line with the Code of Practice on Consultation. This can be found at <http://www.berr.gov.uk/bre/>

- **Criterion one - When to consult**

Formal consultation should take place at a stage when there is scope to influence the policy outcome.

- **Criterion two - Duration of consultation exercises**

Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

- **Criterion three - Clarity of scope and impact**

Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

- **Criterion four - Accessibility of consultation exercises**

Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

- **Criterion five - The burden of consultation**

Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

- **Criterion six - Responsiveness of consultation exercises**

Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

- **Criterion seven - Capacity to consult**

Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

Comments or complaints

If you wish to comment on the conduct of this consultation, or make a complaint about the way this consultation has been conducted, please write to:

Defra Consultation Co-ordinator
Area 7C, Nobel House
17 Smith Square
London
SW1P 3JR

or email: consultation.coordinator@defra.gsi.gov.uk.

Annex A

Draft Statutory Instrument – see separate document

Annex B

Impact Assessment – see separate document