

Department for Environment, Food and Rural Affairs

Summary of responses to consultation on amendments to The Welfare of Animals (Slaughter or Killing) Regulations 1995

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Introduction

This consultation sought views on amendments 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.

Summary of responses

Thirteen responses were received – five from animal welfare organisations, four from farming and meat industry interests and one each from an enforcement body, gas supplier, Parliamentary animal welfare group and veterinary organisation.

Use of biphasic carbon dioxide in slaughterhouses

The consultation proposed that:

- Schedule 7, paragraph 7 (2) of WASK is amended to permit the use of biphasic carbon dioxide comprising a mixture of up to 40% of carbon dioxide in atmospheric air (phase 1) followed by a mixture of up to 80% carbon dioxide in atmospheric air (phase 2) where the oxygen concentration does not exceed 2% by volume at any time. Amendments will also be made to paragraphs 8, 9 and 10 of Schedule 7 to reflect the use of this additional gas mixture.

Eleven consultees responded on this proposal. There was general support for the amendment on the grounds that it would help facilitate a move from electric waterbath stunning of poultry and reduce the need to handle and shackle live birds before slaughter. Egg and poultry industry representatives strongly supported the proposed change. Enforcement and veterinary interests also supported this view. Welfare and Parliamentary interests expressed concern about the proposed biphasic carbon dioxide gas mixture on the grounds that carbon dioxide is aversive to birds and can cause respiratory distress. They suggested that this should be addressed by lowering the proportion of CO₂ in the phase 1 gas mixture or mixing CO₂ with Oxygen and Nitrogen in a “hyperoxygenated” gas mixture will improve welfare. They have therefore urged a cautious approach to the switch to CO₂, suggesting we should only allow the use of biphasic Co₂ if Co₂ levels in the phase 1 mixture do not exceed 30% if mixed with air, or 40% where a hyperoxygenated gas mixture is used. It was also suggested aversiveness could be reduced by progressively increasing the carbon dioxide gas concentration and not exposing birds directly to a gas mixture containing 30% or more carbon dioxide. The gas supplier commented on the cost comparisons used in the Impact Assessment and suggested that when comparing the cost of gas mixtures Nitrogen / Co₂ not Argon / Co₂ should be used as this is more representative of current industry practice. This will reduce the cost savings associated with the switch to biphasic carbon dioxide. One organisation expressed concern about any legislative proposal limiting access to the full range of flexibilities provided by Regulation 1099/2009 when it comes into effect on 1 January 2013.

Range of birds killed on farm using gas

The Consultation 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.

Ten consultees commented on this proposal. Welfare organisations and Parliamentary interests were broadly supportive of the change proposed. However they wished to see gas used to kill birds on farm only as a last resort where other more humane methods are not viable. They also saw a need for strict control and planning where gas killing is used. Other respondents supported the proposed change although one organisation again expressed concern about any legislative proposal limiting access to the full range of flexibilities provided by Regulation 1099/2009 when it comes into effect on 1 January 2013. This reflects their view that using the national rule provisions in Regulation 1099/2009 to maintain existing welfare protection which leads to a higher standard of welfare than required by the regulation amounts to “gold plating”. The department acknowledges this concern and will relax existing legislative provisions where this can be done without reducing welfare standards and will ensure national rules are only used to maintain existing welfare standards where this can be justified.

Extending the time limit for prosecutions

The consultation 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

Twelve consultees commented on this proposal. Eleven of the responses fully supported the change proposed. One industry organisation commented that of the revised approach should be implemented in a proportionate manner.

The way forward

In the light of the responses received the Department plans to increase the range of birds that can be killed on farm using gas and extend the time limit for prosecutions as proposed.

So far as the use of biphasic carbon dioxide in slaughterhouses is concerned the Department considers that a change in permitted gas mixtures will help promote the switch from electric waterbath stunning to gas stunning. This has an inherent welfare benefit as it reduces the need for live handling and shackling of bird and will eliminate welfare risks from pre stun shocks and missed stuns often associated with electric waterbath stunning. However the Department acknowledges the concerns expressed about bird welfare associated with the use of higher levels of carbon dioxide in air during phase 1 of the stunning / killing cycle. In the light of these comments we do see merit in allowing the use of hyperoxygenated gas mixtures and in view of this we will consider adopting a modified approach to the interim gas mixture changes proposed which removes the requirement for Co₂ to be mixed with atmospheric air.

The department also acknowledges the comments on gas mixture cost and will reflect this in the final Impact Assessment.

Annex – Alphabetical list of respondents

Animal Aid
All Party Parliamentary Group on Animal Welfare
British Egg Industry Council
British Meat Processors Association
British Oxygen Company
British Poultry Council
British Veterinary Association
Compassion in World Farming
Humane Slaughter Association
Humane Society UK
National Farmers Union
RSPCA
Trading Standards

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