

Department for Environment, Food and Rural Affairs

Welsh Government

Food Standards Agency

Consultation on the proposed change to BSE testing of cattle slaughtered for human consumption

Summary of responses to public consultation

September 2013

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Introduction

1. This document summarises responses to a joint public consultation by Defra, the Welsh Government (WG) and the Food Standards Agency (FSA) on the implementation of a European Commission proposal to give the UK and 24 other Member States the option of stopping the testing for BSE of healthy cattle slaughtered for human consumption. The consultation, which ran from 21 November to 5 December 2012, was circulated to 66 key stakeholders and was published on the Defra website. 15 responses were received.

Background

2. Transmissible Spongiform Encephalopathies (TSEs) are fatal brain diseases which include bovine spongiform encephalopathy (BSE) in cattle and classical and atypical scrapie in sheep and goats. Exposure to BSE through the consumption of infected meat is believed to be the primary cause of variant Creutzfeldt-Jakob disease (vCJD) in humans. There have been 176 human deaths from definite or probable vCJD in the UK up to 4 March 2013.

3. The Government needs to implement TSE controls, in line with European Union (EU) requirements. The proposed change to BSE testing contributes to TSE controls which are based on scientific advice and are proportionate to the risk to animal and public health in line with the European Commission's [TSE Roadmap 2](#).

4. For each issue raised by the consultation document, this paper gives a summary of: (a) the consultation proposal; (b) the consultation response; and (c) the responses by Defra, WG and FSA to comments and suggestions made by consultees.

5. A list of respondents is given at Annex 1. A complete set of responses to the written consultation (other than where respondents requested confidentiality) is available from the Defra Information Resource Centre and can be supplied in response to personal callers or in response to phone or e-mail requests. An administrative charge will be made to cover photocopying and postage costs. Where possible, personal callers should give at least 24 hours notice of their requirements. To arrange this, please contact the Defra Information Resource Centre, Lower Ground Floor, Ergon House, Horseferry Road, London SW1P 2AL. Telephone 020 7238 6575. E-mail defra.library@defra.gsi.gov.uk

Part 1: Summary of consultation responses

Issue 1: Whether it would be acceptable to stop BSE testing of 'healthy slaughtered' cattle born in 25 EU Member States

1. **Consultation Proposal:** Paragraphs 2.5-2.9 of the [Consultation Document](#) set out the Commission's proposal to end BSE testing of healthy cattle born in 25 Member States (the EU 25) which are slaughtered for human consumption, on 1 January 2013. This proposal took into account the decreasing trend of BSE in the European Union and [advice](#) from EFSA that in the EU 25, the surveillance system based on testing only "at risk" animals (cattle which die or are killed other than for human consumption ("fallen stock"); emergency slaughter animals; and animals found sick at ante mortem inspection) would easily meet the international standard regarding the sensitivity of BSE surveillance systems.

2. **Consultation response:** 13 respondents commented on this issue:

(i) 12 were in favour of the proposal, noting that it was based on sound scientific evidence and a robust EFSA opinion which shows that, against the background of the continuing decline of BSE in the EU 25, the testing of healthy slaughtered cattle is no longer necessary, and that the ending of such testing would not compromise public safety, bearing in mind that BSE testing is principally a surveillance tool rather than a TSE control as such. It was accepted that the proposal was proportionate to the very low risk of a BSE animal entering the food chain, and that public health will continue to be safeguarded by the controls on Specified Risk Material (SRM).

(ii) One respondent noted that robust following of import tracings for healthy slaughtered cattle born in Romania, Bulgaria and third countries will be necessary. Another gave the cautious proviso that we should not refrain from preventative monitoring checks which are both for animal welfare and for public health.

(iii) One respondent did not agree with the proposal, believing that the proposed change is a retrograde step which would reduce consumer protection and confidence in meat industry and leave a gap in BSE surveillance which could allow BSE levels to rise again without anyone knowing. The respondent's view was that the UK should, if possible, continue with the current regime until BSE is totally eradicated and continue to test fallen stock. The respondent noted that the consultation document states that occasionally animals with early signs or that are free from any clinical signs of BSE may be slaughtered for human consumption, but believed that this possibility was "played down" by the fact that SRM controls are estimated to remove almost all potentially infected material. The respondent claimed that carcasses with spinal cord still in situ are routinely presented as "ready for inspection", and stated that this calls into question what is already an estimate of the effectiveness of removal of infected material.

3. Defra/WG/FSA Response:

(i) We note that the majority of respondents are in favour of the proposal.

(ii) Cattle imported from Bulgaria, Romania and third countries carry a tag with their country's two-letter code, which is exchanged for a UK tag if the animal is not slaughtered within twenty days of its arrival in the UK. Import information is shown on the inside back page of the cheque-book style passport, and it is the responsibility of all abattoirs slaughtering cattle aged over 30 months for human consumption to check passports to determine whether they have to be sampled for BSE testing. Monitoring of "at risk" cattle will continue in accordance with EFSA advice.

(iii) We note the concerns of the respondent who disagreed with the proposal. The objective of the TSE Roadmap 2 is to review EU TSE measures, to ensure that they are proportionate to the reducing risk, while continuing to ensure a high level of food safety. Amendments to EU TSE rules will be taken following a stepwise approach supported by scientific advice from EFSA. In this case, the testing for BSE in healthy slaughtered cattle has gradually reduced in line with the reducing risk of the disease: the age limit rose from 30 months in 2005 to 48 months in 2009 and 72 months in 2011. The current proposal to end BSE testing of healthy slaughtered cattle born in the EU 25 is in line with EFSA's advice, described at Paragraph 1, that in the EU 25 the surveillance system based on testing only "at risk" animals would easily meet the international standard regarding the sensitivity of BSE surveillance systems. This is a more proportionate targeting of resources than continuing to test all healthy slaughtered cattle aged over 72 months. EFSA has further advised that, under a realistic assumption that BSE continues to decline across a group of 17 Member States, including the UK:

a. Increasing the age threshold for healthy slaughtered cattle for BSE to 72 months would result in less than one BSE case being missed in 2011 across all 17 Member States and fewer cases thereafter; and

b. Stopping the testing of healthy slaughtered cattle for BSE from 2013 would result in less than one BSE case being missed in that year across all 17 Member States and fewer cases thereafter.

Ending BSE testing of healthy slaughtered cattle is therefore unlikely to result in a 'hidden' increase in BSE cases.

The TSE Roadmap 2 includes the strategic goal of ensuring and maintaining the current level of consumer protection by continuing to assure safe removal of SRM but to modify the list or age based on new and evolving scientific opinions. There are no proposals currently under discussion to amend controls on SRM. SRM controls are the principle food safety measure and effective enforcement of the controls remains a priority.

Issue 2: Whether it would be appropriate to stop BSE testing of 'healthy slaughtered' cattle born in 25 EU Member States

4. **Consultation Proposal:** See Part 1, paragraph 1 above.

5. **Consultation Response:** 10 respondents commented on this issue:

(i) 9 agreed that the proposal was appropriate, based upon the incidence of disease found in testing healthy slaughtered cattle since 2005, with none found in the UK since 2009; the decreasing trend of BSE within the EU as outlined in the Consultation Document; and the fact that a surveillance system based on the testing of "at risk" animals would be sufficient to meet sensitivity requirements for BSE surveillance in the EU. Sufficient controls will remain in place to prevent the unlikely event of infected meat entering the food chain.

(ii) One respondent urged that the change should be implemented as soon as possible, while another noted that a delay in implementation until early 2013 had already been announced. A third suggested that there should be a reasonable notice period of at least three months in order to allow commercial test laboratories to make the necessary arrangements to transition to alternative activity or to scale down and remediate their operations.

(iii) One respondent considered that the proposal was not appropriate for the reasons set out at Part 1, paragraph 2.

6. **Defra/WG/FSA Response:**

(i) We note that the majority of respondents believe that the proposal is appropriate.

(ii) As explained at Part 2, paragraphs 2 and 3 below, the coming into force date for the proposal was delayed due to the need for scrutiny by the European Parliament. Testing of healthy slaughtered cattle for BSE ended in the UK on 1 March 2013. It was therefore possible to give three months' notice of the end of testing to private laboratories.

(iii) We note the concerns of the respondent who believed the proposal to be inappropriate. For our response, see Part 1, paragraph 3(iii) above.

Issue 3: Whether respondents had any comments on the Impact Assessment

7. **Consultation Proposal:** See Part 1, paragraph 1 above.

8. **Consultation Response:** 6 respondents commented on the Impact Assessment (IA):

(i) All agreed that the information on impacts, costs and financial savings to Government and industry was thorough and balanced, and that the IA made a good case for the Government's preferred option to take up the EU derogation to cease BSE testing of healthy slaughtered cattle aged over 72 months. One suggested that the savings on

indirect costs to livestock owners, often as a knock-on effect of increased costs upon slaughterhouses, and on labour costs and time, should also be considered in support of the Government's proposal. Two noted the importance of ensuring that the UK fresh meat industry is not placed at a disadvantage compared with other Member States which decide to take up the EU derogation.

(ii) One suggested that industry should consider carefully any possible negative impact upon consumer confidence and the third country export market. Another advised that it will be important to ensure that information is available to reassure consumers if questions are raised, but that the proposed reduction in testing would send a positive message to third countries.

9. Defra/WG/FSA Response:

(i) We note the positive response to the IA. With regard to savings on indirect costs to livestock owners, a Small Business Impact Test was carried out as part of the consultation, but no specific information on savings was received.

(ii) See Part 1, paragraph 11 (i)-(ii) below for our response.

Issue 4: Whether respondents had any other comments

10. Consultation Response: 9 respondents submitted further comments:

(i) One noted the potential effect of the proposal upon Halal beef exports to Middle Eastern countries, which require accreditation that beef is BSE free.

(ii) One expressed concern over the potential effect of the proposal upon third country trade and urged that Government should outline to importing countries the very low risk of missed BSE cases from healthy slaughtered cattle, and should have a communications strategy to ensure that the media and the British public are not misinformed about the proposal. Another suggested that inappropriate or unnecessary TSE controls not only reduce the value of cattle by-products and add to the cost of their disposal, but can send unhelpful messages to third countries that there remains a 'problem' with EU beef.

(iii) Two urged that Government, FSA and industry to work together to support continual review of TSE controls in line with the EU TSE Roadmap 2 and scientific evidence, to ensure that TSE controls are proportionate to risk. One expressed the view that the TSE Roadmap 2 lacks a clear timetable for implementing changes and urged that the Commission should be lobbied to come forward with clear timetables to achieve progress on the revisions outlined in the Roadmap.

(iv) One suggested that consideration should be given to passing any savings to industry back down the chain to benefit UK agriculture and that contingency plans should be considered and published to deal with any sudden increases in BSE cases. Robust measures should remain in force to minimise the potential for fraud within the industry.

(v) One welcomed the proposal as having a positive effect upon third country trade but believed that the same approach should be extended to the sheep sector, where the cost of current SRM controls, specifically the splitting of carcasses, equates to an annual cost to industry of £8 million.

(vi) One welcomed the proposal but agreed that approval should be sought from the FSA and Health Ministers before any changes were made to BSE testing of healthy slaughtered cattle in England and Wales.

11. Defra/WG/FSA response:

(i) The EU proposal gives the UK and 24 other Member States the option of stopping BSE testing of healthy slaughtered cattle. Exporters to the Middle East, and to other third countries, are at liberty to carry out BSE testing on a voluntary basis. The main protection of consumers from exposure to BSE is provided by the SRM controls, which are estimated to remove almost all of the infectivity from an infected animal.

(ii) We note the respondent's concerns. As noted at Part 1, paragraph 3 (iii) above, EFSA's [report](#) to the European Commission, published on 15 October 2012, advises that, under a realistic assumption that BSE continues to decline across a group of 17 Member States, including the UK:

a. Increasing the age threshold for 'healthy slaughtered' cattle for BSE to 72 months would result in less than one BSE case being missed in 2011 across all 17 Member States and fewer cases thereafter; and

b. Stopping the testing of 'healthy slaughtered' cattle for BSE from 2013 would result in less than one BSE case being missed in that year across all 17 Member States and fewer cases thereafter.

(iii) The objective of the TSE Roadmap 2 is to continue to review TSE controls, to ensure that they are proportionate to the reducing risk, while assuring a high level of food safety. Amendments to EU TSE rules will be taken following a stepwise approach supported by scientific advice from the European Food Safety Authority (EFSA). The timetable for change in the Roadmap is primarily driven by scientific advice and technical issues related to the control and enforcement of TSEs.

(iv) The savings to industry from this proposal would accrue both to the abattoir industry, which would no longer have to arrange for sampling and finance testing, and, as noted at Part 1, paragraph 8(i) above, to the farming industry. Very few cases of BSE have been detected in recent years via testing of healthy slaughtered cattle, and, as indicated at Part 1, paragraph 11(ii) above, EFSA's advice indicates that BSE is expected to continue to decline. The proposal is not therefore expected to affect the prevalence of BSE in the EU 25.

(v) The Commission have no immediate plans to propose changes to sheep SRM. An EFSA opinion on BSE infectivity in small ruminants published in December 2010 did not provide the evidence to support any changes to the current controls. However it is

proposed to enter into preliminary discussions with European Commission regarding a possible further review of small ruminant SRM.'

(vi) See Part 2 below for our response.

Part 2: The way forward

1. The FSA Board considered the EU's proposal on 11 December 2012, noting the scientific advice from the European Food Safety Authority (EFSA), advice from UK Chief Medical Officers and the response to public consultations. The FSA Chair wrote to advise Defra and Health Ministers, and their counterparts in the Devolved Administrations, that subject to the condition that effective surveillance for BSE remained in place, it would be acceptable on grounds of risk to consumers to stop testing healthy slaughtered cattle for BSE. Health Ministers in England and devolved administrations subsequently agreed the proposal.
2. The EU had originally proposed that testing should stop on 1 January 2013. However, the necessary amendment to EU legislation was delayed due to the need for scrutiny by the European Parliament, and it subsequently came into force on 4 February 2013.
3. Following agreement between Defra, devolved administrations, the FSA and industry, including private laboratories, BSE testing of healthy slaughtered cattle ended in the UK on 1 March 2013.

Annex 1: List of respondents

Agriculture and Horticulture Development Board (AHDB)

Association of Independent Meat Suppliers (AIMS)

British Meat Processors Association

British Veterinary Association/British Cattle Veterinary Association (joint response)

Country Land and Business Association (CLA)

Farmers' Union of Wales

Halal Food Authority

Identigen

International Meat Trade Association and National Association of Catering Butchers

MSD Animal Health

National Beef Association

National Farmers' Union

National Farmers' Union Cymru

Trading Standards Institute

UNISON

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<http://www.defra.gov.uk/consult/2012/11/21/stopbse-testing/>

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