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Our ref: RFI 6678
Date: 17 July 2014

Dear ██████████

REQUEST FOR INFORMATION: Culled Badger Post Mortems

Thank you for your request for information about post mortems during the pilot badger culls, which we received on 25 June. We have handled your request under the Environmental Information Regulations 2004 (EIRs).

The EIRs apply to requests for environmental information, which is a broad category of information defined in regulation 2 of the EIRs. Public authorities are required to handle requests for environmental information under the EIRs. They give similar access rights to the Freedom of Information Act 2000 (FOIA).

In your request you referred to an interview on BBC Radio 4 where George Eustice MP, stated that during the year 1 pilot cull 150 post mortems were carried out on Badgers.

Your questions and the responses are below.

1. Is this statement correct?

Yes. During the pilot badger cull a total of 158 carcasses were subject to post mortem. Of these, 64 were from observed shots and 94 from unobserved shots.

2. How many of the 150 Badgers were from each cull zone, that is, how many were from Gloucester and how many from Somerset?

The numbers from each cull area are unknown as all carcasses were amalgamated for post mortem purposes.

3. Which organisation or company carried out the post mortems?

And

4. If you cannot answer question 3, can you tell me whether it was a government or private agency?

Vets at the Animal Health and Veterinary Laboratories Agency (AHVLA) carried out the post mortems.

5. Did the order for testing come with any instructions for limitations or was it an order for a full post mortem? Why were less than 8% of Badgers tested?

It was always intended that a number of carcasses would be subject to post-mortem as part of the pilot cull. The Independent Expert Panel (IEP) recommended that a minimum of 150 carcasses should be subject to post-mortem in order to establish patterns of injury and therefore humaneness. The IEP also decided on the contents and structure of the humaneness protocol and data capture sheets which set out what data were to be collected. They can be found at the following links:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300386/humaneness-protocol.pdf

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300389/necropsy.pdf

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300390/radiology.pdf

6. Were the Badgers tested for Bovine Tuberculosis?

And

7. If the answer to question 6 is yes, which specific tests were employed to detect infection?

And

8. If the answer to question 6 is no, then please explain why testing for btB did not take place?

And

9. What percentage of Badgers had lesions consistent with btB?

And

10. If 6 is no, please state which department or person gave the instruction not to test for bTB?

And

11. If the badgers were tested for bTB then please confirm what percentage of badgers tested positive in each cull zone?

Four badgers were tested for bTB at the specific request of landowners when the carcasses showed signs of poor condition. The tests were carried out privately and established that one badger from the four was infected with bTB. It is therefore not known if the carcasses came from one or both cull areas.

TB testing in culled badgers was not undertaken as a routine procedure during the pilot culls. High levels of TB had already been confirmed in badgers in the regions in which the cull areas were located during the Randomised Badger Cull Trial (RBCT). This has been confirmed by other research work carried out by independent scientists. A link to the report on the RBCT, which summarises the Trial's results and which contains an accompanying literature review, is below. Pages 72 to 77 will be of particular interest.

http://archive.defra.gov.uk/foodfarm/farmanimal/diseases/atoz/tb/isg/report/final_report.pdf

This answer to a parliamentary question on this issue may also be of interest:

http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm140429/text/140429w0001.htm#140429w0001.htm_snew37.

On the basis of this information, Ministers decided that testing during the pilots was unnecessary as high levels of bTB in badgers had already been established.

I have also attached a link to an annex which was published as part of the 2010 consultation 'Bovine tuberculosis: the Government's approach to tackling the disease and consultation on a badger control policy'. The annex contains more information on badgers and TB.

<http://webarchive.nationalarchives.gov.uk/20110203030352/http://www.defra.gov.uk/corporate/consult/tb-control-measures/100915-tb-control-measures-annexa.pdf>

12. What was the cost of the post mortems?

The costs of the AHVLA post mortems are being reviewed and will be released as a package with other cull costs later this year. They are being withheld under Regulation

12(4)(d), material still in the course of completion. The costs of the TB tests carried out at landowner requests are unknown as they were carried out privately.

13. Please explain why the results of post mortems, or the fact they took place were withheld or not publicised before now and where the instruction to restrict this information came from?

Defra had always made clear that post mortems would be carried out as part of the pilots. They were mentioned in the policy statement in 2011 and can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69463/pb13691-bovinetb-policy-statement.pdf

The Department had also continuously stated publicly that the reports on the findings from the pilot culls, including post mortems, would be published along with the Independent Expert Panel (IEP) report when they were finalised. They were published on 3 April this year. The reports can be found at:

<https://www.gov.uk/government/publications/pilot-badger-culls-in-somerset-and-gloucestershire-report-by-the-independent-expert-panel>

The AHVLA report on the post mortems can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300388/humaneness-report.pdf

There have also been a number of EIR requests relating to post mortems and bTB testing containing the results from the pilots. These have always been publicly available on the Defra website at:

<https://www.gov.uk/government/collections/defra-foi-eir-releases>

The Regulation and Public Interest Test

Regulation 12(4)(d), material still in the course of completion or incomplete data: Defra is still collating the costs incurred from the pilot culls as final invoices are being submitted and reviewed. As mentioned above the costs will be released when they're finalised in the same way as the findings from the pilot culls.

In applying this exception we have had to balance the public interest in withholding the information against the public interest in disclosure. Defra does understand the public interest and strength of feeling in all aspects of controlling bovine TB and the badger culls

in particular. There is obviously a strong interest in the various costs of this high profile policy.

However, on the other hand, there is a strong public interest in withholding the information because the department is not in the position of being able to release the finalised costs at present. Releasing figures before they are completed and audited could mislead the public if they have to be corrected at a later date. There is also no point in releasing the costs in a piecemeal fashion as it would be easy to lose track of what figures are in the public domain and what is not. I would stress that release of information before completion runs counter to the purpose of freedom of information which is to inform and provide clarity. It is entirely prudent to wait until the finalised figures are available for release. Therefore we have decided to withhold this information.

In keeping with the spirit and effect of the EIRs, and in keeping with the government's Transparency Agenda, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you will now be published on www.gov.uk together with any related information that will provide a key to its wider context. Please note that this will not include your personal data.

I attach Annex A, which explains the copyright that applies to the information being released to you.

I also attach Annex B giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact us.

Yours sincerely,

Defra TB Programme

Email: ccu.correspondence@defra.gsi.gov.uk

Annex A

Copyright

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Annex B

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: requestforinfo@defra.gsi.gov.uk) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF