

## CONSULTATION ON THE ANIMAL HEALTH AND WELFARE (SCOTLAND) BILL

1. The Royal Society of Edinburgh (RSE) is pleased to respond to the Scottish Parliament Environment and Rural Development Committee consultation on the Animal Health and Welfare (Scotland) Bill. This response has been compiled by the General Secretary, Professor Gavin McCrone, Professor Stuart Reid and the Policy Officer, Dr Marc Rands, with the assistance of a number of Fellows with considerable experience in this area.
2. Overall, the proposals are a positive step forward, subject to the issues raised below. However, in addition, alongside the proposed new legislation on animal health and welfare the government authorities need to put in place measures to reduce greatly the risk of highly contagious viruses from entering the UK, and adopt modern technology to detect and identify the virus responsible rapidly. As we note in the RSE's 2002 Inquiry into Foot and Mouth Disease in Scotland, the nature of the spread of the disease could then be accurately followed and emergency vaccination started without delay if deemed appropriate.
3. This is also an area where the objective of reducing risks to animal health and increasing animal welfare sits uncomfortably with being heavily dependent on the globalisation of the food supply and the importation of animal products from third countries which may not have similar requirements for animal welfare. The different aspects of the consultation paper are now addressed below:

### **Whether the extent of the powers is appropriate and proportionate**

4. RSE: Scottish Ministers should have greater flexibility of action, however, a policy for the effective control of livestock epidemics, as if they were purely an agricultural problem is inadequate. The interests of the agricultural and non-agricultural rural economy may not always point to the same policy being adopted. In future there may well be a choice between different courses of action and if this is so, the effect on all sectors of the economy must be considered to reach a balanced view on the best course of action. In considering their options, the Scottish Executive must take account of the effects on the wider interests of the rural economy and involve the appropriate stakeholders.
5. In particular, one of the problems during the 2001 Foot and Mouth outbreak was that compensation for the financial losses caused by restriction orders (movement, breeding) was inadequate or absent. In the first place, for farms that were culled, the intention was to compensate for the capital represented by the livestock lost, rather than loss of income. Second, farms which were not culled also suffered because of movement restrictions. Indeed, some of the farmers who suffered most were those in proximity to culled areas, who could neither move nor sell their animals and who sometimes did not have enough feed to maintain them in good health.

### **Whether the right balance is struck between the need to act quickly to control the spread of disease in the event of an outbreak and the need for checks on these powers, and the consideration of other options**

6. The use of culling as means of control of infectious disease in livestock is acknowledged as a valid method and is an approach that cannot be considered in the control of human disease. However, it is not the only option and new approaches will continue to emerge and evolve. As the ultimate sanction, it is testament to other disease control methods and the authorities responsible for their implementation that culling is so rarely invoked.
7. It is appropriate that the zoonotic potential of the disease is considered when decisions are made regarding the implementation of a culling policy.
8. The 2001 outbreak of Foot and Mouth Disease (FMD) has been the trigger for the introduction of more effective livestock disease control measures within the UK, but this outbreak also resulted in slaughter of animals (particularly of sheep), based on mathematical models that have yet to be validated, that took little account of the differences in disease transmissibility between, for example, cattle and sheep, and that are only now under investigation by other groups (e.g. Risk Solutions - Cost Benefit Analysis of Foot and Mouth Controls 2005, a report for DEFRA). A series of recent papers published in the Veterinary Record have raised serious doubts about the efficacy of blanket

pre-emptive culling (particularly of sheep), and thus, the use of predictive models as the sole method of defining control strategies during the course of an outbreak. Therefore, the Scottish Executive will need to fully consider the implications of new legislation that empowers ministers, 'if they think fit' to cause any of the major farm animal species to be slaughtered, and to ensure that ministers' thinking is informed by the best available scientific and veterinary advice.

9. The standard practice should stand where Contiguous Premises (CP) may be deemed 'Dangerous Contacts' and, as a result of veterinary assessment, such animals may be slaughtered. However, Scottish livestock tends to be kept on extensive systems, apart from pockets of intensive farming of pigs and poultry and an important issue is the way in which the term "contiguous" is interpreted for this CP cull. In some instances in the 2001 FMD outbreak this meant that animals distant from an Infected Premise (IP) but on a farm that was contiguous, even if there was stock free land or a wood separating the animals, were culled; yet animals much nearer to an IP, but on a holding that was not strictly contiguous, were left uncultured. In the midst of an epidemic it is obviously difficult to operate other than by fairly simple rules, but risk needs to be more carefully assessed, using information about the topography and data on animal populations.
10. For other diseases (e.g. avian 'flu, swine fever etc), where there is a relatively fragmented population with, for larger herds and flocks, a high level of biosecurity, veterinary assessment and advice should be an essential pre-requisite before decisions are made by ministers.

**The powers to control the spread of Transmissible Spongiform Encephalopathies (TSEs), in particular the power to require the slaughter of animals of a certain genotype to breed resistance to TSEs**

11. There is scientific information about Transmissible Spongiform Encephalopathies (TSEs) in sheep, man, mice and cattle, and progress is now being made on live diagnosis of some TSEs via cerebrospinal fluid proteins.
12. Whilst there is a current breeding programme for sheep to increase their resistance to scrapie, there is a less clear understanding of TSE's and resistance to TSEs in other species. Therefore in the absence of a clear scientific understanding of the situation we have concerns over the scope and potential scale of the powers that are proposed under the legislation.

**Additional Information**

13. In responding to this consultation the Society would like to draw attention to the following Royal Society of Edinburgh responses which are of relevance to this subject: *A contingency plan for the possibility of BSE in sheep* (January 2002); *Inquiry into Foot and Mouth Disease in Scotland* (July 2002); *National Scrapie Plan: Scrapie Flocks Scheme* (February 2003); *Preparing an Animal Health and Welfare Strategy for Great Britain* (April 2003); *Preparing for a new TB Strategy on bovine tuberculosis* (April 2004); *The UK Contingency Plan for the Possible Emergence of Naturally Occurring BSE in Sheep* (August 2004) and *Draft Animal Health and Welfare (Scotland) Bill* (July 2005). Copies of this response and of the above publications are available from the Policy Officer, Dr Marc Rands (email: [mrands@royalsoced.org.uk](mailto:mrands@royalsoced.org.uk)) and from the RSE web site ([www.royalsoced.org.uk](http://www.royalsoced.org.uk)).

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