EXECUTIVE NOTE

THE PROHIBITED PROCEDURES ON PROTECTED ANIMALS (EXEMPTIONS) (SCOTLAND) AMENDMENT REGULATIONS 2012

Ear tagging of bovine animals, pigs, sheep, goats, and deer is currently only allowed for the purposes of identification, under the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2010.

Policy Objectives

The purpose of this instrument is to allow ear tagging for the purposes of screening or routine or random testing for disease in cattle, sheep, goats, pigs and deer.

Though ear tagging is unlawful at present for any purpose other than identification, it has come to be used in recent years by keepers, and promoted by vets and laboratories, as a means of taking tissue samples for disease testing. When an ear tissue tag is applied, a small piece of tissue is cut out, and this is collected in a sealed vial which can be sent for testing. This has become particularly popular as a means of obtaining a tissue sample to test for bovine viral diarrhoea (BVD).

It is at present lawful to obtain a tissue sample where the ear tag is being applied for the purpose of identification and the tissue sample is only a by-product. So where a keeper is applying an official identity tag as required under the Cattle Identification (Scotland) Regulations 2007, and the tag also produces an ear tissue sample, this is lawful. But where an additional tag is applied for the purpose of obtaining a tissue sample, this is currently not lawful.

The Scottish Government is committed to an ambitious industry-led scheme to eradicate BVD, arguably the most important endemic disease of cattle in Scotland. The first mandatory phase of this scheme requires keepers of all breeding cattle herds to screen or test their herds annually for BVD. This legislation will be laid shortly and is intended to come into force on 1 January 2012.

The Scottish Government and the partners involved in developing the eradication scheme would like to ensure that cattle keepers are able to continue ear tissue tag testing for BVD as an important diagnostic tool to support control and eradication of the disease.

Policy Background

Bovine Viral Diarrhoea (BVD)

BVD is an infectious disease of cattle which is widespread in Scotland – an SAC prevalence study in 2007 showed that around 40% of herds have evidence of exposure. It has been regarded, in terms of economic impact, as the single most important disease of cattle in Europe and North America.

BVD has welfare implications for infected animals, especially as it suppresses the immune systems of infected animals, greatly increasing their risk of developing a wide range of

conditions such as scouring, pneumonia and other respiratory diseases. It is a major cause of infertility, abortion, a failure to thrive and is often fatal.

In addition, Scottish Government economists have calculated that eradicating BVD could provide a net benefit to the Scottish economy of £50M to £80M over ten years, and would reduce the intensity of greenhouse gas emissions.

Ear tissue tag testing

Ear tagging using commercially available tags inserted in accordance with the manufacturer's instructions will cause momentary pain and discomfort at the time of application, but there are rarely any longer term adverse effects on the animal. Infection at the point of tagging sometimes occurs but this can be minimised by storing and applying tags in hygienic conditions. Tags can sometimes be pulled out of ears if they become caught in fencing or other equipment which may cause injury to the ear at the time.

Ear tissue tags must be approved by Defra in the same way as any official identification tags, and must meet their criteria. The welfare implications of using a tissue tag are equivalent to using a normal identity tag.

It is expected that the great majority of BVD ear tissue tag samples will be obtained using the official UK identity tag on the calf, meaning that no additional tag would be required. An animal would only receive an additional tag where it is an older animal and being subject to virus testing. In considering the welfare implications of having an additional tag applied, it must be recognised that there are significant welfare benefits to the national herd from removing persistently infected animals and eradicating BVD.

Consultation

The Scottish Government proposed in a discussion document sent on 26 August 2011 to a wide range of animal health and welfare stakeholders that ear tagging of bovine animals, pigs, sheep, goats, and deer should be allowed for the purpose of taking tissue samples for disease control as well as for identification.

Respondents included, among others, the British Veterinary Association, the British Cattle Veterinary Association, the Royal (Dick) Vet School, the Scottish SPCA, nine individual veterinary practitioners, the World Society for the Protection of Animals, Animal Concern, the Farm Animal Welfare Committee and the National Farmers Union Scotland.

A total of 46 responses were received; 42 were in favour of the amendment, one was ambiguous, two provided no comment and one was opposed.

Nine of those in favour of the proposal had reservations or additional comments. These were mostly regarding the welfare implications of unnecessary tags. Concerns were raised about additional, unnecessary tags, and about tags being applied with applicators made for other tags.

The sole response in opposition to the amendment came from the Farm Animal Welfare Committee, the advisory body to GB governments on farm animal welfare. They stated that the application of an additional, unnecessary ear tag would be more harmful to the animal's

welfare than an alternative diagnostic procedure, such as blood sampling. However, animal keepers are not permitted to blood sample their stock, and the only means available to them to obtain a suitable sample for BVD testing without requiring the services of a veterinary surgeon is to use an ear tissue tag.

Although the Scottish Government accepts the concerns raised as valid, we do not consider that the potential welfare problems outweigh the benefits that allowing ear tissue tags to be used for disease testing would bring. However, we will include a relevant section in the guidance on mandatory annual screening for BVD which will be sent to all cattle keepers in November 2011. This will state that a blood sample taken by a vet is the preferred procedure for adult animals which already have ear tags for identification. The guidance will also remind keepers that incorrectly applied tags, or those applied with an applicator designed for another tag type, may cause pain and infection and they should ensure that the correct applicator is used.

Financial Effects

This instrument may lead to increased benefits for ear tag manufacturers and retailers, but it is not possible to either quantify these or separate them from the effects of the BVD eradication scheme. A Business and Regulatory Impact Assessment (BRIA) has been prepared to accompany the Bovine Viral Diarrhoea (Scotland) Order 2011 and this covers all envisaged financial consequences of this instrument.

Directorate for Rural and Environment
Animal Health and Welfare Division
December 2011