POLICY NOTE

THE PROHIBITED PROCEDURES ON PROTECTED ANIMALS (EXEMPTIONS) (SCOTLAND) AMENDMENT REGULATIONS 2016

S.S.I. 2016/

The above instrument is made in exercise of the powers conferred by section 20(5)(b) of the Animal Health and Welfare (Scotland) Act 2006. It is subject to affirmative procedure.

Background

Section 20 of the Animal Health and Welfare (Scotland) Act 2006 ("the 2006 Act") provides that it is an offence for a person to carry out a prohibited procedure on a protected animal, unless the procedure is carried out for the purpose of medical treatment of the animal or is a procedure which is carried out for a purpose, in such manner as, and in accordance with such conditions as, the Scottish Ministers may by regulations specify. Currently, provision is made for the latter by the Prohibited Procedures on Protected Animals (Exemptions) (Scotland) Regulations 2010 ("the 2010 Regulations"), as amended.Under the 2010 Regulations, ear tagging of bovine animals, is currently only authorised for the purposes of identification and screening or routine or random testing for disease.

Policy Objectives

The purpose of this instrument is to amend the 2010 Regulations to also authorise the ear tagging of bovine animals for the purpose of genetic analysis. This will enable the taking of ear tissue samples ('tissue tagging') for that purpose.

The Scottish Government has recently introduced a £45 million five-year Beef Efficiency Scheme ("the Scheme") under the Scottish Rural Development plan 2015-2020 (as funded under the Common Agricultural Policy of the European Union). The Scheme's main aim is to improve the sustainability of beef production through improved breeding stock, and in particular to reduce greenhouse gas emissions through more efficient production in order to benefit our environment both locally and globally.

The Scheme involves cattle keepers taking ear tissue samples from 20% of their herd for genetic analysis (also known as genotyping). The genomic data will over time be used to enhance pedigree based Estimated Breeding Values (EBVs) and has been shown to be particularly useful for traits such as female/maternal performance and health traits.

More generally, genetic analysis tools are becoming commonplace in livestock production. They are used for assigning parentage and for assessment of beneficial (and deleterious) genotypes that are associated with phenotypes such as feed conversion rates, conformation and disease susceptibility or resistance.

Information about these genotype-phenotype combinations can then be used to select animals for breeding in order to deliver breeding goals such as increased production efficiency.

The 2012 report "Developing options to deliver a substantial environmental and economic sustainability impact through breeding for feed efficiency of feed use in UK beef cattle"

showed that improvement in the uptake of genetic improvement in the beef industry, with enhanced data recording (breeding, abattoir records) could **reduce GHG emission/kg of carcass by up to 19%.**

In addition, the Farm Animal Genetic Resource Committee (FAnGR) produced a report in August last year on how beef genetics can help profitability of the UK beef farmers. There are a number of recommendations in this report including the focus on genomic improvement in beef cattle. https://www.gov.uk/government/publications/beef-genetics-increasing-profitability-for-uk-beef-farmers.

Whilst under the 2010 Regulations it is currently acceptable to ear tag bovine animals for the purposes of identification or screening or routine or random diseases testing, this does not include ear tagging for any other purpose such as genetic analysis. This means what whilst the use of existing identification and management ear tags to take a tissue sample is authorised when applied primarily for the purpose of identification or disease testing, the application of ear tags principally for the purpose of taking a tissue sample for genetic analysis is not currently permitted.

The Scottish Government and the partners involved in developing the Scheme would therefore like to ensure that, through the amendment to the 2010 Regulations by the above instrument, cattle keepers will have the flexibility where appropriate to also be able to use additional ear tags to take tissue samples for the purpose of genetic analysis under the Scheme.

It is important to note that we are not proposing to allow any new procedures in addition to ear tagging; only to expand the scope of the currently permitted procedures to be used for other purposes.

Welfare implications

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 the Scottish Ministers 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.

For the Scheme it is expected that the majority of tissue tag samples will be obtained using a management tag on the calf. The tag will be sent to keepers by a laboratory that is commissioned to carry out the genetic analysis and each farmer will test 20% of their herd. In considering the welfare implications of having an additional tag applied there are expected to be cumulative and permanent benefits to the national herd from improving genetic selection in respect of growth rates, feed conversion, maternal behaviour, nutrition practice and disease resistance.

Consultation

In a consultation document that issued on 26 July the Scottish Government proposed that ear tagging of bovine animals should be allowed for the purpose of taking tissue samples for genotyping, as well as for identification and disease control. The document was sent to a comprehensive range of animal health and welfare stakeholders and was uploaded to the Scottish Government Citizen Space portal.

The consultation period ended on 29 August with a total of 20 responses submitted, including 11 from organisations (such as the National Farmers Union Scotland, Animal Concern and the British Cattle Veterinary Association) and 9 [from individuals. Of the total responses 14 were in favour of the proposal with 5 expressing opposition. One respondent did not indicate either agreement or disagreement.

Among those in favour of the proposal some reservations were raised. One respondent was concerned about losing beneficial genetic traits. Animal Concern were in favour of the proposal but raised the welfare implications of unnecessary tags and they would prefer to see the procedure incorporated into the main ID tag. However they also referred to a recent BBC television documentary on genetic screening and highlighted the potential for this to minimise the number of cows having difficult deliveries due to oversized calves, as well as screening out unsuitable animals for breeding.

There was also a concern raised from one respondent about multiple tagging and tissue sampling. They indicated that they would like the testing to be limited to one additional tagging operation.

There was one additional comment proposing that the amendment should be extended to include other livestock; specifically sheep, goats, pigs and horses.

Comments from respondents in opposition to the amendment were generally concerned with subjecting animals to invasive procedures. There was also a comment suggesting that current procedures were sufficient for collecting tissue samples.

Scottish Government Conclusion

The Scottish Government notes and understands the concerns which have been raised, related to animal welfare.. However, we do not consider they outweigh the potential benefits to be gained from genotyping, both in relation to the long term welfare of cattle and for improving the efficiency of cattle production systems, including carbon efficiency. We will ensure that the tags sent to farmers have very detailed guidance on their use. The guidance will remind keepers that incorrectly applied tags, or those applied with an applicator designed for another tag type, may cause pain and infection and that the correct applicator should be used. Participants in the scheme are obliged to tissue sample 20% of their calves, which are selected on the information collected recorded by the farmer. With regard to the suggestion that ID tags be used for the purpose of taking tissue samples, we understand the attraction of such an approach in terms of minimising the number of tags. However, using ID tags would lead to farmers tissue sampling 100% of their calves (whereas under the scheme they are obliged to tissue sample only 20% of their calves.) This would be both wasteful and costly.

At this time we do not propose to amend the legislation to include other livestock as our primary aim presently is restricted to bovine animals. Were we to propose to apply the amendment more broadly we would bring forward a separate consultation.

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 Beef Efficiency Scheme. Evidence to date shows there is no or negligible impact on business, charities, or the voluntary sector so a business and regulatory impact assessment has not been prepared for this instrument.

Scottish Government Food, Drink and Rural Communities Division

31 August 2016