POLICY NOTE

THE TRANSMISSIBLE SPONGIFORM ENCEPHALOPATHIES (SCOTLAND) AMENDMENT REGULATIONS 2019

SSI 2019/118

The above instrument was made in exercise of the powers conferred by section 2(2), and paragraph 1A of schedule 2, of the European Communities Act 1972. The instrument is subject to negative parliamentary procedure.

Purpose of the instrument.

This instrument will update the existing Transmissible Spongiform Encephalopathies (Scotland) Regulations 2010 (the 2010 Regulations) in accordance with Regulation (EC) No 999/2001 ("the EU TSE Regulation"). The EU TSE Regulation has been substantially updated over recent years and several parts of the 2010 Regulations are now out of date.

This instruments amends the following provisions in the 2010 Regulations: the requirement for abattoirs to have an approved Required Method of Operation (RMOP) (which is removed); on-farm controls for classical scrapie, feeding of pig and poultry processed animal protein to farmed fish; the use of processed animal protein derived from insects in feed for aquaculture; the list of tissues from ruminants (cattle, sheep and goats) that are designated as Specified Risk Material (SRM); the requirements for labelling of carcases of bovine vertebral column removal; application for approval to use an alternative method of spinal cord removal by food business operators; the removal of SRM from sheep and goats in a slaughterhouse; the method for ageing sheep and goat for slaughter, and the colouring agent for the staining of SRM.

Policy Objectives

Amendment to remove the requirement for abattoirs slaughtering cattle that require BSE testing to have a required method of operation (RMOP)

The legal requirement for a RMOP signed by the Scottish Ministers because it is no longer justified and the offence provision currently applicable to an occupier for use of an abattoir without an approved RMOP has been removed. Abattoir operators would be expected to agree a Standard Operating Procedure (SOP) with Food Standards Scotland, which will continue to maintain food safety and BSE controls.

Amendment to on-farm controls for classical scrapie

Where a case of classical scrapie is confirmed on a holding, the EU TSE Regulation provides options of killing and destroying or slaughtering all sheep and goats on the holding; or culling/slaughtering all goats and those sheep that are genetically susceptible to classical scrapie; or monitoring the holding, with no killing or destruction of sheep or goats. In Scotland, the default control option following confirmation of classical scrapie on a sheep or goat holding is monitoring with no killing or destruction of animals.

These measures were implemented across the UK on an administrative basis on 1 July 2013, pending amendments to domestic legislation. This instrument amends the 2010 Regulations to ensure that scrapie controls are proportionate to the risk to public and animal health in line with the goals of the TSE Roadmap 2 and with European Food Safety Authority (EFSA) advice.

Amendment to permit the feeding of pig and poultry processed animal protein (PAP) to farmed fish

The EU TSE Regulation, has permitted the feeding of pig and poultry PAP to farmed fish from 1 June 2013. It was implemented in the UK on an administrative basis from that date. Enforcement authorities can test for and enforce PAP from ruminants to be banned from animal feed in the presence of pig and poultry PAP. This instrument makes the required amendment to the 2010 Regulations.

Amendment to enable the use of PAP derived from insects in feed for aquaculture

The EU TSE Regulation permits the use of PAP derived from insects of certain species, reared within the EU and produced in processing plants dedicated exclusively to the production of products derived from farmed insects, and compound feed containing such PAP, to be authorised for feeding to aquaculture animals. This provision came into force in the EU on 1 July 2017 and was implemented on an administrative basis across the UK on the same date. This instrument makes the required amendment to the 2010 Regulations.

Amendment to the list of tissues from ruminants (cattle, sheep and goats) that are designated as Specified Risk Material (SRM)

SRM is the parts of animals most likely to carry TSE infectivity. The EU TSE Regulation establishes a list of SRM for ruminants which must be removed and cannot enter the food or feed chain.

An amendment to the list of tissues from cattle that are designated as SRM came into force in the EU on 1 July 2017 and was implemented on an administrative basis across the UK on the same date. This instrument makes the required amendment to the 2010 Regulations.

A further amendment to the list of tissues from sheep and goats that are designated as SRM came into force in the EU on 30 July 2018 and was implemented on an administrative basis across the UK on the same date. This instrument makes the required amendment to the 2010 Regulations.

Amendment to labelling carcases of bovine vertebral column removal

The labelling of bovine vertebral column containing SRM, which must be removed and excluded from the food and feed chain, was amended by the EU TSE Regulations on 1 July 2017. When the removal of the vertebral column is required (i.e. from cattle aged over 30 months from BSE Controlled Risk status countries such as Scotland) carcases or wholesale cuts of carcases of bovine animals containing vertebral column shall be identified by a clearly visible red stripe on the label.

These changes have been fully implemented in all slaughterhouses in Scotland since 1 July 2017 on an administrative basis. This instrument makes the required amendment to the 2010 Regulations.

Amendment to provide a statutory mechanism by which food business operators can apply for approval to use an alternative method of spinal cord removal, other than carcase splitting, for sheep and goats aged over 12 months of age

To date, carcase splitting is the only method of spinal cord removal. The UK meat processing industry and Food Standards Scotland (FSS) finds this acceptable and effective. FSS are prepared to consider alternative removal methods provided they can be shown to be effective and safe. A new provision has been made to provide the statutory mechanism by which food business operators in Scotland can apply to the FSS for approval to use an alternative method of spinal cord removal for sheep and goats, should an effective alternative become available. Splitting of the carcase would remain the default method for spinal cord removal.

Amendment to clarify wording relating to the removal of SRM from sheep and goats in a slaughterhouse

Following the completion of legal proceedings taken by the Food Standards Agency (FSA) against a Food Business Operator (FBO) in 2013, the FSA confirmed that, apart from the permitted exceptions, all other SRM (including the spleen) is required to be removed from the carcase before post-mortem inspection.

It was reported during the legal proceedings that the current wording of paragraphs 8 and 9 of Schedule 7 ought to be clarified to make the provisions clearer for both the FSA and FSS in its enforcement of the TSE legislation and FBOs' understanding of what the legislation requires of them.

Provide a statutory mechanism to permit the Scottish Ministers to approve an alternative method, other than dentition, to determine the age of sheep and goats for SRM removal purposes

The EU TSE Regulation provides the possibility of estimating whether sheep or goats are over 12 months of age by a method which can be approved by the competent authority of the Member State of slaughter. An industry proposal from the National Farmers Union (NFU) and National Sheep Association (NSA) proposed the use of a date based system (i.e. a calendar cut-off date of 30 June) to be used as opposed to dentition.

The practicalities of applying such a system has a bearing on the identification of sheep throughout the UK and discussions with sheep industry stakeholders are taking place to develop an implementation plan which is deliverable and verifiable.

This came into force in the EU on 30 July 2018 and this instrument makes the required amendment to the 2010 Regulations.

Amendment to the specification of the colouring agent for the staining of SRM

Patent Blue V is no longer the prescribed dye for SRM staining. The EU TSE Regulation now requires that indelible staining must involve treating the SRM with a blue colouring

agent using a solution of such a strength that the staining is clearly visible and remains visible after the SRM has been chilled or frozen. This instrument makes the required amendment to the 2010 Regulations.

Consultation

The Scottish Government consulted on amending the Transmissible Spongiform Encephalopathies (Scotland) Regulations 2010, from 25 February 2019 to 11 March 2019. The Consultation sought views on the proposed amendments to the 2010 Regulations.

A total of 2 responses to the Consultation were received; one from the National Farming Union Scotland (NFUS) and the other from the British Veterinary Association (BVA). The BVA's response included the views of several veterinary groups. Both responses agreed with all of the proposed changes.

Impact Assessments

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached.

Financial Effects

The impact of this policy on business is that implementation of the new Regulation will not place a significant burden on individuals or businesses in the agriculture, aquaculture or animal by-product sector.

Scottish Government
Agriculture and Rural Economy Directorate
Animal Health - Disease Prevention Team
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