

REGULATORY APPRAISAL

ANIMALS, WALES

THE TUBERCULOSIS (WALES) ORDER 2006

Background

1. Bovine TB is a serious infectious and zoonotic disease, (a disease that can be passed between animals to humans), that affects a small proportion of the national herd (approximately 4 %). The level of TB in cattle has been increasing at an average annual rate of 18 % since 1988. The causes of the long-term increase in TB are not well understood.
2. The purpose of testing cattle for bovine TB prior to movement is to identify and prevent diseased animals from moving, thereby reducing the risk of the geographic spread of disease, particularly to parts of GB that are currently free of TB. As there are benefits to the herd owner of buying or selling cattle with some degree of disease assurance, it is intended that they should bear the costs of tests that are outside the routine herd test, though UK Government will provide the necessary tuberculin, (an agent used in the skin test).
3. Routine surveillance testing is currently carried out at intervals of one to four years, depending upon historic disease incidence – the taxpayer funds this regime. It is thought that more frequent testing of cattle in lower risk parishes will reduce occurrences of the most costly incidents where the disease is allowed to spread unchecked for long periods.

Purpose and intended effect of the measure

4. This Order, which applies in Wales only, revokes and re-enacts the Tuberculosis (Wales) Order 1984 with alterations. The Order will make it a statutory requirement for farmers to TB test cattle over 15 months old from 1 and 2 yearly testing parishes, with some exemptions that will allow low risk movements to occur for cattle over 15 months old and living in 1 and 2 yearly testing parishes before they are moved off farm. These exemptions include:
 - cattle in herds subject to 3-4 yearly routine surveillance testing or annual testing for the following reasons: in an open or city farm, producer/retailer status, Artificial Insemination studs;
 - cattle moving off premises within 1 month of arrival (no limit to the number of times this exemption is used consecutively);
 - cattle under 6 weeks of age;
 - cattle between 6 weeks and 15 months of age moving to other herds in England and Wales (limited to the first 12 months following introduction of the measure);

- cattle moving direct to slaughter or to slaughter markets;
 - cattle moving directly to approved finishing units or markets for animals not pre-movement tested;
 - cattle moving directly to approved TB finishing units (farms where cattle are fattened) for cattle under movement restrictions for TB or approved TB collection centres;
 - cattle moving directly to agricultural shows (providing they return to the premises of origin or go direct to slaughter);
 - cattle moving from agricultural shows to the premises of origin;
 - cattle moving from markets;
 - cattle moving for veterinary treatment;
 - cattle movements within a Single Occupancy Authority (SOA) or within premises sharing rights of common; and
 - Divisional Veterinary Manager's discretion.
5. Cattle are already routinely tested according to disease status of the area where the farm is located, referred to as a parish. These Parish Testing Intervals are set over one, two, three and four year periods. One and two yearly periods are areas of higher risk while three and four constitute areas of lower concern.
6. This is a disease control rather than a disease eradication measure. It supports the policy of keeping clean areas clean, while attempting to make it harder for disease to spread even in higher risk areas.

Risk Assessment

7. Should the legislation not be implemented there would be a number of risks, including:
- different testing regimes in operation in Wales, England and Scotland, This would cause many practical difficulties for the State Veterinary Service (SVS) in managing and administering these regimes;
 - a level of confusion in the industry as different movement regimes will exist in different parts of Great Britain this will be difficult to manage especially for farmers, veterinarians and livestock auctioneers in the border areas.; and
 - a risk of disease spread within Wales, from high risk areas into clean areas, and within the higher risk areas.

Options

Option 1: Do Nothing

8. This is a baseline solution with no additional requirements for pre-movement testing or more frequent routine surveillance testing.

Option 2: Make legislation and guidance to implement Pre-movement testing for all cattle

9. Pre-movement testing for all cattle moving from one and two yearly testing herds to any other herd. This would be similar to the legislation similar being proposed

Option 3: Make the Legislation

10. Pre-movement testing for all cattle moving from one and two yearly testing herds to any other herd, with exemptions for all cattle under 15 months of age. This is the preferred option.

Option 4: Make legislation and guidance to implement Pre-movement testing in conjunction with increased routine surveillance testing;

11. Pre-movement testing for all cattle moving from one and two yearly testing herds to any other herd, in conjunction with increased routine surveillance testing. Essentially option 2, with the abolition of three and four yearly tested parishes, such that all cattle in Wales are tested at a minimum of every two years.

Option 5: Make legislation and guidance to implement Pre-movement testing with exemptions in conjunction with increased routine surveillance testing;

12. Pre-movement testing for all cattle moving from one and two yearly testing herds to any other herd, with exemptions for all cattle under 15 months of age, in conjunction with increased routine surveillance testing. Essentially option 3, with the abolition of three and four yearly tested parishes, such that all cattle in Wales are tested at a minimum of every two years.

Benefits

13. The benefits of Pre-Movement Testing of Cattle will be to:

- put in place effective measures to ensure that the likelihood of the movement of TB infected cattle around Wales is minimised;
- improve purchasers confidence in the disease free status of cattle brought on to farm after having been Pre-Movement Tested; and
- share the costs of this new measure between Government and Industry in line with principles of the Animal Health and Welfare Strategy; and

Costs

14. Costs he costs of implementing this Order, indicates that Pre-Movement Testing in Wales will cost approximately £1,020,000 per annum; of which, £259,000 will be borne by the Assembly and £761,000 by the industry.

15. The cost per Pre-Movement Test will be approximately £9 - this is a private transaction between herd owners and Local Veterinary Inspectors (LVIs). UK

Government will continue to fund the provision of tuberculin and all routine surveillance testing.

16. Cost per animal will go down as the number of animals tested per visit increases. Current State Veterinary Service (SVS) fees paid to LVIs for TB tests may be indicative. For example, for testing 20 cattle LVIs will be paid £92. For testing 1-5 cattle they are paid £45. These do not include travel costs, which will be subject to considerable variation.
17. A pilot scheme for the training of lay TB testers has been undertaken by SVS in areas of both Wales and England – the first lay TB tester became available in the Carmarthen Animal Health Office area earlier this year. This initiative, paid for by the Department for the Environment, Food and Rural Affairs (Defra), will improve resource availability for testing.

Consultation with small businesses: the Small Firms' Impact Test

18. As the businesses most affected by the introduction of pre-movement testing measures are farms, which raise and trade cattle, they are likely, by their nature to, be small. The relevant industry organisations and key stakeholders in Wales have been consulted throughout the process of developing this policy.

Consultation

With Stakeholders

19. A 16 week consultation entitled 'Preparing for a GB Strategy on Bovine Tuberculosis', which took place between 9 February 2004 and June 2004, sought the views of stakeholders on the principles on which a new 10 year strategy should be based to achieve a sustainable control policy for GB and detailed proposals for measures to be implemented in the short term. This was a Wales-only consultation; however, a similar consultation was undertaken by Defra in England. A list of consultees is attached at Annex A.
20. One of these principles was to reduce the risk of spreading TB from high to low incidence areas by requiring pre-movement testing of all cattle moving from one and two yearly testing herds to other herds. The majority of consultees who responded to this section of the consultation were in favour of the proposal. It was, however, suggested that Government should fund pre-movement testing for the duration of the 10 year strategy. Those respondents not supporting the proposal pointed to the practical difficulties in introducing pre-movement testing; that these would outweigh the benefits, and to concerns about the reliability of the current skin test. Concerns were also raised about the additional workload that this proposal would place on farmers and the possible expense to farmers who may be struggling to run a viable business. A summary of the consultation responses is attached at Annex B. These responses were considered, in the drafting of this Order, by a working group containing representatives from the farming industry and livestock auctioneers in Wales.

With Subject Committee

21. This Order was notified to the Environment, Planning and Countryside Committee, via the list of forthcoming legislation on 5 October 2005 (EPC(2)11-05 (p.7) Annex 1, item No.36, CFA 120) and was identified for detailed scrutiny. The Committee scrutinised the Order (EPC(2)-02-01-06 (p.3) on 19 January 2006 and recommended approval of the Order without amendment. A discussion on Bovine Tuberculosis was held as part of the Minister's Report at the same meeting (EPC(2)-01-06(p.3). A transcript of the committee's discussions is attached at Annex C. Matters in relation to the implementation of this Order were also discussed as part of the Minister's oral update on 8 March 2006, a copy of the Committee's discussion is attached at Annex D to the Regulatory Appraisal.

Review

22. Progress will be reviewed and monitored over the first year of the Pre- Movement Testing regime and will be undertaken by Officials from Defra, The Welsh Assembly Government and the State Veterinary Service.

Summary

23. It is recommended that this legislation be made to introduce pre-movement testing, for all cattle moving from one and two yearly testing herds to any other herd, with exemptions for all cattle under 15 months of age.

Annex A – List of Consultees

ADAS Wales
Badger Watch and Rescue Dyfed
Brecknock Wildlife Trust
Country Land and Business Association Wales
Clwyd Badger Group
Countryside Alliance
Countryside Council for Wales
Dinah Williams
Edward Solomon
Farm Animal Welfare Council
Farmers' Union of Wales
Farming and Livestock Concern UK
Food Standards Agency
Glamorgan Badger Group
Gwent Badger Groups
Margaret Hunt
Martin Hancox
Meat Promotion Wales/Hybu Cig Cymru
National Federation of Badger Groups
National Public Health Service for Wales
NFU Wales
Powys County Council
Radnorshire Badger Group
Royal College of Veterinary Surgeons
Royal Association of British Dairy Farmers
RSPCA
S J Howells
The Association of Welsh Badger Groups
The Royal Welsh Agricultural Society Ltd
Tudor, Lawson, Dallimore and Parry (Veterinary Surgery)
Wales Council for Voluntary Action
Welsh Agri-food Partnership Organic Strategy Group
Welsh Black Cattle Society
Wildlife Trust in Wales

PREPARING FOR A NEW GB STRATEGY ON BOVINE TUBERCULOSIS

SUMMARY OF RESPONSES TO CONSULTATION HELD BY THE WELSH ASSEMBLY GOVERNMENT BETWEEN 9 FEBRUARY AND 4 JUNE 2004

1. INTRODUCTION

1.1 This document is a summary of the responses received to the public consultation (*'preparing for a new GB strategy on bovine tuberculosis'*) held by the Welsh Assembly Government between 9 February and 4 June 2004.

1.2 The consultation period was extended by one month to 4 June 2004 to allow consultees to consider the recommendations and conclusions of the Independent Scientific Review of the Randomised Badger Culling Trial and Associated Epidemiological Research (the 'Godfray Review') which was published on 4 March 2004. Copies of the Review's Executive Summary, Recommendations and Conclusions were sent to all consultees on 28 April 2004.

1.3 The purpose of the consultation was to initiate work on implementing the Animal Health and Welfare Strategy in relation to bovine Tuberculosis (TB) by inviting the views of stakeholders on:

- the principles on which a new 10 year strategy should be based to achieve a sustainable control policy for bovine TB in GB, and
- detailed proposals for new short term measures to seek to control the geographic spread of bovine TB, particularly to areas where cattle are currently free of the disease.

1.4 Responses were received from 34 organisations and individuals and a list of these is included at Annex A. In addition 100 identical one-page responses were received from individuals mostly in Powys. A petition was also received from Livestock Farmers, Agricultural Merchants and others signed by 130 individuals.

1.5 Some respondents to the consultation submitted a 'free standing' response and did not answer the questions set out in the consultation document. In these circumstances every effort was made to link responses to specific questions, where appropriate. Where this was not possible the essence of such responses was fully considered.

2. OVERVIEW

2.1 There was strong support for the eradication of bovine TB rather than containment and for regional differentiation to reflect distribution of the disease. There was also a consensus that the science base should be developed to inform future strategy. Many respondents considered that the wildlife reservoir must be addressed as well as the transmission of TB amongst cattle.

2.2 As TB is a zoonosis and, therefore, a public health issue it was felt that the Government should intervene in bovine TB and fund the implementation of a TB Strategy. The need for farmers to improve livestock management and biosecurity and for healthy and for sustainable farming to be promoted was a recurring theme.

2.3 Unsurprisingly, the issue of badger culling produced a clear division of opinion between farming and wildlife interests. Farming interests were generally in favour of badger culling, particularly in hotspots, whilst wildlife interests were opposed - many suggested that it was inappropriate to do so in advance of the outcome of the Randomised Badger Culling Trials. Respondents thought that the Government should fund a badger management/culling not least to ensure high standards of animal welfare.

2.4 Most respondents supported the development of the gamma interferon test, better cattle movement restrictions and a vaccine for cattle and badgers, with a vaccine for cattle the preferred option although several respondents expressed concern about the acceptability to consumers of food from vaccinated cattle. Many considered the gamma interferon test would reduce the time herds spent under restriction.

2.5 Respondents are willing to participate in partnership arrangements to tackle bovine TB but suggested that it is for the Government to decide on a TB strategy, implement and defend it. There was strong support for the refocusing of the work of the TB Forum. There was also strong support for the 5 proposed measures to improve surveillance testing and for making the system more transparent. A majority favoured pre-movement testing of cattle moving from 1-2 year testing herds to other herds but issues were raised about the practicalities, additional cost, workload for farmers and the reliability of the skin test. Although there was strong support for post-movement testing by farmers, there were concerns about such testing being on a voluntary basis, the cost and the practicalities. It was suggested that the Government should fund post-movement testing.

2.6 The other options considered, including zoning etc, attracted a wide variety of views from respondents. The new proposals for the early detection and prevention of developing TB hotspots were supported but some thought them pointless unless the wildlife reservoir is addressed.

2.7 Regional TB fora were also held in Crickhowell, St Asaph and Carmarthen on 31 March and 1-2 April 2004. A summary of the issues raised at these fora is at Annex B.

3. SUMMARY OF RESPONSES

Question 1: Bearing in mind we are looking at what we might achieve in terms of bovine TB controls in the next 10 years, do you agree that the most realistic target has to be to contain and progressively reduce spread, incidence and economic costs of the disease and to continue to develop the science base to inform future strategy?

Eleven respondents agreed with the approach of containment and progressive reduction in the next 10 years whilst 111 disagreed and thought that eradication in 10 years or less should be the aim. The petition called for early eradication of the disease. One respondent suggested that trace element deficiency was an important factor in containing and controlling the disease. There appeared to be a wide consensus that the science base should continue to be developed to inform future strategy.

Question 2: In defining what we hope to achieve in terms of bovine TB disease control, to what extent should this be regionally differentiated to reflect the distribution of the disease?

Fourteen respondents specifically supported regional differentiation to reflect the distribution of the disease. Other points were that this should be to county if not parish level and that regional bovine TB groups should be established. It was also suggested that differentiation should be based on risk of transmission rather than geographical areas. One respondent disagreed, advocating a countrywide approach.

Question 3: How should the interests of wider society, and the principles of sustainability be recognised in a 10 year vision for bovine TB?

One hundred and five respondents agreed that in a 10-year vision, the wildlife reservoir of TB must be looked into as well as transmission of TB amongst cattle. One hundred and thirty respondents (again, including the identical letters) were of the opinion that from the public health perspective, as TB is a zoonosis, the Government should completely fund the new Strategy to control bovine TB. It was also suggested that the 10-year vision should be consistent with the aims of the Government's Animal Health and Welfare Strategy. Education in relation to farm biosecurity and badger related measures were mentioned as possible ways of recognising the interests of the wider society.

Question 4: Does Government need to intervene in the control of bovine TB? If so, why, and to what extent? If not, why not?

Two hundred and fifty three respondents suggested that Government intervention is essential in order to control bovine TB. The remaining responses (mainly from badger groups) had not addressed the question at all. Twenty respondents agreed that

Government intervention is required in order to ensure the farming industry plays a role in minimising disease spread (through ensuring high standards of biosecurity are maintained). Fifteen respondents stated that the Government should intervene to protect public health, claiming that low levels of transference of TB between infected meat/milk to humans can only be maintained through Government intervention. Nine respondents stated that animal health and welfare must be protected by Government intervention.

Question 5: Who in your opinion are the main beneficiaries of current bovine TB controls and how should costs be shared between these beneficiaries?

Nineteen respondents specifically addressed this issue. The overriding view was that this is a public health issue and therefore the general public are the main beneficiaries. It was also suggested that all sectors benefit – the public through healthy milk/meat, farmers through healthier herds and the Government through a strong rural economy and international trade. The view was also expressed that farmers and vets were the main beneficiaries and also that no one benefits. The issue of cost sharing was not specifically addressed in many cases but on the basis that this is public health issue the majority of respondents appear to believe that the Government should bear the costs. Concern was expressed in the 100 identical letters about the ability of the industry to bear any additional costs.

Question 6: What contribution should the farming industry make to reduce the risks to their herd of bovine TB?

Twenty-one respondents specifically addressed this issue. The common theme from all these respondents is the need for farmers to improve livestock management, put in place effective and practicable biosecurity measures and for healthy and sustainable farming to be promoted. The point was made that this would result in healthier cattle better able to resist infection. It was also suggested that a system should be put in place for rewarding farmers who adopt such measures but with penalties for farmers for poor husbandry. One respondent thought that farmers should be compelled to comply with disease control/biosecurity measures. However, the view was also expressed that even the best biosecurity measures may not be effective in preventing ingress by wildlife into livestock areas. A respondent also suggested that farmers could do very little, as they cannot address the wildlife issue.

Question 7: Do you agree that, in the light of current evidence, policies should be developed (including badger culling) that seek to control transmission of bovine TB between badgers and cattle?

One hundred and seventeen respondents agreed that policies should be developed that seek to control the transmission of bovine TB between badgers and cattle and that badger culling in hotspot areas should be taken forward. Ten respondents were supportive of the Government developing policies to seek to control bovine TB transmission between badger and cattle but badger culling should be avoided at all costs due to the lack of

scientific evidence to implicate badgers with disease transmission to cattle. Respondents suggested other policies, including pre-movement testing, developing the gamma interferon test and imposing movement restrictions on cattle where TB tests are overdue. Two respondents stated that there was no justification at all for developing policies to control bovine TB transmission between badgers and cattle when the extent and significance of transmission (if it takes place at all) remains unknown. These respondents also thought that resources should be put into research and implementing policy that reduces the spread of bovine TB between cattle. One respondent suggested that the Voluntary Sector should be involved in the first stages of policy development.

Question 8: Should we consider introducing, in conjunction with badger control/management, better controls on the disease in cattle using, for example, the gamma interferon test?

Fifteen respondents specifically addressed and supported the issue of introducing better controls on the disease in cattle using the gamma interferon test. This was on the proviso that the gamma interferon test is researched further and is subject to satisfactory outcome in relation to accuracy. It was also mentioned that the gamma interferon test should be used as an adjunct to the skin test while further investigation into its accuracy is researched. Pre-movement testing and cattle vaccination to be implemented in conjunction with badger control/management was also suggested as a means of better control of the disease in cattle. Thirteen respondents thought that such measures to control the disease in cattle should be employed, but not in conjunction with badger controls as there is not enough evidence that these measures are effective.

Question 9: Under what circumstances would a badger culling or management policy be acceptable?

This question was specifically addressed by 22 respondents and there was, not surprisingly, a clear division of opinion between farming and wildlife interests. A majority of respondents were in favour of a badger culling or management policy including those who submitted the identical letter. However, in most cases this was conditional on a number of factors, including that any badger culling policy should:

- Be limited to hotspot areas/infected farms and only if all other measures to control the spread of TB had also been implemented.
- Be based on clear scientific evidence and not in advance of the RBCT report and/or the results of the Irish Trials
- Properly resourced and managed
- Benefit the overall viability of the badger population
- Take account of the welfare interests of the badger

There was concern that in the light of the increasing incidence of bovine TB an interim badger culling strategy should be introduced now in hotspots and areas of infection in advance of the RBCT report which is due in 2006. Those respondents opposed to such policy were of the view that culling badgers would not eliminate bovine TB; that there is a lack of scientific evidence for its effectiveness; that it is a waste of public money; and, that a vaccine is the best approach coupled with contraception in areas of high population density.

Question 10: How would any badger management/culling be organised, monitored and evaluated? Who should pay?

Eight respondents stated that the case to cull badgers is not good enough and should not be undertaken until there is conclusive evidence that badgers increase the spread of bovine TB (from RBCT). However, if badger management becomes essential, the Government must organise and finance it to ensure high standards of animal welfare are maintained. A further 112 respondents suggested that it is the responsibility of the Government to organise badger management/culling and to finance it, should the need arise. Nine of these respondents thought that the Government should provide farmers with licences in order to control badgers. A further 6 respondents took the view that farmers should not be given licences to shoot badgers due to animal welfare concerns. These respondents did not put forward any other suggestions for the Government to undertake to organise badger control. Two respondents stated that badger management should be organised by farmers themselves. One respondent also suggested that farmers should finance badger management themselves if there was inconclusive evidence that badgers increase the spread of bovine TB. This respondent stated that the costs should be split between the Government and farmers, should badgers be proved to increase spread of the disease. Sixteen respondents stated that badger management should be monitored independently and animal health and welfare standards along with efficacy of badger control should be assessed.

Question 11: If proactive badger culling is not shown in the Randomised Badger Culling Trial to be effective, what other action should be taken to control the spread of bovine TB in cattle?

The majority of respondents were in favour of the following:

- Improved testing and diagnostics regime for cattle, including use of the gamma interferon test.
- Introduction of better cattle movement restrictions.
- Development of a vaccine for cattle and badgers.

A lesser number of respondents were in favour of:

- Ensuring better biosecurity on farms and ensuring badgers do not gain access to buildings and troughs etc.
- Ensuring good herd health.

- Improved disease surveillance.
- More frequent testing of cattle.
- Improved animal husbandry.
- More research into pre-movement testing.

A minority of respondents mentioned:

- Encouraging organic farming and other extensive, wildlife friendly systems.
- Investigating wildlife vectors of TB (other than badgers).
- Improved delivery of TB controls with the use of lay testers.
- Education and training for farmers.
- Encouraging use of isolation facilities.
- Use of the single intradermal caudal fold test, introduced as an intermediate in annual testing regimes.
- Research into cattle-cattle transmission.
- Increased funding for Tir Gorfal and other agri-environmental schemes.
- Encouraging 'green tourism' on farms.
- Requiring farmers in TB hotspot areas to change their farming system from cattle to arable and if necessary the Government to provide incentives.
- Looking into animal resistance.

Question 12: On the basis of scientific evidence to date, how should Government focus research efforts on vaccines? Wider views on the prospects for vaccination would be welcomed.

Nineteen respondents addressed this question specifically. There was an overall consensus that an effective vaccine for badgers or cattle should be developed as quickly as possible and that sufficient resources should be devoted for this purpose. A cattle vaccine was thought to be the better option because of delivery issues with badgers. It was suggested that there should be full co-operation at an international level with other countries undertaking work to develop a vaccine. The trials in Ireland on a badger vaccine should be closely monitored, however, one respondent would not support field trials of a badger vaccine if it involved killing badgers. Ring vaccination around new hotspots as they occur was suggested as an effective use of a cattle vaccine. Concerns were expressed

that development work on a vaccine in the longer term should not rule out other short-term action to reduce the spread of the disease now. One respondent thought that an effective vaccine may never be found and that it would be better to boost cattle immune systems with trace element nutrition and better stock management to avoid stress. A generally held view, if a cattle vaccine is developed, is the need to educate supermarkets and consumers about the acceptability of vaccinated cattle. Some respondents thought this should not be a problem as food animals are already vaccinated against a number of diseases.

Question 13: How should the gamma interferon diagnostic test for cattle be used or developed in GB – to reduce the time herds spend under restriction by increasing the number of animals taken as reactors, to deal rapidly with herd breakdowns outside existing TB hotspot areas and/or to distinguish between vaccinated and infected animals?

The twenty respondents to this question were generally in favour of the use and further development of the gamma interferon test which some regarded as having key advantages over the skin test. Several favoured the use of the test in all of the circumstances mentioned in Question 13 but a reduction in the time herds spend under restriction by increasing the number of animals taken as reactors appeared to command the most support. One respondent expressed concern about the welfare of animals spending long periods of time under restriction. If the test was used it was suggested that it would lead to an initial rise in compensation costs but this would be more than justified in long term savings. The point was made that the SVS should be adequately resourced for testing. It was suggested that it was still unclear whether the gamma interferon test gave more accurate results than the skin test even when used in conjunction with it and that it was vital that farmers and wildlife interests had confidence in the testing regime. The field trials were raised by several respondents who expressed the view that more farms should be recruited and that the reluctance on the part of some farmers to co-operate may stem from a fear that the trials could end prematurely. One respondent also questioned the validity of the current field trials and their ability to inform future policy.

Question 14: What could 'effective partnership' mean in relation to bovine TB and what contribution could your organisation make to this?

Seventeen respondents addressed this Question. There is a clear willingness by the organisations that responded to participate in any structures that are put in place to take forward a bovine TB strategy. Suggestions included a Devolved TB Management Board and a Welsh Stakeholders Group. Key themes from respondents were the need for effective communication from and between stakeholders, including Government, and for approaches to be based on good science applied with commercial reality. A shared vision and agreed approach was felt to be important and that effective partnership would allow all stakeholders to be a partner on the basis of the contribution they can make. However, the point was also made that this is not area where consensus is likely to be reached and effective partnership should not disguise the need for clear responsibilities. Government must be prepared to decide on a strategy for tackling bovine TB, implement and defend it. It would be for Government to take the difficult and balanced decision on the way forward.

Question 15: What should be the Governance arrangements for a new TB strategy?

Twenty four respondents responded to this question, the majority of which stated that the new TB Strategy should be a partnership between the Welsh Assembly Government and stakeholders including livestock keepers, vets, consumers, animal welfare, wildlife organisations and Government agencies. A number of these respondees suggested that Regional Groups led by the Assembly be established to govern the Strategy at regional level. Four respondents suggested that governance of the new strategy should be the responsibility of the TB Forum. An equal number of respondents were against this proposal. Other suggestions for strategy governance include implementing the Godfray proposal for a senior figure at Defra to take ownership of the programme and for a Welsh Stakeholder's Group to solely govern the strategy.

Question 16: Should the remit of the TB Forum be recast, for example, to have a focus on communicating results of the research programme as recommended by EFRAC?

Fifteen respondents specifically answered this question. Nine respondents stated that the terms of reference of the TB Forum should be re-addressed, to maximise the scope and effectiveness of the group. These respondees stated that the TB forum should focus on dissemination of information to farmers and interested parties, as there is currently a lack of information readily available e.g. progress reports in respect of research being undertaken. Six respondents stated that the current objectives of the TB Forum were unclear and they were unaware of the value of the group.

Question 17: We have proposed five measures that are aimed to improve our surveillance testing and make the system more transparent. Are these measures appropriate, should any be changed and if so what should the changes be?

Twenty-four respondents addressed this question. Most were generally in favour of the five measures proposed including adoption of Directive EC 64/432/EEC. Some respondents thought that there should be a local risk-based assessment of testing intervals rather than that laid down in the Directive and others that annual herd testing should be introduced using lay testers as necessary. Several respondents suggested that the parish should be retained as the base unit and that discretion should be given to local DVMs to increase testing frequency in response to local disease patterns. There was concern that any new measures should be communicated and explained clearly to farmers. Several respondents made the point that the fourth measure should be subject to progress with the Gamma Interferon test. Also in relation to the fourth measure, one respondent thought that IRs should be removed following the second test. It was also suggested that the definition of reformed herds (referred to in the fifth proposed measure) needs to be clear. A respondent was also of the view that the current testing frequencies were still appropriate and it was the delays in removing reactors from farms that required

urgent attention. The point was also made that farmed deer should also be subject to compulsory testing.

Question 18: What are your views on our proposal to reduce the risk of spreading TB from high to low incidence areas by requiring pre-movement testing of all cattle moving from 1-2 year testing herds to other herds?

Twenty respondents addressed this question. Almost all of these were in favour of the proposal. Those in favour were concerned that there should also be improved testing techniques including use of the Gamma Interferon test in conjunction with the skin test. Several respondents were in favour of the proposal for pre-movement testing but that the Government should fund these tests for the duration of the 10-year strategy. One respondent thought that the proposal could be supported but only as part of a holistic approach to the eradication of TB in bovines/wildlife. Those not supporting the proposal pointed to the practical difficulties in introducing pre-movement testing, that these would outweigh the benefits and to concerns about the reliability of the current skin test. Concerns were also expressed in the identical letter about the workload this proposal would place on farmers and the possible additional expense to farmers who may be struggling to run a viable business.

Question 19: What are your views on our advice that farmers should themselves apply post-movement testing in order to minimise the risk of transfer of disease from high to low incidence areas?

Nineteen respondents addressed this question. The majority of these respondents endorsed the Assembly's advice that farmers should apply post-movement testing in order to minimise the risk of transfer of disease. Concerns were raised about the likelihood of farmers opting to undertake post-movement testing on a voluntary basis but some respondents emphasised the point that post-movement testing should be carried out as a good practice measure by farmers regardless of Assembly advice. Most of these respondents thought that the Government should fund post-movement testing. Respondents raised concerns about the resources required to carry out post-movement testing on a large scale. A small number of farmers considered the introduction of post-movement testing to be impractical for farmers, arguing that a high standard of biosecurity would be difficult to achieve on farm due to the lack of isolation facilities available. A small number of respondents were of the opinion that post-movement testing is worthless as once an infected animal arrives on the farm it would be too late to stop the disease from spreading to other animals. Three respondents considered the advice from the Assembly 'not good enough' as such a regime would increase the movement of people onto a farm thus potentially spreading all manner of diseases. One respondent suggested that business incentives and encouragement by the Government is required in order to promote self-help. A small number of respondents suggested that pre and post movement testing should be considered as a means of tightly controlling the spread of the disease.

Question 20: What are your views on the other options we have considered?

- zoning – banning all cattle movements from areas of high TB incidence to areas of low TB incidence without some form of risk assessment and assurance testing;
- post movement testing for all cattle moving from 1 and 2 year testing herds moving to 3 and 4 year testing herds;
- pre-movement testing for all cattle moving from 1 and 2 year testing herds and subsequent post movement testing at all 3 and 4 year testing receiving herds;
- pre and post movement testing for all cattle sold for breeding and production regardless of herd of origin and destination; and
- a pre-movement testing system based upon herd TB history, cattle to be tested that come from herds that have experienced an outbreak in the past five years.

Zoning – Eleven respondents specifically addressed this option. Five respondents stated that this option is worthy of consideration and is a sensible way forward as long as there is clarity over the definition of areas of high and low TB incidence. Due regard must be given to farmers in high TB incidence areas whose cattle have never been infected with TB. Six respondents believed that this option was impractical and a bad idea as there would be serious marketing consequences for farmers in areas of high TB incidence. Zoning would also be very difficult to implement due to the difficulty in deciding where to draw the line between areas of high and low TB incidence. Some respondents stated that this option should only be considered as one aspect of a comprehensive TB control programme.

Post-movement testing for all cattle moving from 1 and 2 year testing herds moving to 3 and 4 year testing herds – Twelve respondents addressed this option. Seven stated that post-movement testing would be an impractical option towards controlling the spread of TB due to ineffective isolation facilities available on most farms. Respondents highlighted the fact that when an infected animal arrives on a farm, testing it for TB is irrelevant as the disease would have started to spread unless the animal is adequately isolated. Five respondents stated that post-movement testing, with adequate isolation, would be of benefit in order to control the spread of TB amongst cattle. Many thought post-movement testing should be made mandatory rather than advisory.

Pre-movement testing for all cattle moving from 1 and 2 year testing herds and subsequent post-movement testing at all 3 and 4 year testing receiving herds – Eight respondents specifically answered this question. Most responded positively towards the pre-movement testing aspect, but failed to see the relevance of post-movement testing.

Pre and post-movement testing for all cattle sold for breeding and production regardless of herd of origin and destination – Eight respondents addressed this question, all of whom responded very positively to this proposed method of TB control. A number of respondents specifically recognised the importance of this option as far as breeding bulls are concerned.

Pre-movement testing system based upon herd TB history, cattle to be tested that come from herds that have experienced an outbreak in the past five years – Nine respondents responded to this question. The majority were against this option, stating that it ignores the possible contribution of wildlife or exogenous infection in herd breakdowns and it does not embrace pre-movement testing of all cattle moving out of high risk areas. A small number responded positively towards this option provided that the wildlife role in TB transmission is taken into account.

Four respondents fully endorsed all of the above options. And one respondent did not endorse any due to the unknown impact on farming systems.

Question 21: How effective do you think the new proposals for the early detection and prevention of developing TB hotspots will be?

Thirteen respondents specifically addressed this question. Most agreed that early detection of TB in herds is paramount in preventing further spread of the disease and a reliable diagnostic test is key in this objective. Six respondents stated that unless the wildlife aspect of bovine TB transmission is addressed, no cattle measures, no matter how rigorous, will be effective in preventing emergence of new TB hotspots. Most respondents support the measures proposed in the consultation document, especially cattle movement controls, accurate diagnostics and more frequent TB testing regimes. A number of respondents suggested that if all possible testing was being carried out (pre and post-movement testing), new TB hotspots should not develop. One respondent stated that the proposals set out in the consultation document would go a long way to preventing new TB hotspots emerging, but anergic animals (animals that are 'silent' carriers of TB, who show no signs of harbouring the disease and when tested, prove to be TB free, but infect other cattle), need to be looked into and a test to distinguish these animals from TB free animals needs to be developed.

ANNEX A

ADAS Wales
Badger Watch and Rescue Dyfed
Brecknock Wildlife Trust
Country Land and Business Association Wales
Clwyd Badger Group
Countryside Alliance
Countryside Council for Wales
Dinah Williams
Edward Solomon
Farm Animal Welfare Council
Farmers' Union of Wales
Farming and Livestock Concern UK
Food Standards Agency
Glamorgan Badger Group
Gwent Badger Groups
Margaret Hunt
Martin Hancox
Meat Promotion Wales/Hybu Cig Cymru
National Federation of Badger Groups
National Public Health Service for Wales
NFU Wales
Powys County Council
Radnorshire Badger Group
Royal College of Veterinary Surgeons
Royal Association of British Dairy Farmers
RSPCA
S J Howells
The Association of Welsh Badger Groups
The Royal Welsh Agricultural Society Ltd
Tudor, Lawson, Dallimore and Parry (Veterinary Surgery)
Wales Council for Voluntary Action
Welsh Agri-food Partnership Organic Strategy Group
Welsh Black Cattle Society
Wildlife Trust in Wales

Annex B

Regional TB Fora Crickhowell, St Asaph and Carmarthen – 31 March, 1-2 April 2004

1. Current Strategy

What we should keep

- Government Financial Support i.e. compensation.
- Keep current testing of cattle, but also test badgers for TB. Increase testing regime to either annual or bi-annual.
- Protect human health.
- Protection of animal health – wildlife and cattle.
- Ensure research into TB and a TB vaccine continues. Continuation of the Krebs' trials to find out whether randomised badger culling effects TB incidence. A select number of people agreed that this practice should not be done in Wales.

What we should lose

- Poor feedback to farmers regarding incidences of TB and progress made towards a vaccine. Farmers need better communication links with the Assembly so they are kept informed on what is going on.
- The long time delay between testing and obtaining the results.
- Testing fallen badger/road casualty badgers only in hotspots. They should be tested throughout Wales.
- Inconclusive results should be classified as being 'TB clear'.
- Slow removal of reactors from herds. Reactors should be removed from the farm a lot quicker than they are currently being removed. Adjoining farms should also be tested quicker.
- The half-hearted approach to eradicating TB must be stepped up in order to start controlling the disease.
- Stop playing catch-up when it comes to TB. Wales needs to stay ahead by researching TB, looking into the interaction between cattle and badgers, put more resources into developing a vaccine and looking into the contribution cattle movement makes to the movement of TB around Wales.

- Stop looking at badgers as being the sole vectors of bTB. A wider view must be taken and parameters should be extended to look at other wildlife as vectors.

2. Future Vision

Regarding TB, where do we want to be in 10 years time, how will we get there and what are the barriers that may prevent us from getting there?

In 2014:

- We want to be in control of TB/have 100% 'clean' cattle and wildlife.
- We want to be at the stage we were at 10 years ago.
- We want to have a uniform strategy throughout Great Britain.
- In 10 years there should be a greatly improved knowledge of TB.
- To have a better test for TB than the current one with 100% accuracy.
- We need to be in a position whereby we can stop TB entering the UK after eradication.
- Have a reliable vaccine in place

How will we get there:

- By testing other wildlife and researching the TB vector(s). Possibility of testing live badgers.
- Accurate TB test results need to be received quickly in order to removal reactors quicker from farms
- By testing road casualty badgers as soon as possible especially in hotspot areas.
- Improved removal/faster removal of road casualty badgers.
- Maintenance of 'clean' areas.
- 12 month cattle testing regime.
- Consider the advantages and disadvantages of using the gamma interferon test as well as the skin test.
- By putting a stop to uncontrolled cattle movements.

- Consider a vaccine as a means of controlling TB. The possibility for a vaccine for all animal species.
- Better communication and co-operation between wildlife organisations.
- Ensure decisions are based on fact and not anecdotal evidence.
- Reaction to TB hotspots more quickly and prioritising testing in these areas.
- By taking a proactive approach.
- Use of lay testers to make diagnoses (farmers must have confidence in lay testers). TB to be part of a control strategy whereby lay testers work with vets. The British Veterinary Association needs to realise the importance of employing lay testers and work with the Welsh Assembly Government.
- By concentrating more on eradication of TB and not just controlling the disease.
- By implementing the Irish strategy for TB eradication in the UK.
- Find out how TB was eradicated in other countries and in Britain in 1950s.

Barriers:

- Cost.
- Lack of research/resources available.
- Public acceptance of meat if vaccinated.
- Legal problems – if badgers are culled it contravenes the Berne Convention.
- Genetic mutation of bacteria to become resistant to vaccine.
- The practicalities of culling infected wildlife.
- Exporting live cattle to Europe.
- Withdrawal of Government funding.
- Lack of co-operation between parties.

3. Opinions on the proposal for pre-movement testing of animals moving from 1-2 year testing herds to other herds

For:

- A definite 'yes' as it lowers the risk of 'clean' farms, if done as part of an overall strategy.
- Pre-movement testing would help to monitor and keep track of the disease.
- Certification (passports) could be used to show that an animal has been tested. This would instil confidence in farmers bringing new cattle on to their farms. They would know it would be 'clean'.
- It is a practical method of testing if herd is to be dispersed, but would not cover store cattle.
- There would be no stigma attached to animals that undergo different testing regimes if all animals are tested prior to being moved.

Against:

- Impractical and very difficult to properly implement.
- There will be huge costs for this testing regime, especially if vets will be carrying it out.
- There was concern that costs for the extra testing would fall upon farmers.
- If this pre-movement testing comes into force, more resources will be required to cope with the extra tests. There would not be enough vets to test the animals. There is possibility of lay testers being employed, but farmers want qualified vets to make diagnoses, so lay testers were not favourable.
- Concern there would be a reduction in the number of markets.
- There is also concern that a 2-tier market would result from pre-movement testing between animals tested annually and those tested bi-annually. This is highly opposed.
- There is concern that producers could be more greatly disadvantaged in some areas than others.
- There could be problems with over-testing of cattle. This could make it more difficult to detect TB in less responsive cattle.
- Pre-movement testing would deter trade in cattle.

Discussion

- The reservoir of infection of TB is not being addressed. The question was asked 'what would be the point in testing if the TB vector was not being considered'?

- If pre-movement testing is implemented, the accuracy of the current test needs to be addressed.
- It was the general opinion that if pre-movement testing was to be implemented, the Welsh Assembly Government should find a way of paying for it. It was pointed out that if resources are put in now, the results in the long-term would more than compensate.

OPEN FORUM

TB eradication.

- Strong scientific knowledge as well as a common sense approach should be relied on in order to get 'on top' of TB.
- There was a suggestion to look at Ireland and how TB eradication is being researched there. Publications on this research must be seen and if models of eradication are robust enough to implement in Wales, then they should be.
- The vast amount of bureaucracy should be addressed in order to develop a workable solution.

Are there enough resources to go into a yearly testing programme?

Issues arising:

- Some consultees were of the opinion that introduction of pre-movement testing will clog up the whole system and that the only solution is to test annually. This would make it easier to see where the problem areas are and then the reasons behind them could be investigated.
- Many resources needed.
- In areas where large animal vet numbers have declined it would be difficult to find required resources to implement yearly testing.
- Possibility of employing lay testers to test instead of vets. This is out to consultation at the moment. As discussed previously this proved undesirable to farmers who want a qualified vet making the decisions, instead of someone who has no true knowledge of TB.
- The point was made that if the agriculture industry is healthy there will be enough vets.
- Most farmers would accept a yearly test for TB, but a move away from beef farming is envisaged if pre-movement testing is ongoing due to the increased stress on farmers and animals.

- Farmers cannot be expected to pay if they do not know for sure if TB will be eradicated. Farmers are willing to pay a levy as long as there is proof the work being done is working towards TB eradication.

The reservoir of infection of TB must be found and then a strategy to eradicate TB can be implemented based upon the findings.

- Many fingers pointed to badgers at this stage and there was an argument in their defence that badger populations have been stable for years even while incidences of TB have been ever increasing.
- The general opinion amongst consultees is that there needs to be scientific evidence that badgers are the vectors of TB and then badger groups would agree to culling. However, there is no evidence to suggest that badger culling will have an effect on bTB incidence. A badger cull would only be justified if it will work. Krebs' Trial results need to be seen
- Other possible vectors of TB need to be looked into e.g. deer

A TB vaccine is 10 years away. Why?

- Many resources are needed to be invested in finding a suitable vaccine. It will be very costly. There is not enough scientific information available at the moment.
- Resources are going into researching relationships between cattle and badgers and not enough time and money is being spent on developing the vaccine.
- Questions need to be answered which take time to research. For example, what is the value of the animal after vaccination? Will it lose value? What would be the effect on the carcass?
- What will be the effect of the vaccine on wildlife?
- There also needs to be a test to distinguish between vaccinated and unvaccinated animals.

Payments for compensation – no decisions have been made as yet, but it is out for consultation.

- Payment rates have to be researched and have to be justified according to the market value of the infected cattle, and not other losses.

Hire bulls.

- Would annual testing be sufficient for hire bulls moving from farm to farm on a regular basis? The general opinion was that it would not be sufficient. Pre-movement testing of hire bulls would be a better option.

Parish systems.

- There should be a buffer zone between parishes in order to prevent a low risk parish being situated next to a high-risk parish,

Annex C – EPC Transcript 19 January 2006

Elin Jones: Yn gyntaf, yr oeddwn yn siomedig gyda'ch datganiad cyn y Nadolig. Yr oeddwn yn aelod o'r pwyllgor hwn bum mlynedd yn ôl pan oeddem yn trafod TB ac, ar sail y datganiad hwn, ni chredaf ein bod ymhellach ymlaen o ran taclo'r clefyd hwn ar lawr gwlad.

Elin Jones: First, I was disappointed with your statement before Christmas. I was a member of this committee five years ago when we discussed TB and, on the strength of this statement, I do not think that we have moved forwards at all in tackling this disease at grass-roots level

10.00 a.m.

[157] Yr wyf, yn sicr, wedi gweld yn fy etholaeth yng Ngheredigion, fod y clefyd ymysg gwartheg wedi ehangu'n sylweddol.

In my constituency in Ceredigion, I have certainly seen that TB in cattle has spread considerably.

[158] Yn gyntaf, mae tabl ar gyfer taliadau ac, mewn egwyddor, ni allaf ddweud ein bod yn gwrthwynebu hynny. Yr ymateb yr wyf wedi'i gael oddi wrth pobl sy'n deall gwerth anifeiliaid yn well na mi yw nad yw'r tabl, ar ei ffurf bresennol, yn gallu adlewyrchu'r ystod sydd o fewn y gwahanol raddau a'r gwerthoedd. A oes modd ichi roi categorïau ychwanegol o fewn y gwahanol raddau a fydd yn rhoi adlewyrchiad gwell o werth anifeiliaid unigol? Bydd hyn yn creu tipyn o *issue* ymysg y rheiny sy'n dod o dan gyfyngiadau TB.

First, there is a table for payments and we would not oppose that in principle, but the response that I have had from people who understand the value of livestock better than I do is that the table, in its current format, cannot reflect the range to be found within the various grades and values of livestock. Are there any means by which you could include additional categories within the grades, which would better reflect the value of individual animals? This will be quite an issue for those who are subject to the TB restrictions.

[159] O ran profi bywyd gwyllt, yr ydych yn dweud eich bod wedi dechrau'r broses o brofi moch daear sydd wedi marw. Nid yw'n glir yn y datganiad—ac efallai y gallwch ei egluro—beth fydd y broses o asesu yn ystadegol wyddonol y cysylltiad neu beidio rhwng moch daear ac ardaloedd lle mae TB ymhlith gwartheg. Faint o sampl sydd arnoch ei hangen cyn eich bod yn gallu asesu'r cynllun hwn? Pa feini prawf a ddefnyddiwch i asesu a oes cysylltiad rhwng TB mewn moch daear marw a'r ardaloedd lle mae TB mewn gwartheg? Ni allaf ddeall yn iawn ar ba sail y byddwch yn asesu hyn na pha mor gyflym y gallwch benderfynu ar yr asesiad.

On wildlife testing, you have stated that you have started the process of testing dead badgers. It is not clear from the statement—and perhaps you could explain it—what process of scientific statistical assessment there will be between badgers and areas where TB is found in cattle. How large a sample do you need before you can assess this scheme? What criteria will you use to assess whether there is a link between TB in dead badgers and areas where TB is found in cattle? I cannot quite understand on what basis you will be making that assessment or how swiftly you will be able to reach a decision on the assessment.

[160] **Glyn Davies:** Elin has raised a couple of important points. Could we take them in order, Minister, starting with the table? I suppose that you are looking for

some sort of condition-scoring in the table in some way, are you?

[161] **Carwyn Jones:** The table has already been extended from 29 to 47 categories following submissions made to us. I cannot expand the table to such a point where it simply reinforces overcompensation.

[162] **Glyn Davies:** The point that I took, Minister, was that it is not so much the number of categories in the table but whether or not there is some scope for condition-scoring within each band. That was the point. It does not matter how many categories you have; it does not differentiate between a good and a poor animal. A poor animal can be worth virtually nothing. That is where the danger of unfairness or, indeed, overpayment comes in. That was your point, Elin, was it not?

[163] **Elin Jones:** Yes.

[164] **Carwyn Jones:** The idea behind the table valuation is to put us in a position in which farmers can know how much compensation to expect. We have to accept that no system is perfect, but it is quite clear that the present system has led to substantial overcompensation. If you look at the National Audit Office's report, you will see that it estimates that:

[165] 'in 2002 compensation was at least 50 per cent higher than underlying market prices'.

[166] In some cases, it was over 100 per cent, estimating that we may have overpaid £2.6 million in 2002. No responsible government could possibly continue with that sort of situation, and I have no intention of doing so. That said, when you introduce the table compensation system, there are bound to be winners and losers, but at least you can put a robust system in place where you know that the chances of overcompensation are minimised. That is why we have the table. There can be no question of retaining the present system, though I do not think that Elin is arguing for that, to be fair.

[167] **Glyn Davies:** I do not know whether I am explaining it right, but you do not accept the point that I am making. There is the issue that you have tabular payment, and I think that someone has been talking of challenging that, but it is not the issue with which we are dealing at present. The number of classes is not the issue either. It is simply that there should be some element of condition-scoring within each class, if simply to introduce the element of fairness. That is the point at issue here. Elin has asked a question that has not yet been answered. That is all that I am referring to. That is all that I am trying to get at.

[168] **Elin Jones:** It seems that the Minister is saying that we cannot have a system in which there are no winners or losers. From this current system, however, there is a potential that the winners will be those people with the lowest-quality animals in each of the categories, and that the losers will be the exact opposite.

[169] **Carwyn Jones:** To be clear, are you suggesting that there should be a maximum payment in each table? That, in effect, is what you are suggesting.

[170] **Brynle Williams:** No, it is not—

[171] **Glyn Davies:** I do not want to invite comments from other Members until we have established what Elin is saying. I know what she is saying, but I want to have it established before anybody else comes in.

[172] **Brynle Williams:** I was trying to help to clarify it.

[173] **Glyn Davies:** I think that the suggestion is that, in the category, there should be some assessment of whether the animal in question scores at one level, which would be a much higher level—it could be a maximum payment within the category, because they are now; they are fixed payments now, are they not? So, clearly, there would be a fixed payment for a good animal and a fixed payment for a poor animal, with the median perhaps being the figure that you have now. That is what is being suggested.

[174] **Carwyn Jones:** But is that not valuation?

[175] **Glyn Davies:** It is an element of valuation, yes. It is certainly a judgment about scoring.

[176] **Brynle Williams:** May I, through you, Chair, just add something?

[177] **Glyn Davies:** In a second, Brynle. I just want to finish this point. The Minister is about to ask a question.

[178] **Carwyn Jones:** That suggestion would mean, in effect, a return to valuation, for which you would have to set the maximum level quite low to prevent the overvaluation that we have now and have had in the past. That is the difficulty. What you are suggestion would mean a return to a system in which you value animals. You will have a maximum level, but that has to be pretty low to ensure that not everybody's stock is being valued at a higher maximum level. That is the difficulty, and the National Audit Office figures suggest that that is exactly what has been happening.

[179] **Glyn Davies:** Well, I tried.

[180] **Brynle Williams:** I have been trying to say that a dairy cow at full profit is worth so much, whereas, when she becomes empty, her value falls, but you not only want to score it that way, you might also want to look at condition scoring. One of the simplest ways may be, as Jocelyn pointed out, to have something similar to *Glass's Motoring Guide* for the car industry, in which you can compare the price of a car that has done 30,000 miles with another car of the exact same model but which has a different mileage—you may want to break it up and categorise it in that way, because the value of cows can vary greatly from day to day, virtually. We appreciate that we may have been overpaid in the past, but now we have to look at a fair and economic return for something that is out of our control.

[181] **Glyn Davies:** Mick, do you want to come in on this point?

[182] **Mick Bates:** Just to say that we all understand the position that has been put forward in the form of the new valuation table. However, if you examine the Irish way of valuation, there is a five-point condition score that gives some certainty and

simplicity to the system, and that enables people, whose stock contract this terrible disease and whose businesses suffer because of it, to see that they are receiving a just and fair price. This is being interpreted as complicating the matter and using the basis of the audit report to hammer the industry. Examine the Irish five-point condition-scoring scale that gives the value of the animal, because that is the type of simplicity that the industry would like to see.

[183] **Jocelyn Davies:** I do not think that it is too complicated, and I support other Members' remarks. I am a member of the Audit Committee, and one of our concerns was that there was substantial evidence that any valuation of an animal could be supported by considerable documentation, which is very difficult for officials to challenge. In the case of individual valuations for animals, as you rightly pointed out, some of them were 100 per cent over the expected market value, but there is the issue of the quality of the animal, as in our comparison to cars. However, there should not be an element of consequential loss.

[184] **Glyn Davies:** The point has been made, but, ultimately, Minister, it is you who sets the rules. A general point is being made: do you want to respond to that?

[185] **Carwyn Jones:** Jocelyn's suggestion is interesting because farmers have been paid for consequential loss, of course, and compensated. That is not the reason for overvaluation, but it is part of it, but farmers have always been overcompensated above what the law has required. If the suggestion is that we should move to a situation whereby we should compensate only on the basis of what the law requires, that is an interesting suggestion. In terms of what has been suggested, Brynle mentioned a *Glass's Motoring Guide* sort of model. Of course, that guide looks at the mileage of a car and its age.

10.10 a.m.

[186] **Jocelyn Davies:** And its condition.

[187] **Carwyn Jones:** But condition is objective. You are effectively arguing for a valuation system with a maximum level of payment, which would have to be set at a very low level to stop overcompensation.

[188] **Brynle Williams:** Perhaps I overcomplicated things, but there is a form of condition-scoring for animals that is recognised by the Meat and Livestock Commission, under which a class 1 animal is an animal in prime condition, and a class 2 animal is not in quite as good condition. That is what we are asking for, because there is a variation. I know that it is valuation, but we also have to look further past this. Consequential loss has been referred to, but when you are taking vast herds out, you are also increasing the value of cattle. If you kill, take out or destroy more cattle, the farmer still has to restock at a given time. There are many elements here.

[189] **Jocelyn Davies:** The Minister keeps making the assertion that the maximum level would have to be very low, but I have not heard any justification for that yet. Why would the maximum level have to be set very low?

[190] **Carwyn Jones:** It would have to be set low to avoid overcompensation. There has to be a maximum level to avoid that. What is happening at the moment is that there is overvaluation and farmers are being paid more than they should be

paid. That is what these figures suggest. The second point is that we have to avoid a situation whereby, if there is a valuation system, people do not just value every animal as being in top condition, because that is what these figures suggest has been happening. That is the weakness of having a system that involves valuation.

[191] In terms of condition scoring, I will ask Christianne to explain how that works.

[192] **Dr Glossop:** Just to clarify, you are right: there is a condition-scoring diagram or code, which is accepted in the sheep and cattle industries. However, it is only to do with how fat or thin the animal is; it does not take into account whether they are lactating or pregnant or have a calf at foot. I need to ensure that we understand that when we are talking about that condition-scoring code. It is literally looking at whether they are overweight, average or underweight. It is part of the equation, but it is not the whole thing.

[193] **Glyn Davies:** What we can take from this exchange is that you are introducing a table—and we understand the reasons why it is coming in and we accept that there are a whole range of categories—but the concern for Members is that it does not take account of the quality of livestock and there may be quite a lot of overcompensation and undercompensation because there is no judgment made on the condition of the animals, which makes a huge difference. I think that that is the point that Members are making. I suppose that we are asking you to look at whether or not you would be able to address that.

[194] **Elin Jones:** On the process, just for me to understand this, these arrangements are subject to the legislative process, so how soon are you likely to bring that legislation before us and the Assembly?

[195] **Carwyn Jones:** We do not have a date as yet, but it is right to say that it does have to go through the full Assembly. Bearing that in mind, I will consider what has been said. To be fair, I do not think that anyone has argued this, but we have to deal with substantial overcompensation, which has been identified by independent sources.

[196] **Glyn Davies:** I do not want you to think that Members are not accepting what has happened in the past and that we need to have a way in which to deal with that. It seems to me that there could be a way in which to introduce an element of condition scoring, but it is more complicated than the system that you propose to introduce. You have to have a mechanism for doing that, and you might decide that you cannot do that. However, the point has been raised by committee members, and it is for you to go back to consider that, which you have said that you will do.

[197] **Carwyn Jones:** Yes.

[198] **Glyn Davies:** I want to move away from this now.

[199] **Mick Bates:** I have one final point.

[200] **Glyn Davies:** Is it on a different issue?

[201] **Mick Bates:** Yes. Is there an appeals system for individuals?

[202] **Carwyn Jones:** There is no appeals system.

[203] **Mick Bates:** I think that you must have some sort of appeals system for this.

[204] **Carwyn Jones:** If it is a table compensation system, why would there be an appeals system?

[205] **Mick Bates:** You would need it in order to challenge the person who operates the table, because that is the whole point. The industry feels completely sidelined.

[206] **Carwyn Jones:** You have an appeals system where discretion operates. It is the legislation that you look at rather than the way in which it is interpreted and implemented.

[207] **Glyn Davies:** We will move away from this now. Clearly, there will be a chance to discuss this in Plenary when it is tabled for approval. However, the Minister has said that he will look at the point that has been raised and I do not know whether we can ask any more than that. We cannot expect agreement to a point raised today. Moving on to Elin's second point—

[208] **Lorraine Barrett:** If I can just ask my point first, they can be answered together. We were concentrating on the farming side, and I want to speak up for the badgers and welcome the Minister's statement, in that you have no immediate plans, although I would like to see no plans, to start killing—and, for me, the word is 'killing' not 'culling'—badgers. I was interested in Elin's point because I wanted to ask how long that survey would take. Obviously, it would have to be long enough to be meaningful. It may be a bit too early, but I wondered whether you are in a position to say something about further measures, such as research and so on, that you might be considering following on from the report of the TB action group?

[209] **Carwyn Jones:** I will ask Tamsin to come in, because, as chair of the TB action group, she has been deeply involved in this. There are no plans for other measures at this stage. Clearly, as Members will know, a survey of the badger population is taking place, and the testing of badgers that are roadkill or found dead, I should say—usually on the road—is the next step. In the meantime, there are no proposals to introduce anything else, beyond what was announced in December. I ask Tamsin to take forward the detail of the question that Elin asked.

[210] **Tamsin Dunwoody:** Just to clarify your first point, there is no testing of badgers within the wildlife area; it is only 'found dead'. I believe that two yesterday were the first collection. We are currently in the process of negotiating a service-level agreement with the State Veterinary Service—which has become a part of the Department for Environment, Food and Rural Affairs—and with local authorities. The point of the found-dead survey was that, when we carried out the initial investigation, one of the recommendations was to look at found deads in clean areas, so that it would give a rule of thumb or a very simple indicator that it might be an issue. However, since that time, we have extended the found-dead survey to the whole of Wales, so if any badger is found dead, either on a road or private land, it would be looked at and tested, post-mortem, clearly, for bovine TB, which would then give us an indicator of where there might be an issue. The basic principle of this is that, obviously, we want to reduce the disease. So, if we are, for example,

starting to find found dead badgers with bovine TB in clean areas, that would initiate some kind of response from us. So, it is an indicator.

[211] You asked specifically about the timetable. The timetable attached to the whole project is a three-year timetable, but the timetable attached to the survey of wildlife is approximately six months, which is the period that we are looking at to carry out the mapping and the listing of all the wildlife within that area. Because we accept that we have a gap in our knowledge about the wildlife population, particularly about the link between the badgers and the cattle, the simplest way of linking them, at the first stage, before we make any recommendations from the group to the Minister, is to carry out that survey so that we are fully apprised of the impact, which we may have to look at before we advise the Minister. So, it will be a knowledge-based recommendation.

[212] **Elin Jones:** For me to understand, and I appreciate that it is a found-dead survey, a six-month survey of found-dead animals—

[213] **Tamsin Dunwoody:** That is a 12-month survey of the found-dead animals; it is six months on the mapping of the wildlife.

10.20 a.m.

[214] **Elin Jones:** Okay. I will concentrate on the found-dead survey, which will take 12 months as of December. What kind of sample of wildlife will you need to be able to prove or disprove whatever you have set as what you want to get out of this survey?

[215] **Tamsin Dunwoody:** It is literally that each animal individually will give us information about whether bovine TB is present within an area. It is not down to a statistical number, we are not trying to achieve 'x number' before we accept the results. Each individual animal is tested and if it tests positive, that will give us an indicator that, if it is in a clean area, there is an issue.

[216] **Elin Jones:** Right. What are you expecting that to tell you about the link or otherwise between a badger population and bovine TB?

[217] **Tamsin Dunwoody:** The point of the testing is simply to establish whether there is bovine TB within the badgers that are found under those circumstances. Obviously, we cannot, at present, test the wildlife within the wildlife element of the intensive treatment area, until we have gone through the knowledge-based survey—

[218] **Elin Jones:** Other than the dead ones.

[219] **Tamsin Dunwoody:** Other than the dead ones, because, at present, there is an issue around the testing of live badgers.

[220] **Dr Glossop:** I just want to add something to that: that is exactly what we plan to do. As you can understand, we do not have data on whether badgers in Wales are infected with mycobacterium bovis—we do not know. The last time that we looked was about eight years ago, when something like 33 badgers were looked at and two were positive. That is not very good evidence. So, what we are

envisaging, as we collect these dead badgers from wherever they are found, is a map of Wales with a little dot for each place that the badger has been found, and whether or not it is infected with mycobacterium bovis.

[221] What we are then going to do, having cultured the organism, is to look at the genotype—it is called the spoligotype—that is, the actual genetic typing of the mycobacterium bovis bacterium found in the badger. Having mapped badgers in Wales, and whether they are infected or not, we plan to overlay on that map the presence of the particular genotype of mycobacterium bovis in cattle in those areas, to try to understand whether there is a link or not. For example, if in clean areas, badgers are not infected, that gives us useful information. If in, for example, Pembrokeshire, the spoligotype of infection in cattle—I do not know what it is, but say that it is spoligotype 11—is the same as the spoligotype with which badgers in that area are infected, then that will help us to understand whether there is a link or not.

[222] That is what we are aiming for in this 12-month survey. If we can get the data faster, we will be happy to do that, but we are trying to be realistic. We aim to have this map, which will help inform our next steps, which we will be talking about in the action group.

[223] **Elin Jones:** I just want to go back to the question about the size of the sample that gives you an indication, because you have set yourselves 12 months, but you said just now that, if the data can be collected quicker, you might be able to make assessments before the end of that 12-month period. What kind of numbers of animals and geographic spread are you looking for? This is the kind of thing that politicians do all the time in sampling political opinion, although it is slightly different, I am sure. A sample of 1,000 in Wales will give you an indication of how many people are going to vote Tory.

[224] **Dr Glossop:** In terms of numbers, we are planning for about 400 badgers over a 12-month period. That is based on looking at the numbers of badgers that have been collected in a road traffic accident survey in certain areas in England, and, I believe, looking at the numbers that have been picked up off the road in Powys over the last period of time, I do not know how many months that is.

[225] **Mr Alexander:** It is six months.

[226] **Dr Glossop:** It is six months. That has given us an indication that 400 is a realistic number.

[227] **Elin Jones:** May I just ask one question on that, and I will then finish? If, say, 400 found-dead badgers find their way to you in the next two months, then the test itself does not have to be time-specific, does it? It does not matter, scientifically, if these badgers were found dead in December or August.

[228] **Dr Glossop:** That is correct.

[229] **Elin Jones:** As long as you have the numbers and the geographic spread.

[230] **Dr Glossop:** We need the spread, and the badgers need to be in the right condition to be analysed. It may be that, if they have been hit by a car, they are

not in a good enough condition, or if they are found several days after death in the summer. I do not want to go into the details, but there could be some reason why samples are not appropriate.

[231] **Elin Jones:** The point that I am making is that the project could find itself in a position whereby it can report on these findings at an earlier point than the 12-month maximum.

[232] **Glyn Davies:** I want to come back to Lorraine in a second, but just to clarify things in my own mind, what we are doing here is seeking to establish the relationship between TB in badgers and TB in cattle—to establish whether there is a relationship.

[233] **Dr Glossop:** Yes, we are looking to see whether there is a relationship.

[234] **Glyn Davies:** That is what this exercise is about.

[235] **Dr Glossop:** Yes.

[236] **Glyn Davies:** Lorraine, do you want to come back on that?

[237] **Lorraine Barrett:** I am reasonably content now, Chair. Elin just covered the point—I would not want to have 400 badgers within two months from one area if something awful had happened. It is important to get the right spread and not to rush it just for the sake of rushing it. It needs to be done properly and thoroughly. That is fine.

[238] **Glyn Davies:** I am quite happy to allow another 10 minutes on this issue. Are there any other issues on bovine TB? Jocelyn, do you want to come in with a brief point, and then I will ask Mick?

[239] **Jocelyn Davies:** I have a brief point. Correlation does not mean cause and effect. We must guard against that. I also want to take issue with something that the Minister said yesterday in answer to questions, when he described the culling, or the killing, as Lorraine said, as,

[240] 'knocking a few badgers on the head'.

[241] I think that we ought to be a little cautious with the language that we use when we discuss this because it gave entirely the wrong impression and I think that the Minister should reconsider his words.

[242] **Carwyn Jones:** No, I will not, frankly, because there are some in the farming industry who take the view that if you cull a few badgers, you get rid of the disease. It is a turn of phrase but it is so simplistic that it can be dismissed.

[243] **Jocelyn Davies:** It was your words about knocking badgers on the head that I felt were inappropriate.

[244] **Carwyn Jones:** Well, it is a turn of phrase.

[245] **Jocelyn Davies:** If you want to talk about killing or culling, fair enough, but I thought that it was unfortunate that you chose—

[246] **Carwyn Jones:** Whatever you call it, it is still unpleasant.

[247] **Jocelyn Davies:** Of course it is unpleasant. When we say 'they were found dead', we could say, 'they were left for dead'. The impression that you give depends on how you phrase things.

[248] **Glyn Davies:** You have made the point.

[249] **Mick Bates:** I would like to examine the question of partnership and our high expectations when the TB action group was originally established. Elin referred earlier to when she was on the committee and we discussed TB four or five years ago. We have always gone with this great partnership ethic that the industry, wildlife groups and the Government are working together to stop the 18 per cent annual increase in this terrible disease that is spreading across Wales. There is a tremendous disappointment at present out there, particularly in those intensive areas, the hotspots, where the disease is spreading, that this action group does not seem to produce much action. In terms of the recommendations, the partnership ethic seems to mean that the industry will suffer further. The first example of that is pre-movement testing. England is going to implement pre-movement testing and I would like to establish clearly what plans you have to do that in Wales, because those of us who live in cross-border areas will see an increase in our costs, because if we want to sell in England, we will have to test. I am not sure that the whole issue of cross-border pre-movement testing has been thoroughly examined in terms of understanding the impact in Wales. The costs of pre-movement testing have been put, I think, at some £5 million, so the Government is moving this cost onto the industry, which is hardly a good way of building partnership. What estimates have you undertaken to see whether there are enough veterinarians for the pre-movement testing to be undertaken if and when it is implemented? Chair, I think that I will leave it at that with the first question on pre-movement, but there are other issues that I wish to raise.

[250] **Glyn Davies:** We will do the pre-movement issue, but I am not anticipating that there will be a long discussion on the Order, which is why I am happy to let this run on a little. I know that this is an important issue that matters a lot. The pre-movement testing issue—

[251] **Carwyn Jones:** It is in the Order.

[252] **Glyn Davies:** It is in the Order, but I am quite happy to allow—it is quite difficult to differentiate on this. Mick has asked this question.

[253] **Carwyn Jones:** Mick asked what plans there were to introduce this—it is in the Order; that is what it is all about.

[254] **Glyn Davies:** What about the cross-border element of it though?

[255] **Carwyn Jones:** It is anticipated that the pre-movement testing regime will be in place in England before it is in place in Wales because of our legislative procedures, and for no other reason. The Tuberculosis (Wales) Order 2006 that this committee is scrutinising today is the Order that we plan to bring before Plenary.

[256] **Mick Bates:** So the problems will exist for those people in Wales who wish to sell in England.

[257] **Carwyn Jones:** Yes.

10.30 a.m.

[258] **Mick Bates:** So, how are you going to overcome that? How are you going to inform the industry? This is an action group. Surely there should have been some effort to ensure either that it was implemented at the same time or that you were informing people who wished to put cattle into sales in England that they had to have pre-movement testing.

[259] **Tamsin Dunwoody:** I will come in on that, if I may. First, I would like to go back to the group; the group does work in partnership, and I would like to pay tribute to all of those involved, all of those stakeholders from the animal groups, particularly from the farming industry, who worked very well together to try to tackle an extremely difficult situation.

[260] **Mick Bates:** One that we have known about for a long time.

[261] **Tamsin Dunwoody:** The disease has been there for hundreds of years, but the group has only been in existence, and this committee has only looked at this issue—as far as I am aware—for about 18 months. The action from that period has been quite measured. Clear steps are being taken, which I believe that the industry is aware of, and *Gwlad* publishes regular information on that.

[262] In terms of your comment on the cross-border pre-movement testing, because of the disparity that the Minister mentioned in terms of legislative process, England can introduce an Order earlier than us. Scotland already has that Order; ours will be slightly delayed. As a result of that, any livestock moved into England will have to be tested before it crosses the border into England. That is the regulation, because England will have that in place. Without that farmer testing prior to moving livestock into England, it will not be possible to trade with England, which would have an impact on the farming industry. That is also the case with Scotland. In terms of the actual pre-movement testing information, this document has gone out to the farming industry, so I am slightly surprised that you have not seen it.

[263] **Mick Bates:** To return to what you said about the discrepancy—that the action group or the Minister has failed to put the legislation in place at the same time—there will, therefore, be a period when we will not be able to sell in England; that was a clear statement.

[264] **Carwyn Jones:** If you want me to put it through my executive procedure, I will.

[265] **Glyn Davies:** Mick, I will just raise this point, if I may, because I want to cover the important points. The issue here is the difficulty that may arise for farmers in Wales who are not in the areas that are tested every year or two, so there will not be pre-movement testing. They will have to pre-movement test if they want to sell in England—[*Interruption.*] Sorry, they will not?

[266] **Dr Glossop:** The legislation will be very similar; the rule will be that any animal being moved out of the one or two-year testing parish will have to be tested for TB within 60 days and test negative before it moves. That is in place in Scotland, so if a farmer from Wales in a one-year testing parish wants to sell cattle to Scotland, he has to meet that requirement. Once the legislation is in place in England—regrettably at a different time to Wales, I understand that; there will be a difference of a few weeks—that Welsh farmer will have to test his animals. If an English farmer wants to sell animals into Wales from a one-year testing parish, he will also have to test once the legislation is in place. Supposing that we end up with the same legislation in Wales, when we get to that stage, then farmers will again have to test animals to move them. It is the same principle. Let us not forget that the reason for doing this is to protect clean areas of Wales from the introduction of infection. I am sure that no-one here would argue with that; it is the first basic building block of disease control, and that is what we are trying to do. Yes, it is adding to the cost, but I cannot understand how anyone in their right mind would move an animal now from a one-year testing parish into an area of low TB incidence without taking an interest in whether that animal is infected. That is a basic point. We are all committed to reducing the incidence of infection. Let us protect the areas that are not infected.

[267] **Brynle Williams:** As a practising farmer, I am concerned by a couple of things—and I am not denying that either of my colleagues are not. Elin has already said that this was discussed at length four or five years ago before I came here. Now we appear to be going on to another testing regime. Are we taking any notice of the evidence that has been gathered in Ireland, in the west country and other places? It seems, as Mick pointed out, that the disease is running rampant. We have a serious problem; it is up in north Wales now. I am the first to say, hand on heart, that I do not want to see the destruction of wildlife. However, I want to see this working in tandem. This is very much on the farmer's side; it seems extremely one-sided to be going down the route of regular testing, pre-testing, and what have you. With the move to testing road traffic accident badgers, we should have tested quite a few, so how many have we tested in the last six months?

[268] **Tamsin Dunwoody:** It has literally just started; two have been collected.

[269] **Dr Glossop:** The answer is seven.

[270] **Brynle Williams:** I am rather disappointed; I do not like to report anyone, but, last week, I had cause to phone my divisional veterinary office, and I was told, 'We will have to get back to you because we do not know what the procedures are, where we are going to test and who is going to test'. I will not give the name here—I will tell you afterwards—but that was a divisional office in Wales that knew virtually nothing about this. I agree with you that this is a full partnership between the industry, Government, vets, and everyone. However, we have talked and talked about this disease, and the farming community does not see enough being done about it. Now, I do not know what enough is, and I most certainly, as the Minister said yesterday, do not want to see the wholesale slaughter of wildlife. However, I realise that we must be sensible and must consider all aspects of this. At present, it seems to be rather one-sided that we are looking at cattle movement and nothing

else. That is how it appears.

[271] **Glyn Davies:** Brynle was commenting mostly; did you want to respond to any questions that he raised?

[272] **Tamsin Dunwoody:** Yes, I want to pick up quickly on a couple of things.

[273] I explained earlier about the service level agreement that is being negotiated, which has been signed. We are working with local authorities to get them all to ensure that they are following the same procedures on collecting road kills or found kills on land—found-dead badgers on land. This is a holistic approach. You asked whether we had taken on board the information from the Irish four-areas trials and the randomised badger culling trials. We take on board all information and research that comes through. Research is funded at UK level—we do not fund individual research programmes. There is an enormous body of research out there that is constantly reporting. We are updated not only with presentations from interested parties, but published reports that come through are considered by the group and taken on board for discussion. We are not simply going down the route of one area. Everyone on the group has said clearly that we want a healthy wildlife—we do not want to go down the route of eradicating wildlife simply as a disease-control measure. We want a healthy wildlife in place. We are addressing the three different issues simultaneously, not just the one issue. By addressing all three, all stakeholders have a direct impact and involvement in the outcome of managing and, hopefully, reducing the disease.

[274] **Brynle Williams:** At the moment, it seems to be increasing at an alarming rate.

[275] **Tamsin Dunwoody:** That is why we are trying to put these measures in place.

[276] **Carwyn Jones:** To add to that, there is no point in pretending that TB can simply be got rid of overnight—there are no easy options in terms of dealing with it, and I think that we all know that. We have looked at the evidence from Ireland and from Krebs, and we can draw our own conclusions, as I have done, from that. We need to emphasise that the wildlife reservoir is not being ignored.

[277] Many people have looked at the consultation document in England. However, if you were to ask people whether and how they think badgers should be culled, you could write the answers now—I know what the answers would be. That does not take us any further forward. I am not persuaded that there should be a consultation on what should be a scientific process. Remember that we have a TB action group that has been in place for some time, which is not the case over the border. That action group continues to examine the evidence and to report, and will continue to make recommendations.

10.40 a.m.

[278] The first principle of disease control has to be to stop the disease spreading widely. That is what pre-movement testing is about. If the disease moves into clean areas of Wales that are well away from disease hot spots, it is going to move through cattle-to-cattle transfer. Badgers are not going to carry it. We know what happened in Anglesey, and we know that, if there are any badgers there, the

numbers are very small. Therefore, we know that cattle-to-cattle transfer is a factor. Knowing that that is a factor and knowing that there is a relatively simple way to deal with it, stopping that vector of transmission of the disease is something that any responsible government would do.

[279] The more difficult question concerns wildlife and the link with cattle. The next stage is to examine what that link is, and to base any action on the evidence. However, I do not want to pretend to the committee that there will be any easy option. All the options being considered are difficult, in terms of logistics and the perception of farmers and the general public. We will continue to move on with that, but we cannot ignore the cattle-to-cattle vector that pre-movement testing will allow us to more or less eliminate.

[280] **Brynle Williams:** Will the Minister provide a fortnightly report on the numbers tested?

[281] **Glyn Davies:** The point that you are asking about is fair, but I do not think that we need a fortnightly report. We need regular reports. Can we leave it at asking for a regular report on progress?

[282] **Brynle Williams:** Yes.

[283] **Elin Jones:** Minister, you said that you had formed a view on the trials in the west of England and in Ireland. You may have reported to the committee on that already, but, if not, can you tell us—it does not need to be now—what views you have formed on those trials?

[284] **Carwyn Jones:** It is purely what is known publicly. We know that there was a substantial cull in Ireland, and the Irish evidence suggests that it may have had an effect. On the Krebs trials, what we know—and, again, this is publicly known—is that if a cull is done in a localised area, it has an effect on the incidence of TB, probably temporarily, but, because of the perturbation effect with badgers, the disease spreads to the areas outside that area. I think that the terminology used is the 'edge effect'. Given that, the next question is how to approach the disease. With regard to the Krebs trials, that result was not anticipated. That shows that it is a difficult disease to deal with. There are no easy answers, although some people think that there are.

[285] **Glyn Davies:** There may be a case for one or two committee members going to Ireland to discuss this. It is clear that there is a great deal of evidence there. We can talk about that outside the committee. We will have to move on now, or we will not get through the agenda.

Is-ddeddfwriaeth: Gorchymyn Twbercwlosis (Cymru) 2006 Subordinate Legislation: The Tuberculosis (Wales) Order 2006

[289] **Glyn Davies:** I think that Elin wanted to ask questions on this.

[290] **Elin Jones:** I do not any more.

[291] **Glyn Davies:** We have had a pretty comprehensive discussion of the item under the Minister's report. Do Members want to ask anything under this item

specifically?

[292] **Jocelyn Davies:** It will go to Plenary, will it not?

[293] **Glyn Davies:** Is that the case, Minister?

[294] **Carwyn Jones:** Yes.

[295] **Glyn Davies:** Members will have the opportunity to ask questions when it goes to Plenary.

[296] **Jocelyn Davies:** Will that happen fairly swiftly—in the next few weeks?

[297] **Carwyn Jones:** Yes. I think that we are looking at March. It will be as soon as it can be tabled.

[298] **Glyn Davies:** We have thrashed this out quite well. I see that Members are content to allow this to go to Plenary now

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[27] **Carwyn Jones:** Members will be aware of the announcement in England delaying the introduction of pre-movement testing. DEFRA has appointed an independent adviser called Det Norske Veritas to carry out a survey of veterinary capacity and preparedness to deliver the new requirements of pre-movement testing in England. Given the fact that it is doing that, we have decided to ask it to do the same in Wales. We are content that we have the capacity in place, but we think that it is important that while it is being done in England, farmers and others in the industry have the comfort of knowing that we have done the same in Wales.

[28] The current target date in England for introducing pre-movement testing is 27 March. Our target date is beyond that, therefore we will not have the legislation in place before 27 March in any event. The target date that we were considering was mid April.

[29] There are some advantages to the industry in Wales in seeing a delay in England, because the concern has been raised with me, and I take it on board, that there would have been a period of some three months when the rules would have been different. That would have caused confusion, particularly for the livestock markets and for farmers. While it is still likely that there will be a gap between the implementation of the legislation in England and the implementation of the legislation in Wales, it will hopefully be a smaller gap in terms of time, so the capacity for confusion will be less. In terms of it causing a potential delay in Wales, the answer is, 'It will not',

[68] **Glyn Davies:** Are there any questions on pre-movement testing?

[69] **Mick Bates:** I was interested in the Minister's justification for implementation later here than in England: a shorter period of chaos is a little better than a longer period of chaos. Of course, we agree, but it is chaos nevertheless. Minister, could you bring a little coordination to this matter so that the legislation is implemented at the same time in England and Wales? No matter what you said in your opening remarks, there will be massive confusion as to how livestock markets operate. Can you tell us now whether livestock markets will be allowed to take tested and untested animals on the same sale day? If we start with that little bit first, it will help.

[70] **Carwyn Jones:** The reason the legislation is in place later in Wales than it is in England is because of our legislative processes. In England, Orders can be made quickly, whereas in Wales, they go through the full legislative process. I could, of course, bring it in at the same time as in England if you wanted me to use the executive procedure.

[71] **Mick Bates:** I understand your comment, Minister, but it sounds very flippant to say that to a whole industry that is on the verge of chaos in the border markets. There has been quite a run-in to this, and when we mentioned the chaos at the borders before you said that all the guidelines were there, but you have still not answered the question. How do markets operate? Can they take tested and untested stock into the same market?

[72] **Carwyn Jones:** The answer to that is 'yes' but, if in doubt, take animals that are pre-movement tested. That is the advice that we have given out. Now, in England, they will introduce this on 27 March. There is no way that we can introduce it in Wales by 27 March unless we use the executive procedure. If that is what you want me to do to bring it in line with England, then of course I will consider it.

[73] **Glyn Davies:** Mick, I do not want to bat the same point back and forth. Do you have a new point? You have had the answer twice already.

[74] **Mick Bates:** We have had the answer, have we? Thank you, Chair, for that advice.

[75] **Carwyn Jones:** As I understand it, there were two questions. The first asked what advice we give to the markets. The advice to the markets says, 'If in doubt, take the pre-movement tests'. It is as simple as that. Assume that the animal should have been pre-movement tested, and that is the safest way of doing it. Secondly, I was asked whether we

can bring this into being at the same time as in England. Given the fact that England has a
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different legislative process, the only way in which I could put this in place at the same time as in England is by the use of the executive procedure. If that is what you want me to do, then I will do it.

[76] **Mick Bates:** With due respect, Minister, can livestock markets trade tested and untested animals on the same market day?

[77] **Glyn Davies:** He said 'yes'.

[78] **Mick Bates:** The Minister has not answered that question.

[79] **Glyn Davies:** He has answered you once.

[80] **Mick Bates:** No, he said that if you are in doubt, test them.

[81] **Carwyn Jones:** The simple answer is that they can.

[82] **Mick Bates:** Okay. Now we get an answer. They can trade, can they?

[83] **Carwyn Jones:** They can trade, but if there is any doubt in their minds about where the animal has come from, if there are different rules between Wales and England, then the safest option is to ensure that the animals have been pre-movement tested. However, putting the legislation in place at the same time as in England can only be done via the executive procedure.

[84] **Glyn Davies:** That is the fourth time. We are just going back and forth. The Minister has given the answer four times to that question now. Elin is next.

[85] **Elin Jones:** No. I am fine, thank you.

[86] **Brynle Williams:** Sorry, Chair, but I do not think that we are grasping this. I can see where he is coming from. If we are to have pre-movement tested cattle and plain cattle in the same market on the same day, what is the point of pre-movement testing? You have told us, Minister, quite plainly, that it is cattle-to-cattle contact, and you are going to put them in the same pens. Is this where you are coming from? We are going to end up with a two-tier sale ring.

10.00 a.m.

[87] **Carwyn Jones:** Are you suggesting that we should bring the legislation in at the same time as England? We can resolve that problem if we bring the legislation in at the same time.

[88] **Brynle Williams:** England is going to sell dirty cattle and clean cattle on the same day, is it?

[89] **Carwyn Jones:** In terms of the markets in Wales, if we do not have regulations in place to govern pre-movement testing, then the answer to that will be, 'Yes, it will be possible to move animals from England into Wales that have not been pre-movement tested'. The way to deal with that is to ensure that we bring the legislation in at the same time.

[90] **Brynle Williams:** I am sorry, but you have still not answered my question. If you use your executive powers and bring it in on the same day as England, will England—the market over the border in Gloucester—be selling dirty cattle and clean cattle on the same day?

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[91] **Carwyn Jones:** Not in England, because pre-movement testing will be in place there.

[92] **Brynle Williams:** Yes, but if I pre-movement test my cattle and bring them into a normal, everyday market and say, 'Those cattle have been pre-movement tested', they will be mixed with other cattle that have not been pre-movement tested and they could get crossinfected.

Are we along the right lines here, Mick? This is a very pertinent point.

[93] **Jocelyn Davies:** I think that it would be sensible for the Minister to consider using the executive procedure to bring these in on the same date. You have used the executive procedure for far more trivial matters and it would help.

[94] **Brynle Williams:** I agree. It should definitely be on the same day.

[95] **Carwyn Jones:** If that is the committee's view—

[96] **Jocelyn Davies:** I would support you in doing that.

[97] **Brynle Williams:** I am sorry, but I cannot understand this sale of two classes of cattle in the same premises on the same day.

[98] **Jocelyn Davies:** Well, we have to avoid, do we not? That is the point.

[99] **Mick Bates:** I assume that cattle going for slaughter through a market need not be pre-movement tested.

[100] **Dr Glossop:** An animal moving to slaughter does not have to be pre-movement tested.

[101] **Mick Bates:** Through a livestock market?

[102] **Glyn Davies:** That is an interesting point.

[103] **Dr Glossop:** Yes, if it is a market where all the animals going there are going to slaughter, that is different. If the animal is just taken to market, not necessarily ready for—

[104] **Brynle Williams:** Do you mean store markets?

[105] **Dr Glossop:** Yes. If it goes to a store market, and it is possible that it could move on to another farm, then that animal would have to be pre-movement tested.

[106] **Mick Bates:** Chair, with due respect, I know that you said that the Minister answered the question, but you and I both know that most markets operate a fatstock section on the same day as they operate a store section. You have just told me that those animals going into the same market as fatstock will not need a pre-movement testing certificate, but that those going to the store market will need one. Therefore, the animals are on the same premises at the same time.

[107] **Dr Glossop:** Yes, but they will not be mixed; they will be in separate parts of the market.

[108] **Mick Bates:** What about transport?

[109] **Dr Glossop:** They will not be able to be mixed in transport.

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[110] **Mick Bates:** Thank you.

[111] **Glyn Davies:** It seems terribly unusual to me to have the Minister ask whether or not the committee wants to introduce the executive procedure. I am a bit unwilling to go down that road. I would fully understand it if the Minister decided to go down that road, but I would be a bit reluctant for us to decide that that was the appropriate way to go. Jocelyn has suggested that—

[112] **Jocelyn Davies:** We do not have the power to make that decision. I am saying that I would support the Minister if he decided to do that, because he has used these procedures for far more trivial matters, and I am just suggesting that this would be a common-sense way forward.

[113] **Glyn Davies:** I am content and I would understand why the Minister would do that, but I think that that is a long way away from the committee making the recommendation. I do not really want that position to be arrived at. Minister, is there anything else that you want to add?

[114] **Carwyn Jones:** I hear Jocelyn's view.

[115] **Glyn Davies:** I accept that. I hope that Members thought that it was valuable that we dealt with a couple of issues. Let us move on to item 4.