



Department
for Environment
Food & Rural Affairs

Bovine TB: consultation on proposals to simplify surveillance testing in the High Risk Area of England and other disease control measures

A consultation exercise contributing to the delivery of the Government's Strategy for achieving Officially Bovine Tuberculosis Free (OTF) status for England

July 2017



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Part A: Background

1. Purpose of the consultation

1.1 Bovine TB is the most pressing and costly animal health problem in the UK. The disease threatens our cattle industry and presents a risk to other livestock and also to wildlife species (mainly badgers), pets and humans. The Government remains determined to eradicate bovine TB.

1.2 This is the latest in a series of consultation exercises aimed at introducing effective and proportionate TB control measures in cattle that will, when combined with measures to address the TB risk posed by badgers, increase the probability of achieving national official TB freedom by the target date of 2038. The proposals set out in this document fall into the following broad categories:

- Streamlining and simplifying TB testing in the High Risk Area, based on default six-monthly routine herd testing
- Compensation arrangements
- TB testing costs for herds subject to more frequent testing due to their higher risk status
- Increased use of private vets to enhance the control of TB
- Sales of TB-restricted cattle
- Minor changes to the TB Order

1.3 Some of the proposals would require changes to secondary legislation, while others would be introduced administratively.

1.4 Our initial assessment of the cost and benefits of the proposals included in this consultation can be found in Annexes C to E. **We invite your comments on the assumptions and data that underpin this assessment, which will be updated following the conclusion of the consultation exercise.**

2. How this consultation links to the wider strategy for achieving Officially Bovine Tuberculosis Free status for England

2.1 The Strategy for achieving Officially Bovine Tuberculosis Free status for England ('the Strategy') – initially introduced by the 2010-2015 Coalition Government and

published in April 2014 - can be found at <https://www.gov.uk/government/publications/a-strategy-for-achieving-officially-bovine-tuberculosis-free-status-for-england>.

2.2 The Strategy makes clear that in proposing changes to TB controls in cattle herds our aim should be to strike a balance between robust disease control - aimed ultimately at achieving Officially Bovine Tuberculosis Free status for England - and supporting a sustainable livestock industry. We believe the proposals set out in this consultation document are consistent with the Strategy.

Part B: The Proposals

3. Streamlining and simplifying TB testing in the High Risk Area based on default six-monthly routine herd testing with less frequent testing for lower risk herds

3.1 Despite the adoption of annual surveillance testing of cattle herds across the High Risk Area the TB testing landscape in this area is now very complex, with individual Officially Bovine Tuberculosis Free herds potentially subject to multiple types of *ad hoc*, unpredictable TB tests between their annual surveillance tests. These include tests of herds contiguous to TB breakdowns, check tests in herds with suspected cases of TB reported at routine slaughter and tests of individual cattle traced from infected herds.

3.2 There was a generally positive response to our August 2016 [Call for Views](#) on the merits of developing, for consultation, proposals to rationalise the TB testing regime in the High Risk Area – built around a default of six-monthly routine surveillance testing, with the opportunity of less frequent testing of lower risk herds. There are already some precedents in England for this type of approach: in the Edge Area of Cheshire annual and radial herd tests were replaced by six-monthly routine testing in January 2015. This testing regime has been well supported by many cattle farmers and vets in that area who have welcomed the greater certainty around TB testing dates which makes it easier for them to plan and manage their resources more efficiently throughout the year. Six-monthly testing would also mean herd owners have a second Defra-funded test each year that could be used as a pre-movement test for cattle that they wish to sell or move to another holding.

3.3 Six-monthly surveillance testing of higher risk herds in the High Risk Area would enable infected cattle to be identified at an earlier stage thereby reducing the time the bovine TB bacterium can: spread within the herd; be transmitted to other herds and/or wildlife; and be spread in the environment. But just as importantly it would also enable us to do away with a number of other types of TB test in those herds. The full list of tests that would no longer be applied as a matter of course (i.e. their use would be exceptional) is in Annex A. **We estimate that this proposal would mean that 80% of herds in the High Risk Area would face fewer TB tests than they do at present.**

3.4 If our proposals are adopted, not all herds in the High Risk Area would move to six-monthly testing. We want to recognise the efforts that some herd owners have made to increase their resilience to the disease by allowing them to remain on annual testing (unless they wish to opt in to six-monthly testing). For a small number of very low risk herds, we also contemplate allowing biennial testing, should they wish to take advantage of this.

3.5 We do, however, acknowledge that for some Officially Bovine Tuberculosis Free herds our proposals would increase the TB testing burden. In particular, one of the proposed complementary changes would be to extend the minimum interval between short interval tests in TB breakdown herds from 60 to 90 days, effectively inserting one extra test between two six monthly routine herd tests. On one hand this would increase the minimum time that some TB breakdown herds would remain under restriction – the current average time between short interval tests is 78 days. On the other hand, as well as fitting with six-monthly routine surveillance testing, this could increase the likelihood of detecting infected cattle at the 90 day test.

3.6 Our initial impact assessment – included as part of this consultation package - demonstrates that there would be a small decrease in the overall cost of testing with benefits resulting from improved disease control and a more streamlined TB testing regime.

3.7 **Our proposals, on which we would welcome your views, are as follows:**

- Default six-monthly routine surveillance testing of cattle herds in the High Risk Area, with flexibility around the timing of these tests to allow for the uncertainty on when some cattle can be moved to and from outdoor grazing. We suggest that keepers would be required to select two testing dates (six months apart) and complete the tests no more than 30 days before or after those two dates.
- Retain annual surveillance testing in herds which have a good TB history and/or are taking action to increase their resilience to the disease. Our initial thinking, on which we would invite your views, is that we could retain annual testing for herds which meet **any** of the following criteria:
 - The herd has been in existence for at least 10 years and has never had a TB breakdown.
 - The herd has been in existence for at least 6 years, has not had a TB breakdown in that six year period and has not had cattle from the High Risk Area added to it in the last five years.
 - The herd is Cattle Health Certification Standards (CHeCS) accredited at levels 5 to 9 (though, depending on your responses, we would be willing to consider revising this criterion so that it incorporates herds with a lower CHeCS) - see Annex B for more on CHeCS).

- Allow two-yearly surveillance testing in herds which meet **either** of the following criteria:
 - The herd has been in existence for at least 10 years, has never had a TB breakdown and has not had cattle from the high risk area added to it in the last five years.
 - The herd is CHeCS accredited at level 10 (though, depending on your responses, on this too we would be willing to consider revising this criterion so that it incorporates herds with a lower CHeCS - see Annex B for more on CHeCS).

An assessment would be carried out each year to review the eligibility of herds for either annual or two yearly testing.

- Widen the interval between short interval tests in TB breakdown herds from the current minimum of 60 days to a minimum of 90-days.
- Discontinue the six- and twelve-month check tests following withdrawal of movement restrictions on 6 monthly tested TB breakdown herds
- Discontinue the testing of six-monthly tested herds that are contiguous to a TB breakdown.
- Tests of cattle traced from a TB breakdown herd to herds in the High Risk Area would be limited to animals traced to herds not due a routine surveillance test within the next six months.

We invite your views on these proposals and invite you to answer the following questions:

- **Q1. Do you agree that the default surveillance testing interval should be six months in the High Risk Area?**
- **Q2. Do you agree that the minimum 60-day period between Short Interval Tests should be replaced by a minimum 90 day period in TB breakdown herds?**
- **Q3. Do you agree with our suggested criteria for annual or biennial surveillance testing for herds in the High Risk Area?**

4. Compensation for replacement cattle and for cattle presented for slaughter in an unclean state and introduction of an individual animal compensation cap

4.1 Defra compensates livestock keepers for cattle compulsorily slaughtered in England for bovine TB control purposes. Compensation payments in 2016/17 totalled nearly £30

million, with the net cost to Government reduced by receipts (almost £9 million in 2016/17) for salvageable carcasses.

4.2 The Strategy for achieving Officially Bovine Tuberculosis Free status for England noted the intention to adapt the way in which compensation funding is used, both to improve the implementation of control measures and to incentivise risk reduction actions at individual farms. With that in mind, we include here three more targeted compensation proposals intended to incentivise on-farm practices that reduce disease risks.

Re-stocking TB breakdown herds

4.3 There are a number of reasons why owners of TB restricted herds may need to bring new cattle on to their holding e.g. to fulfil a contract, for breeding purposes, or for animal welfare reasons. Cattle introduced into restricted herds are, however, at a greater risk of becoming infected than cattle moved into officially TB free herds.

4.4 We recognise the importance of enabling owners of TB-restricted herds to bring in new and/or replacement stock in defined circumstances, subject to a favourable veterinary risk assessment by APHA, and we have no plans to place further restrictions on that. However, we believe the general taxpayer takes a disproportionate share of the financial risks associated with introducing new cattle into herds with an ongoing TB breakdown, in particular the cost of compensation if those animals become TB test reactors. **For that reason, Defra proposes to follow the example of the Welsh Government and pay a reduced rate of compensation - 50% of the table market values used for TB compensation purposes (or 50% of market value for individually valued animals) - for any animals brought into a TB breakdown herd after the service of movement restrictions which are removed as reactors to a TB test or as direct contacts before the breakdown is resolved.**

Cattle presented for slaughter in an unclean state

4.5 In nearly all cases herd-owners meet their responsibility to ensure cattle slaughtered for TB control reasons are in a sufficiently clean state to be processed at an abattoir. But in a small number of cases – just 20 in 2016 - the cattle are so dirty that the Official Veterinarian at the abattoir cannot accept them for human consumption. That increases the costs for the taxpayer as Defra receives no salvage payment. **Defra proposes paying a 50% compensation rate for cattle that cannot be processed (for human consumption) at a slaughterhouse because they are unclean.**

Compensation cap

4.6 Table valuations are used in England to determine compensation payments for over 99% of TB affected cattle. However, where insufficient market sales data have been

collected professional valuers are engaged to value animals individually. No upper limit is set on those valuations.

4.7 In England compensation payments exceeding £5,000 have been paid 27 times since January 2014. In these 27 cases compensation was determined through individual rather than table valuation. We believe that cattle owners who believe any of their cattle has a value above this cap should consider individual high value animal insurance. **We propose, therefore, to follow the example set by the Welsh Government and introduce a £5,000 cap on compensation for any single animal. The cap would apply to table valuations as well as individually valued cattle.**

We invite your views on these proposals and invite you to answer the following questions:

- **Q4. Do you agree that 50% compensation should be paid for animals introduced into a TB breakdown herd that become test reactors before the breakdown is resolved?**
- **Q5. Do you agree that 50% compensation should be paid for cattle that cannot be processed (for human consumption) at a slaughterhouse because they are unclean?**
- **Q6. Do you agree that a £5,000 cap on compensation should be introduced for any single animal?**

5. TB Testing costs for certain types of herds subject to more frequent testing

5.1 Currently Defra meets the direct costs of most TB testing with the exception of pre- and post-movement tests. That is because movements of cattle are a business choice the costs of which the benefiting business should pay for.

5.2 There are other individual business models that constitute a higher TB risk and therefore warrant additional TB testing requirements. As a general principle, we believe it is right to expect at least some of the direct costs of the additional testing to be met by those benefitting directly, rather than wholly by the Government.

5.3 Approved Finishing Units with grazing are permitted to source cattle from multiple TB restricted herds and can continue to re-stock when TB is disclosed in their herd. As such, they can provide a valuable service to owners of some TB-restricted herds. But to minimise the risk of TB transmission to local wildlife or neighbouring cattle, Approved Finishing Units with grazing herds are TB tested every 90 days at the taxpayers' expense. The annual cost to Government is currently more than £200,000.

5.4 Businesses in the Low Risk Area producing raw cows' drinking milk and unpasteurised dairy products for human consumption are tested annually, rather than every four years. This is because of the heightened public health risks associated with the consumption of raw cow's drinking milk and unpasteurised dairy products from TB infected herds. There are currently around 60 such businesses in the Low Risk Area. We believe it would be reasonable for such herds to benefit from one government funded routine herd test every four years. Any additional testing over and above this should be paid for by the business.

5.5 **We would welcome your views on our initial proposals, which are as follows:**

- **Operators of Approved Finishing Units with grazing to receive one Government funded routine test a year (or two if our proposal to simplify testing in the High Risk Area is accepted) with the additional testing paid for by the Approved Finishing Units with grazing operator.**
- **Businesses in the Low Risk Area producing raw cow's drinking milk and unpasteurised dairy products for human consumption should benefit from just one routine herd test every four years, with additional testing over and above this paid for by the business.**

We invite you to answer the following questions:

- **Q7. Do you think the costs of the additional surveillance testing in Approved Finishing Units with grazing should in future be met by the operators?**
- **Q8. Do you agree that Businesses in the Low Risk Area producing raw cows drinking milk and unpasteurised dairy products for human consumption should benefit from just one routine herd test every four years, with additional testing over and above this paid for by the business?**

6. Extending the role of private vets to improve TB control

6.1 At present, APHA has responsibility for collecting and assessing the evidence needed to reach decisions on applications to re-stock TB restricted herds and to approve units to receive cattle from TB restricted herds. These are crucial decisions, the consequences of which can affect many businesses in the vicinity. APHA also has responsibility for monitoring the compliance of approved units with the rules designed to mitigate the risks they pose.

6.2 Given the importance of making good evidence-based decisions on approval requests and ensuring that approved units meet their approval requirements, we propose to give accredited, non-Government vets a bigger role.

Approval and policing of Approved Finishing Units and TB restricted markets

6.3 Our view is that **it is necessary to provide APHA with strong evidence in order for the Agency to take a decision on the approval of candidate Approved Finishing Units and applications for TB-restricted markets. Suitably trained and accredited private vets would be well placed to provide that evidence.**

6.4 It is also our view that **once approved, Approved Finishing Units and TB-restricted markets should appoint an accredited private vet (from what would be a new panel of suitably trained vets) who would be required to provide regular reports to APHA confirming that to the best of his/her knowledge the premises continues to meet the approval criteria.**

6.5 Detailed guidance – for operators and private vets – would be developed and shared if/when a decision to proceed with this option is taken. If these changes were to come into effect we envisage the services of the private vet being paid for by the beneficiary Approved Finishing Unit or market operator.

Re-stocking in TB restricted herds

6.6 Decisions on applications to re-stock TB restricted herds are made by APHA on the basis of Veterinary Risk Assessments. The number of approval requests and herd owners' need for such decisions to be made quickly can mean that decisions have to be made without an APHA vet visiting the premises, which is far from ideal.

6.7 To improve the Veterinary Risk Assessments process and decision making, **we propose that re-stocking decisions made by APHA should be informed by an on-farm assessment carried out by a suitably qualified private vet.** The assessment would identify risks and could include recommendations to APHA on steps the herd owner should take before re-stocking should be approved. This would normally require a single visit to newly TB restricted herds only.

6.8 If this change was to come into effect we envisage the services of the private vet being paid for by the beneficiary herd owner.

We invite your views on these proposals and invite you to answer the following questions:

- **Q9. Do you agree that suitably trained and accredited private vets should be required to provide evidence to APHA in order for the Agency to take a decision on the approval of candidate Approved Finishing Units and applications for TB-restricted markets?**

- **Q10. Do you agree that once approved, Approved Finishing Units and TB-restricted markets should be required to appoint an accredited private vet to provide regular reports to APHA confirming that to the best of his/her knowledge the premises continues to meet approval criteria?**
- **Q11. Do you agree that re-stocking decisions made by APHA should be informed by an on-farm assessment carried out by a suitably qualified private vet?**

7. Delayed slaughter of in-calf TB test reactor cattle

7.1 Currently most TB reactors are removed from farms within 10 working days, though APHA will consider allowing reactors close to calving to remain on farm for up to 28 days. This approach reduces the need for on-farm slaughter of TB reactors in the last tenth of their pregnancy (which cannot be transported to an abattoir) and also enables herd-owners to retain the calves. However, making use of this derogation presents an additional risk of spreading disease within the herd which needs to be controlled.

7.2 We believe there may be scope for allowing longer retention of heavily in-calf reactors on farm, but whatever the length of retention effective controls are needed to manage the risk posed to the remainder of the herd. Those controls may differ from farm to farm, so need to be assessed on a case by case basis using the professional judgement of APHA's vets, assisted by the herd owner's own vet.

7.3 We propose that, subject to compliance with standard bio-containment and isolation requirements - supplemented where necessary by additional conditions drawn up on a case by case basis by APHA vets in liaison with the herd owner's own vet - cattle keepers should be permitted to retain in calf TB test positive animals for up to 60 days to allow them to calve. To assure APHA that the conditions for retention are met, **we also propose that a named private vet should be appointed by the herd owner to monitor compliance and notify APHA of any transgressions.** The private vet's costs would be met by the herd-owner.

7.4 Detailed guidance on conditions of isolation and compliance monitoring arrangements would be developed for cattle keepers and private vets if/when a decision to proceed with this option is taken.

We invite your views on these proposals and invite you to answer the following questions:

- **Q12. Do you agree that, subject to compliance with basic biocontainment/isolation requirements, supplemented where necessary by conditions drawn up on a case by case basis by APHA vets in liaison with the herd owner's own vet, cattle keepers should be permitted to retain in calf TB test positive animals for up to 60 days to allow them to calve?**

- **Q13. Do you agree that a named private vet should be appointed by the herd owner to certify and monitor compliance with biosecurity and isolation requirements for retained in-calf reactors and notify APHA of any transgressions?**

8. Slaughter sales of TB restricted cattle in the Low Risk Area

8.1 In August 2016 we invited your views on whether we should limit sales of TB restricted cattle destined for slaughter (TB red sales) to the High Risk Area and Edge Area of England only. 73% of respondents agreed that we should develop proposals on this with a view to ending such sales in the Low Risk Area, which in recent years have been limited to occasional sales in just three of four markets.

8.2 Those who disagreed argued that instead of withdrawing licences, Defra should work with the markets that operate TB red sales in the Low Risk Area to ensure that biosecurity standards are implemented in these units and that any concerns are addressed. There were also concerns about the economic impact of the loss of these sales and the possibility that animals might need to be transported greater distances

8.3 In December 2016 we said we would reflect further on this and that any specific proposal to limit approval of red sales would be subject to consultation. Our view is that now we have sufficient evidence that the Low Risk Area of England has met the criteria for Officially Bovine Tuberculosis Free status, there is a poor case for TB red markets to remain there. The number of Low Risk Area cattle that need to be sold through such markets is very small and for many the additional travel times to such markets in the High Risk Area or Edge Area would not be excessive.

8.4 So we propose that licences for the operation of TB red markets in the Low Risk Area should no longer be awarded from 1 January 2018.

We invite your views on this proposal and invite you to answer the following question:

- **Q14. Do you agree that sales in the Low Risk Area of TB restricted cattle intended for slaughter should not be permitted from 1 January 2018?**

9. Reducing the risks from the spreading of slurry and manure from TB restricted herds

9.1 The most common route of TB transmission between cattle is by direct animal to animal contact through respiratory aerosols generated by infected animals, but there is also a lower risk presented by manure and slurry. Research has shown that under optimum conditions *M. bovis* can survive in slurry for up to six months, and so it is

recommended that slurry is stored for at least six months before it is spread on pasture. To reduce the risk even further, it is recommended that manure and slurry is only spread on arable land, or pasture that is not going to be grazed by cattle (or cut for forage) for at least two months.

To control the potential risk posed by slurry and manure from TB restricted herds, we have powers under Article 16(c) of the Tuberculosis (England) Order 2014 to require keepers to;

- store and/or treat manure/slurry;
- not to spread manure or spray/spread slurry;
- not to remove manure, slurry or other animal waste from the premises except under the authority of a licence issued by an inspector

9.2 We propose enhancing our control of this risk by explicitly including this latter provision by default in the cleansing and disinfection notice routinely issued to keepers following disclosure of TB reactors. Therefore, in order to move slurry/manure off a TB restricted premises to another premises (TB restricted or otherwise) the keeper would be required to apply to APHA for a specific licence. Each licence request would be individually evaluated and a veterinary risk assessment carried out by an APHA vet before a licence can be issued. The risk that slurry/manure poses will differ between TB restricted farms depending on a range of factors, and so an individual veterinary risk assessment is required to determine the specific conditions under which slurry/manure can be moved off the affected premises.

Q15. Do you agree that the cleansing and disinfection notice issued to owners of TB breakdown herds should always include a requirement not to remove manure, slurry or other animal waste from the premises except under the authority of a licence issued by an APHA inspector?

10. Minor changes to the Tuberculosis (England) Order 2014

Costs of slaughtering wild/untestable cattle

10.1 Powers to require the slaughter of wild/unmanageable cattle are already in place and will be used in exceptional cases where a keeper has repeatedly failed to present cattle for testing.

10.2 The cost of culling wild or untestable cattle can be high. **Our view is that herd owners have a duty to ensure testing can be carried out safely and if they fail to take action to allow that to happen they should be responsible for the costs of compulsory slaughter.**

We invite your views on this proposal and invite you to answer the following question:

- **Q15. Do you agree that owners of cattle that are compulsorily slaughtered because they are wild and untestable should be responsible for the costs of slaughter?**

Part C: Tell us what you think

12. How to respond

12.1 If you wish to respond, please submit your comments by.

12.2 You can respond in one of three ways.

- **Online** by completing the questionnaire at <https://consult.defra.gov.uk/bovine-tb/simplifying-testing-and-other-control-measures>
- **Email** to bTBengage@defra.gsi.gov.uk
- **Post** to:
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Cattle Measures Team
Area 5D, Nobel House
17 Smith Square
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12.3 Our preferred method is online because it is the fastest and most cost-effective way for us to collate, analyse and summarise responses. If you require a different format please let us know.

12.4 Given our obligations under the Freedom of Information Act and the Environmental Information Regulations, the responses we receive may be published. If you do not wish to be identified as the author of your response, please state this clearly.

12.5 Final decisions will be made by Ministers.