Written evidence submitted by The Soil Association

Introduction

1. The Soil Association welcomes the opportunity to submit written evidence to this inquiry and would be pleased to provide further information, oral evidence, or to elaborate on any points.

2. The Soil Association was formed in 1946 by a group of farmers, scientists, doctors and nutritionists who were determined to pioneer a world where we can live in health and in harmony with nature. Today, as a charity, we are farming and growing, buying, cooking, campaigning and researching. We collaborate with organic and non-organic producers to innovate and implement practical solutions that create a better future. Through our trading subsidiary, Soil Association Certification, we work with over 6,000 businesses including organic farmers and growers, caterers, food processors and manufacturers across more than 50 countries, and certify approximately 14 million hectares of forest globally.

3. The Soil Association has long been a champion for the highest animal welfare standards. We work with farmers, researchers, policymakers and the public, backed up by practical evidence and ongoing research through the AssureWel programme. We have run campaigns against an intensive pig factory and we are a founding partner in the Alliance to Save Our Antibiotics. Our comments focus on farm animal welfare specifically, in addition to the general questions on the contents of the draft Bill.

Summary

4. Greater clarity on the application of the duty to ‘have regard to the welfare needs of animals as sentient beings in formulating and implementing government policy’, and how this relates to the duty to ‘have regard to matters affecting the public interest’ would be beneficial. The duty must apply to all areas of policy making, whether local, national or international. There should also be an extension of the duty to all public bodies not just Ministers and a minor change to the wording to the animal sentience duty itself so that it becomes a duty to have ‘full regard’ to the welfare needs of animals as sentient beings.

5. New definitions of ‘sentience’ and ‘animal’ are not required in the Bill. However, the Bill should define ‘welfare needs’ - and this definition should be based upon the ‘five freedoms’ as per the definition used in the Animal Welfare Act 2006 and enhanced to include ‘a good life’ for all farm animals.

6. This draft Bill should recognise organic farming, where standards are set by law and independently verified, providing the highest standards of animal welfare of any farming system. Expanding organic farming should be a stated objective of the Agriculture Bill, supported by specific conversion and maintenance payments for organic – in order to deliver the higher levels of farm animal welfare, alongside other public benefits.

7. We support the provisions in the draft Bill to increase the maximum penalty for the specified animal welfare offences.
8. The Government should consider extending the scope of this draft Bill to put into action the ambition for the UK to be a world leader with the highest animal welfare standards, through additional provisions, including but not limited to: introducing a framework for delivering ‘a good life’ for all farm animals; introducing mandatory method of production labelling for all meat and dairy; tackling the overuse of antibiotics in livestock farming.

9. We recognise that the government’s ambitions on animal welfare cannot be delivered exclusively through this draft Bill. One key test of the Agriculture Bill will be whether it contains new policies and support mechanisms that are sufficient to drive a transition towards higher welfare farming systems including but not limited to organic farming.

**Detailed response**

**WELFARE NEEDS OF ANIMALS AS SENTIENT BEINGS: VIEWS ON ANY POTENTIAL CONFLICT THAT MAY ARISE IN DISCHARGING THESE TWO DUTIES.**

10. We agree that there could be a potential contradiction in the duties contained in the draft Bill to ‘have regard to the welfare needs of animals as sentient beings in formulating and implementing government policy’, and to ‘have regard to matters affecting the public interest’. The Government should clarify to the Select Committee whether this is the case and the legal advice they have had on this, and amend the Bill, if required, before it is introduced into Parliament. Even if there is no technical legal contradiction, the signal this sends to the public is confusing about the real-world impact of the animal sentience duty, and therefore clarification would be welcome.

11. Moreover, the Government should state that animal welfare is a matter of public interest in itself - as a factor contributing to, and being the outcome of a high quality, sustainable food and farming system.

12. The duty on Ministers of the Crown to have regard for the welfare needs of animals as sentient beings when formulating government policy must extend to all policy areas, national and international, for example trade policy.

13. Ministers of the Crown are however not the only persons or public bodies responsible for formulating and delivering policy that will involve and impact on the welfare needs of animals. For example, Local Authorities administer animal welfare policy delivery through various local policy mechanisms such as planning permissions and environmental health regulations. The Bill should be amended to address this gap.

14. This draft Bill uses the phrase ‘**must have regard to the welfare needs of animals as sentient beings in formulating and implementing government policy**’, while the Lisbon Treaty requires Member States to ‘**pay full regard to the welfare requirements of animals**’. For the purposes of clarification, and to avoid the risk of weakening the legislative grounds on which animal sentience is based, the Government should clarify why there is a difference in the phrasing of the two and the legal and practical implications of the difference – and then amend the Bill
accordingly, in particular so that the duty is to ‘have full regard to the welfare needs of animals as sentient beings’.

DEFINITION OF TERMS IN THE DRAFT BILL: ‘SENTIENCE’; ‘ANIMAL’; ‘WELFARE NEEDS OF ANIMALS’.

15. The draft Bill would result in the definition of ‘animal’ by its ordinary meaning in the Oxford English Dictionary, which is ‘an organism endowed with life, sensation and voluntary motion’. We agree this definition is appropriate as it is sufficiently wide and would allow the interpretation to evolve in line with the scientific understanding of animal sentience.

16. We agree that the ordinary meaning of ‘sentience’ is acceptable.

17. A definition of ‘welfare needs of animals’ should be included. This should incorporate but also go beyond the list of ‘needs’ in the Animal Welfare Act 2006, known as the ‘five freedoms’. These are: (1) a suitable environment (2) a suitable diet (3) the ability to exhibit normal behaviour patterns (4) the need to be housed with, or apart from, other animals (5) the need to be protected from pain, suffering, injury and disease.

18. We would like to see the Government adopt an enhanced definition as suggested by the Farm Animal Council (FAWC) which is ‘a good life for all farm animals’. This ‘good life’ starts from and builds upon the existing five freedoms, including by recognising the importance of positive behaviour, in the following ways:

Freedom from hunger and thirst, by ready access to water and a diet to maintain health and vigour.
Goodlife addition: provision of food should be promoted as a pleasurable experience;

Freedom from discomfort, by providing an appropriate environment.
Goodlife addition: environments should be provided that animals seek out and enjoy;

Freedom from pain, injury and disease, by prevention or rapid diagnosis and treatment.
Goodlife addition: adequate anaesthesia and pain relief should be provided for necessary surgical mutilations

Freedom to express normal behaviour, by providing sufficient space, proper facilities and appropriate company of the animal’s own kind.
Goodlife addition: Positive behaviours, such as play or social grooming, are important indicators of normal behaviour and good welfare and are encouraged by good stockmen. They only occur when immediate physiological needs have been met and the potential benefit to an animal’s fitness is high.

Freedom from fear and distress, by ensuring conditions and treatment, which avoid mental suffering.
Goodlife addition: There should be no imposed circumstances in which the animal is in a prolonged state of fear or distress.
PROPOSED NEW MAXIMUM SENTENCE

19. We support the provisions in the draft Bill to increase the maximum penalty for the specified animal welfare offences from six months to five years’ imprisonment under Section 7 of the Animal Welfare Act 2006.

ADDITIONAL PROVISIONS TO DELIVER THE GOVERNMENT’S ANIMAL WELFARE AMBITIONS

20. There are a number of ways that the scope and contents of the Bill could be extended, in order to better deliver the Government’s ambitions for the UK to be a world leader on animal welfare. Research suggests that the public expect higher animal welfare standards than already exist in the UK, and would support the Government using this Bill as an opportunity to make such a move.5 These include, but are not limited to the following proposals.

A framework for delivering ‘a good life’ for all farm animals

21. As set out above, the Farm Animal Welfare Council (FAWC), the government’s welfare advisors, define three levels of welfare: a life not worth living, a life worth living, and a good life. A ‘good life’ involves more than simply being free from pain or disease. It means ensuring animals can exercise natural instincts and follow their urges to care, graze, root and play.

22. The Bill should commit the Government to developing and introducing a rigorous quality of life framework that can score farms, supply chain and assurance schemes against the provision of highly valued opportunities set out by FAWC. Such a framework has been piloted for laying hens, we need the same for broilers, pigs, sheep, dairy and beef cattle.6

23. The Bill could also include a firm Government commitment to ensure ‘a good life’ for all farm animals within a set period of time. We have proposed a 10 year timescale for such a transition – recognising that this is ambitious, although arguably in line with the Government’s most recent statements on the importance of enhancing, not just maintaining, animal welfare. In order to take this forward, the Bill could contain a clause to commit the Government to consulting on this, including timescales and the level of investment (public and private) needed, in order to deliver such a shift in farming systems towards higher welfare standards across the industry that would ensure all farm animals live a ‘good life’ as defined by the Farm Animal Welfare Council.

Better labelling

24. At present there are wide range of practices, assurance schemes and labels which relate to animal welfare. Various schemes such as Red Tractor, RSPCA Assured, Pasture Fed, free range and Organic (notably Soil Association and Organic Farmers and Growers) offer differing levels of animal welfare benefits. This can be confusing for the consumer, which is why CIWF and Farms Not Factories, for example, have provided their own scoring of various labels.78 As the House of Lords noted in their recent inquiry: “Though citizens have high aspirations for farm animal welfare in the UK, as consumers they are not always aware of the difference between production systems.”9
25. We propose that all these schemes should be assessed in line with the new quality of life framework set out above, which can in turn be communicated to consumers through a comparative animal welfare food labelling system, and contribute to the Government’s vision to have the highest animal welfare standards in the world. This quality of life framework for animal welfare should inform the “new gold-standard metric for food and farming quality” as announced by the Secretary of State at the Oxford Farming Conference.

26. The Labelling Matters coalition is calling for the introduction of mandatory method of production labelling as a way of providing clearer consumer labelling for all meat and dairy; at present, mandatory method of production labelling applies only to eggs. The government could use this Bill to commit to mandatory method of production labelling, starting with, as recommended by the House of Lords Brexit and animal welfare inquiry, a consultation with the industry, consumers and retailers to ensure that any new or simplified labels or labelling systems are effective and proportionate.

**Tackling overuse of antibiotics in farming**

27. The Bill could also be used to introduce targets and timeframes to tackle the overuse of antibiotics in livestock farming. Such a measure would directly contribute to the Bill’s animal welfare objectives because it is the overuse of antibiotics in farming which enables livestock to be kept in low-welfare, and cramped conditions. Whilst voluntary action is delivering some progress, regulation is needed on public health as well as animal welfare grounds. The bill is an opportunity to introduce such regulation. This should include:

a) A ban on the use of preventative use of antibiotics in groups of animals where no disease has been diagnosed in any of the animals.

b) Limiting the use of the modern cephalosporins and the fluoroquinolones, which are antibiotics classified as ‘critically important in human medicine’, to the treatment of individual sick animals where sensitivity testing, or the results of recent sensitivity testing, shows that no other antibiotics are likely to work.

c) A ban on all use of the antibiotic colistin, which in recent years has been used as a life-saving treatment of last resort in human medicine.

d) Overall targets to reduce farm antibiotic use 50% by 2020, and 80% by 2050.

28. As the European Food Safety Authority and European Medicines Agency have stated: “In some farming systems, much reliance is placed on the routine use of antimicrobials for disease prevention or for the treatment of avoidable outbreaks of disease, such that these systems would be unsustainable in the absence of antimicrobials. The stress associated with intensive, indoor, large scale production may lead to an increased risk of livestock contracting disease.”

29. The latest report from the Alliance to Save our Antibiotics “Real farming solutions to antibiotic misuse” sets out how reforming farming systems and husbandry will help preserve antibiotics for human use, improve animal welfare, and help provide more sustainable livelihoods and good-quality food for an increasing population.

**OTHER COMMENTS**
30. We recognise that, whilst there is scope for this Bill to go much further in delivering the government’s aims to strengthen animal welfare in the UK, some measures will be implemented via other routes – notably the forthcoming Agriculture Bill. One key test of the Agriculture Bill will be whether it contains new policies and support mechanisms that are sufficient to drive a transition towards higher welfare farming systems including but not limited to organic farming.

31. One example is organic farming, where standards are set by law and independently verified, providing the highest standards of animal welfare of any farming system\(^\text{12}\). Therefore, expanding organic farming should be one objective of the Agriculture Bill, supported by specific conversion and maintenance payments for organic – in order to deliver the higher levels of farm animal welfare, alongside other public benefits.

32. Another example is the significant investment required to allow livestock farmers – often struggling with ever-tighter margins – to make a transition from indoor and intensive to extensive, high-welfare systems. The Agriculture Bill must treat farm animal welfare as a public good and therefore include policies to make investment in extensive, low-input systems a more attractive option for farmers and for investors. This could include tax relief or capital grants to help farms move to more extensive systems and repurpose intensive animal housing.

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\(^{1}\) http://assurewel.org/
\(^{3}\) http://saveourantibiotics.org/
\(^{7}\) https://www.soilassociation.org/organic-living/whyorganic/better-for-animals/
\(^{9}\) https://publications.parliament.uk/pa/ld201719/ldselect/ldeucom/15/1508.htm#_idTextAnchor043