

**BSE CONTROLS: CHANGING THE OVER THIRTY MONTH (OTM) RULE –
PROGRESS REPORT**

Background

1. At its meeting on 15 August 2005, the Board agreed to advise Ministers that:
 - a reliable BSE testing regime for over thirty month (OTM) cattle has been successfully designed and trialled;
 - arrangements are in place to ensure that, should the BSE testing regime be implemented, it would be able to operate across the UK to the highest standards
2. The Board also agreed, in the event of rule change:
 - that an OTM testing Implementation Review Group be set up, chaired by the FSA and involving all the UK Government Departments concerned, to oversee implementation of the BSE testing regime for its first 12 months of operation before ceasing its activities, and report to the FSA Board.
3. The Board also agreed to advise on number of prerequisites to implementation of OTM rule change.

Developments since August 2005 Board meeting

4. Details of the Board's advice, including the prerequisites determined by the Board, were set out in a letter to the Deputy Prime Minister from the Chair dated 15 August (Annex A). A response from Government is currently awaited.
5. Meanwhile, the Executive has put together draft terms of reference and membership of the proposed OTM testing Implementation Review Group (IRG). These are attached at Annex B. It is recommended that

representatives from both consumers and the meat industry should join the group, to provide an element of independent scrutiny. It is proposed that the group meet at monthly intervals, reporting to the Board of the FSA. The Group would routinely refer matters to, and receive reports from, the MHS Board.

6. It is important to note that the IRG will not be responsible for day to day management of the testing system. That role in GB will fall to Defra, with MHS working to them under the Service level agreement and the Department for Agriculture and Rural Development (DARD) fulfilling both functions in Northern Ireland. The primary role for IRG will be one of oversight and scrutiny.
7. In addition to the formal advice provided on 15 August, the Board asked for a number of other related issues to be addressed (para 54 of the minutes of the 15 August Board meeting). A table describing the state of progress on each of these at Annex D.

A Communications strategy

8. The Board particularly asked that a communications strategy be drawn up as a matter of urgency and notified to the Board. Throughout the OTM rule change process, which began in 2002, the Agency has been working to a clear communications plan – with key audiences and messages identified and a commitment to open and transparent communication. Key elements of the communications plan that we have delivered, include:
 - Stakeholder involvement – including 2 formal written public consultations and a meeting with stakeholders on key decisions as well as setting up a Stakeholder Advisory Group.
 - 2 public meetings were undertaken at the start of the process and a further 4 across the UK in July this year reviewing the whole process and the proposed BSE testing system.
 - Regular updates at open board meetings – webcast.
 - Press Releases & media announcements to National, trade & regional farming press at each stage of the process.
 - Close liaison with other Government Departments, in particular Defra, DH and devolved administrations.

9. This commitment to transparent communication will continue as we move into the implementation phase of BSE testing. However, much of the key upcoming communications work will involve other Government Departments and be co-ordinated by DEFRA (which has particular responsibility in relation to market impact and production). All messages on food safety issues will remain the responsibility of the FSA.

10. The FSA has developed a draft communications plan (attached at Annex E) which will be integrated into the wider Government approach across Departments and Nations.

Recommendation

11. The Board is asked to:

- **note** and **comment** upon these developments.

ANNEX: A

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**From the Chair,
Dame Deirdre Hutton CBE**

The Rt Hon John Prescott MP
Deputy Prime Minister and First Secretary of State
Office of the Deputy Prime Minister
26 Whitehall
London
SW1A 2WH

15 August 2005

Dear Deputy Prime Minister

LIFTING THE OVER THIRTY MONTH RULE: PUTTING IN PLACE AN EFFECTIVE TESTING SYSTEM

In a statement to the House on 1 December 2004, you will recall that Margaret Beckett announced the start of a managed transition towards the lifting of the over thirty months (OTM) rule which currently keeps UK older cattle out of the food chain.

She pointed out that a final switch-over from the OTM rule to a system of BSE-testing OTM cattle born after July 1996 would happen only when the Food Standards Agency has advised Ministers that the testing system is robust. It was noted, in undertaking this task, that the Agency would be assisted by a group of independent experts. You will be aware that the Agency subsequently appointed such a group, with Professor Patrick Wall as chairman.

Following a meeting of the Board of the Agency earlier today, and informed by a final report from Patrick Wall's group, I am writing on behalf of the Board to advise you that:

- a reliable BSE testing regime for OTM cattle has been successfully designed and trialled.
- arrangements are in place to ensure that, should the BSE testing regime be implemented, it would be able to operate across the UK to the highest standards



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The Board also agreed, in the event of rule change:

- that an OTM testing Implementation Review Group be set up, chaired by the FSA and involving all the UK Government departments concerned, to oversee implementation of the BSE testing regime for its first 12 months of operation before ceasing its activities, and report to the FSA Board;

and that as prerequisites to implementation of OTM rule change:

- rural affairs Departments must keep the current OTMS scheme operational until such time as it is clear that there are sufficient fresh meat plants approved to meet the demand for the slaughter of OTM animals
- guidance on the new rules for emergency slaughter of bovine animals must be distributed
- an MHS Area Official Veterinarian (and the DARD equivalent in Northern Ireland) must visit every OTM fresh meat plant on both the first two working days of OTM BSE testing operations, and thereafter at regular intervals
- legislation must be in place, to put into effect Rural Affairs Departments proposals to make it an offence for a producer to send animals born before 1 August 1996 for slaughter for human consumption

and noted:

- that an independent audit of the BSE testing system, to report six months following OTM rule change implementation, and arrangements for FSA ongoing audit which would supersede it, would in each case report both to the Implementation Review Group and to the Board; and that following the Implementation Review Group ceasing its activities, the latter audit body would continue to report direct to the Board.

A paper which informed the Board in reaching its conclusions, together with the report from Professor Wall's group, are on the FSA website at:

<http://www.food.gov.uk/aboutus/ourboard/boardmeetings/boardmeetings2005/boardmeeting15082005/boardagenda15082005>

In the event of a decision to go forward with OTM rule change, in the run-up to implementation the Agency will work up a communications plan, in conjunction with Rural Affairs and Health Departments, that will encompass not only consumer groups but also other key stakeholders. Indeed the Board today stressed the importance of doing so at the earliest opportunity.

In my judgement the Agency has now fulfilled the task set out last December, i.e. that of providing advice on the putting into place of an effective BSE testing system. Naturally I am happy to clarify any points, should this prove necessary.

I am copying this letter to the Prime Minister, First Minister of Scotland, First Minister of Wales, members of DA Committee, Sir Gus O'Donnell, Sir Liam Donaldson, and Sir David King.

Yours sincerely
Deirdre Hutton

DAME DEIRDRE HUTTON

OTM IMPLEMENTATION REVIEW GROUP

Purpose of Group

To oversee implementation of the BSE testing regime applied to cattle born after July 1996 aged over 30 months and slaughtered for human consumption; to scrutinise and comment upon the operational aspects taken forward by Defra and MHS in GB, and DARD in NI, to secure effective implementation, compliance and enforcement of that testing regime in accordance with the recommendations of the FSA Board at their meeting on 15 August 2005¹; and to ensure public health and consumer interests are protected in a proportionate manner in accordance with FSA's general statement of objectives and practices².

Terms of Reference

1. To develop performance criteria, establish performance measurement information required and reporting mechanisms
2. To review information and reports received (including audit reports) and agree action where appropriate
3. To agree and review action in response to Independent Advisory Group recommendations
4. To refer appropriate matters to, and receive reports from, the MHS Board.
5. To report regularly to the FSA Board
6. To consider ongoing communications requirements for consumers and other stakeholders
7. To consider reports received from the audit and review of the first six months of implementation and subsequent on-going audit and review by the FSA, make recommendations to the FSA Board and oversee follow-up action.

Frequency of meetings

Monthly. Group to be wound up one year following introduction of OTM testing.

Membership

As Annex C

¹ <http://www.food.gov.uk/news/newsarchive/2005/aug/boardupdateaugust2005>

² <http://www.food.gov.uk/multimedia/pdfs/sgop.pdf>

PROPOSED OTM IMPLEMENTATION REVIEW GROUP

MEMBERSHIP

Food Standards Agency ^a	Head of TSE Division - Alan Harvey (Chair) Head of VMHD and MHS Board member - Alick Simmons TSED Veterinary Adviser – Adrienne Conroy FSA NI – Kirsten Dunbar
Meat Hygiene Service	OTM Project Director – Colin Pearson HQ Veterinary Adviser - Craig Kirby
Defra	To be arranged
DARD	To be arranged
Scottish Executive	To be arranged
National Assembly for Wales	To be arranged
Department of Health	To be arranged
Consumer Representative	To be arranged
Meat Industry Representative	To be arranged

- ^a 1) Other FSA representatives may also attend for specific items.
2) TSE Division in FSA will provide the Secretariat

STATE OF PROGRESS ON REQUESTS MADE BY FSA BOARD AT ITS MEETING ON 15 AUGUST 2005

15 August 2005 Board request:	Response
1. A communications strategy should be drawn up as a matter of urgency, and notified to the Board	See paras 8 - 10
2. The Terms of Reference of the IRG be drawn up and the role of the MHS Board in the implementation review clarified	Completed: see para 5 and Annex B
3. Confirmation of the arrangements for pre-August 1996 cattle and that the planned disposal scheme would remain in place for 3 years	Defra have confirmed that arrangements are in place for the launch of a disposal scheme for pre-August 1996 cattle to start once the current OTMS has finished. The current European Commission proposal is for the scheme to remain in place for 3 years.
4. Legislation to make it an offence for a producer to send pre-August 1996 cattle for slaughter for human consumption should be a prerequisite for rule change	The legislation to make it an offence to consign cattle born before August 1996 to a human consumption abattoir is included in the SI which will come into force before the OTM rule is replaced. This will provide legal powers to enforce the testing regime.
5. There should be a continued focus by SEAC on BSE and any development in disease patterns	SEAC's terms of reference include human and animal TSEs. Any significant new developments in BSE or in the science of BSE will continue to be brought before the committee, particularly where these might have an impact on the BSE risk.
6. There should be long term funding by Defra for the implementation	Defra have committed to this on a number of occasions. Defra have agreed previously with FSA finance that they will fund those costs that are incurred as a result of the OTM rule change, including additional MHS (and DARD NI) costs and costs associated with FSA audit etc. Arrangements have also been discussed and agreed between FSA and Defra as to the mechanics of how this funding will be provided.

<p>7. There should be break points in the review of the operation of the new system</p>	<p>This will be considered by the IRG. The contractors undertaking the audit and review of the first six months of operation of the testing regime which would replace the OTM rule will be required to provide regular reports to the IRG and draw any significant failings to the attention of the IRG as soon as possible.</p>
<p>8. The aim would be for 100% compliance with transparency over any breaches</p>	<p>Agreed. IRG will monitor compliance and ensure transparent reporting mechanisms for breaches are established as part of the on-going communications strategy.</p>
<p>9. The frequency of reports to the FSA Board by the IRG should be agreed.</p>	<p>IRG to consider appropriate frequency of reports for FSA Board approval.</p>

OTM/TESTING PLAN FOR A COMMUNICATIONS PLAN

Background

The Board of the Food Standards Agency agreed on the 15 August that an effective and reliable testing regime for over thirty month cattle had been developed. The Board at this time also requested that a communication plan be drawn up. The Cabinet Office subsequently asked that a plan be developed by the FSA in conjunction with Defra and DH.

This is an outline document that gives an idea of the messages, audiences, issues, roles and delivery. It will, over the next couple of weeks, be developed into a fuller plan in conjunction with OGDs. As OGDs may wish to develop their own messages that are appropriate to their function DEFRA is assuming responsibility for further government wide co-ordination as this is beyond the remit of the FSA.

Key messages

- An effective and reliable system is in place to continue to protect consumers.
- The key controls that remove 99% of infectivity remain in place.
- Transparency on implementation of changes.

Audiences

- Consumers and consumer groups
- Public interest groups
- Industry –farmers, retailers, meat product producers, slaughter houses etc
- Media – mostly trade/ specialist although it is important to note that across the nations there are a number of mainstream media (particularly press) who follow the issues closely. This is especially true in Scotland and Northern Ireland.
- Other key stakeholders - MPs and parliament and those in Scotland, Wales and Northern Ireland other member states and the Commission, the FSA Board and ministers

Approach

- Need to maintain trust and consumer confidence
- Need to update on change and developments – especially with key stakeholders
- Be open if problems arise and report back on implementation scrutiny
- Swift and decisive action in the event of failures

Roles and responsibilities

- FSA responsible for any public statements on food safety and monitoring of testing system
- MHS, Defra, DARD (in NI), industry will lead on delivery
- DEFRA responsible for UK-wide co-ordination

Risks

- Reasons for changes may be misconstrued
- Failure to be transparent about process and any problems will undermine public confidence

What the FSA will deliver

- Updated leaflet on BSE controls being drafted and then being made available to retailers and stakeholders. Available to public upon request and will be publicised at the time of the decision. It will also be published on the website.
- FSA public statement on food safety issues available for all stakeholders to use in their communications.
- Publication of emergency slaughter booklet aimed at veterinarians
- Stakeholder relations – continuing pro-active briefings of public interest and consumer groups
- Media relations – working with OGDs to announce change and activities that arise from the changes

Timing

- Dependent on confirmation of decision, legislation and actual roll-out of testing