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The Welsh Assembly Government
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10th September 2010

Dear Sir/Madam,

Please find below the Farmers' Union of Wales' response to the Welsh Assembly Government consultation on proposed Animal By-products (Enforcement) (Wales) Regulations 2011.

This response has been compiled following consultation with the Union's twelve County Branches.

Yours sincerely

Nicholas Fenwick

Director of Agricultural Policy

**FARMERS' UNION OF WALES RESPONSE TO A WELSH ASSEMBLY GOVERNMENT
CONSULTATION ON THE PROPOSED ANIMAL BY-PRODUCTS (ENFORCEMENT)
(WALES) REGULATIONS 2011**

10th September 2010

1. Derogation to allow use of ABPs for research and other specific Purposes (Articles 16(b) and 17)

Are there any particular controls or conditions that you think should apply to the use of animal by-products for these purposes? Please comment on any practical difficulties that the conditions might impose on you.

The FUW agrees with the proposal to continue making full use of the derogation and to maximise discretion at Member State level on setting conditions.

What would the impacts be on affected sectors (both benefits and costs)? Please quantify if possible.

Continuing to make full use of derogations would ensure that a wide range of important current and possible future research is not hindered.

2. Derogation to allow feeding Category 2 and 3 material to various animals (Articles 16(c) and 18(1))

Do you agree with our proposal to restrict the derogation for “wild animals” (part (e)) to feeding Category 3 material only to garden birds?

The FUW agrees that widening the range of by-products which can be used to feed wild animals would encourage vermin, which would increase the risk of disease spread, thus representing a risk to farm animals.

Do you think we should make use of the derogation to allow certain Category 2 and 3 material to be fed to dogs and cats in shelters (part (g))? If “yes” please explain how you would propose this be done safely. What would the impacts be on affected sectors (both benefits and costs)? Please quantify if possible.

No comment

3. Derogation to allow feeding Category 1 material to zoo animals and necrophagus birds (Articles 16(c) and 18(2))

Do you have any comments on our proposal to allow Category 1 zoo animals and “entire bodies/parts of dead animals containing SRM” to be fed to zoo animals?

No comment

Do you agree with our proposal not to activate the derogation for feeding necrophagous birds with Category 1 material in the 2011 regulations but instead to amend them subsequently if the demand arises?

Prior to the introduction of the burial ban, animal keepers were required to bury fallen stock in order to reduce the risk of dangerous diseases such as hydatid being picked up and transmitted by vermin and dogs.

The FUW believes that no feeding of necrophagous birds should be allowed in circumstances where such feeding poses a risk of disease transmission to farm animals or humans.

What would the impacts be on affected sectors (both benefits and costs)? Please quantify if possible.

Extending current restrictions, or failing to ensure that biosecurity measures minimise disease transmission by necrophagous birds in circumstances where artificial feeding is allowed, poses a risk to farm animals.

4. Derogation to allow the burial of dead pet animals and horses (Articles 16(d) and 19(1)(a))

For horses, what are your views on our proposal to restrict the derogation to pet horses only? Is there any particular control measures you consider should be in place?

Rules which are already in place ensure that the burial of horses must be undertaken in a responsible way, and the Welsh Assembly Government has presented no evidence other than speculation which would support a ban on the burial of horses. Moreover, the FUW is unaware of any incidences whereby the burial of horses has led to environmental problems or risks being posed to humans or other animals.

The FUW is therefore objects to the proposal not to extend current allowances to allow the burial of all horses, on the grounds that

- i. No evidence is supplied which supports the restriction**
- ii. The proposal contradicts numerous commitments to reducing unnecessary bureaucracy and red tape**

We would also take this opportunity to express our extreme disappointment that the Welsh Assembly Government has not welcomed an opportunity to reduce bureaucracy and costs for Welsh horse keepers, and has failed to provide any justification for continuing the current restrictive regime.

What would the impacts be on affected sectors (both benefits and costs)? Please quantify if possible.

The impact of the current proposals would be for the Welsh Assembly Government to fail to take advantage of a fully justifiable derogation which would reduce bureaucracy and costs for a proportion of Welsh horse keepers.

5. Derogation to allow burial/burning in remote areas (Articles 16(d) and 19(1)(b))

Do you agree with our proposal to allow in all circumstances the burial of diseased wild animals in remote areas? Comments on any particular control conditions you think should apply to the derogation in general are welcome. What would the impacts be on affected sectors (both benefits and costs)? Please quantify if possible.

The FUW agrees with the Welsh Assembly Government's proposal to allow the burial of diseased wild animals in remote areas.

6. Derogation to allow disposal by burial/burning or by other means of fallen stock where access is difficult (Articles 16(d) and 19(1)(c))

Do you have any views on our proposal to allow disposal by burial and burning or by other means of fallen stock in areas where access is impractical, or there are health and safety risks of collection? Please state circumstances in which you think this derogation would be needed and the conditions that should apply.

The FUW welcomes the proposal to allow disposal by burial or burning or by other means of fallen stock in areas where access is impractical, or there are health and safety risks of collection.

What would the impacts be on affected sectors (both benefits and costs)? Please quantify if possible.

The proposal would significantly reduce the risks to human and animal health which are a natural consequence of the current prohibition on burial. The current rules result in farmers risking their lives to access and remove fallen stock from areas where access is difficult, and in many cases the only means of removing fallen stock from such areas results in an increase in the disease risk to other animals, for example because animals have to be dragged along the ground rather than carried. Adoption of the proposal would therefore mitigate these risks.

7. Derogation to allow disposal of small quantities (Articles 16(d) and 19(1)(d))

Do you have any comments on our proposal to allow disposal of small quantities of Category 3 material?

The FUW agrees with the proposal to allow disposal of small quantities of Category 3 material by means other than burning or burial

Please state how this would work in practice for you and give any conditions you think should apply.

No comment

What would the impacts be on affected sectors (both benefits and costs)? Please quantify if possible.

No comment

8. Derogation to allow Category 2 and 3 materials to be used for biodynamic preparations to be applied to land (Article 16(f))

Do you agree with our proposal to allow Category 2 and 3 materials to be used for the preparation and application to land of bio-dynamic preparations?

The FUW supports the proposal to allow Category 2 and 3 materials to be used for the preparation and application to land of bio-dynamic preparations.

Please state type of material and volumes likely to be used, and any conditions that you think should apply.

No comment

What would the impacts be on affected sectors (both benefits and costs)? Please

No comment

9. Derogation to allow Category 3 material to be fed to pets (Article 16(g))

Do you think that we should maintain the existing conditions and only allow “petfood” (processed and raw as defined by ABPR 1069/2009)) to be fed to pets or do you consider that individuals should be allowed to feed all Category 3 material to their pets? For the latter, please comment on any conditions you think should apply.

The FUW believes that individuals should be allowed to feed Category 3 waste to pets.

What would the impacts be on affected sectors (both benefits and costs)? Please quantify if possible.

No comment

10. Derogation to allow Category 2 and 3 material from surgical intervention to be disposed of on farm (Article 16(h))

Do you agree with our proposal to allow only Category 3 material from surgical intervention on live animals, or during birth of animals on farm, to be disposed of on farm, by burning or burial only?

The FUW believes that the proportion of Category 2 material produced as a result of surgical intervention or during the birth of animals would be extremely low compares with other ABPs, and that in most cases the prompt burial of such by-products would pose a lower risk than other disposal methods.

The Union therefore believes that the proposals should be extended to include Category 2 materials.

Please state any conditions that you think should apply.

The burial of such ABPs should be undertaken as promptly as is practicable.

What would the impacts be on affected sectors (both benefits and costs)? Please quantify if possible.

Allowing burial of both Category 2 and 3 ABPs in appropriate circumstances would reduce any risk posed to other animals during the period between the collection and incineration of such by-products.

11. Category 2 material: Composting/transforming into biogas and other rules on composting of catering waste (Article 13(e)(ii))

Do you agree with our proposal to allow this entire Category 2 ABPs to be composted or turned into biogas without prior treatment?

Yes

Please also provide any comments here you have on existing composting/biogas rules, for example national rules on composting of catering waste and mixture of catering waste with other materials, the prevention of access to catering waste or other animal by-products by animals except for wild birds and composting catering waste on the premises on which it originates.

Given the current focus on renewable energies and recycling, rules relating to the composting and transforming of ABPs into biogas should allow the industry to make the most of new technologies, while ensuring that proportionate measures are in place which minimise any risks to human and animal health.

What would the impacts be on affected sectors (both benefits and costs)? Please quantify if possible.

No comment

12. Category 2 and 3 material: spreading to land (Article 13(f))

Do you agree with our proposal to allow all these Category 2 and 3 materials to be spread on land? Please comment on any perceived risk of disease spread e.g. spreading of raw milk.

The FUW agrees with the proposal to allow Category 2 and 3 materials to be spread on land, including the spreading of raw milk, in circumstances where there is minimal risk to human and animal health. In particular, we would emphasise the possible risk that directly spreading raw milk from animals infected with bovine TB could pose to wildlife and farm animals.

What would the impacts be on affected sectors (both benefits and costs)? Please quantify if possible.

Allowing the spreading of Category 2 and 3 materials would reduce the carbon footprint of farms, be of benefit in terms of nutrient cycles and soil fertility, and be financially beneficial.

13. Conditions to allow eggshells and shellfish shells to be spread to land (Article 14(h))

Do you agree with our proposal to allow eggshells and/or shells from shellfish to be spread to land provided the above conditions are met?

The FUW agrees with the Welsh Assembly Government proposal to allow eggshells and/or shells from shellfish to be spread to land, provided the prescribed conditions are met.

14. Use of Organic Fertilisers/Soil Improvers (Article 32)

Do you have any comments on our proposed conditions for use of OF/SI, particularly with regard to the mixing criteria?

The FUW supports the proposed conditions for the use of OF/SI

15. Disposal of former foodstuffs to landfill (Annex V, Section IV)

Q15 Are you content for us to maintain the current national derogation that allows disposal of certain former foodstuffs to authorised landfill?

Yes

What would the impacts be on affected sectors (both benefits and costs)? Please quantify if possible.

Maintaining the current national derogation is justifiable given current evidence and would maintain reduced disposal costs within the food chain which would otherwise be passed back to primary producers.

16. Feeding of colostrum (Annex XIV section II)

Do you think this derogation should be applied? If so what controls should be applied to ensure such feeding happens safely?

The FUW supports the application of a derogation to allow the supply of colostrum from one farm to another in circumstances where such an allowance does not pose a risk of transferring disease between farms.

17. Use of unprocessed wool (Annex XVII)

Do you support this derogation? If so what controls should be applied to ensure that unprocessed wool can be transported stored and used safely?

The FUW believes that the current regulations in relation to the use of wool are disproportionate to the risks, and that wool should not be subject to animal by-product regulations. It therefore supports a derogation allowing the placing on the market of unprocessed wool under proportionate conditions which minimise the transmission of health risks.

What would the impacts be on affected sectors (both benefits and costs)? Please quantify if possible.

The provision would reduce unnecessary bureaucracy and increase possible market opportunities.

18. Transfer of Provisions from the TSE Regulations

Are you content with our proposal to transfer provisions (and remove current restrictions) from the 2010 TSE regulations to the more appropriate ABP regulations?

The FUW supports the proposal to transfer provisions from the 2010 TSE regulations to the more appropriate ABP regulations

What are your views on use of ash derived from incineration of Category 1 material? What risks, if any, are there if such controls are removed?

The FUW is unaware of any evidence that ash derived from incineration of Category 1 material poses a risk to animal or human health.

19. Potential Future Transfer of provisions from the Animal By-products (Identification) Regulations 1995 (as amended)

Do you consider that the provisions of the Animal By-Product (Identification) Regulations 1995 (as amended) should be retained, in full or in part? Please provide comments to justify.

Members were concerned that the regulations requiring the identification of food not fit for human consumption should be continued in order to prevent fraud and ensure that consumers have confidence in Welsh produce.

Other issues

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to comment.

The FUW would take this opportunity to emphasise the importance of continuing to gather evidence in support of applying for a derogation allowing the on farm containment of fallen stock, as is allowed under the new Regulations. Moreover, the Union believes that such an application should be made at the earliest opportunity.