

EXECUTIVE COUNCIL

PUBLIC

Title: Amendment to Livestock and Meat Products (TSE Control) Regulations 2015

Paper Number: 35/19

Date: 27th March 2019

Responsible Director: Director of Natural Resources

Report Author: Veterinary Officer

Portfolio Holder: MLA Teslyn Barkman

Reason for paper: This paper is submitted to Executive Council:

For policy decision
For policy update/information

Publication: Yes

Previous papers: None

List of Documents: Appendix: Draft Livestock and Meat Products (TSE Control) (Amendment) Regulations 2019

1. Recommendations

Honourable Members are recommended to:

- (a) approve the changes proposed to the Livestock and Meat Products (TSE Control) Regulations 2015 (the “Regulations”), as set out in this paper and in the draft Livestock and Meat Products (TSE Control)(Amendment) Regulations 2019 (the “Draft Regulations”) appended to this paper;
- (b) approve the Draft Regulations set out in the appendix to this paper; and
- (c) authorise the Attorney General to correct typographical errors and non-substantive drafting errors found in the Draft Regulations prior to their signature.

2. Additional Budgetary Implications

None

3. Executive Summary

- 3.1. Following various consultations and published scientific opinions from the European Food Safety Authority (**ESFA**), European Union (**EU**) legislation has been amended to de-list some tissues previously designated as specified risk material (**SRM**). SRM is the tissue most likely to harbour the infectious agents of transmissible spongiform encephalopathies (**TSEs**) such as BSE (Mad Cow Disease). The removal of some tissues from the EU designated SRM list brings EU legislation more in line with internationally recognised standards as published in the World Organisation for Animal Health (**OIE**) Terrestrial Code.
- 3.2. Falkland Islands national legislation regarding SRM and TSEs is contained in the Regulations and is based on EU legislation (Regulation (EC) 999/2001). The Draft Regulations are intended to remove the tissues referred to in paragraph 5.2 of this paper from the scope of the definition of SRM in the Regulations.
- 3.3. No longer treating these tissues as SRM is in line with the lead provided by the EU and will mean processing and disposal of these tissues is less controlled and is an advantage to FIMCo for operational purposes.

4. Background

- 4.1. Specified Risk Material is tissue considered to be most likely to harbour prions (infectious particles) in animals suffering from a transmissible spongiform encephalopathy (e.g. Bovine Spongiform Encephalopathy or Scrapie). If these tissues containing prions are eaten by humans or other animals, this is the most likely way that the TSE is passed on to them. TSEs are invariably fatal to whatever animal, including humans, they affect and therefore their prevention and control must be clearly laid out in legislation relevant to production of meat for human consumption. SRM tissues are primarily nervous system tissues (e.g. brain and spinal cord), or tissues in close physical contact with nervous tissue (e.g. eyes and tonsils) but also include other organs that are known to have high levels of peripheral nervous tissue (e.g. spleens and parts of intestines).
- 4.2. Definitions of SRM, the types of tissue qualifying as such and how they should be removed and processed are clearly laid out in EU law (Regulation (EC) 999/2001). This is tracked in the Falkland Islands by the Regulations so that we can give equivalent guarantees regarding TSEs and the safety of our product to eat.
- 4.3. Currently regulation 10 of the Regulations lists the following tissues as SRM:
BOVINE
 - (1) “(a) The skull excluding the mandible and including the brain and eyes, and the spinal cord of animals aged over 12 months;
 - (b) The vertebral column excluding-
 - (i) The vertebrae of the tail,

- (ii) The spinous and transverse processes of the cervical, thoracic and lumbar vertebrae, and
 - (iii) the median sacral crest and wings of the sacrum, but including the dorsal root ganglia, of animals aged over 30 months; and
- (c) The tonsils, the intestines from the duodenum to the rectum and the mesentery of animals of all ages.”

OVINE/CAPRINE [ie, sheep and goats]

(2) “(a) The skull including the brain and eyes, the tonsils and the spinal cord of animals aged over 12 months or which have a permanent incisor erupted through the gum; and

(b) The spleen and ileum of animals of all ages.”

- 4.4. All SRM must be removed from carcasses destined for human consumption, stored in dedicated and clearly marked bins and disposed of in an approved fashion (incineration or immediate sea disposal in the Falkland Islands). The removal, storage and disposal of SRM must be strictly controlled by FIMCo as the abattoir operator and this control is monitored and regulated by the Official Veterinarians of the Competent Authority (Veterinary Service).
- 4.5. SRM protocols and legislation must be strictly adhered to protect human health and consumer export markets.
- 4.6. The Regulations are based predominantly on EU law (Regulation (EC) No 99/2001) as the majority of our exports go to the EU and other worldwide destinations which accept EU law as giving health and welfare guarantees equivalent to or better than their national legislation.
- 4.7. The EU states that any amendment of the current list of SRM referred to in Annex V to Regulation (EC) No 99/2001 should be based on new evolving scientific knowledge while maintaining the existing high level of consumer protection.
- 4.8. In May 2015, following publication of a scientific opinion from the EFSA, the EU reduced the amount of bovine intestine that was considered SRM from “the whole intestines from duodenum to rectum and the mesentery of animals of all ages” to “the last 4 meters of the small intestine, the caecum and the mesentery of animals of all ages”. This was following research demonstrating that residual infectivity in BSE cases in the rest of the intestine other than the last 4 metres and the caecum can be considered negligible. This reduced amount was also more in line with international standards as in Article 11.4.14 of the OIE Terrestrial Animal Health Code.
- 4.9. In July 2018 following scientific publications from the EFSA, the EU removed small ruminant tonsils, spleens and ileums from the SRM list in Annex V of Regulation (EC) No 999/2001. This was following the improved BSE epidemiological situation within the EU, the fact that the OIE does not define these tissues as a significant risk, and that there is currently no evidence of naturally occurring BSE cases being reported in ovine animals. Furthermore there is no current evidence of a causal link

between the ovine TSE, (Scrapie) and human TSEs. Ovine animals inoculated with the BSE agent showed highest levels of infectivity in the brain and spinal cord and therefore those tissues (and those within close anatomical proximity such as the skull), should remain listed as SRM but spleens and ileums could be considered a negligible risk and so removed from the SRM list.

4.10. The EU further justifies the changes referred to in paragraphs 4.8 and 4.9 as it wishes its legislation to be more in line with internationally recognised standards (i.e. the OIE), and its SRM definition and removal requirements not to be any more complex than they need to be, based on emerging and relevant scientific evidence. The same justification can be used to amend the definition of SRM in the Falkland Islands Regulations. There is no benefit in having more complex definitions and removal procedures than those that are internationally recognised if there is no evidence to suggest that increased measures are required in the Falkland Islands.

4.11. There has been one case only of BSE in the Falkland Islands (in an imported animal in the 1990s which was culled, together with its one offspring) and typical Scrapie in sheep has never been diagnosed in the Falklands. While the BSE status of the Falklands is categorised as ‘undetermined’ by the EU for export purposes and therefore some SRM and TSE controls must remain, there is currently no emerging evidence that we should retain more stringent controls than are required by the EU or OIE.

5. Options and Reasons for Recommending Relevant Option

5.1. Option 1: do nothing and leave the Regulations as they are. This keeps the control, processing and handling of SRM tissues at FIMCo as they currently are rather than reducing them. Failure to amend our legislation may suggest that the Competent Authority of the Falkland Islands is not up-to-date with current EU law which may lead to the questioning of our regulatory capabilities and so pose a risk to the retention of overseas markets.

5.2. Option 2: amend the Regulations as follows:-

(a) amend regulation 10(1)(c) by deleting ‘the intestine from the duodenum to the rectum’ and replacing it with ‘the last four metres of the small intestine, the caecum....’

(b) amend regulation 10(2)(a) by removing ‘the tonsils’ and;

(c) delete regulation 10(2)(b) from the Regulations.

5.3 Option 2 is the recommended option as the amendments proposed will bring the Regulations into line with amendments to EC Regulation 999/2001 (on which the Regulations are based) and international standards.

6. Resource Implications

6.1. Financial Implications - NONE

6.2. Human Resource Implications - NONE

7. Legal Implications – The proposed amendments narrow the scope of the definition of SRM in the Regulations, as described in this paper

8. Environmental & Sustainability Implications -NONE

9. Significant Risks – BREXIT

9.1 The UK currently defines SRM by reference to the tissues listed in Annex V of EU Regulation 999/2001. Should the UK exit the European Union as planned, it may, in time, define its own list of SRM which the Falklands will have to adhere to as the majority of meat exported from the Falklands enters Britain. However, given that the entire meat industry in the UK is currently regulated by laws based on EU law and that the UK will want to continue exporting product and animals to the EU, it is not currently envisaged that the UK will alter their definition of SRM from that in EU law. If further amendments to the Regulations are required to fit in with any changes the UK may make, it is not anticipated that they will be substantial or onerous.

10. Consultation

10.1. FIMCo and MLA Barkman have been advised of the proposed amendments and have had responded positively.

11. Communication

11.1. The Draft Regulations will be implemented upon publication in the Gazette and following that, relevant stakeholders will be informed by the Veterinary Service. A Penguin News and/or Woolpress article will be published for general information to the wider public.

Appendix

Livestock and Meat Products (TSE Control) (Amendment) Regulations 2019

SUBSIDIARY LEGISLATION

Livestock and Meat Products (TSE Control) (Amendment) Regulations 2019

S. R. & O. No: of 2019

Made: 2019

Published: 2019

Coming into force: upon publication

I make the following regulations under section 4 of the Livestock and Meat Products Ordinance 2010, on the advice of the Executive Council.

1. Title

These regulations are the Livestock and Meat Products (TSE Control) (Amendment) Regulations 2019.

2. Commencement

These regulations come into force on publication in the *Gazette*.

3. Regulation 10 amended: Specified risk material

Regulation 10 is amended –

(a) by omitting subparagraph (1)(c) and replacing it with the following –

“(c) the tonsils, the last four metres of the small intestine, the caecum and the mesentery of animals of all ages;”;

(b) by omitting sub-regulation (2) and replacing it with the following –

“(2) Any tissue derived from the skull including the brain and eyes, and the spinal cord of ovine and caprine animals aged over 12 months or which have a permanent incisor erupted through the gum, are designated as specified risk material.”

Made

2019

N. J. Phillips C.B.E.,
Governor

EXPLANATORY NOTE
(not part of the Regulations)

These Regulations amend regulation 10 of the Livestock and Meat Products (TSE Control) Regulations 2015. The European Union legislation (Regulation (EC 999/2001) on which the Falkland Islands regulations are based has been amended to change the tissues listed as special risk material. Consequently the Falkland Islands regulations need to be amended to reflect those changes. These Regulations amend the Livestock and Meat Products (TSE Control) Regulations to align them with EU legislation.