

ANIMAL WELFARE UPDATE

Report by Colin Sullivan and Darren Whitby

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1. Summary

1.1 This paper provides an update on FSA activities delivered through the ‘**Deter, Prevent, Detect, Enforce**’ animal welfare programme and its objective of making ongoing improvements in slaughterhouses in England and Wales.

1.2 The Board is asked to:

- **Consider** the progress made in delivering the ‘Deter, Prevent, Detect, Enforce’ welfare agenda
- **Endorse** the approach being adopted as the FSA seeks to improve animal welfare implementation and assurance in slaughterhouses in England and Wales on behalf of the animal welfare policy owning departments.
- **Note** the work done with Defra/Welsh Government to enhance the funding in relation to costs of delivering the animal welfare policy within slaughterhouses.

2. Introduction

2.1 This paper provides the annual report to the Board on the FSA delivery activity on animal welfare which is on behalf of Defra/Welsh Government as policy holders. The key actions are outlined in our ‘Deter, Prevent, Detect, Enforce’ animal welfare programme.

2.2 The paper covers:

- Background and context
- Update on the increased consumer and animal welfare group interest
- Highlights of the key deliverables from the Animal Welfare Action Plan
- Updates on the current compliance landscape in relation to animal welfare
- Key issues arising from the implementation of Annex II, Regulation (EC) No 1099/2009
- The impact of COVID 19 on animal welfare in slaughterhouses

3. Evidence and Discussion

Background and context

- 3.1 Defra and the Welsh Government are the policy holders for animal welfare regarding the controls within businesses which are approved and overseen by the FSA. The FSA delivers these controls on their behalf and leads on enforcement. In Northern Ireland, the Department for Agriculture, Environment and Rural Affairs (DAERA) has the policy and delivery responsibility for animal welfare issues.
- 3.2 Funding for welfare activities carried out on behalf of Defra and the Welsh Government has **increased by 159%** in 2020/21 to reflect the enforcement activities and the ongoing work involving animal welfare controls in slaughterhouses in England and Wales. The increase was supported as a result of improved FSA data which quantified the activities being undertaken on behalf of the two policy holders.
- 3.3 Beyond Dec 31st 2020 the European Union (Withdrawal) Act 2018 allows for the requirements of existing EU animal welfare regulation to be incorporated into domestic law and will continue to apply in GB; EU Legislation will continue to apply directly in Northern Ireland under the NI protocol after the EU transition period ends in December 2020.
- 3.4 Under EU regulations, full responsibility for animal welfare and food safety in slaughterhouses rests with business operators who must meet legislative requirements in terms of slaughterhouse design, layout, equipment and operation. Their slaughterers must be competent, appropriately trained and hold a Certificate of Competence (CoC) to slaughter all species presented to them. The business operator is responsible for ensuring all animal needs are met and are responsible for the welfare of animals in their care.
- 3.5 In 2020, the FSA has continued to actively liaise with livestock and meat industry organisations and have engaged in joint welfare forums (involving Defra/Welsh Government) to develop initiatives for the improvement of animal welfare through all stages of the slaughter process, including transport.
- 3.6 The UK meat industry retains some of the highest welfare standards in the world. As an excellent modern regulator, the FSA maintains an adaptable and effective system of controls in slaughterhouses across England and Wales, verifying compliance and taking proportionate enforcement action where non-compliance is found. This ability to adapt and remain effective has been evident during the current COVID pandemic.
- 3.7 The animal welfare programme of work is aligned to the Operational Transformation Programme (OTP) which is developing a risk and compliance-based regime, seeking to increase responsibility of Business Operators in the production of safe food and animal welfare. Consumer confidence in food

safety and welfare will be improved by developing new assurance protocols, exploring opportunities for improved data capture and data sharing will generate increased trust in industry.

Consumer and stakeholder interest

- 3.8 The latest available Public Attitudes Tracker data from November 2019 shows that animal welfare is the third highest wider food issue of concern, with 50% of all respondents recording concern about animal welfare standards when prompted about different topics. This is an increase of 7% from the last survey and is currently a key topic in the media reporting on potential future trade agreements with the EU and other countries. Food waste and sugar in food are the top two concerns, all three have shown a rise since the last survey with animal welfare being the largest increase.
- 3.9 From April 2019 to March 2020, 14 Freedom of Information requests related to welfare matters were received and dealt with by the FSA welfare team, this represents almost 10% of all FSA requests and 58% of all requests related to field operational activities. Around 70% of all welfare-related requests involved enforcement and non-compliance data. The welfare team are currently progressing a proposal to publish more welfare enforcement data as an open dataset on Food.gov.
- 3.10 During the same period six Parliamentary questions were answered, these were across a range of topics relating to non-compliance data and represented about 14% of all Parliamentary questions received by the FSA.
- 3.11 Since April 2019, the FSA has been made aware of two instances of undercover filming by different animal welfare activist groups in the same slaughterhouse, located in Wales. Welfare non-compliances of varying degrees of severity were identified through the available footage (from both the activist groups and Food Business Operator). Both instances are currently the subject of legal proceedings.
- 3.12 The FSA took robust, prompt and proportionate enforcement action on both occasions, ensuring immediate prevention of any further adverse impact on animal welfare. Both incidents occurred in a Welsh slaughterhouse where CCTV is currently not mandatory.

Progress on the Animal Welfare Action Plan (AWAP)

- 3.13 The 'Deter, Prevent, Detect, Enforce' Programme is delivered through the AWAP. **Annex 1** of this report highlights key achievements over the year and agreed future actions in the areas of:
- a) Strengthened verification of compliance
 - b) Improved accountability and collaboration
 - c) Improved education and awareness
 - d) Improved quality of analysis and reporting

3.14 The programme within the coming year will place more emphasis upon aspects in relation to parts (ii) and (iii) to improve education and collaboration with the meat and livestock industry within slaughterhouses. There has been improved collaboration with industry in recent years and the aim is to identify potential welfare issues (at source) before leaving the farm or transportation to reduce the number of cases being identified at the slaughterhouse.

Evidence of enforcement using CCTV in England

3.15 The mandatory use of CCTV cameras to safeguard animal welfare in slaughterhouses in England was introduced in November 2018. The FSA worked closely with Defra on the implementation period and all slaughterhouses were compliant by the end of February 2019.

3.16 The mandatory use of CCTV is not required in Wales, but the Welsh Government has created a £1.1million Food Business Investment scheme package of grant aid specifically for small and medium sized slaughterhouses in Wales. The grant covers both capital investment and the provision of advice on animal welfare and may be used on the installation and upgrading of CCTV monitoring systems; applications have been submitted and assessed by Welsh Government with advice from the FSA welfare team.

3.17 Welsh Government continues to explore the possibility of future legislation as an additional tool for safeguarding animal welfare. The voluntary joint CCTV protocol which was adopted in 2017 between FSA and Industry remains in place for field staff to utilise.

3.18 The availability of CCTV in England has supported improvements to the identification of non-compliances and provision of evidence to support welfare enforcement activities. The analysis of enforcement data indicates that CCTV has been instrumental in two key areas of activity and is a valuable tool in progressing enforcement (or resolving disputes) in welfare non-compliances and assessment of performance involving CoCs.

3.19 **Table 1** below illustrates the occasions in which CCTV has been utilised in various forms to support enforcement actions within the hierarchy of enforcement. A high percentage of occasions were considered either major or critical incidents. These would have the potential for actual harm/suffering of animals occurring in these cases.

England Only	Incident seen on live CCTV viewing	Incident seen on retrospective CCTV viewing	Incident witnessed - CCTV used as evidence
Verbal Advice	2 (1 was minor)	13 (4 were minor)	17 (4 were minor)
Written Advice	2	23 (2 were minor)	19
Enforcement Notice	3	7	15
RFI initiated	0	10	8
Total	7 (6 major/critical)	53 (47 major/critical)	59 (55 major/critical)

Table 1 – enforcement actions taken which utilised CCTV viewing 1 Apr19 to 31 Mar20 (England only)

3.20 Further analysis of non-compliances identified using CCTV by location and process points is outlined in **section 4 of Annex 2**.

3.21 All activities involving the handling of live animals (up to the point of death) within the slaughterhouse environment require training and a qualification in compliance with EC1099/2009 and WATOK to perform certain tasks. The CoCs are overseen and administered by the FSA following independent training and assessment administered by Food and Drink Qualifications (FDQ), an OFQUAL regulated body.

3.22 Where welfare breaches are identified the FSA Official Veterinarian (OV) will consider the suitability of individuals to continue holding a CoC to protect animal welfare. There is an option to temporarily suspend (subject to retraining) or revoke the CoC of a holder if the breach is deemed sufficiently serious.

3.23 The use of CCTV viewing has played an active part in over 40% of suspensions/revocations issued within England within this reporting period with all revocations utilising CCTV to support the determination of this outcome. This is demonstrated in **table 2** below.

England Only	Incident seen on live CCTV viewing	Incident seen on retrospective CCTV viewing	Incident witnessed - CCTV used as evidence	Total number of suspensions and revocations
Suspended	4	12	1	42
Revoked	1	2	-	3
Total	5	14	1	45

Table 2 – instances of actions taken against Certificate of Competency holders 1 Apr19 to 31 Mar20 (England only)

3.24 CCTV has also provided valuable evidence to support the actions of CoC holders where uncertainty over performance existed. This has supported FBOs and OVs with the option to resolve issues and identify potential training needs without suspension of the CoC holder.

- 3.25 The situation in Northern Ireland remains unchanged regarding the use of CCTV. Over 99% of animals processed in Northern Ireland are slaughtered under CCTV coverage and there are no plans to make the installation of CCTV in slaughterhouses compulsory. The Scottish Government has consulted on mandatory CCTV in slaughterhouses with a view to implement on the 1st Feb 2021. They are currently reviewing the responses to consultation before any further decisions are taken.
- 3.26 The welfare team has recently been approached by some EU member states for shared learning as these countries are considering the implementation of CCTV within slaughterhouses. FSA officials have also met with a delegation of French officials in September 2019.

Implementation of Annex II, Regulation (EC) NO 1099/2009

- 3.27 Regulation (EC) No.1099/2009, Article 29 contained a transitional provision to Article 14 (1), delaying the implementation of the requirements of Annex II until 9th December 2019 for installations and equipment in use before the 1st January 2013.
- 3.28 Within Article II there are several provisions that relate to lairage facilities, restraining equipment and facilities, electrical stunning equipment (including water bath stunners) shackle lines and gas stunning equipment.
- 3.29 Prior to the 9th December 2019, FSA created an implementation plan which was widely shared with Defra, Welsh Government, industry and interested parties and included:
- **Industry information and liaison:** written communication, joint meetings with Defra and Welsh Government, creation of a Q&A document
 - **Regulatory consistency plans:** programme of meetings with policy teams, including discussions with devolved administrations for consistency of application
 - **Compliance landscape and enforcement preparedness:** four field surveys were conducted in the run up to implementation to inform targeted visits by the Welfare Assurance Team based on a specific risk assessment; enforcement flow was presented at a workshop pre-implementation date.
 - **Guidance and support:** Tec Files article published; Manual for Official Controls updated and expanded; Q&A and enforcement flow chart distributed for clarity
- 3.30 As previously reported, a significant proportion of slaughterhouses in the red/white meat sector had indicated one or more area of non-compliance with Annex II in the run up to the implementation date.

- 3.31 In early December 2019, the FSA were alerted by industry stakeholders that some of the major suppliers of electrical stunning equipment had misinterpreted the requirements of Annex II and supplied a significant number of units into slaughterhouses in England and Wales which were not Annex II compliant due to the requirement to record key stunning parameters and the need for a visible and audible alarm in the event of failure.
- 3.32 The supply of compliant equipment was an EU wide issue and created a backlog for revised delivery dates. FSA worked with Defra/Welsh Government and industry to implement a pragmatic approach to enforcement. This was based on the assessment that the failure to comply would represent a technical breach rather than creating a risk to animal welfare. In Scotland there were only 2 premises which were not compliant on the date of implementation but following informal enforcement these are now compliant.
- 3.33 This issue has delayed the full implementation of Annex II requirements in England and Wales and was further exacerbated by the COVID pandemic which has impacted upon supply chains and installation of new equipment.
- 3.34 The position as of the 1st August 2020 is that there remain only 2 premises (out of 251 originally) which are still awaiting installation of compliant equipment and each remain under enforcement. The total number of plants operating has fluctuated due to closures and seasonal operation.

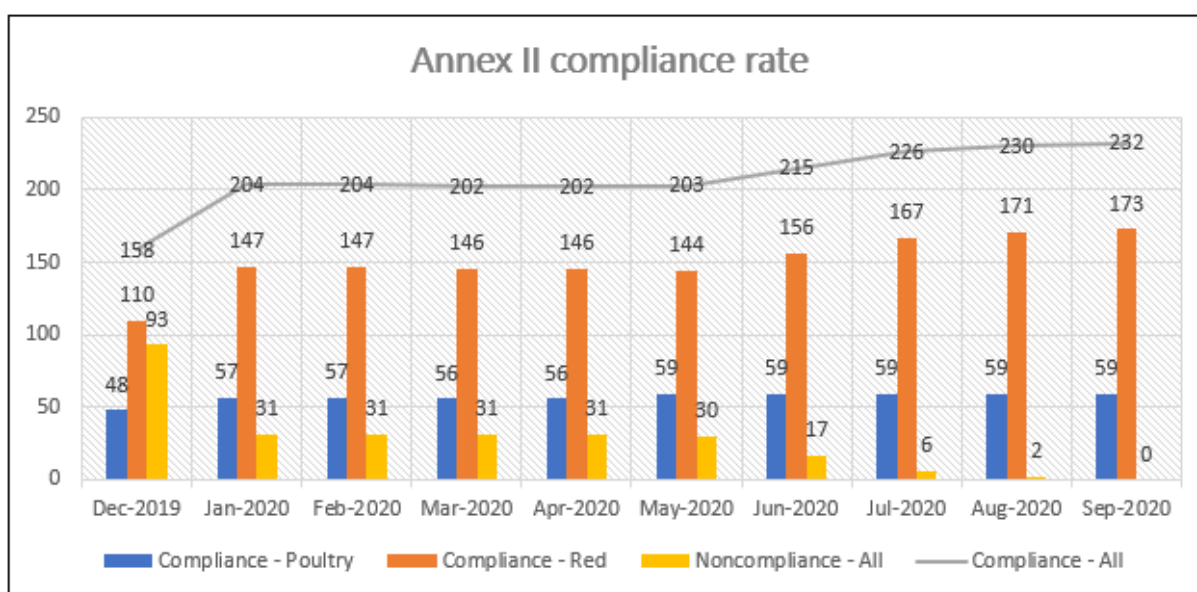


Table 3 Trend of compliance with Annex II (EU) No.1099/2009. (Note)* Sep20 is based on agreed compliance dates

- 3.35 As previously reported, Industry representatives for small abattoirs continue to raise concern about the ability to comply, particularly with the requirements for electrical stunning equipment, as this may place an unaffordable burden on their members. A number of small abattoirs have opted to cease using electrical stunning (to become compliant) due to the costs of installation and requirements for recording data for 12 months. In these cases, the use of a

captive bolt gun is an acceptable alternative method. This issue was raised within the All-Parliamentary Group for Animal Welfare (APGAW) report into 'The future for Small Abattoirs in the UK'.

Impact on animal welfare in slaughterhouses during Covid-19 pandemic

- 3.36 During the Covid-19 pandemic the meat industry has faced a range of significant challenges throughout the supply chain. Animal welfare standards and controls have remained a high priority throughout this period for both the industry and regulators with significant collaboration to overcome potential issues in changing production demand, working patterns and social distancing requirements.
- 3.37 FSA Field Operations faced challenges on resource availability through this period with the potential to impact on slaughter operations. This was a concern for pig and poultry processing due to the nature of the supply chain and animal welfare challenges materialising on farms through backlogs.
- 3.38 Robust contingency planning and co-operation with back up support from across the FSA and APHA enabled operations to continue. This resulted in no notable animal welfare or food supply issues materialising.
- 3.39 The FSA ceased all non-urgent assurance functions during these months and restricted slaughterhouse attendance to core function teams (OV/MHIs). This resulted in the suspension of all Good and Generally Satisfactory FBO audits and inspections from the Welfare Assurance Team (WAT). Both functions are now resuming activity under revised protocols.
- 3.40 Routine welfare monitoring remained in place with an emphasis on the use of CCTV in slaughterhouses where social distancing would have created difficulties. The analysis of non-compliance data from this period indicates that there was no significant difference compared to the previous year (2018-19) - see **section 5 Annex 2**.

4. Conclusions

- 4.1 This paper sets out an update on activities in England and Wales under our ongoing programme to 'Deter, Prevent, Detect, Enforce' animal welfare breaches on behalf of Defra and the Welsh Government.
- 4.2 The Board is asked to:
- **Consider** the progress made in delivering the 'Deter, Prevent, Detect, Enforce' welfare agenda
 - **Endorse** the approach being adopted as the FSA seeks to improve animal welfare implementation and assurance in slaughterhouses in England and Wales on behalf of policy owning departments.

- **Note** the work done with Defra/Welsh Government to enhance the funding in relation to costs of delivering the animal welfare policy within slaughterhouses.

ANNEXES

Annex 1

Detail of the Animal Welfare Action Plan

Annex 2

Data analysis stories for 2019-20