



# Amendment of Cattle Identification Legislation (BITS Order 2007) Summary of Consultation Responses October 2016

Details of the consultation document were circulated to stakeholder groups on 22<sup>nd</sup> July 2016 via Agri-Food News; the consultation officially ran from 18<sup>th</sup> July – 26<sup>th</sup> August 2016.

The Department were seeking to make it easier for farmers to notify the Department of cattle deaths. Under the Bovine Identification and Traceability Order 2007, farmers must notify the Department of an animal's death within seven days. However, there are currently two pathways for farmers to return cattle passports to DEFA upon an animal's death: directly via DEFA or via the Animal Waste Processing Plant.

The Consultation proposed a change in regulation which would mean farmers simply notifying DEFA direct, returning the animal's passport to the Department.

In total, 2 responses were received by the Department within the consultation period with a further 1 arriving after the official closing date.

## **Consultee views and DEFA's responses**

### **CONSULTATION RESPONSE 1**

#### **RE: Consultation Amendment of Cattle Legislation Removal of the duty of deadstock collectors to inform DEFA of bovine identities.**

I wish to make some observations regarding the above subject.

I understand that, unlike Europe, the Isle of Man requires registration of all calves, which includes still born and aborted fetuses.

In these circumstances farmers are unlikely to have received the cattle passport before collection by AWPP, and be unable to return it until sometime afterwards, per the following :  
**section 9.(1)**

*The Keeper of cattle on a holding shall ensure that, in respect of the death of any cattle, the Department is notified within seven days of such death, either by surrendering the appropriately completed passport to the Department or electronically, provided that the appropriately completed passport is subsequently surrendered on demand.*

#### **DEFA Feedback**

*in this situation a farmer should utilise the temporary calf passport option. This allows keepers to register the birth and death of a calf (if it has died before 28 days of age). Also, the BVD Control Strategy, requires that all births, including still born ones must be recorded.*

**Section 9. (3)** specifies

*If cattle to which this order applies do not have cattle passports, the keeper must ensure that the Department is notified of the death in writing within seven days of the death.. It*

seems to me that this is creating unnecessary extra expense both for the Department and the farmers, not just in terms of cattle passports but ear tags, when a still born or aborted calf could simply be recorded against the dam and removed from the equation altogether as in the UK, see extract from <https://www.gov.uk/guidance/report-and-record-cattle-deaths-on-the-holding> attached.

***DEFA Feedback***

*as part of the BVD Control Strategy, all births, including still born ones must be recorded, unlike the UK.*

As a general observation I would like to suggest that the department look at ways of improving training for farmers with regards the BITS database in a similar fashion to the courses run by DED for those in the tourism industry.

***DEFA Feedback***

*Field Officers have trained many BITS users since BITS Online was first rolled out in 2007. Assistance is available to all on request: please contact Jess on 685616.*

I would also like to suggest that the Department looks at ways of facilitating the integration of electronic ear tag software, such as that provided by Shearwell, together with the BITS database. This is available in the UK but not with the IOM equivalent database. Farmers should be afforded assistance in introducing this on to their holdings both in terms of practical help and financial assistance, it would, I am confident, reduce the number of errors occurring and in the long term reduce the departments and farmers costs.

***DEFA Feedback***

*We agree that providing integration of external electronic software may be potentially beneficial. Unfortunately, it is not currently planned for the BIT system, due to the large number of different ear tag software programs available and limited financial resources. In addition, cattle identification is expected to change to EID within the next five years and this will require a new system.*

## **CONSULTATION RESPONSE 2**

### **RE: Consultation Amendment of Cattle Legislation**

#### **Removal of the duty of deadstock collectors to inform DEFA of bovine identities.**

We wish to respond to the consultation document regarding cattle identification legislation.

As farmers of many years standing, carrying a large number of cattle and sheep over a considerable area, and growing the grass and crops to feed them, like DEFA we have compartmentalised our activities as one person cannot do everything.

The disposal of dead animals has been a contentious issue for some time. We have never thought it practicable for the AWPP to collect and deliver dead animals passports, **but** they should issue a receipt to the farmer of what is collected and this should be a legal requirement. This provides protection for the farmer and is normal foolproof business practice.

### **DEFA Feedback**

*the DoI provide a collection service not an administrative function. In booking the carcass for collection, the ear tag number is required therefore there can be no confusion by the farmer as to which carcass has left the holding.*

We **disagree** with Dr Welstens (*Webster's*) conclusion.

DEFA have an obligation to provide a system which gives assurance that animals are traceable and fit for consumption ref 3.3. Clearly if DEFA do not control the activities of the Animal Waste Processing Plant, and the disposal of dead animals, this is a wide breach of EU regulations.

Page 2 of the Consultation Document DEFA background

*2.1 An appeal decision made under the Countryside Care Scheme in relation to a breach of Statutory Management Requirement 6 (SMR6) – identification and registration of animals – was overturned in 2013 due to a perceived flaw in the operational practices of the Department and the DOI (as operator of the AWPP).*

*2.2 It was recommended that the relevant legislation being reviewed to ensure the legislation met DEFA's obligations on bovine identification and traceability, and that the legislation was workable in a commercial sense.*

DEFA proposes to amend this situation as per 2.4.

*The current obligation on a dead stock collector does not provide a robust check of non compliance by farmers.*

Reference WEB 3.44, we have tried this but it is impracticable. Busy farmers cannot stand around the carcass awaiting collection. Different collectors didn't know where the book was and didn't feel obliged to sign it. The book was mislaid; the farmer had no proof of identity of the driver.

If the collector had an official invoice book with a carbon receipt with the number of farmer's animals by type collected, not necessarily ear tag numbers. A farmer could double check that the relevant passports had been sent in to correspond with the number taken.

### **DEFA Feedback**

*Having identified the ear tag number by contacting the disposal service, it is reasonable to expect the farmer to supply the corresponding passport in compliance with 9.(1) of the BITS Order 2007.*

A farmer should be able to access the dead stock data base with DEFA.

If the DEFA fallen stock database was correct, DEFA could demand the passport of any dead animal which were not returned to comply with their obligations under the EU rules. At the end of the day it is DEFA/IOM Government who are responsible for animal traceability.

### **DEFA Feedback**

*DEFA's fallen stock database contains information provided by many groups, including farmers. The information held is as accurate as that given to us. The BITS Order, 9.(1), requires the farmer to surrender the passport and it is they who are responsible for traceability.*

Our recommendations are

1. The AWPP collector leaves a carbon copy receipt at the holding.

**DEFA Feedback**

*the DoI provide a collection service not an administrative function.*

2. DEFA database of fallen stock should be available to farmers and a flag warning posted when the passport becomes overdue.

**DEFA Feedback**

*the fallen stock database is purely a answering service we provide for DoI. It is in no-way connected to the BIT database. Responsibility for the recording of deaths on the BIT system remains with the keeper. Access to the BITS system online is available to all keepers.*

3. Consideration should be given to reviewing whether passports are required for stillborn or miscarried foetuses.

**DEFA Feedback**

*a farmer should utilise the temporary calf passport option. This allows keepers to register the birth and death of a calf (if it has died before 28 days of age). Also, the BVD Control Strategy, requires that all births, including still born ones must be recorded.*

4. Consideration needs to be given how to separate 2 year old animals for brain testing as without the passport how will the AWPP collectors know which beasts were over the limit.

**DEFA Feedback**

*DEFA inform DoI which heads need to be tested (this information is gained from the ear tag number provided by the keeper and the date of birth, as registered in BITS).*

5. Consideration needs to be given to the implications of cross contamination when collecting animals from multiple farmsteads/retail outlets etc

**DEFA Feedback**

*agreed. This is an area that DoI take very seriously and are currently researching ways to improve.*

### **CONSULTATION RESPONSE 3**

We request that one notification be made to DEFA upon the death of an animal – the online notification of death to trigger the request for collection.

**DEFA Feedback**

*DEFA recognises the fact that a request for carcase collection and notification of death are currently separate items. There are specific reasons for this, in particular the number of days (seven) allowed to notify a death, which is not conducive to early collection of a carcase.*

*From a practical point of view the cattle movement system would have to be significantly modified to permit these actions to be linked. Experience has shown that such changes can be complicated and take a significant amount of time to resolve. Nevertheless DEFA will research this aspect, and if a feasible solution can be found will consult upon a streamlined notification system.*

*Please also note that moving to EID will mean changing to a new system within 5 years.*

## **CONSULTATION OUTCOME**

DEFA's proposed legislation amendment will be laid before November 2016's Tynwald sitting.

This equates to a change in regulation which would mean farmers simply notifying DEFA direct, returning the animal's passport to the Department.

This will be achieved by the removal of paragraph 31(8) from the BIT Order 2007 (shown below). This will not affect compliance with the relevant EU legislation.

*31(8) Any person who collects any dead cattle which have been killed on a holding or died on a holding other than a slaughterhouse, shall notify the Department within 7 days of collection of the animal of the ear tag number of the animal and the holding of collection.*

Notification of the identity of cattle that have died on the holding will still be required under paragraph 9 (1) of the BIT Order 2007 below:

*9. (1) The keeper of cattle on a holding shall ensure that, in respect of the death of any cattle, the Department is notified within seven days of such death, either by surrendering the appropriately completed passport to the Department or electronically, provided that the appropriately completed passport is subsequently surrendered on demand.*

The sole responsibility for notifying DEFA of cattle deaths remains with the cattle keeper.