

BACKGROUND

FSA REVIEW OF BSE CONTROLS

OVER 30 MONTH CATTLE SLAUGHTER RULE (OTM Rule)

THE RULE

1. The Over 30 Month Rule, with some exceptions, prohibits the sale of meat for human consumption from cattle aged over 30 months at slaughter. It is implemented by the Fresh Meat (Beef Controls) (No 2) Regulations 1996 that came into force on 1 September 1996. The Regulations continued a provision made earlier that year which made it an offence to sell over-age (defined as described below) bovine animals slaughtered on or after 29 March 1996.
2. The Rule uses the number of an animal's teeth as an approximate physiological means to determine age. This approximation was used at the time the controls were introduced because there was then no reliable documentary evidence of age available. The controls require that no person shall sell for human consumption any meat derived from a bovine animal slaughtered on or after the 29 March 1996 in which, at the time of slaughter, there were more than two permanent incisors erupted, unless it can be shown by reference to a national administrative document, cattle birth record document or cattle passport relating to the animal that at the time of slaughter the animal was no more than two years and six months old.
3. It is not normally possible to check dentition in live animals at slaughterhouses because of a lack of facilities and, because of this, the check has been primarily made, by Meat Hygiene Service staff, immediately after slaughter. Enforcement becomes much less practical further down the supply chain where the head is no longer attached to the carcass.
4. On 21 September 1997, the Animal By-Products (Identification) (Amendment) Regulations 1997 tightened the controls by requiring that beef shall be treated as a by-product (i.e. shall not be sold for human consumption) if the animal from which it came has been shown to be more than 30 months old at the time of slaughter for human consumption.
5. From 1 January 1999, the Cattle Identification Regulations 1998 have required all 30 month and younger cattle to have a passport. Since then older animals have been excluded from the food chain either because the cattle passport showed them to be over 30 months of age at slaughter or

because they lacked a passport. The latter had effect because the absence of a passport would indicate either that:

- a. the animal was over 30 months of age and required to be treated as an animal by-product under the By-Products (Identification) controls; or
- b. the animal was aged 30 months or less and could not be sold for human consumption because a valid passport was not presented at the time of slaughter.

Thus the requirements of these two pieces of legislation have had the effect of over-riding the dentition requirements in the Fresh Meat (Beef Controls) (No 2) Regulations and of implementing their original intention of preventing over 30 month cattle from entering the food chain.

6. **Private kills** At present the OTM Rule does not prohibit a farmer from having an animal killed privately for his own or his family's consumption since there would be no sale of meat for human consumption.

BASIS FOR THE RULE

7. The Rule was introduced after the Spongiform Encephalopathy Advisory Committee (SEAC) had considered 10 cases of Creutzfeldt-Jakob Disease (CJD) and concluded, in March 1996, that a previously unrecognised and consistent disease pattern had been identified. Although there was no direct evidence of a link, on the data available and in the absence of any credible alternative, the most likely explanation was considered to be that those cases of CJD were linked to exposure to BSE before the introduction of the Specified Bovine Offal (SBO) ban in 1989¹.
8. SEAC advised in a statement published on 20 March 1996, to prevent further exposure to this risk, that "carcasses from cattle aged over 30 months must be deboned in licensed plants supervised by the Meat Hygiene Service and the trimmings must be classified as SBOs".
9. It proved to be impractical to implement the de-boning recommendation and Ministers decided that, with some exceptions, meat from both home-killed and imported animals aged over 30 months old at slaughter should be prevented from being sold for human consumption². The Government took this step in order to help allay people's fears that they might be exposed to meat from animals which might contain detectable levels of BSE infectivity and hence to help restore public confidence. It was also

¹ On 18 March 1999 the Committee reviewed its earlier statement. It noted further research had shown that BSE and vCJD were caused by a closely similar prion strain, and concluded that vCJD was an acquired prion disease caused by exposure to BSE or a BSE like agent. After discussion the Committee recognised that not all new cases would necessarily relate to exposure before the SBO ban.

² The Beef (Emergency Control) Order 1996 took effect on 29 March 1996.

relevant that, due to consumer concerns, retailers and caterers were in any case refusing to sell meat from animals over 30 months of age.

10. After considering progress in dealing with the BSE epidemic and the measures in place to protect public health from the risks associated with this disease, SEAC advised Ministers in November 1999 that the Rule should be retained, but should be kept under review. This advice was accepted.

EXCEPTIONS

11. **Beef Assurance Scheme (BAS)** This Scheme³ was introduced in September 1996 in response to strong representations from specialist beef farmers that the OTM Rule would cause hardship to producers of certain breeds of cattle or those employing extensive management systems whose cattle could not be finished by 30 months. Specialist beef herds are permitted to be registered under the Scheme if they have been established for at least four years (unless comprising stock from existing BAS herds), providing that no case of BSE has ever occurred and in which the risk of BSE occurring in the future is considered to be very low. Meat from animals born and registered under the Scheme is permitted, subject to Scheme rules, to be sold for human consumption up to 42 months of age.
12. **Exempt Countries** Ministers decided to exempt meat imported from 14 countries⁴ that traditionally supplied the United Kingdom (none of which are members of the European Union) and in which there was no history of BSE. This arrangement was considered necessary to prevent closure in parts of the meat manufacturing industry that, for technical reasons, was heavily dependent on older beef, and took effect from 5 July 1996⁵.
13. There is still no internationally agreed list of low/no BSE risk countries, but this is a matter is being addressed by the European Commission and the OIE.

³ Implemented by the Fresh Meat (Beef Controls) (No 2) Regulations 1996.

⁴ Argentina, Australia, Botswana, Brazil, Mauritius, Namibia, New Zealand, Paraguay, Poland, South Africa, Swaziland, Uruguay, United States of America, Zimbabwe.

⁵ The Fresh Meat (Beef Controls) Regulations 1996, replaced by the Fresh Meat (Beef Controls) (No 2) Regulations 1996.

FLORENCE AGREEMENT

14. The effective implementation of the OTM Rule was agreed, on 21 June 1996, by the Florence European Council as one of five pre-conditions for the progressive resumption of UK beef exports. Because of this, any changes to the Rule would require agreement with the European Commission and other Member States.

FUTURE DEVELOPMENTS

15. Proposals are being developed, for consideration by the Agency's Board, and subsequently by Ministers, to introduce a general requirement that meat from animals aged over 30 months at slaughter (both home supplied and imported) shall not be sold for human consumption. This would give a firmer legal foundation to the current Meat Hygiene Service enforcement practice of checking each animal's age by reference to its eartag and passport details as well as its dentition. In addition, consideration is being given to proposing that it should be a specific offence both to consign or deliver over-age animals for slaughter and to slaughter them. This would have the effect of making the law more transparent and of ensuring that the initiator of an offence is fully accountable, and it would also make the private killing of over-age animals for human consumption an offence.

OVER THIRTY MONTH SCHEME (OTMS)

16. The Ministry of Agriculture, Fisheries and Food is responsible for the OTMS, which was introduced on 3 May 1996 to provide an outlet for over-age cattle that could no longer enter the food or feed chain. The framework for the Scheme was established in a Commission Regulation (716/96 of 19 April 1996). 70% of the purchase cost is funded from the EU budget. The cost of slaughter and of destruction of the carcasses by rendering and incineration is borne by the Exchequer. About 4.1 million cattle have been slaughtered under the scheme and about 14,000 are currently being slaughtered each week.
17. The Intervention Board is responsible for operational aspects of the Scheme but farmers must ensure that animals meet its conditions. Animals must be presented to collection centres for slaughter, except for casualty animals which may be slaughtered on-farm under controlled arrangements.

ENFORCEMENT

18. The OTM rule is supervised and enforced in licensed premises by the Meat Hygiene Service (MHS) in Great Britain and by State veterinarians in Northern Ireland. It is done primarily in slaughterhouses in conjunction with the enforcement of cattle identification and by-products controls.

Animals that are found in the lairage to be over-age or to lack a BAS slaughter certificate are not permitted to be slaughtered. Where after slaughter the carcass or part of a carcass of any bovine animal is found to be more than 30 months old (or over 42 months for BAS animals), it is sterilised or stained immediately as an animal by product.

19. Local authorities are responsible for enforcement of the OTM rule at other points in the supply chain, but it is likely to be difficult to demonstrate an offence beyond the point of first supply, i.e. once the meat has been detached from the head, and particularly once the meat from various carcasses has become mixed and has lost its individual identity.
20. The Ministry of Agriculture, Fisheries and Food administers the BAS on behalf of the Food Standards Agency and carries out herd inspections to verify continued compliance with Scheme conditions.
21. The Intervention Board checks that OTMS collection centres and designated abattoirs are suitable for the Scheme. In addition, State veterinarians visit premises to assess their suitability to comply with the requirements of the Scheme and the relevant legislation and to monitor compliance. The MHS in Great Britain and State veterinarians in Northern Ireland supervise and control the slaughtering and processing of animals under the Scheme.

ESTIMATES OF NUMBERS OF PRE-CLINICAL BSE CASES CURRENTLY ENTERING THE FOOD CHAIN

22. The latest predictions on the BSE epidemic in cattle were produced in November 1999 by the Wellcome Trust Centre for the Epidemiology of Infectious Disease at the University of Oxford. These were that the number of BSE infected cattle under 30 months which could enter the human food chain within 12 months of clinical infection was estimated as only 1.2 cattle across Great Britain as a whole in the year 2000 (with a margin of error on this estimate of 0 to 4 cattle).

AGE OF CATTLE CURRENTLY SHOWING CLINICAL SIGNS OF BSE IN GREAT BRITAIN

23. The age of the youngest BSE case has ranged from 20 months in 1992 to two cases at 39 months in 1999, the last year for which complete figures are available. Up to 1 April this year the youngest case has been at 51 months but younger cases may still occur. There has been no under 30 months case since 1997 and the figures for 1997 and 1998 were 37 months (7 cases) and 34 months respectively.

**Food Standards Agency
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