6. Events after the second meeting

6.1 On 14 November 1988, two working days after the meeting, Sir Richard wrote to Mr Andrews with the two further recommendations that had been agreed.

6.2 In relation to the ruminant feed ban, Sir Richard recommended an indefinite extension:

The Committee welcomed the detailed survey on conditions in rendering plants and the data on the activity of ‘agents’ after various heat treatments. They consider that there is no way in which one could be wholly sure that rendering as practised at present would eliminate the agent and therefore strongly recommend you to extend the ban indefinitely. The recent demonstration that BSE can be transmitted to mice, hence confirming the provisional conclusion of your officials and the Committee that a scrapie-like agent is responsible, strengthened our confidence in the wisdom of the ban on material from ruminants being added to feed. 59

6.3 In relation to milk he gave this advice:

Milk from BSE suspect animals:

The Committee considered a note from the Chief Veterinary Officer on this matter. It is our belief, from the comparative epidemiology of scrapie and CJ Disease, that transmission via milk is very unlikely; but until more research is done, this can be no more than an informed guess – and, of course, the BSE agent might behave differently to scrapie. Noting the very small costs involved, the Committee wishes to advise you that it would be prudent to amend the regulations so that milk from cattle suspected of being affected with BSE is destroyed. 60

6.4 On 15 November 1988 Dr Pickles wrote to Dr Gompertz informing him that the Working Party Report was likely to state that the HSE had been alerted to the possibility of occupational exposure and asked to take any steps thought appropriate. She drew his attention to the possibility that the placenta particularly infectious:

Whilst relatively few cows with BSE are likely to calf, this is not unknown. Guidance may be needed for those who handle and dispose of placentae and we would like you to consider this. 61

6.5 On 17 November 1988 Mr Lawrence wrote to Sir Richard informing him that MAFF’s food experts had advised that if ox-brain were incorporated in processed products this would have to be declared on the label pursuant to requirements of the Meat Products and Spreadable Fish Products Regulations 1984. MAFF’s Meat

59 YB88/11.14/1.1
60 YB88/11.14/1.1
61 YB88/11.15/1.1
Hygiene Division had, however, advised that brains were not used in any processed meat products. Mr Lawrence concluded that it was not necessary to make the labelling recommendation that had been contemplated at the meeting. 62

6.6 On 24 November 1988 a meeting was held between Mr John MacGregor and Sir Richard Southwood to discuss the implementation of recommendations made thus far by the Working Party and the progress of the Report. Mr Donald Thompson (MAFF Parliamentary Secretary in the Commons), Mr Meldrum, Mr Cruickshank, Sir Donald Acheson, and Dr Pickles were present. The minute describing the meeting 63 records Sir Richard as saying that they were very much in uncharted waters and that in these difficult circumstances they had tried to give practical advice and to base their conclusions on what they believed to be a prudent approach. One reassuring point was the link of BSE with scrapie since there was no evidence of transmission of this disease to man. However, each new case of BSE was a case of the disease crossing from food into cattle; if it could cross that barrier then they had to worry about whether it might cross other barriers.

6.7 Sir Richard had proposed that the ruminant feed ban should be extended indefinitely. Mr John MacGregor suggested that the ban should be extended for a further year rather than indefinitely. He said that this might be helpful presentationally with the renderers. Sir Richard said that if they went for a one-year extension they would need to make ‘absolutely clear that removal of the ban was dependent on the demonstration of a method which was completely safe and would destroy the agent; and the difficulties of demonstrating this would have to be pointed up’. 64

6.8 Sir Richard was told of the steps being taken to implement the Working Party’s recommendation that tabs should be kept on the offspring of affected animals. A cohort of 300 calves from affected animals was being monitored. Sir Richard emphasised the importance of keeping this cohort intact, ‘since if we could prove there was no vertical transmission it would mean there was probably no risk of horizontal transmission’. 65

6.9 So far as milk was concerned, the Minister said that he felt he had to accept the Working Party’s recommendation although there were presentational problems in destroying a product whilst saying that it posed no risk to health.

6.10 There was discussion about ox-brain. Mr Meldrum stated that whilst most of the brains were not harvested, some were used in meat pies and Cornish pasties. Sir Richard thought there were two options in relation to ox-brain. One was to ban the use of the product in food. Personally he was not persuaded that this was necessary. The other was to make ox-brain an ingredient to be shown on the label so that the public could make up their own minds on whether they purchased food containing that product. He would be drawing attention to this in the Report.

6.11 The minutes record the following discussion about occupational risk:

Sir Richard was concerned about health and safety aspects of handling animals when slaughter took place on the farm or when handling calving (the
placenta of animals was considerably infected). If people were handling animals and had lesions in their skin then they could become infected with material from the animal. Current HSE regulations were not adequate to deal with this. Mr Meldrum was concerned that to introduce new precautions would escalate the issue unnecessarily when we were saying there was no hazard to man from BSE or indeed from scrapie. Sir Donald pointed out that there was doubtless a code of practice for people handling infected animals at CVL. Mr Thompson thought that it should be possible to produce a sensible code of practice governing the slaughter of animals on farm. He was however concerned about precautions for calving and lambing. Sir Richard thought that the point could readily be dealt with by warning people about handling animals if they had lesions in their skin. This could be a very general warning and need not be alarmist. It could possibly be incorporated in HSE rules. 66

6.12 Sir Richard stressed the importance of ensuring that the production of veterinary products such as serum was properly controlled. Mr Meldrum said that a control system had been introduced on a voluntary basis. This was the first time, so far as we can ascertain, that the implications of BSE for the Minister, as Licensing Authority for veterinary medicines, were raised with him.

6.13 There was discussion about coordinating research and Sir Richard asked for the Agriculture and Food Research Council (AFRC) and Medical Research Council (MRC) to be involved in advising on research at an earlier stage. In noting this Dr Pickles added the comment: ‘Also we know Sir Richard has reservations about leaving all the animal work to MAFF.’ 67

6.14 Sir Richard said that he hoped to be able to let Ministers have the full Report early the following year. Most of the important recommendations had already been dealt with but the Working Party was still pursuing a few loose ends.

6.15 On 30 November MAFF issued a news release quoting a written answer by Mr John MacGregor to a Parliamentary Question, which set out the steps being taken in response to the Working Party’s additional interim recommendations:

Sir Richard Southwood’s Working Party, in a second interim report, has made two recommendations on which I have decided to act straightaway. First, the report has indicated that it is not at present possible to be wholly sure that rendering as currently practised would eliminate the BSE agent. I therefore propose to extend by one year, that is until 31 December 1989, the present prohibition on the use of certain animal protein in feed for ruminants. I would like to make it clear that the prohibition would have to continue thereafter unless processing methods which are sufficient to destroy the causal agent have been identified and are widely available.

Second, the Working Party has also advised that, although in its view the transmission of BSE via milk is very unlikely, it would be prudent to ensure that milk from animals suspected of having BSE is destroyed. In fact little or no milk is produced from such animals. As a precautionary measure, however, I shall be making an Order prohibiting the sale or use of such milk.

66 YB88/11.24/3.3
67 YB88/11.28/4.1
for human or animal consumption, except for the feeding of the cow’s own calf.68

6.16 On 5 December 1988 Mr Kevin Taylor (Veterinary Head of MAFF’s Notifiable Diseases Section) sent a circular letter to all Divisional Veterinary Officers in England, Wales and Scotland which had a question and answer brief attached. This was also circulated to all Regional Veterinary Officers in England, Wales and Scotland and copied to MAFF officials. The letter informed them of the action to be taken in respect of milk, and the question and answer brief provided general background information about BSE. The letter included the following advice:

... despite the absence of evidence of risk to humans through consuming or handling products and tissues from BSE suspects, all staff should adopt sensible precautions when handling live or dead BSE suspects. This should extend to waterproof/disinfectable clothing and gloves in most instances, as well as face masks when handling nervous tissue. Such caution is simply a sensible exercising of responsibilities under the Health and Safety at Work Act, and should not give rise to panic amongst farmers or their staff.

The advice given in this letter should be implemented immediately on receipt.69

Medicinal products

6.17 On 14 November 1988 Sir Richard wrote to Professor William Asscher, the Chairman of the Committee on Safety of Medicines (CSM), as follows:

I understand that the Committee on Safety of Medicines is shortly to consider whether bovine spongiform encephalopathy presents a hazard in those medicinal products for human use that have been manufactured from bovine sources. At a recent meeting of the expert working party which has been set up by MAFF and DH to consider the implications of this disease, we were informed of the provisional conclusions of the Biologicals Subcommittee.

We were pleased to hear of the detailed consideration that was given to this issue. As you may know, we have already identified the pressing need for more research in this area. We understand that in due course you may be considering whether licensing action of some sort is appropriate in relation to any specific products. We trust that any steps that are thought necessary to safeguard new medicinal products will be applied also to existing products. There are various measures that manufacturers could take to reduce or eliminate the risk of contamination by the BSE agent in pharmaceuticals and which could be introduced by agreement with relative ease and with no detriment to the product. Those steps include using material only from healthy herds not fed ruminant-derived protein; avoiding use of brain or lymphoid tissue directly or in culture media; and reducing nervous
tissue contamination of serum by ensuring animals are not destroyed by brain-penetrative stunning. You may like to consider whether informal advice on these lines to the pharmaceutical industry might be helpful.\textsuperscript{70}

6.18 Professor Asscher replied on 24 November, setting out the recommendations that the CSM had approved. The most significant of these were as follows:

i. No immediate licensing action should be taken against oral products in which bovine material has been used.

ii. All bovine materials should come from cattle from appropriately certified healthy herds, which have not been given food supplements containing material of animal origin. No brain or lymphoid tissue should be used in parenteral products.

iii. Manufacturers of parenteral products should show that their manufacturing processes are capable of eliminating scrapie-like agents.

iv. All licences for new products from bovine material should comply with the above.\textsuperscript{71}

6.19 So far as existing products were concerned, Professor Asscher referred to preliminary discussions within the Committee on Review of Medicines and the Committee on Dental and Surgical Materials in relation to certain existing products.\textsuperscript{72}

6.20 Sir Richard replied on 7 December pointing out that there were practical difficulties in the concept of ‘certified healthy herds’.\textsuperscript{73} He also emphasised that the Working Party was ‘most anxious to ensure that existing products were identified and that manufacturers ensured that they conformed to the safety recommendations’. On the following day Dr Pickles sent to Sir Richard a letter which included the following comment:

I am not entirely happy with the reply from the chairman of the CSM. I do not see anything in their recommendations that gives me any confidence that they will be taking any necessary action on existing products, or indeed taking note of any of the points you raised in your letter.\textsuperscript{74}